

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS TO CONSIDER THE ADDENDUM TO ENVIRONMENTAL IMPACT REPORT (EIR) NO. 327 AND APPROVE A SPECIAL USE PERMIT; DEVELOPMENT AGREEMENT; AND PROTECTED TREE PERMIT FOR THE USE OF CERTAIN PROPERTY WITHIN SAID CITY AT 500 EAST THOUSAND OAKS BOULEVARD **(APPLICANT: CHERRY TREE DEVELOPMENT, LLC)**

The City Council of the City of Thousand Oaks, California, DOES RESOLVE AS FOLLOWS:

WHEREAS, the applicant has filed with the City an application under the provisions of the City of Thousand Oaks Municipal Code requesting the following:

1. CEQA 2023-70004: Addendum to the Thousand Oaks Boulevard Specific Plan 20 Environmental Impact Report (EIR) No. 327 prepared for the project and in accordance with the California Environmental Quality Act (CEQA) for the subject project; and
2. SUP 2023-70011: Allow the construction of a 609,633 square foot (s.f.) mixed-use development consisting of 328 residential units with a 50% Density Bonus providing 44 lower-income affordable units, including 8,500 square feet of commercial retail and restaurant space, pocket parks, dog park, plazas, seating areas, and other amenities. The 328 residential units would be distributed across one 4-story mixed-use building, one 5-story podium-style mixed-use building, and one 5-story podium-style multi-family residential building with maximum building heights ranging from 47 feet to 62 feet. The project also includes surface parking and two semi-subterranean parking structures comprised of 48 commercial parking spaces, and 427 residential parking spaces; and
3. DAGR 2023-70001: Create a binding contract that vests the rights of the applicant to a specific project, set forth the time period to construct the project, and specify public and private benefits and responsibilities related to the project; and
4. PTP 2023-70067: Allow removal of 17 Coast Live Oak (*Quercus agrifolia*) trees and five Valley Oak (*Quercus lobata*) trees, as well as encroachment within the protected zone of six Coast Live Oak trees, two Valley Oak trees, and one Holly Oak (*Quercus ilex*) tree.

The applicant is requesting to utilize the State Density Bonus Law parking ratios, including three Concessions and four Waivers as allowed by State Density Bonus Law as follows:

Concessions

1. Building Height – Allow an increase in the number of allowable stories for a building, from 3 stories to 5 stories, as specified by Thousand Oaks Boulevard Specific Plan No. 20 (SP-20);
2. Building Windows Details – Decrease the minimum window depth to two (2) inches from glass to wall edge instead of three (3) inches and incorporate vinyl window frames instead of aluminum, fiberglass, wood, or manufactured wood, as otherwise required by TOMC Section 9-4.2205(h)(1)(ii) and (h)(3)(i); and
3. Retail Frontage – Decrease the minimum 50% retail area required for any building with greater than 100 feet of frontage along Thousand Oaks Boulevard to 18% retail area, as specified by SP-20.

Waivers

1. Building Setback – Increase in the front yard building setback for mixed-use Building A from the maximum allowable 15 feet to 98.5 feet, as specified by SP-20;
2. Building Types and Design – Increase the stacked dwelling type and mixed-use building type interior corridor length to 150 feet instead of 100 feet as otherwise required by TOMC Section 9-4.2205(e)(8)(iv) and (e)(9)(vi);
3. Courtyards – Courtyards within podium building types shall be located no more than one story above street level as otherwise required by TOMC Section 9-4.2205(e)(8)(vi); and
4. Building Access – All ground floor residential units within a stacked dwelling building type are required to provide a main entrance to each residential unit directly from the street, as otherwise required by TOMC Section 9-4.2205(e)(8)(ii).

The applicant is requesting three Modifications to the Objective Design Standards (ODS) of the TOMC as follows:

Modifications

1. Building Massing and Articulation – Increase building length to 369 feet instead of the maximum 200-foot length as otherwise required by TOMC Section 9-4.2205(g)(1);
2. Building Articulation – Buildings over three stories tall must have major massing breaks at a minimum of thirty inches (30") deep and four feet

wide and extend the full height of the building and provide minor massing breaks at least every 50 feet along the street frontage, minor breaks must be a minimum of twelve inches deep and four feet wide and extend the full height of the building as otherwise required by TOMC Section 9-4.2205(g)(2)(iii)(ab) and (ac); and

3. Open Space Design – Decrease the minimum 60% of the common usable open space to be provided as a landscaped green area as otherwise required by TOMC Section 9-4.2205(e)(8)(x) and (e)(9)(xi).

WHEREAS, on September 21, 2023, a Notice of Application sign was posted on the subject property to inform the public of the proposed project; and

WHEREAS, on September 23, 2023, a Notice of Application was mailed to all property owners and occupants within a 500-foot radius of the subject property; and

WHEREAS, on April 8, 2024, a Notice of Planning Commission Public Hearing sign was posted on the subject property; and

WHEREAS, on April 8, 2024, a Notice of Planning Commission Public Hearing was mailed to all property owners of record within a 500-foot radius of the subject site; and

WHEREAS, on April 8, 2024, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Thousand Oaks; and

WHEREAS, the Planning Commission, upon giving the required notice, did, on the 22nd day of April 2024, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, at the April 22, 2024, Planning Commission public hearing, oral and written evidence, including a staff report, were presented and received, and comments and arguments were heard from all interested parties appearing in the matter; and

WHEREAS, on March 12, 2024, a Notice of Hearing sign was posted on the subject property; and

WHEREAS, on May 7, 2024, Notice of City Council Public Hearing was mailed to all property owners of record within a 500- foot radius of the subject site; and

WHEREAS, on May 7, 2024, Notice of City Council Public Hearing was published in the “Acorn,” a newspaper of general circulation within the City of Thousand Oaks; and

WHEREAS, the City Council, upon giving the required notice, did, on the 21st day of May 2024, conduct a duly advertised public hearing as prescribed by state law to consider said application; and

WHEREAS, at the May 21, 2024, City Council public hearing, oral and written evidence, including a staff report, were presented and received, and comments and arguments were heard from all interested parties appearing in the matter.

SECTION 2

WHEREAS, pursuant to CEQA, City conducted an environmental review of the project, prepared and duly processed an Addendum to EIR No. 327 (CEQA 2023-70004), dated April 2024; and

WHEREAS, pursuant to CEQA (Public Res. Code, Section 21000 et seq.), the State CEQA Guidelines (14 CCR Section 15000 et seq.) and the City of Thousand Oaks' Local CEQA Guidelines, the City of Thousand Oaks (City) is the lead agency for the Project, as the public agency with general governmental powers; and

WHEREAS, the City, as the lead agency, determined that an Addendum to EIR No. 327 would be prepared pursuant to CEQA to analyze all potential adverse environmental impacts of the Project; and

WHEREAS, the City, as the lead agency under CEQA Section 15164, considered the potential environmental impacts of the project and based on the information contained in the Addendum the City, as the lead agency, determined that the proposed Project will not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in EIR No. 327; and

WHEREAS, prior to taking action, the Planning Commission and City Council have heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Addendum to EIR No. 327, and all oral and written evidence presented to it during all the meetings and public hearing; and

WHEREAS, the Addendum reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the Planning Commission and City Council have reviewed and considered the information contained in the Addendum (CEQA 2023-70004), and makes the following findings of fact:

1. Addendum to EIR No. 327 (CEQA 2023-70004) was prepared in accordance with the requirements of CEQA, reflects the independent judgment of the City of Thousand Oaks, and has been reviewed and considered by the Planning Commission prior to making its decision. This Addendum neither recommends approval or denial of the proposed Project nor will it be the sole basis for the City's action on the proposed Project.
2. This addendum analyzes the proposed Project as required under the CEQA Guidelines, Sections 15162 and 15164. Under CEQA Guidelines Section 15164, an addendum to an adopted EIR shall be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred. Under Section 15162, the lead agency shall prepare an EIR only if there are any new significant environmental effects associated with the project.
3. On the basis of the Addendum prepared for the project, it is found that, the proposed Project will not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in EIR No. 327. Thus, a subsequent EIR or supplemental EIR need not be prepared.
4. Addendum to EIR No. 327 (CEQA 2023-70004) has been reviewed for conformance with the provisions of CEQA. For this application, the City is the Lead Agency and, on behalf of the Applicant, the Planning Commission is being asked to consider the Addendum to EIR No. 327 and make the CEQA Findings legally adequate under CEQA as to each development application associated with the project.
5. The Planning Commission and City Council have reviewed and considered the information contained in the Addendum to EIR No. 327 (CEQA 2023-70004), and written and oral comments regarding environmental effects. The project Addendum was prepared in accordance with the requirements of CEQA, includes all comments received on the Addendum and the City's response thereto and reflects the independent judgment of the City of Thousand Oaks.
6. EIR No. 327 Mitigation Monitoring and Reporting Program (MMRP) designates responsibility and anticipated timing for the implementation of mitigation measures imposed as conditions of approval which are fully enforceable through fees, permit conditions, agreements or other measures. The MMRP describes the mitigation measures to reduce and

avoid potential effects of the project on the environment and adequately identifies the appropriate timing and enforcement details for each to ensure each mitigation measure is implemented.

7. Based on all written and oral evidence and testimony in the record, the project Addendum to EIR No. 327 (a) complies with the requirements of CEQA and adequately identifies and considers all potentially significant environmental effects of the Development Agreement; Special Use Permit; and Protected Tree Permit, and (b) reflects the City's independent judgment and analysis.
8. The City Council considers the Addendum and makes the CEQA Findings as legally adequate under CEQA as to each development application associated with the project and incorporate its provisions as conditions of approval for each of the development applications associated with the project to the extent appropriate.

SECTION 3

WHEREAS, the findings of the City Council approval of said SUP 2023-70011 are as follows:

1. *The project is consistent with the Thousand Oaks General Plan and any applicable specific plan or redevelopment plan (TOMC Section 9-4.2803(c)(1)).*

The Land Use Element of the General Plan designates the property as "Mixed-Use (>20 to 30 du/acre)," which allows 30 dwelling units per acre. The subject property is located within the western portion of SP-20, which was adopted by City Council on November 15, 2011. This plan provides specific and unique development standards and establishes policy and regulations for a defined area. SP-20 allows for a mix of commercial and residential uses on the same site. The project consists of the construction of two mixed-use buildings and one multi-family residential building, 328 residential units (including 44 lower-income affordable units), 8,500 square feet of commercial retail and restaurant space, and two semi-subterranean parking structures. SP-20 allows for the proposed mixed-use development subject to review and approval of a Special Use Permit. The project site is located at the southeast corner of Thousand Oaks Boulevard and Lombard Street and is surrounded by several commercial centers offering dining, retail, grocery, professional, and recreation uses, thus reducing the potential number of vehicle trips from the project. The subject site has easy access to Ventura Freeway Corridor ("US 101") to the south via Thousand Oaks Boulevard and Moorpark Road and to State Route 23 ("23 Freeway") to the east via Thousand Oaks Boulevard and Hillcrest Drive.

The proposed project is consistent with the General Plan goals and policies because it is a mixed-use development that supports residential uses consistent

with densities anticipated by the “Mixed-Use (>20 to 30 du/acre)” land use designation. The project site totals 6.09 net acres, based on the lot size the maximum density for this project, without a Density Bonus, is 183 dwelling units (6.09 net acres x 30 dwelling units per acre = 182.7 units, rounded up to 183 units)¹. The project includes 24% of the base number of units as affordable units in the lower-income category, which equates to 44 affordable lower-income units. This allows the project to add 50% more residential units as a “Density Bonus.” This bonus translates to 92 Density Bonus units per statutory allowance. The total overall number of residential units proposed is 328, which is a result of the base number (183 units), plus the additional unlimited units above commercial (53 units), plus the 50% density bonus (92 units). Therefore, the density of the project is consistent with both the General Plan Land Use Element designation and Thousand Oaks Boulevard Specific Plan. In addition, the project will be consistent with the goals and policies of the General Plan Housing Element by providing rental housing, including 44 lower-income affordable units.

The project is consistent with the General Plan Land Use Element Policies which include but are not limited to:

Policy 1.1 Overall City structure – Incentivizing and streamlining infill multi-family development.

Policy 1.2 Complete community – Strive to maintain a diverse and balanced mix of uses in the City, so that Thousand Oaks is a “complete community” with a diversity of housing for all stages of life and income levels; improve alignment of educational attainment opportunities with high-paying employment opportunities, open space, public facilities that meet residents’ needs, and retail and service to support daily life.

Policy 1.3 Balance character and infill – Maintain community character while promoting infill development that brings needed housing, amenities, and jobs to the City.

Policy 1.5 Mixed-use development – Allow mixed-use developments, consistent with the General Plan land use map, to support a healthy jobs/housing balance, promote walkability, and increase economic vibrancy.

Policy 1.7 Quality “Third Places” – Support the development and enhancement of “Third Places” (places people go after work or when not at home), including open space, recreation, art, and entertainment venues.

¹ Pursuant to Government Code Section 65915(q): Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. The Legislature finds and declares that this provision is declaratory of existing law.

A General Plan consistency analysis is described in the table below, demonstrating that the development is consistent and would not conflict with City land use goals and policies of the General Plan:

General Plan Policies	Consistency Analysis
Land Use Element	
<p>Goal LU-1: Create a land use pattern of development that preserves existing neighborhoods while providing opportunities for targeted infill projects in strategic locations to enhance the quality of life, preserve the natural environment, and ensure the long-term fiscal viability of Thousand Oaks.</p> <p>Policy 1.1 Overall City structure – Incentivizing and streamlining infill multi-family development.</p> <p>Policy 1.2 Complete community – Strive to maintain a diverse and balanced mix of uses in the City, so that Thousand Oaks is a “complete community” with a diversity of housing for all stages of life and income levels; improve alignment of educational attainment opportunities with high-paying employment opportunities, open space, public facilities that meet residents’ needs, and retail and service to support daily life.</p> <p>Policy 1.3 Balance character and infill – Maintain community character while promoting infill</p>	<p>The project is located within an underutilized site that is vacant and temporarily occupied by a pumpkin patch and tree lot use. The property is surrounded by a mix of uses that support a mixed-use development. The site is located within the General Plan Designation of “Commercial/ Residential,” that allows a density of 30 units per acre. The project has an overall density of 54 units per acre as the Specific Plan 20 allows by right the construction of additional units above commercial space and additional units allowed under the State Density Bonus Law.</p> <p>As stated above, the subject site is a vacant property surrounded by existing development and the infill project would be compatible with and supported by surrounding development.</p> <p>The proposed project includes two mixed-use buildings and one multi-family residential building, consisting of 328 units including 44 affordable units. The project would provide housing for lower income families across the three buildings and in a mix of housing unit sizes which range from 1 to 2 bedrooms.</p> <p>The project, as designed, would provide needed housing in the community. The project has been designed to preserve</p>

General Plan Policies	Consistency Analysis
<p>development that brings needed housing, amenities, and jobs to the City.</p>	<p>some of the mature trees onsite to the maximum extent feasible. The project is designed to preserve the natural landform and minimize grading on the site. The project includes a 21,154 s.f. quasi-public park along the frontage with outdoor seating and walkways.</p>
<p>Goal LU-2: Preserve and enhance existing neighborhoods throughout the City.</p> <p>Policy 2.3 – Sustainable Residences – Encourage property owners to use sustainable and climate-appropriate landscaping by incorporating natural materials and native vegetation and trees to enhance the urban forest and provide shade and habitat fauna.</p> <p>Policy 2.7 – Access to neighborhood amenities – Improve sidewalks and bike lanes within neighborhoods and along routes to retail areas, schools, parks, and other points of interest to promote active transportation-related street amenities, including bike parking, lighting, and seating along major routes.</p>	<p>The project has a base density of 30 units per acre, consistent with the underlying Mixed Use land use designation. The proposed project includes a mix of residential and commercial uses with public open space and incorporates a design that is compatible with the development potential of surrounding properties within SP-20.</p> <p>The proposed project would be preserving a couple of existing mature oak trees along Thousand Oaks Boulevard. All new landscaping will be reviewed and approved by the Ventura County Fire Department to minimize the risk of fire while providing sustainable and climate-appropriate landscaping that enhances the urban forest and provides shade for people and wildlife.</p> <p>The project site is served by existing sidewalks along Thousand Oaks Boulevard and Lombard Street. The project provides three (3) open space play areas within the development consisting of: one for general use, one for teenagers, and one for younger children. The project includes an expansive public open space along the frontage and a proposed dog park at the rear (south) portion of the site. The developer worked with the Conejo Recreation and Park District (CRPD) to facilitate public access to the park. The project incorporates</p>

General Plan Policies	Consistency Analysis
<p>Goal LU-3: Promote a diversity of housing types for Thousand Oaks residents through all stages of life.</p> <p>Policy 3.1 Diversity of housing – Promote diversity of housing types in locations throughout the City, specifically in neighborhood areas that contain goods and services, parks and open space, and public schools in a walkable setting.</p> <p>Policy 3.2 Housing for different life stages and incomes – Encourage new housing types for all residents including young professionals, older adults, and middle- and low-income families.</p> <p>Policy 3.5 Housing for special needs – Support housing for older adults, special needs groups (including those with developmental disabilities), and non-traditional family groups by allowing a diverse range of housing configurations and universally accessible design features.</p> <p>Policy 3.7 Parking Requirements – Allow a reduction in parking requirements on a project-by-project basis to achieve high-quality design, increase housing affordability, and promote walking, bicycling, and transit use while working to minimize potential negative impacts on adjacent properties.</p>	<p>bicycle parking and storage. Bicycle share lanes (sharrows) exist within the Thousand Oaks Boulevard right-of-way.</p> <p>The project is consistent with Goal LU-3 as it provides 44 affordable units across the three proposed buildings and the affordable units consist of a variety of unit sizes for low-income family housing.</p> <p>The project provides 44 affordable units within two mixed-use buildings and one multi-family residential building. The proposed mixed-use project is located in an area where there are a variety of job centers in nearby commercial retail, medical, and professional office sites. The project includes 54,763 square feet of public open space that consist of one park and retail plaza along the frontage, a pocket park, and dog park. Public transit (bus stop) is adjacent to the site along Thousand Oaks Boulevard as well as different bus routes within a half mile connecting to other areas of the City and County.</p> <p>A total of 328 units would be provided, including 44 lower-income units, across the two mixed-use buildings and one multi-family residential building. The affordable units consist of a variety of unit sizes for low-income family housing.</p> <p>The project provides 475 total parking spaces, consisting of 48 commercial spaces, 408 residential spaces, and 19 “surplus” guest parking spaces. The amount of parking provided onsite will minimize parking impacts within the surrounding areas.</p>

General Plan Policies	Consistency Analysis
<p>Goal LU-14: Activate Thousand Oaks Boulevard as a walkable, mixed-use area with housing, retail, restaurants, office, and services. Policy 14.1 Revitalize the Boulevard – Support efforts to revitalize Thousand Oaks Boulevard as the main mixed-use boulevard in the City with a diverse mix of multi-family housing types, including multiplexes, courtyard housing and related commercial and retail uses.</p> <p>Policy 14.8 Mix of uses on Thousand Oaks Boulevard – Encourage mixed-use development of various housing types, including townhouses, multiplexes, courtyard housing and related commercial that is oriented towards Thousand Oaks Boulevard and interior streets.</p> <p>Policy 14.10 Parks, Open Space Areas, and Community Gathering Spaces – Work with CRPD to pursue opportunities to provide parks and other open space areas in closer proximity to planned housing and mixed-use projects.</p>	<p>The project consists of the construction of two mixed-use buildings and one multi-family residential building with 328 residential units, 8,500 gross square feet of commercial retail and restaurant space, and retail plaza. The project provides 44 affordable units across the three proposed buildings and the affordable units consist of a variety of unit sizes for low-income family housing. The project site is located at the southeast corner of Thousand Oaks Boulevard and Lombard Street and is surrounded by several commercial centers offering dining, retail, grocery, professional, and recreation uses. As previously mentioned, the project includes 54,763 square feet of quasi-public open space that consist of one park and retail plaza along the frontage, a pocket park, and dog park. The developer worked with the Conejo Recreation and Park District (CRPD) to facilitate public access to the park.</p>
<p>Goal N-1: Promote a pattern of land uses that is compatible with current and future noise levels.</p> <p>Policy 1.2 Noise-reducing design features – Incorporate design features into land use projects that can be used to shield residents from noise exceeding the normally acceptable ranges included in Table 11.2. Design features may include,</p>	<p>The project consists of the construction of two mixed-use buildings and one multi-family residential building and existing surrounding development include commercial uses to the east, west and north. The proposed Project would include three buildings containing 328 multi-family units, approximately 8,500 square feet of retail commercial space, and live-work areas. The project would introduce an increase in vehicle trips to and from the project site which would</p>

General Plan Policies	Consistency Analysis
<p>but are not limited to berms, walls, and sound attenuating building configuration, architectural design, and construction method and materials.</p> <p>Policy 1.3 Mixed-use developments – Require design and construction of mixed-use developments to achieve noise levels in the conditionally acceptable range or lower per Table 11.2 for outdoor recreation areas associated with residential components and to achieve interior noise levels in residences of 45 CNEL or lower, consistent with Title 24 interior noise standards.</p> <p>Goal N-2: Minimize adverse noise impacts associated with transportation.</p> <p>Policy 2.2 Noise sensitive receptors and roadway noise – Protect sensitive receptors from freeway and roadway noise through minimization techniques, including building configuration and design, sound walls, traffic calming, traffic diversion, or rubberized asphalt.</p>	<p>increase roadway noise. The project would also include residential units near US 101 which may be generally considered a freeway-noise-incompatible land use. The existing ambient noise levels on the project site range from 58.9 to 68.5 dB CNEL at five measurement locations. The project is required to incorporate into the building design various construction features which reduce interior noise levels to 45 dBA CNEL. Further, the buildings and existing and planned landscaping would serve to attenuate freeway noise in many of the open space areas and walkways of the site.</p>
Housing Element	
<p>HE Goal 1: Provide a wide range of housing opportunities for persons of all income levels.</p>	<p>The proposed development would provide housing opportunities, especially for entry-level professionals such as teachers.</p>

2. The project complies with all applicable laws, regulations and policies, including the Thousand Oaks Municipal Code (TOMC Section 9-4.2803I(2)).

The project is consistent with all applicable laws, regulations, and policies, including the General Plan, Thousand Oaks Municipal Code, SP-20, Precise Plan of Design Guidelines (Res. No. 2023-061), and Architectural Design Guidelines for

Commercial Projects (Res. No. 2005-011), with the application of the Density Bonus parking ratios and Density Bonus Concessions and approval of Objective Design Standards Modifications. The proposed project is being developed at the maximum density allowable with 44 affordable lower-income units while incorporating a design that is compatible with the development potential of surrounding properties within SP-20. Further, the proposed buildings, as designed, incorporate roofline variation, building articulation, vertical and horizontal elements, and decorative material finishes and colors.

The project also complies with the requirements of the Inclusionary Housing Ordinance by providing 44 affordable lower-income units, 24% of the project, which far exceeds the requirements of the City's Inclusionary Housing Ordinance.

The Applicant is requesting Concessions and Waivers that are consistent with State Density Bonus law to facilitate the construction of a mixed-use development that includes 24% of the residential units as affordable in the lower-income category, which equates to 44 affordable lower-income units. Additionally, the law allows the proposed project to be built without providing guest parking. The project utilizes the Density Bonus Law parking ratios (Government Code Section 65915(p)), which require one (1) parking space per 1-bedroom unit and one and a half (1.5) parking spaces for a 2-bedroom unit. As such, 408 parking spaces are required, and a total of 427 parking spaces are provided which consist of 408 residential parking spaces and 19 guest parking spaces, far exceeding the requirements under State law.

The following three Density Bonus Concessions and four Density Bonus Waivers are approved as these Concessions/Waivers result in identifiable and actual cost reductions to provide for affordable housing costs or rents and the strict application of the development standards could physically preclude the construction of the units needed to meet the required density under the General Plan:

Concessions

1. Allow an increase in the number of allowable stories for a building, from 3 stories to 5 stories, as specified by SP-20.

The Concession to increase the maximum number of stories avoids decreasing the number of residential units proposed. The 4th and 5th floor building components allow for additional units to be provided vertically because there is an existing flood plain located within the northwestern portion of the site which restricts the buildings from potentially expanding horizontally within a significant portion of the site. Although proposed Building A exceeds the maximum allowable front yard setback, all proposed buildings comply with the side and rear yard setbacks. Additionally, the proposed project has been designed to include a staggered building façade design with increased third, fourth, and fifth floor setbacks, further reducing the visual impacts from public view and providing visual interest from surrounding

properties. The proposed buildings fronting Thousand Oaks Boulevard (Buildings A and B) have been designed to comply with SP-20 development standards requiring a 10-foot third-floor setback from the buildings' first floor. Furthermore, the proposed 4th and 5th floor elements include increased building setbacks from the first floor, further reducing the size, mass, and scale of the proposed buildings. The maximum building heights range from 47 to 62 feet with an average building height of 45 feet. The average height proposed is less than the maximum allowable average 50-foot height pursuant to SP-20.

The proposed project incorporates design elements that reduce visual impacts from 101 Freeway and is consistent with the Freeway Corridor Guidelines. The project has been designed to be sensitive to the existing topography and proximity to the freeway located immediately south of the subject site. Design considerations include screening of roof-mounted mechanical equipment which is integrated into the building's overall design, building roof line variation, and horizontal and vertical building articulation. The proposed buildings provide increased third, fourth, and fifth floor building setbacks from the rear property line, avoiding a long, blank façade parallel to the 101 Freeway and therefore, reduce visual impacts. Additionally, existing mature landscaping exists along the south property line which will partially screen the proposed buildings. Architecturally, the proposed building design, materials, and landscaping complement existing uses as the earth tone color palette mimic the colors used in the adjacent commercial developments.

2. Building Windows Details – Decrease the minimum window depth to two inches from glass to wall edge instead of three inches and incorporate vinyl window frames instead of aluminum, fiberglass, wood, or manufactured wood, as otherwise required by TOMC Section 9-4.2205(h)(1)(ii) and (h)(3)(i).

The Concession to decrease the minimum window depth avoids financial hardship. Two of the three proposed buildings (Buildings A and B) are located along Thousand Oaks Boulevard. The north elevation of Building B incorporates inset windows on all four stories including recessed windows on the second floor. The west elevation of Building B incorporates inset windows on the second floor and third floors. The north, east, and south elevation of Building A incorporates inset windows on all four stories including recessed windows on the first and second floor of the north and west elevations. Building C, which is sited behind and to the south of Building A incorporates inset windows on all four stories. Flushed windows are primarily provided along the east south, and southwest elevations of Building B and the south and east elevation of Building C. It should be noted that these buildings elevations are least visible from the Thousand Oaks Boulevard or Lombard Street. The intent of this standard is to avoid a monotonous façade as visible along the public right-of-way. Design features incorporated into the general building design include varying façade elements such as balconies, trellis, canopies, overhangs, roof line variation, vertical and horizontal variation, and roof top terraces resulting in a visually interesting and attractive design.

3. Decrease the minimum required 50% retail area required for any building with greater than 100 feet of frontage along Thousand Oaks Boulevard to 18% retail area, as specified by SP-20.

The Concession to decrease the minimum required retail area frontage within Building A avoids decreasing the number of residential units while activating the building frontage. The proposed project includes 8 residential units on the ground floor fronting Thousand Oaks Boulevard, and of those units 3 are live/work units. The live/work units are located within the eastern portion of Building A and are located immediately adjacent to 1,500 s.f. commercial area. The live/work units are designed to accommodate low-intensity workspace and operations, such as professional offices, which are compatible to the proposed mixed-use development. The live/work units activate the frontage at the ground level because the “work” portion of these units is normally on the first floor, with the living area above. Thus, the live/work units are designed to meet the intent of the SP-20 standards because the live/work units are compatible with the adjacent commercial and mixed uses of the proposed development and the first-floor workspace will activate Building A frontage.

Additionally, due to the existence of the flood plain and limitations of development within this area, the proposed project includes an approximate 100-foot front yard building setback from Thousand Oaks Boulevard, which includes public open space. The purpose of the 50% retail area is to activate the frontage along Thousand Oaks Boulevard with structures that are setback a maximum of 15 feet, such as Building B to the east of Building A. The live/work units have been positioned in a manner that improves the site design and layout because the units are located immediately south of the expansive public open space area, serving as a transition between the public and semi-public space to the mixed-use buildings and multi-family residential building to the rear of the site.

Waivers

1. Increase in the front yard building setback for mixed-use Building A from the maximum allowable 15 feet to 98.5 feet, as specified by SP-20.

As previously mentioned, the SP-20 development standards for building setbacks are intended to provide buildings along Thousand Oaks Boulevard that promote and activate the street frontage. The increased building setback is necessary due to an existing flood zone located within the northwest portion of the site. The proposed Concession allows the project to provide an adequate building setback outside of the flood zone while avoiding a reduced number of units on the project. Requiring the maximum allowable 15-foot building setback with the construction of a building within the flood zone would require costs that are not practical and development that is not feasible, and thus result in fewer residential units. An increased building setback has been achieved while also providing public open

space and landscaping along Thousand Oaks Boulevard. Additionally, the increased building setback serves as a transition from the public and semi-public realm to the proposed mixed-use development. The increased building setback is only applicable to one of the two buildings fronting Thousand Oaks Boulevard. Proposed Building B, located at the northeastern and eastern portions of the site, complies with the maximum allowable front yard building setback because the building is not located within the flood plain.

2. Building Types and Design – Increase the stacked dwelling type and mixed-use building type interior corridor length to 150 feet instead of 100 feet as otherwise required by TOMC Section 9-4.2205(e)(8)(iv) and (e)(9)(vi).

The project includes single- and double-loaded corridors that exceed 100 feet in length. To meet this standard, the proposed buildings would need to be broken up into smaller buildings with different building typologies. This would require a site layout redesign and dwelling units would be lost to accommodate substantially shorter corridors. The proposed project does not propose any interior corridor longer than 150 feet without a bend, break, or pause.

3. Courtyards – Courtyards within podium building types shall be located no more than one story above street level as otherwise required by TOMC Section 9-4.2205(e)(8)(vi).

The project includes three courtyards on the 3rd floor of Buildings B and C instead of the one story above the street (2nd floor). The intent of the courtyard is to create a semi-public gathering space for residents that is open to the sky and has access to light and ventilation. Building C is a podium style building situated within the southern portion of the property where the grade elevation is below the Thousand Oaks Boulevard grade. Due to the podium building design, topography, and semi-subterranean parking structures the courtyards within can only be accommodated on the third floor. Although the courtyard in Building C is located on the third floor, it does provide direct access to the internal access road below.

4. Building Access – All ground floor residential units within a stacked dwelling building type are required to provide a main entrance to each residential unit directly from the street as otherwise required by TOMC Section 9-4.2205(e)(8)(ii).

This project's Stacked Dwelling building (Building C) has common access through a common lobby directly accessible from the street with interior circulation provided by single- or double-loaded corridors. Building C includes 19 ground floor units with 14 residential entries providing direct access from the internal street. All of the residential units and the common areas are accessed by enclosed pedestrian corridors, stairways, and elevators. A main entrance to each dwelling directly from and facing the internal street has been provided, except for five units not facing a

street but rather an ascending slope at the rear of the site. Five units along the western elevation of Building C provide direct ground floor access, however, it should be noted that those five units front a proposed pocket park immediately adjacent to the west. To meet the standard for the units along the southern portion of Building C the proposed project would require additional grading into an existing manufactured slope at the rear of the property and potentially require encroachment into an existing Southern California Edison and Caltrans easement. This would be a financial hardship and the natural setting of the site would change the existing character of the area.

3. *The project will not be detrimental to the public health, safety or general welfare (TOMC Section 9-4.2803(c)(3)).*

The project will not be detrimental to public health, safety, or general welfare because the project has been reviewed and approved by the Community Development Department, Public Works Department, Police Department, and the Ventura County Fire Department (VCFD). With the incorporation of the conditions set forth by these department and agencies, the project will not be detrimental to public health, safety, or general welfare as the granting of this permit:

- a. Will maintain the degree of compatibility of property uses that the Zoning Ordinance is intended to promote and preserve, considering the particular site, and uses on parcels within the zone in which the use is located; and,
- b. Will not result in a use which may reasonably be expected to become obnoxious, dangerous, offensive or injurious to the public health, safety or welfare, by reason of the emission of noise, smoke, dust, fumes, vibrations, odor or harmful or annoying substances: and,
- c. Will preserve the integrity and character of the zone in which the use will be located and the utility and the value of property in the zone and in adjacent zones; and,
- d. Will not become detrimental to the public interest, health, safety, convenience or general welfare.

As demonstrated in the Addendum to EIR No. 327 (CEQA 2023-70004), the project will not unreasonably interfere with the use and enjoyment of neighboring, existing, or future developments. Specifically, the project would not create traffic or pedestrian hazards because the project would utilize a network of roads and sidewalks that were designed to accommodate the vehicle and pedestrian traffic generated by this development and the existing surrounding development including the commercial uses to the east, west, and north. The mixed-use project's operational noise is anticipated to be similar to and compatible with the nearby commercial and residential developments. With the Mitigation Measures required by Addendum to EIR No. 327 (CEQA 2023-70004) and conditions of approval, construction noise will

be reduced so the impact is less than significant. Therefore, the project will not be detrimental to the public health, safety, or general welfare.

4. *The project has been reviewed in conformance with the provisions of the California Environmental Quality Act (TOMC Section 9-4.2803(c)(4)).*

The proposed Development Permit has been reviewed for conformance with the provisions of the California Environmental Quality Act. For this application, the City is the Lead Agency and, on behalf of the Applicant, the City Council is being asked to consider the Addendum to EIR No. 327 that was prepared for the project. The Addendum to EIR No. 327 identifies that with the inclusion of the existing mitigation measures contained in EIR No. 327, the project will not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in EIR No. 327. Further, project design features and conditions of approval have been applied to the project to ensure that applicable mitigation measures provided in EIR No. 327 are implemented and reduce potentially significant environmental impacts to a less than significant level. Therefore, the proposed Project, will not result in any new significant environmental effect(s) and the Project does not require an EIR.

SECTION 4

WHEREAS, the findings of the City Council approval of said Modifications from TOMC Section 9-4.2202 Objective Design Standards” as set forth in TOMC Section 9-4.2202 are as follows:

1. *The Modification, while not consistent with a specific provision of this Code, is justified by its intent or by design hardship and allows reasonable and conforming use that is consistent with the General Plan goals and policies and underlying zoning district.*

The building length of Building B is approximately 369 feet deep, which is greater than the maximum allowable building length of 200 feet. Requiring the building to be redesigned and split into two buildings, less than 200 feet in length, would prevent the project from meeting the allowable density, reduce the number of affordable units, and reduce parking spaces within the proposed parking structure. Development within the northwestern portion of the site is limited due to an existing floodplain, which restricts development within a significant portion of the site, thus resulting in a design hardship due to the existing site characteristics. Additionally, construction within the floodplain would be a financial hardship and the natural setting of the site would change because the floodplain supports two mature oak trees.

Consequently, the Planning Commission finds the Modifications can be granted as proposed due to site constraints and design hardship. The proposed Modifications do not change the overall scale or character of the building and result in development consistent with the scale and character of existing and allowable

development in the vicinity, are not detrimental to or that would not adversely impact, and provide the proposed affordable housing units. Granting the modifications would result in a project that is compatible with the existing neighborhood and future development potential within SP-20 while providing a better layout and design. The proposed project provides a density of 30 units per acre, maximizing the 30-unit per acre allowed by the General Plan Land Use designation, therefore, supporting production of long-term affordable housing within the City.

2. *The Modification would result in development consistent with the scale and character of existing and allowable development in the vicinity under the same zoning.*

As previously mentioned, Building B exceeds the maximum allowable building length of 200 feet. The intent of this standard is to avoid a monotonous façade as visible along the public right-of-way. Building B consists of a 283,372 s.f., 5-story, 57.55 foot tall building located within the eastern portion of the site and fronting Thousand Oaks Boulevard. The long side (east and west elevations) of the proposed building will be seen from the terminus of East Thousand Oaks Boulevard at Hodencamp Road along the north property line and Lombard Street along the west property line. Although the long side of the building extends approximately 369 feet south from Thousand Oaks Boulevard, the building has been designed to add a massing break at the building midpoint by incorporating a courtyard along the western elevation. The building midpoint is approximately 215 feet south of the north building façade. The courtyard is accessible from the ground level, measures 30 feet in width, and extends the full height of the building. Furthermore, the proposed building includes architectural enhancements and incorporates strong horizontal elements and pedestrian-scaled geometric forms which further reduce the mass and scale of the structure and is consistent with the intent of this standard. The scale of the proposed project is compatible with the development potential of the properties to the northeast across Thousand Oaks Boulevard and east of the site. These properties are in SP-20 which could be redeveloped with buildings with a minimum height of 20 feet and a maximum average height of 50 feet.

For the reasons described above and in the staff report to the Planning Commission dated April 22, 2024 and City Council dated May 21, 2024, the design of the new mixed-use development complies with the intent of all applicable laws, regulations, and policies, including the City's Guidelines for development within the corridors of Route 101 and Objective Design Standards for Residential Development. The proposed mixed-use development is compatible with the surrounding land uses in the vicinity because it is located within an urbanized setting with established infrastructure and existing nearby comparable uses. The project incorporates design elements such as color palettes and material choices that are complementary to surrounding development while providing a modern design aesthetic. Although the new development is designed to be taller than the

surrounding development various design features have been implemented into the site layout and building design to reduce impacts to surrounding properties. The northwestern portion of the site provides an expansive public open space area creating a physical buffer between the new structures and Thousand Oaks Boulevard. The open space together with the retail plaza and activated frontages along Thousand Oaks Boulevard provide a transition from surrounding properties and commercial uses to the proposed mixed-use development. Proposed Building B, fronting Thousand Oaks Boulevard, provides a third story element that is setback 20 feet, fourth story element that is setback 32 feet, and the fifth story element that is setback 215 feet. The architectural design differentiates between the first and upper floors using material changes, increased upper floor setbacks, and ground-floor patios to further reduce the massing from the ground level.

Therefore, the proposed Modifications would result in development consistent with the scale and character of existing and allowable development in the vicinity under the same zoning and land use designations, and the Modification would not result in development that is detrimental to or that would adversely impact adjacent properties as adjacent properties would still receive adequate light and air, public utilities would serve existing and proposed development, and the proposed building would be constructed to the current Building and Fire Code requirements.

- 3. The Modification would result in development that is not detrimental to or that would not adversely impact adjacent properties.*

The Modification would result in development that is not detrimental to or that would not adversely impact adjacent properties. While the project as designed does not comply with the Building Mass, Articulation and Access requirements, the project meets all other Objective Design Standards requirements. These Modifications do not change the overall size, mass, and scale or character of the building and result in development consistent with and compatible to the character of existing and allowable development in the vicinity under the same zoning. Additionally, the project has also been reviewed by other City departments and agencies for conformance with applicable laws, regulations, and policies, and provided appropriate conditions of approval. Therefore, the Modifications would not result in development that is detrimental to or that would adversely impact adjacent properties as adjacent properties.

SECTION 5

WHEREAS, the findings of the City Council approval of said PTP 2023-70067, as stated in *(TOMC Section 9-4.4206(b))* as follows:

- 1. The condition or location of the oak trees requires cutting to maintain or aid its health, balance, structure, or to maintain adequate clearance from existing structures.*

The subject scope of work does not include cutting to maintain or aid its health, balance, structure, or to maintain adequate clearance from existing structures.

2. *The condition of the tree(s) with respect to disease, danger of falling, proximity to existing structures, high pedestrian traffic areas such as parking lots, pedestrian walkways, interference with utility services, or is causing or is likely to cause substantial property damage based on sufficient evidence and/or documentation and said damage cannot be controlled or remedied through reasonable preservation and/or preventive procedures and practices.*

The proposed scope of work does not include the removal or cutting of trees exclusively to remove a condition hazardous to existing development. However, one (1) of the protected trees proposed to be removed is noted to be in poor condition, as stated in the Oak Tree Report dated January 2024.

3. *A permit may be approved when necessary to remove, relocate, cut or encroach into the protected zone of an oak tree to enable the reasonable and conforming use of the subject property, which is otherwise prevented by the presence of the tree. Reasonable use of the property shall be determined in accordance with the Oak Tree Preservation and Protection Guidelines.*

Encroachment and Pruning of 9 of the 34 protected Coast Live Oak, Valley Oak, and Holly Oak trees on-site is necessary to maintain proper clearance over proposed sidewalks, outdoor patios, driveways, and open space. A City Tree Consultant inspected the subject trees and determined that the proposed encroachment will not be detrimental to the health of the subject oak trees. Appropriate project conditions are in place to safeguard the oak trees, including the installation of fencing around the protected zones and on-site monitoring by the applicant's consultant during all encroachment and pruning operations.

The removal of 17 Coast Live Oak trees and 5 Valley Oak trees is necessary to accommodate the proposed improvements and grading activities associated with the construction of the new mixed-use development, including adequate vehicular and pedestrian circulation and parking facilities. Existing protected trees located along the northwestern portion of the site (within the flood plain) and near the public right-of-way were prioritized for preservation. Additionally, preserving protected trees is a priority of the City Council when designing projects involving new construction.

4. *Approval of the request is not contrary to or in conflict with the general purpose and intent of this chapter.*

Approval is consistent with the intent of the Oak Tree Preservation and Protection Ordinance since the proposed removal of 22 protected oak trees will be mitigated

in accordance with standards adopted by the Oak Tree Preservation and Protection Guidelines Resolution 2010-14.

The proposed tree replacement program would plant three trees for each protected tree removed, consisting of two 24-inch boxes and one 36-inch box tree in compliance with the City's Oak Tree Preservation and Protection Guidelines. The total number of replacement oaks required would be forty 24-inch box trees, twenty 36-inch box trees, and four 60-inch box trees. The applicant will either need to submit a Replacement Tree Plan which complies with Resolution 2010-014, propose the planting of the trees at an off-site location for public benefit, subject to Community Development Director approval, or provide an in-lieu cash payment to the City's Open Space Conservation Fund used toward acquisition of open space, as prescribed by Resolution 2010-014. The applicant is proposing to plant six Island Oak (*Quercus tomentella*) mitigation trees on the development site and, due to site constraints and Fire Prevention District limitations on landscaping, will pay an in-lieu for the balance of the mitigation trees.

With the inclusion of the recommended conditions, approval of this request will not be contrary to, or conflict with, the general purpose and intent of the Oak Tree Ordinance (Chapter 42 of Title 9 of the Municipal Code) and Oak Tree Preservation and Protection Guidelines, Resolution 2010-14.

In addition, the project is consistent with the Thousand Oaks General Plan, including the Conservation Element, in that conditions have been applied to minimize impacts from encroachment within the protected zone of six Coast Live Oak trees, two Valley Oak trees, and one Holly Oak tree. With the inclusion of conditions, the proposed encroachment within the tree's protected zone is not likely to result in a decline in the health of the trees.

5. The project has been reviewed in conformance with the provisions of the California Environmental Quality Act.

The Protected Tree Permit request has been reviewed for conformance with the provisions of the California Environmental Quality Act. For this application, the City is the Lead Agency and, on behalf of the Applicant, the City Council is being asked to consider Addendum to EIR No. 327 that was prepared for the project. The Addendum to EIR No. 327 identifies that with the inclusion of mitigation measures contained in EIR No. 327, the project will not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in EIR No. 327. Further, project design features and conditions of approval have been applied to the project to ensure that applicable mitigation measures provided in EIR No. 327 are implemented and reduce potentially significant environmental impacts to a less than significant level. Therefore, the proposed Project, will not result in any new significant environmental effect(s) and the Project does not require an EIR.

SECTION 6

WHEREAS, local governments are authorized by the Government Code Section 65864 et seq., to enter into development agreements with any person having legal and equitable interest in real property for the development of that property; and

WHEREAS, the Applicant and City have negotiated the terms of the Development Agreement (“Agreement”); and

WHEREAS, the Planning Commission has reviewed the terms of the Agreement, has conducted a public hearing on April 22, 2024, and believes that it will be in the best interest of the City, and the best interest of the public, considered the recommendation of the Planning Commission, and considered all public testimony; and

WHEREAS, the findings of the Planning Commission approval of said DAGR 2023-70001 through City Council adoption of an ordinance prepared in accordance with the requirements of the TOMC, are as follows:

As determined and recommended by the Planning Commission pursuant to TOMC Sec. 9-11.09 the development agreement:

1. *Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan:*

Approval is consistent with the objectives, policies, general land uses and programs specified in the General Plan and SP-20, as described in the findings made above.

2. *Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;*

The Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located, as described in the findings made above.

3. *Is in conformity with public convenience, general welfare and good land use practice;*

The Development Agreement is in conformity with public convenience, general welfare, and good land use practice, as described in the findings made above.

4. *Will [not] be detrimental to the health, safety and general welfare; and*

Approval will not be detrimental to the health, safety and general welfare, as described in the findings made above.

5. *Will [not] adversely affect the orderly development of property or the preservation of property values.*

Approval will not adversely affect the orderly development of property or the preservation of property values as the project will replace a vacant site with a new mixed-use development which will bring amenities to other surrounding residential and commercial uses.

6. *In addition, the City Council finds that none of the conditions described in California Code of Regulations, Title 14, Chapter 3, Section 15162 are present, including the following:*
 - a. Approval of the Agreement does not propose substantial changes which will require major revisions to the Addendum to EIR No. 327 due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant effects; and
 - b. Approval of the Agreement does not create substantial changes with respect to the circumstances under which the project is being undertaken which would require major revisions to the Addendum to EIR No. 327; and
 - c. Approval of the Agreement does not reveal new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Addendum to EIR No. 327 was considered.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Thousand Oaks that based on substantial evidence contained within the record, the analysis in the agenda report, and the findings of fact above, and recommendation of the Planning Commission, the City Council considered Addendum to EIR No. 327 (CEQA) 2023-70004 prepared for the project and approves SUP 2023-70011; DAGR 2023-70001; and PTP 2023-70067, subject to conformance with the conditions set forth and attached hereto and made a part hereof. Except as otherwise expressly indicated, said conditions shall be fully performed and completed, or at the City's discretion, shall be secured by bank or cash deposit or other security satisfactory to the City Attorney before the use or occupancy of the property is commenced and before a Certificate of Occupancy is issued. The violation of any of the conditions of said permit shall be grounds for revocation by the City Council.

PASSED AND ADOPTED this 21st day of May, 2024, by the following vote:

Ayes:

Noes:

Absent:

Al Adam, Mayor
City of Thousand Oaks City Council

ATTEST/CERTIFY:

Laura B. Maguire, City Clerk

Date Attested: _____

APPROVED AS TO FORM:
Office of the City Attorney

Patrick J. Hehir, Chief Assistant City Attorney

APPROVED AS TO ADMINISTRATION:

Andrew P. Powers, City Manager

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the City of Thousand Oaks City Council on the date cited above.

**COMMUNITY DEVELOPMENT DEPARTMENT –
GENERAL PROJECT CONDITIONS**

STANDARD

1. **Land and Application** – The Development Agreement; Special Use Permit; and Protected Tree Permit; are adopted, granted, or accepted for the land described in the application, any attachment thereto, and as shown on the submitted “Project Plan Set,” dated February 15, 2024.
2. **Scope of Permit Approval** – This permit is for a Development Agreement specifying development performance; and a Special Use Permit; along with a Protected Tree Permit, to allow the construction of 328 residential units distributed across one, five-story, podium style mixed-use building, one four-story mixed-use building, and one, five-story multi-family residential building, including pocket parks, a dog park, plazas, seating areas, and other amenities as well as the removal of 17 Coast Live Oak (*Quercus agrifolia*) trees and five Valley Oak (*Quercus lobata*) trees and encroachment into the protected zone of six Coast Live Oak trees, two Valley Oak trees and one Holly Oak (*Quercus ilex*) tree at 500 East Thousand Oaks Boulevard, as shown on project plans labeled “Project Plan Set” dated February 15, 2024, and the Oak Tree Report dated January 2024 unless conditioned otherwise herein.
3. **Approval Period** – The above referenced permits are granted for the period set forth in DAGR 2023-70001.
4. **Compliance with Applicable Laws, Rules, and Regulations** – The applicant shall at all times comply with any and all local, city, county, state and federal laws, regulations and orders now in effect or which may hereafter be enacted pertaining to the approved modification or affecting the installation, operation or maintenance of the mixed-use development.
5. **Regulatory Agency Approval** – The requirements of all applicable regulatory agencies shall be met, and approval obtained, prior to gas release, Certificate of Occupancy, or as otherwise required by the City's Building and Safety Division. Copies of all required licenses shall be submitted to the Community Development Department.
6. **Payment of Fees** – Approval is subject to the applicant paying all fees and assessments to the City of Thousand Oaks, School District, Conejo Recreation and Parks District, Ventura County Fire Prevention District, and any other agency requiring fees related to the subject development as required by the Municipal Code and established by City Council, except as

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otherwise modified by, and in accordance with the Project conditions of approval or the Development Agreement DAGR 2023-70001.

7. **Impact Fees for Affordable Housing Units** – Per California Government Code Section 65915 and Section 65915.1, affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, shall not be imposed on a housing development's affordable units.
8. **Dedications/Reservations and Public Improvements** – With respect to dedications, reservations, construction of public improvements and fees as required by the project development conditions, the applicant is advised, pursuant to Government Code Section 66020, that the ninety (90) day protest period has commenced upon approval of the proposed improvement by the City.
9. **Condition Compliance** – All development on the subject property shall be constructed and thereafter maintained in accordance with the conditions of this permit.
10. **Project Changes/Modifications** – Changes to the project are subject to the requirements described in DAGR 2023-70001. Minor changes to SUP 2023-70011 or PTP 2023-70067 may be approved by the Community Development Department, provided such changes achieve substantially the same results and the project is still in compliance with the Municipal Code. Revised plans reflecting the minor changes and additional fees shall be required.
11. **Acknowledgment** – The applicant acknowledges that all aspects of this project are of special concern to and regulated by the City of Thousand Oaks, which has established specific criteria and standards concerning development within the City. Any change, modification, or alteration to improvements on the subject property shall first be approved by the City of Thousand Oaks. Any unauthorized changes may require future corrective work and may result in a City Code compliance effort.
12. **Unauthorized Changes** – The applicant acknowledges that the exterior treatment, location of structures and architectural features of the development are of special concern to, and regulated by, the City of Thousand Oaks, which has established criteria and standards concerning development within the City. Any substantial change, modification, or alteration to the architectural design, or in the exterior treatment of any building and structure, including building colors, materials, changes in walkways, doorways, window locations, or in the parking, landscaping and

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- other related features, must first be approved by the City of Thousand Oaks prior to performing the work. Unauthorized change(s) or failure to comply with the conditions of this permit may require future corrective work and result in a City Code violation and appropriate action.
13. **Indemnification** – The applicant agrees to defend, indemnify and hold harmless the City, its agents, officials, and employees from any claim, action or proceeding against the City or its agents, officials or employees to attack, set aside, void or annul an approval of the City. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in the defense.
 14. **Signed Acceptance of Conditions** – A signed Acceptance of Conditions affidavit shall be executed by the applicant and property owner, or his duly authorized representative, and shall be returned to the Community Development Department prior to the issuance of a building permit.
 15. **Other Applicable Permits** – All entitlements and conditions of approval associated with prior onsite development approved by the City of Thousand Oaks (OTP 919, Z 90-659, DP 92-695 and DP 92-695 Minor Modification No. 1) are rescinded, voided and of no further effect. The property’s Title Report is to be updated to remove references to Covenants, Agreements and Declarations required by the permits which are rescinded, voided and of no further effect.
 16. **Levine Act Compliance** – California Government Code section 84308 (Levine Act) prohibits any Thousand Oaks City Council member from participating in any action related to a permit, license, or entitlement if the Council member receives a campaign contribution totaling more than \$250 (aggregated) from the party/applicant, their agents, or any financially interested participant who actively supports or opposes the matter within the previous twelve (12) months. Council members must also disclose any eligible campaign contribution received on the record of the proceeding.
- Council members are prohibited from accepting, soliciting, or directing a campaign contribution of more than \$250 (aggregated) from a party, their agent/representative, or a financially interested participant during a proceeding and for 12 months following the date a final decision is made. In addition, a party, their agent/representative, or a financially interested participant is prohibited from contributing more than \$250 (aggregated) to a Council member during a proceeding and for 12 months following the date a final decision is made.

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The Levine Act also requires parties/applicants to a permit, license, or entitlement to disclose any campaign contribution over \$250 (aggregated) within the preceding twelve (12) months by the party/applicant and their agents/representatives.

In order to assure compliance with these requirements, Applicant has provided the disclosure requirements identified in the Levine Act Disclosure Statement, attached as Exhibit XX, incorporated herein by reference, and Applicant verifies by its signature that it has completed Exhibit XX in compliance of these requirements.

Applicant shall also be responsible for understanding and complying with requirements of Government Code section 84308, which prohibits parties to a permit, license or entitlement, as well as their agents and representatives, from contributing more than \$250 (aggregated) to a City Council member for the 12 months prior to approval of this permit, license or entitlement, and for the 12 months following approval.

ENVIRONMENTAL MITIGATION MEASURES

17. **Mitigation Compliance** – All applicable mitigation measures contained in Appendix C of the Thousand Oaks Boulevard Specific Plan (SP-20, Amended August 2016) and Addendum to EIR No. 327 shall apply to this entitlement. Prior to the issuance of any grading or building permit, the applicant shall submit a written report demonstrating that all mitigation measures imposed by the City to either reduce or avoid significant environmental impacts identified in Addendum to the EIR No. 327 have either been incorporated in the project design or undertaken as required. Final determination of compliance with imposed mitigation measures pursuant to the requirements of Section 21081.6 of the Public Resources Code shall in turn be subject to the review and approval of the Community Development Department.

CULTURAL RESOURCES

18. **Archaeological Discovery Protocol** – Impacts to cultural resources shall be minimized through implementation of pre- and post-construction tasks. Tasks pertaining to cultural resources include the development of a Cultural Resource Monitoring and Inadvertent Discovery Plan (Cultural Resources Plan). The purpose of the Cultural Resources Plan is to outline a program of appropriate monitoring as well as treatment and mitigation in the case of

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- an inadvertent discovery of cultural resources during ground-disturbing phases (including, but not limited to, pre-construction site mobilization and testing, grubbing, removal of soils for remediation, construction ground disturbance, construction grading, trenching, and landscaping) and to provide for the proper identification, evaluation, treatment, and protection of any cultural resources throughout the duration of the Project. This Cultural Resources Plan shall define the process to be followed for the identification and management of cultural resources in the Project area during construction. The Cultural Resources Plan shall be provided to the Santa Ynez Band of Chumash Indians for review and comment. The existence and requirement to comply with the Cultural Resources Plan shall be stated on all Project plans intended for use by those conducting the ground-disturbing activities.
19. **Conditional Archaeological and Tribal Monitoring** – Prior to the issuance of a grading or other permit allowing ground disturbing construction activities, the Applicant shall retain a Native American monitor approved by the Santa Ynez Band of Chumash Indians and a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, to oversee the archaeological monitoring of initial (first movement of soils within each ground disturbance location at complete horizontal and vertical extents) ground disturbances that occur in native soils either through fulltime or spot monitoring as determined by intact native soils would only exist within the Building C footprint and only between 7.5 to 16 feet below ground surface. The qualified archaeologist should oversee and adjust monitoring efforts as needed (increase, decrease, or discontinue spot monitoring frequency) based on the observed potential for construction activities to encounter cultural deposits. The archaeological monitor should be responsible for maintaining monitoring logs. Following the completion of construction, the qualified archaeologist should provide an archaeological monitoring report to the City, the Santa Ynez Band of Chumash Indians and the South Central Coastal Information Center with the results of the cultural monitoring program.
20. **Inadvertent Discovery of Archaeological Resources** – In the event that archaeological resources (sites, features, or artifacts) are exposed during ground disturbing activities for the Project, all construction work occurring within 100 feet of the find should immediately stop until a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find under the California Environmental Quality Act (14 CCR 15064.5(f); California PRC Section 21082), the archaeologist may

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simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted. If Native American resources are discovered or are suspected, the Native American monitor shall be notified and as dictated by California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e).

21. **Discovery of Human Remains** – If human remains are encountered during implementation of any phase of the project, the project archaeologist shall temporarily divert or redirect excavation activities in the vicinity of the find in order to make an evaluation of the find and notify the City and Santa Ynez Band of Chumash Indians within 24 hours of the find. In the event that human remains are inadvertently encountered during construction activities, such resources would be treated in accordance with state and local regulations that provide requirements with regard to the accidental discovery of human remains, including California Health and Safety Code Section 7050.5, California Public Resources Code (PRC) Section 5097.98, and CEQA Guidelines Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be immediately notified of the discovery. No further excavation or disturbance of the Project Site or any nearby area reasonably suspected to overlie adjacent remains can occur until the County Coroner has determined, within 2 working days of notification of the discovery, if the remains are potentially human in origin. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she is required to notify the Native American Heritage Commission (NAHC) within 24 hours. As required by PRC Section 5097.98, the NAHC will notify the person or persons it believes to be the Most Likely Descendent (MLD) from the deceased Native American. The MLD must follow the procedures and preliminary treatment options in the Cultural Resource Monitoring and Inadvertent Discovery Plan (CRMDP) and make a recommendation to the City and Santa Ynez Band of Chumash Indians for means of treating, with appropriate dignity, the human remains, and any associated grave goods as provided in PRC Section 5097.98. If more than one MLD is designated for the Project by the NAHC, each MLD shall be consulted regarding the handling of the human remains, and any associated grave goods and/or burial related soils. Burial associated grave goods and soil shall be reinterred with the associated burial.

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BIOLOGICAL RESOURCES

22. **Nesting Bird Survey** – If project activities (i.e. demolition, grading, construction, landscaping, tree encroachment, pruning and/or removal, etc.) occur between February 1st and September 1st, a breeding bird survey is required to be conducted and active nests shall be avoided with a minimum buffer distance as determined by a qualified biological monitor. To prevent disturbance of any active nests, a 300-foot radius for raptors and 100-foot radius for all other bird species is required until all juveniles have fledged, or the nest is abandoned.

AIR QUALITY

23. **Air Filtration Requirements** – Prior to issuance of a certificate of occupancy the project must demonstrate compliance with California's Building Energy Efficiency Standard (24 CCR, , Subchapter 10, Section 160.2(b) 1 C)) which limits particulate infiltration by installing and maintaining air filtration systems equal to or exceeding the identified filter efficiencies as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. All filtration devices provided must meet the minimums identified in Project Freeway Health Risk Assessment dated February 2024. The leasing office shall provide notification/disclosure to all future residents of the project site of the potential risk from the I-101 Freeway related to the increased risk of exposure to diesel particulates from the freeway when windows/doors are open and when outside at the recreation areas.

BUILDING SAFETY AND CONSTRUCTION

24. **Condition Execution** – Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance, unless stated otherwise herein. Deviation from this requirement shall be permitted only by written consent of the Community Development Director or designee.
25. **Final Plans** – Prior to the issuance of a building permit, final site, grading, floor, elevation and roof plans shall be submitted for the review and approval of the Community Development Department. Said plans shall incorporate any design change and other requirement as conditioned herein.
26. **Approval Inclusion** – The following shall apply:
- a. This approval, in its entirety as adopted, shall be included in the initial plan-check submittal that is submitted to the Building Division. The

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approval and conditions shall be copied directly onto plan sheets and included as part of the project plans throughout the plan-check process and shall be part of the project plans for which building permits are issued.

- b. All agreements, development standards, use allowances contained in SP-20 and DAGR 2023-70001 shall apply to this approval.

27. **Preconstruction Meeting** – Prior to issuance of a grading permit, the applicant shall coordinate with the Community Development and Public Works Departments including, a preconstruction meeting at the job site to review field conditions, project conditions, methods and procedures, individual and City department responsibilities associated with the project. Members attending this meeting shall include but not be limited to City department representatives, City landscape consultant/arborist, owner or designated project coordinator, architect, project consultants, project landscape consultant general contractor and other representatives associated with the project. The meeting shall be arranged no sooner than one (1) week prior to commencement of work.
28. **Construction Progress** – Once permits have been issued to commence work on the improvements, it is the applicant's/owner's responsibility to diligently pursue completion per all conditions, requirements and as represented on the approved plans. Reasonable progress shall occur on a continual basis until completion to the satisfaction of the Community Development Director. Work shall not be discontinued for a period exceeding 30 days, without acceptable cause. The intent is to have the project completed in a timely fashion to prevent a potential blight from partially completed construction.
29. **Phasing** – The project shall be graded and constructed in a single phase as specified and in accordance with the parameters contained in the recorded Development Agreement (DAGR 2023-70001).
30. **Hours of Construction** – All grading and construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday with no construction activity permitted on Sunday. Construction workers and vehicles shall not be permitted to congregate in the residential neighborhood or onsite before and after the construction hours authorized herein. Likewise, warming of equipment engines shall not be permitted outside the allowable construction hours.
31. **Construction/Security Fencing** – Prior to the issuance of a grading/building permit, the applicant shall install a temporary five (5) foot

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- high chain-link fence within the limits of the proposed development area. Said fencing shall be provided for purposes of maintaining security, as well as containing trash and debris on-site. The fence shall remain in place during all phases of construction and shall be maintained until no longer needed for trash and debris control as determined by the Community Development Department. The applicant shall be responsible for pick-up of trash and debris on a weekly basis during building construction operations.
32. **Occupancy** – No final inspection or final occupancy permit shall be granted until construction and landscaping are complete in accordance with the approved plans and the conditions required herein.
33. **City's Recycling Program** – The project's owner shall participate in the City of Thousand Oaks recycling program, which collects cardboard, plastics, glass and mixed paper and shall attempt to use post-consumer building materials (recycled products) whenever possible in the construction of the project.
34. **Rodent Control** – The applicant shall submit a rodent control plan to the Community Development Department prior to the issuance of any building permit, which shall include measures to protect adjacent and nearby properties from any rodent displacement during the project demolition and construction activities.
35. **Parking/Materials Storage During Construction** – All construction equipment, materials, and related contractor vehicles shall be located on-site during all phases of development.

GRADING

36. **Final Detailed Grading, Paving and Drainage Plan Submittal** – Prior to issuance of a grading permit, a final detailed grading, paving and drainage plan demonstrating compliance with all imposed conditions of this Development Permit shall be submitted for review and approval by the Community Development and Public Works Departments.
37. **Certified As-Built Grading** – Prior to issuance of a building permit, a rough grading completion certification on the City standard form, shall be prepared and signed by the applicant's Civil Engineer and submitted to the Public Works Department. Said certificate shall state that the graded pad design and pad elevations are consistent with the pad elevation and grading details

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shown on the conceptual grading plan, and grading plan/exhibits labeled "Project Plan Set," date stamped February 15, 2024.

38. **APCD Permit** – The applicant shall obtain all necessary clearances from the Ventura County Air Pollution Control District (APCD) prior to beginning any construction activity.
39. **Dust Prevention** – In order to prevent excessive amounts of fugitive dust, all materials excavated (on-site) shall be controlled for with Ventura County Air Pollution Control District methods, which includes adherence to Rule 50 (Opacity) that sets opacity standards on the discharge from sources of air contaminants. This rule would apply during construction of the proposed project, specifically grading activities, Rule 55 (Fugitive Dust) that requires dust generators to implement control measures to limit the amount of dust from vehicle track-out, earth moving, bulk material handling, and truck hauling activities, and Rule 55.2 (Street Sweeping Equipment) that requires the use of PM₁₀ efficient street sweepers for routine street sweeping and for removing vehicle track-out pursuant to Rule 55. The project is to comply with the City of Thousand Oaks Water Conservation Ordinance Requirements. Level 4 Conservation Measures prohibit potable water use for dust suppression unless approved through a City waiver. For more information see: <https://www.toakswater.org/conservationstages>.
40. **Exporting/Importing Earth Materials** – Any exporting or importing of earth material and debris shall be authorized by permit issued by the Public Works Department. The developer shall comply with an approved haul route to and from the project site and shall coordinate the hauling of this material with the Public Works and Community Development Departments to minimize traffic disruptions and disturbances to the project area. The exporting and importing of any earth materials to new sites within the jurisdiction of the City of Thousand Oaks shall be subject to the review and approval by the Planning Commission unless such sites have previously been approved for development with an active entitlement, and said grading is in accordance with Public Works Department approved plan for the project.

COMMUNITY DEVELOPMENT DEPARTMENT –

CONDITIONS FOR SUP 2023-70011

BUILDING FORM AND ARCHITECTURAL DESIGN

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41. **Architectural Building Design** – Unless otherwise modified herein or within the Development Agreement, the architectural design shall comply with the building plans as shown in the attachments labeled “Project Plan Set,” dated February 15, 2024, and attached to the Planning Commission staff report dated February 15, 2024. Prior to the issuance of a building permit, fully dimensioned and detailed architectural drawings shall be submitted for review and approval by the Community Development Department, with all elevations coordinated with color, materials, and architectural form to achieve design harmony and continuity.

42. **Colors and Materials Board** – All exterior materials and colors shall match or be upgraded from those depicted on the exhibits labeled “Project Plan Set,” date stamped February 15, 2024 and as conditioned herein, subject to review and approval of the Planning Division of the Community Development Department. Changes to materials which are not comparable or better must be approved by the Planning Commission. Prior to the issuance of a building and/or grading permit, a final color and materials sample board, including, but not limited to, specific materials and paint manufacturer colors, shall be submitted for the review and approval by the Community Development Department. The applicant shall indicate the type of finish on the revised plans and materials and colors sample board.

43. **Front, Side, and Rear Yard Setbacks** – All structural and landscape setback requirements from property line shall be provided as depicted on the submitted “Project Plan Set” dated February 15, 2024, as required in SP-20 and as follows:

Building Setbacks			
Building A	Required (ft.)	Proposed (f.t)	Complies
Front (North):	First Floor Maximum: 15	98.5	Yes (Concession)
	Third Floor Average: 10	10	Yes
	Fourth Floor: N/A	110	N/A
Right (West):	First Floor Minimum: 10	12.58	Yes
Building B	Required	Proposed	
Front (North):	First Floor Maximum: 15	15	Yes
	Third Floor Average: 10	10	Yes
	Fourth Floor: N/A	32.6	N/A
	Fifth Floor: N/A	215	N/A
Left (East):	First Floor Minimum: 10	15	Yes
Rear (South)	First Floor Minimum: 10	56.16	Yes

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Building C	Required	Proposed	
Right (West):	First Floor Minimum: 10	10	Yes
	Fourth Floor: N/A	21.33	N/A
	Fifth Floor: N/A	31.5	N/A
Rear (South)	First Floor Minimum: 10	10	Yes
	Fifth Floor: N/A	20	N/A

44. **Building Heights** – The maximum building heights shall be provided as shown on the elevation plans as shown in the “Project Plan Set,” dated February 15, 2024. The average height shall not exceed 45 feet and absolute maximum height at any point from adjacent finished grade shall not exceed 62 feet.
45. **Façade Articulation** – Façade articulation, including setbacks, material offsets as well as significant, major, and minor massing breaks shall be provided as show in the “Project Plan Set” dated February 15, 2024.
46. **Building Design** – Unless otherwise modified herein or within the associated Development Agreement, the proposed design of the building shall be constructed substantially as depicted on the building elevations and perspectives as shown in exhibits labeled “Project Plan Set,” dated February 15, 2024, including but not limited to:
- a. Building B west building façade length shall incorporate a courtyard at the midpoint of the building and extending no less than 215 feet from the front property line. The courtyard is necessary to accommodate massing break for the building.
 - b. Northeast portion of Building A shall include a minimum of 1,500 square feet of commercial area.
 - c. Increased 4th and 5th floor setbacks, as provided in the Buildings Setback Table above.
47. **Building Colors/Materials and Elevations** – Unless otherwise approved by the Community Development or within the associated Development Agreement, the proposed design of the building shall be constructed substantially as depicted on the building elevations and perspectives as shown in exhibits labeled “Project Plan Set,” dated February 15, 2024, including but not limited to:
- a. Provision of heavy-gauge, decorative screening material for parking garage openings.
 - b. Fiber cement wood tone siding at Building B parking garage opening.

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- c. Enhanced architectural building materials shall be provided on the north and west buildings elevations as shown in exhibits labeled “Project Plan Set” dated February 15, 2024, and including but not limited to:
 - i. Textured or dimensional brick veneer;
 - ii. Fiber cement siding;
 - iii. Corrugated metal paneling;
 - iv. Fiber cement wood siding; and
 - v. Stucco shall be permitted on the remainder of the project.
48. **Window Design** – Window recesses, insets, trim and other window elements shall be designed as shown in exhibits labeled “Project Plan Set” dated February 15, 2024, including but not limited to:
 - a. Windows shall be recessed at a minimum depth of at least two inches (2”) from glass face to wall edge around the windows if there is no trim.
 - b. Windows shall be inset a minimum of two-inches and include a decorative trim element.
49. **Window Materials** – Windows frames must be made of vinyl, or aluminum, fiberglass, wood, or manufactured wood; or another material with a wood grain texture finish as reviewed and approved by the Community Development Department.
50. **Window Divided-Lites/Mullions** – Divided-lite windows, where utilized, must consist of true/full divided-lites or simulated divided-lites, in accordance with the following standards:
 - c. Muntins or grids must project at least three-eighths of an inch (3/8”) from the glass surface.
 - d. Muntins or grids must be used on both the exterior and interior of the glass.
 - e. For simulated divided-lites, spacers must be used between panes.
51. **Storefront Window Area** – A minimum of 65% of the commercial storefront façade provided shall have transparent window area and minimum three-inch recess as shown in the “Project Plan Set” date stamped February 15, 2024.
52. **Residential Direct Outdoor Primary Access** – Primary entrances to first-floor residential units with direct exterior access shall be provided as shown on plans date stamped February 15, 2024.
53. **Emergency Exit/Service Doors** – All exterior emergency exit and service doors as viewed from public streets shall be decorative and located in

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recessed vestibules of sufficient depth to accommodate the installation of overhead recessed security light fixtures. Other doors not viewed from public streets may be illuminated by either the same method or by the installation of decorative architectural light fixtures. Said doors shall be operated from the inside with appropriate approved hardware and shall be alarmed. No exposed hardware including door latches shall be permitted on the exterior surface of any door. Any access from the exterior shall be limited to key activated hardware locks only. All such doors shall be painted or treated a color to match the adjacent exterior finish of the building or as approved herein. Design and location of all doors shall be subject to review and approval by the Community Development and Police Departments.

54. **Flat Roof Areas** – Flat roof areas and parapet walls exposed to view from surrounding areas shall be color-coded to blend with the exterior wall finishes, subject to the review and approval of the Community Development Department.
55. **Exterior Trash Enclosures** – Exterior trash enclosures shall consist of solid masonry walls plastered to match the building's exterior with metal gates set in metal frames and shall be protected with a solid overhang roof structure subject to review by the Community Development Department and Public Works Departments. Trash enclosure areas shall be designed in accordance with the City's adopted trash area design criteria. Trash enclosures will be constructed to have outside visibility to reduce the possibility of camping or sleeping in the area. Prior to the issuance of a building permit, the developer is to provide a signed letter from the City's solid waste service provider to the Community Development Director and Public Works Director confirming the trash enclosure has been designed consistent with their operational needs. Prior to the issuance of a building permit, the final design and locations for trash enclosure areas shall be submitted for review and approval by the Community Development and Public Works Departments.

During the project's operational phase, exterior trash enclosures shall be kept closed and locked during non-business hours to discourage, loitering, illegal dumping and theft.

56. **Outside Storage** – No outside open storage of any kind shall be permitted on the site, including recycled materials, packaged materials or materials within containers. There shall be no outside containers for the purposes of storing items, such as cargo containers, unless otherwise approved through an evaluation process set by the Community Development Department Director including any necessary noticing requirements and documents deemed required by the Director.

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57. **Roof Access** – Access to the building roof shall only be from the interior of each building and shall be secured with appropriate hatches and locked when not being used. Exterior ladders are prohibited. Design, location and security requirements of said access shall be subject to approval of the Community Development Department and the Police Department.
58. **Downspouts** – Downspouts shall be avoided or concealed within the building walls at specific feature corner elements, such as the commercial/retail corner or any façade viewable from Thousand Oaks Boulevard. Any downspout not concealed within the building walls must be painted to match the wall behind.
59. **Roof-Mounted Mechanical Equipment** – All roof-mounted mechanical equipment, including air conditioning, roof fans and any other similar equipment, as well as roof ladder protrusions, shall be located within the mechanical equipment enclosures as depicted on “Project Plan Set,” date stamped February 15, 2024. Said equipment shall be screened from public view including Thousand Oaks Boulevard, Lombard Street, 101 Freeway, and from properties adjacent to and within the project site. Roof screening treatment shall be designed in a manner that is integrated with the building design.
- Prior to issuance of a building permit, final detailed cross-section drawings, studies, equipment manufacturer’s catalogue cuts, brochures, specifications and specific exhibits and roof equipment locations shall be submitted for the review and approval of the Community Development Department. After installation if any roof mounted equipment is visible from public view, additional screening will be required. The design and extent of said screening shall be subject to the review and approval of the Community Development Department.
60. **Surface-Mounted Mechanical Equipment** – All surface-mounted mechanical equipment, including transformers, terminal boxes or meter cabinets, shall be screened by landscaping or enclosed by solid decorative masonry walls or stucco wood frame and solid wood gates of a material which is integrated into the character and materials of the project and/or surrounding landscaping design subject to the review and approval of the Planning Division of the Community Development Department and other City utility providers.
61. **Utility Lines** – All new utility service lines shall be installed underground.

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62. **Existing Overhead Utility Poles and Utility Lines Undergrounding** – Prior to the issuance of a Certificate of Occupancy, the existing 66KV and all other associated overhead utility lines located within the project site and adjacent to the project site along East Thousand Oaks Boulevard shall be installed underground, as set forth in the Development Agreement DAGR 2023-70001. All existing utility poles shall also be removed, other than the riser pole at the southern edge of the property, and a riser pole on either the north side of Thousand Oaks Blvd (or at Hillcrest Drive), in accordance with DAGR 2023-70001. The undergrounding of SCE overhead utility poles and utility lines will extend north along Hodencamp Road under the terms of DAGR 2023-70001 unless the City and Applicant, Owner or any other party assigned the rights to the project approvals agree to alter the undergrounding plan under the terms of the development agreement. City and any party subject to these conditions will enter into a reimbursement agreement for the cost of undergrounding as set forth in DAGR 2023-70001.
63. **Backflow Device** – Any proposed backflow device shall be screened from public view, subject to review and approval by the Community Development and Public Works Departments.

PARKING, ACCESS, AND DRIVEWAY

64. **Required Parking** – A minimum of 475 total parking spaces shall be provided for the project, consisting of 48 commercial spaces, 408 residential spaces, and 19 “surplus” guest parking spaces, as shown on site within “Project Plan Set,” date stamped February 15, 2024. A maximum 50% reduction of surplus guest parking spaces may be permitted upon review and approval of the Community Development Department. The commercial and residential parking shall be spatially distinct and independent of each other. All parking spaces and driveway aisles shall be designed in accordance with Section 9.4-2404 of the Municipal Code and SP-20. Any minor change to parking or future development on the subject property shall be reviewed and evaluated by the Community Development Department. Any substantial change may require the filing of a modification application to be considered by the Planning Commission.
65. **Buildings B and C Parking Garage Design** – The floor level above the parking structure shall not exceed six (6) feet above finished grade for more than fifty (50%) percent of the perimeter and shall not exceed twelve (12) feet above finished grade at any point, as shown on site within “Project Plan Set,” date stamped February 15, 2024.

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- Any exposed elevation associated with the below-grade parking structure shall be designed to reflect architectural compatibility with existing or proposed structure. Any above-grade, visible portions of the exterior elevations of the below-grade parking structure shall be designed to minimize the use of blank facades through the combined use of appropriate architectural treatment such as heavy textured concrete, planters, openings, indentations, and projections of exterior walls to provide visual interest. at least 20% of the daylighting portion of the garage, must consist of windows or other openings.
66. **Parking Striping** – All parking spaces shall be identified with double four inch (4") wide stripes at sixteen inches (16") on center as specified in Section 9-4.2404(a)(2) of the Thousand Oaks Municipal Code.
 67. **Multi-Family Residential Compact Parking** – Maximum permitted compact parking spaces shall not exceed thirty-five percent (35%) parking spaces based on the total parking requirements as indicated under Section 9-4.2404(d)(1)(i). No overhang compact parking space shall be permitted within five (5) feet of any vertical obstruction.
 68. **Commercial Compact Parking** – Maximum permitted compact parking spaces shall not exceed twenty-five percent (25%) parking spaces based on the total parking requirements as indicated under Section 9-4.2404(d)(1)(iii). No overhang compact parking space shall be permitted within five (5) feet of any vertical obstruction.
 69. **Parking Stall Dimensions** – The dimensions and design of all standard (non-compact or ADA) parking stalls shall be installed as required in Article 24, Chapter 4, of Title 9 of the Thousand Oaks Municipal Code. Parking stall lengths for stalls that overhang a landscape planter shall be reduced from twenty (20) feet to a depth of eighteen (18) feet to allow the remaining two (2) feet to be converted to landscaping. A width of nine (9) feet shall be required for all parking spaces.
 70. **Parking Stall Clearance** – Parking spaces located adjacent to walls must be at least one (1) foot wider to accommodate door opening clearance and vehicle maneuverability. Parking located adjacent to columns within a parking structure also must be one (1) foot wider except for columns placed within four feet of the front or back of a stall.
 71. **Parking Overhang/Path of Travel** – Where head-in parking spaces are located adjacent to a path of travel, the minimum path of travel sidewalk width shall not be less than seven (7) feet to accommodate a minimum clear

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sidewalk width of four (4) feet, allowing three (3) feet for the parking overhang.

72. **Loading Zone** – One loading zone at Building B, shall be provided and maintained. The loading zone shall be not less than twelve (12) feet in width by twenty-five (25) feet in depth by fourteen (14) feet in height pursuant to TOMC Section 9-4.2405.
73. **Temporary Parking Area** – A designated temporary parking area to accommodate pick-up and/or drop-off activities by delivery and rideshare companies, (i.e. DoorDash®, Uber®, Lyft®, Relay Rides®, etc.) shall be provided at the northeast corner of Building C. Appropriate curb designations and signage indicating the hours of operation shall be provided to ensure this area is utilized for these short-term uses and not for the parking of vehicles. All signage is subject to review and approval by the Public Works and Police Departments.
74. **Parking Restriction** – No parking space shall be utilized for overnight storage of vehicles, other than tenant vehicles.
75. **Parking Management Program** – Prior to occupancy of the project, a Parking Management Program shall be designed and submitted to ensure that proper parking assignments for tenants, guests, and employees are established within the parking structure and designated exterior spaces, as well as address timing and procedures for moving activities and moving-related vehicles/vans for all residential, commercial tenants and live/work units.

All parking stalls within below-grade parking structures shall be designed for the use of owners, tenants, residents, and employees only. A physical barrier shall be provided separating residential and commercial parking stalls.

As part of the Parking Management Program, the applicant shall provide appropriate signage and develop an action plan to prevent parking from spilling off-site onto adjacent locations/properties and prevent residential use of exterior parking spaces intended for the commercial operations on the site. Said program shall be subject to the review and approval by the Community Development, Public Works and Police Departments.

76. **Pedestrian-Friendly Roadway Design** – The internal roadway shall provide raised crosswalks, utilize cast in place concrete with enhanced finish (such as topcast and sawcut patterning), and install bollards as shown on the “Project Plan Set” dated February 15, 2024. Final materials and

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design shall be subject to review and approval by the Community Development, Public Works, and Fire Departments.

77. **Decorative Sidewalk Treatment** – The use of decorative material such as rock, tiles, pavers, cast in place concrete with enhanced finish, or similar patterned material shall be provided at the pedestrian entrance(s) to each building, including but not limited to pedestrian access from Thousand Oaks Boulevard and the commercial uses, as well as between Lombard Street Boulevard and Building A. The materials and colors shall be submitted to the Community Development Department for review and approval prior to issuance of building permits. The installation and materials shall comply with ADA and Title 24 disabled access requirements for path-of-travel areas.
78. **Pedestrian Walkways** – The applicant shall utilize a decorative and contrasting surface material and/or color, such as cast in place concrete with enhanced finish, for the pedestrian building entrances and internal road cross-walks, as depicted within the “Project Plan Set,” date stamped February 15, 2024. The materials and colors shall be submitted to the Community Development Department for review and approval prior to issuance of building permits. The installation and materials shall comply with ADA and Title 24 disabled access requirements for path-of-travel areas.
79. **Driveway Entrances** – The project’s two-way driveway aisle entrances from Thousand Oaks Boulevard and Lombard Street shall be composed of decorative paving materials (such as at-grade cast-in-place concrete with enhanced finish), subject to the review and approval by the Community Development and Public Works Departments.
80. **Driveway and Parking Lot Grades** – The driveway and parking lot shall be designed as depicted on grading within “Project Plan Set,” date stamped February 15, 2024. All parking lot areas shall have a maximum gradient slope of 2.5% and parking spaces shall have a maximum cross-slope of 2%. All driveways including exterior and interior shall have a slope no greater than 7% and each ramp in the parking garage shall not exceed a maximum of 10% gradient as specified under Section 9-4.2405(a) of the Municipal Code unless otherwise approved by the Community Development and Public Works Departments.

LANDSCAPING

81. **Parking Lot Shade Coverage** – The applicant shall provide ten (10%) percent shade coverage in all surface parking areas within fifteen (15) years per Section 9-4.2409(a)(6)(i) of the Municipal Code.

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82. **Parking Lot Finger Planters** – A tree shall be planted at the ends of each finger planter per Landscape Guidelines Resolution No. 2007-116 as depicted within the “Project Plan Set,” date stamped February 15, 2024.
83. **Added Landscaping for Compact Parking and Parking Structure** – The project shall provide a minimum 5 feet of landscaping anywhere the parking garage daylight. An alternate landscaping proposal (considering size, quantity, tree type, siting) shall be reviewed and approved by the City of Thousand Oaks Community Development Director during plan check.
84. **Garage Screening** – The perimeter of any below-grade parking structure, above grade, visible to view, shall be provided with a landscape planter of at least five (5) feet in width at ground level unless otherwise recommended or required by the Community Development Department, including the Building Division.
85. **Landscape Design Compliance/Approval** – All landscaping and irrigation improvements shall be designed and installed in accordance with the City’s Guidelines and Standards for Landscape Planting and Irrigation (Resolution No. 2007-116). All landscape plans shall demonstrate compliance with the State of California Model Water Efficiency Landscape Ordinance (MWELO).

Complete landscape and irrigation plans reflecting compliance with all imposed conditions of project entitlements shall be submitted and receive final decision prior to the issuance of any grading permit and building permits. Said plans shall be subject to review and approval by the Community Development and Public Works Departments.

The location of light fixtures shall be shown on the landscape plans to ensure no conflict occurs between placement of trees/shrubs and light fixtures and to avoid plant growth interference with the level of illumination. The use of reclaimed water for landscaping where available is encouraged.

86. **Landscaping and Irrigation** – Landscaping shall be designed using xeriscaping techniques; i.e. drought-tolerant low water-using plants and as allowed in SP-20. The use of lawn, grasses, and turf shall be minimized. Landscape irrigation systems shall likewise be designed using low-output sprinklers and/or drip automatic timed controls.
87. **Landscape Planters** – All landscape planters and fingers shall be planted with shrubs, trees and flowers subject to the review and approval of the Community Development Department. Trees planted on the podium will be installed in either raised planters constructed of masonry or cast in place

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concrete, or in depression cast into the podium deck as depicted within the "Project Plan Set," date stamped February 15, 2024. A minimum of 42" of soil depth and minimum horizontal dimension of 2 times the root ball must be provided unless otherwise approved by the City landscape consultant and Building Division.

88. **Landscaping Material Selection** – All new landscaping treatment shall consist of combinations of minimum fifteen (15) gallon, twenty-four inch (24"), thirty-six inch (36") and forty-eight inch (48") box size deciduous and evergreen trees as well as five (5) and fifteen (15) gallon shrubs. Larger size trees may be required to complement the building's facades. The type of landscaping material shall be selected in a manner that blends with existing landscaping treatment in the area. The specific size, number and species of plant materials used shall be included on the landscape plans subject to review and approval by the Community Development Department.
89. **Final Landscape Plans** – The submitted preliminary landscape plan is approved in concept only. Prior to the issuance of a grading and building permit, final construction landscape and irrigation plans reflecting compliance with all imposed conditions of project entitlements shall be submitted under separate permit for review and approval by the Community Development Department through a Landscape Plan Check application. Any landscape and irrigation improvements shall be designed and installed in accordance with the City's Guidelines and Standards for Landscape Planting and Irrigation Plans (Resolution No. 2007-116).
90. **Public Exterior Space and Common Amenity Space** – Potted landscaping and built-in tree wells shall be provided within the exterior public space and common amenity areas as shown on the conceptual landscape plan within the "Project Plan Set," dated February 15, 2024. Said plant materials shall be incorporated on the required final landscape plan.

FENCES, AND WALLS

91. **Existing Chain-link Fencing** – Any existing chain-link fencing shall be removed, but may be re-used as temporary construction fencing and repositioned in order to preserve and protect on-site oak and landmark trees as determined by the Project's Tree Consultant and the Community Development Department.
92. **Wall/Fence/Gate Design** – All walls, fences, and gates shall be constructed of decorative material(s) that match the materials and style of the primary

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- buildings. Final detailed drawings of all walls and fencing including elevations, material selections and site plan locations shall be submitted prior to the issuance of any building permit, subject to review and approval of the Community Development and Public Works Departments. Chain link fencing is not approved for any wall, fence or gate.
93. **Screen Walls or Hedge** – Screen walls along the eastern and southern property lines shall provide a decorative cap detail along the entirety of the wall(s) and painted to match the new development prior to final occupancy. Prior to the issuance of a grading permit, such design shall be submitted for review and approval by the Community Development, Public Works Department, and Caltrans.
94. **Retaining Walls** – Retaining walls along the eastern and southeastern property lines shall consist of masonry with stucco slim coat material, pilasters at 40-foot intervals, and decorative cap. All other retaining walls shall be constructed of a decorative masonry material with a decorative cap that match the materials and style of the primary buildings. All retaining walls shall be limited to a maximum exposed height of six (6) feet, unless otherwise authorized by the Community Development and Public Works Departments for purposes of lessening the amount of grading without negatively impacting public views of the property. In no case shall retaining walls exceed twelve (12) feet. All retaining walls shall incorporate the design and materials utilized on the buildings and be softened by the installation of landscaping adjacent to the wall. Where such walls are exposed to public view, pilasters and/or horizontal articulation of varying depths shall be provided to break up a long linear monotonous appearance. The design and location of all retaining walls shall be subject to review and approval of the Community Development and Public Works Departments.

LIGHTING

95. **Site Illumination** – Site illumination within the project shall be designed in a manner that is uniform in design and appearance. Parking lot illumination shall be designed in accordance with the City's parking lot standards and compliance with the California Building Codes applicable at the time of issuance of the permit. Review and approval of such lighting shall be processed under a separate permit. Special design features within these fixtures shall include flat lens and shielding devices to avoid an over-intensification of illumination, to direct the illumination in a downward direction (full cut-off) and to eliminate any spillover of light into adjacent properties and past the centerline of public streets.

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All pole lighting utilized shall not exceed 14 feet in height and shall be provided with concrete pedestals finished to complement the earthtone colors of the buildings as shown on site within "Project Plan Set," date stamped February 15, 2024. All pedestals shall be painted the same color which shall complement one of the main wall colors of the buildings, subject to the review and approval of the Community Development Department. Where pedestrian walkways occur, the height of these fixtures may be reduced in proportion to human scale.

Use of bollard type lighting for safety adjacent to driveways is also encouraged for pedestrian traffic circulation. All lighting attached to these features shall be decorative, oriented in a downward direction, and downward shielded. Prior to issuance of a parking lot electrical permit, a photometric analysis and light fixture catalogue cuts and specifications shall be submitted to the Planning and Building Divisions for review and approval.

96. **Photometric/Light Fixture Catalogues and Specifications** – All exterior lighting shall be processed under a separate permit. Prior to the issuance of any electrical and building permits for exterior lighting, a photometric analysis prepared by a registered Electrical Engineer and accompanied by light fixture catalogs, brochures, and specifications shall be submitted for review and approval by Building and Planning Divisions of the Community Development Department, as well as review by the Police Department.
97. **Light Spillover** – Light spillover may not occur outside property boundaries or past the centerline of public streets.
98. **Restriction of Light Poles** – Light poles are prohibited at the ends of the landscape fingers as the end of landscape fingers are intended to be planted with trees to allow their canopies to cover drive aisles and parking spaces and to reduce the likelihood of a vehicle colliding with a light pole. The location of a light pole within a landscape finger is to be a coordinated effort between a landscape architect and a photometric engineer. Deviations from this prohibition shall be permitted only by written consent of the Community Development Director or designee.
99. **Decorative Lighting Above Public Area** – Low intensity lighting may be provided above and across the public exterior space.
100. **Lighting on Roof Top Terrace** – No roof illumination shall be permitted except as otherwise needed to comply with building security requirements. The design and location of such fixtures shall be subject to review and approval of the Community Development Department prior to the issuance

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- of a building permit. The rooftop areas shall be illuminated with wall sconces and shall not extend beyond the height of the parapet. Additionally, the rooftop areas may be illuminated subject to the following:
- a. Cut-off shields shall be installed/maintained on each side of the light fixtures visible from the parapet wall perspectives;
 - b. Motion sensors shall be installed to limit operation of the lighting to times activity is detected on the rooftop areas. Lighting shall be off when no activity is on the rooftop; and
 - c. Stand-alone light standards shall not exceed the height of the parapet.
101. **Wall Lighting** – Wall-pack type light fixtures at building entrance doors, loading areas, and outdoor areas within public view area shall not be permitted. Lighting may be provided by decorative downward shielded light fixtures, recessed in a downward direction from projecting canopies, recessed doorways, and window openings. Decorative architectural light fixtures shall be installed on the building walls. Light fixture cut sheets shall be submitted for review and approval by the Planning Division. Architecturally designed fixed pendant and bracket light fixtures are permitted. The use of such lighting shall be designed to create a uniform illumination generally in a downward direction and not create illumination hot spots on adjacent surfaces.
102. **Light Source** – The use of low-pressure sodium illumination; bright white, high intensity LED; or metal halide lighting is prohibited.

SIGNS

103. **All Signs** – All site and building signage shall be designed to meet the Architectural Guidelines for Commercial Projects (Res. No. 2005-011), Precise Plan of Design Guidelines (Res. No. 2023-61), as well as Title 9, Chapter 4, Article 23 of the Municipal Code and SP-20. The design, color and location of all site and building signs as well as address numbers shall be processed under separate permits. Prior to the issuance of any sign permits, detailed plans shall be submitted for the review and approval of the Community Development Department.

AMENITIES

104. **Private Storage** – A minimum of 56 cubic feet of private enclosed storage area per unit, must be provided in garages, carports or patio areas must be provided as shown on the “Project Plan Set” dated February 15, 2024.

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105. **Amenity Play Areas** – The project must provide three (3) open space play areas within the development consisting of one (1) for general use, one (1) for teenagers, and one (1) for younger children. The one play area for children shall include the following:
- a. Have a minimum dimension of 15 feet in any direction unless otherwise approved by the Community Development Director, and a minimum area of 600 square feet.
 - b. Play equipment for children under the age of five (5) must be included in child play areas.
 - c. The play area must be visible to as many units as possible to provide casual surveillance.
 - d. The play area must be separated from traffic and any adjacent streets or parking lots with a fence or other barrier at least four (4) feet in height.
 - e. Seating for adults that are accompanying younger children must be provided.
106. **Public Exterior Space** – The public space located in front of Buildings A and B shall utilize decorative paver stones. The outdoor public and open space area shall incorporate potted plant materials. The size, type, and location shall be identified on the formal landscape plan check review, subject to the review and approval by the Community Development Department.
107. **Maintenance of Common Facilities** – All improvements within common areas of the project including lighting, landscaping, fences, walls, buildings, and other related features shall be properly maintained in accordance with conditions of this permit as well as all applicable ordinances and shall not be altered in any manner without prior approval of the City. Any alteration, removal, abandonment, or discontinuance without prior City approval shall constitute a violation of the Development Permit and conditions and shall be sufficient grounds for a Code Compliance action.
108. **Common On-Site Recreational Amenities for Residents** – The applicant shall provide common on-site recreation amenities for the exclusive use by the residents and/or their guests, which include a swimming pool and associated courtyard with seating areas, interior amenity/fitness room, roof terraces and seating courtyard area as shown on the site, floor and conceptual landscape plans in the “Project Plan Set” dated February 15, 2024.

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109. **Common On-Site Recreational Amenities for Guests of Residents** – The applicant shall provide common on-site outdoor public amenities for guests of the project consisting of seating, public art, water feature(s), gardens and roof terraces as shown on the site, floor and conceptual landscape plans in the “Project Plan Set” dated February 15, 2024.
110. **Private Useable Open Space** – A minimum of 25% of residential units facing a street, alley or common interior courtyard must include a balcony, as shown in the “Project Plan Set” dated February 15, 2024. Each residential unit must have direct access to adjoining private open space reserved for the exclusive use of residents of the dwelling unit and their guests. Private open space for each unit must be a minimum of 24 square feet with a minimum dimension of six (6) feet.
111. The applicant shall submit a building cost analysis, including the cost for both buildings and provide on-site public art equivalent to 0.25 percent of the building cost, submit an equivalent in-lieu fee, or combination thereof equaling the required public art percentage value.

COMMERCIAL USES

112. **Notice to Tenants** – The management of the property shall include, as an addendum to all tenant leases, disclosure of the hours of operation for the commercial tenants, including the live/work units, and advisement of the potential for alcoholic beverage consumption and/or live entertainment and special events on the site.
113. **Outdoor Dining Area Limitation** – Outdoor dining areas shall be subject to all requirements as specified in Section 9– 4.2523 of the Thousand Oaks Municipal Code except that no parking spaces are required for the first 500 square feet of outdoor dining per commercial unit. Any outdoor dining area more than 500 square feet shall require 1 space per 100 square feet (as required by SP-20).
114. **Outdoor Dining Enclosure** – Outdoor dining areas shall be reviewed in conjunction with any proposed future restaurants and the applicant shall submit a sample of the enclosure materials and colors for review and approval by the Community Development Department prior to installation.
115. **Advertising Prohibited on Furniture for Outdoor Dining Areas** – Tables, chairs and/or umbrellas within any outdoor customer dining area shall be consistent in materials with the design requirements for the commercial component of the project and shall not contain any advertising or signs.

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116. **Outdoor Dining Furniture** – The design, colors, and materials of the furniture proposed for the outdoor customer seating area shall be subject to the review and approval of the Community Development Department. The applicant shall submit cut sheets and/or brochure information for review and approval by the Community Development Department.
117. **Path of Travel** – A minimum four (4) foot wide path of travel shall be maintained for pedestrian and disabled access circulation to and within any proposed outdoor customer seating area.
118. **Storefront Window Display Area** – Product display and product display window areas shall comply with the following standards:
 - a. The bottom of any window or product display window may not be more than three and one-half feet above the adjacent sidewalk.
 - b. Product display windows must have a minimum height of four feet and be internally lit.
119. **Commercial Operations** – Commercial-only use areas must include direct service to customers on site and may not include those businesses which only serve off-site customers through delivery services. All on-site commercial operations shall provide services from the tenant space to the public. No “delivery-only” operations are permitted.
120. **Delivery Hours** – Deliveries for the commercial uses shall be limited to the hours of 7:00 A.M. to 7:00 P.M., seven days a week. Should any verified complaint of a nuisance occur as a result of delivery hours and/or operations, the City may add or modify a project condition to change the delivery hours and/or operation to mitigate the nuisance.
121. **Truck Deliveries** – Delivery vehicle engines shall be turned off during loading/unloading activities. Signage expressing this condition of approval shall be posted at designated loading areas.
122. **Live/Work Units** – The Community Development Director shall determine the appropriateness of all uses within the designated work/live unit. Other business operations requiring interpretation as a permissible use shall be considered by the Community Development Director through an appropriate permit process. The designated work/live units as shown on the “Project Plan Set” dated February 15, 2024 shall comply with the following:
 - a. The work portion of the tenant space shall be limited to the designated work area within the first floor of the unit and exclusively operated by the occupant of the living area portion of the unit. No additional employees are permitted.

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- b. The commercial uses shall be restricted to business and professional offices with individual client programs, including, but not limited to, attorneys, insurance agents, accountants, design professionals, and similar uses with low volume customer traffic.
- c. The following commercial uses are not permitted:
 - i. Any business involving medical, dental, physical therapy, or surgical use that requires additional parking other than allowed under this special use permit; or
 - ii. Any use that causes noise and/or vibration not typical of the ambient levels in the residential area.
- d. Exterior signage shall be limited to one on– building non– illuminated sign that shall be centered horizontally and vertically above the tenant space entrance.
- e. The work/live units shall not be combined or otherwise modified to increase the unit size.

AFFORDABLE HOUSING

123. **Affordable Housing Covenant** – Approval of this residential project is subject to execution of an Affordable Housing Covenant entered into between the Developer and City of Thousand Oaks. Said Affordable Housing Covenant shall incorporate the following conditions and is subject to approval by the City Attorney and Community Development Director.
- a. Affordable Housing Covenant shall be recorded prior to final building permit issuance. The covenant shall be recorded with the County of Ventura to provide notice and obligations to any future owners.
 - b. The Affordable Housing Covenant shall require 44 units as affordable units. 44 units will be preserved to households at the lower-income level of 80% of the Ventura County area median income.
 - c. Developer agrees to execute an Affordable Housing Covenant with City that provides for the on-going affordability of these 44 restricted units for 55 years from the date of the City’s issuance of the final certificate of occupancy.
 - d. The City may extend the affordable period if the owner does not comply with the Affordable Housing Covenant.
 - e. Affordable Housing Covenant shall include the affordable housing site plan identifying the location of the specific affordable unit, bedroom size, and restriction level.
 - f. Affordable units shall be comparable in exterior appearance and overall quality of construction to market-rate dwelling units in the same residential development. The design and appearance of the

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affordable units shall be compatible with the design of the market-rate units.

- g. Affordable units shall be proportional, in number of bedrooms and gross floor area of habitable space to the market rate units, including washer and dryer, and access to all amenities.
- h. Affordable units shall be dispersed throughout the mixed-use and multi-family residential buildings of the development in a manner acceptable to the City. The on-site resident manager's unit shall not be counted as one of the affordable units.
- i. The operation and maintenance of the affordable residential units shall comply with applicable property maintenance and habitability codes. The deed restriction/affordable housing covenant shall address operation and maintenance performance standards and schedules to ensure parity of operation and maintenance between the affordable residential units and the market rate units at all times.
- j. The Affordable Housing Covenant shall require the Developer to create an Affirmative Fair Housing Marketing plan to ensure that fair housing laws and practices are implemented.
- k. The Affordable Housing Covenant shall require the Developer and future owners to annually verify and certify household income as well as tenant's occupancy.
- l. The Affordable Housing Covenant shall require the Developer and future owners to submit to the City an annual report.
- m. The Affordable Housing Covenant shall be in compliance with the latest California State requirements.

The Affordable Housing Covenant shall be reviewed and approved by the Community Development Department and City Attorney's office prior to the issuance of a grading permit.

**COMMUNITY DEVELOPMENT DEPARTMENT-
CONDITIONS FOR PTP 2023-70067**

124. **Land and Application** – The Protected Tree Permit is granted for the land described in the application and any attachments thereto and as indicated on the Tree Location Map and part of the Protected Tree Report, dated January 2024 prepared by Dudek.
125. **Scope of Permit Approval** – The Protected Tree Permit is granted to allow the following:
 - Removal of 17 Coast Live Oak (*Quercus agrifolia*) trees (Tree Nos. 3– 8, 10, 13-15, 17- 18, 22- 23, 36, 46 and 50);

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- Removal of 5 Valley Oak (*Quercus lobata*) trees (Tree Nos. 32, 40,43,51, and 52);
- Encroachment into the protected zone of 6 Coast Live Oak (*Quercus agrifolia*) trees (Tree Nos. 9,16,29,30,35, and 37);
- Encroachment into the protected zone of 2 Valley Oak (*Quercus lobata*) trees (Tree Nos. 1 and 2); and
- Encroachment into the protected zone of 1 Holly Oak (*Quercus ilex*) trees (Tree No. 31).

126. **Preservation of Existing Oak and Landmark Trees** – The preservation of one coast live oak tree identified as trees numbered 20, one valley oak tree identified as tree numbered 21, and one holly oak tree identified as tree numbered 39 in the Protected Tree Report, is authorized under this permit. Appropriate work methods and monitoring are required as described in the Protected Tree Report dated January 2024, prepared by Dudek.

127. **Oak Tree Replacement** – The applicant shall provide two 24– inch box and one 36– inch oak replacement tree for each Coast Live Oak (*Quercus agrifolia*) tree removed. As such, a total of 64 mitigation trees are required:

1. 40 twenty– four (24”) inch box specimens, and
2. 20 thirty– six (36”) inch box specimens.
3. 4 sixty (60”) inch box specimens

Depending on nursery availability and project site size limitations, if different sized trees are proposed for installation, an alternate proposal (considering size, quantity, tree type and site) shall be reviewed and approved by the City of Thousand Oaks Community Development Director during plan check.

Prior to the Certificate of Occupancy being issued, if all of the replacement trees cannot fit on the developed project site, the applicant shall instead either plant the replacement oak trees on public property such as designated open space area, public parks, etc., subject to Community Development Director approval; or provide an in-lieu cash payment to the City’s Open Space Conservation Fund in the amount of \$102,614.77, which represents the total current cost of purchasing similar tree species of the required mitigation size, transporting the trees to a receiving site, planting the tree, installing necessary irrigation, and the anticipated cost of water. The Community Development Direct may require fewer trees to be planted off– site or a smaller in– lieu fee if the developer plants and maintains larger box– size oak trees on the project site than required by the City of Thousand Oaks Oak Tree Preservation regulation.

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- The Community Development Director shall coordinate any off-site tree planting locations with the Conejo Open Space Conservation Agency (COSCA) and replacement trees shall be placed on COSCA property or as agreed to by the Director of the Community Development Department. Any in-lieu fee approved by the Community Development Director in association with COSCA shall be made prior to the Certificate of Occupancy being issued for the final building.
128. **Mitigation Oak and Landmark Tree Location Map** – Prior to issuance of a grading permit, the applicant shall submit a mitigation tree location map demonstrating the location of the replacement trees.
 129. **Oak Tree Preservation and Protection Guidelines Compliance** – All construction activities to or near an oak tree shall conform and abide by the City of Thousand Oaks, Oak Tree Preservation and Protection requirements as specified in Article 42, Chapter 4 of Title 9 of the Thousand Oaks Municipal Code and Resolution No. 2010- 014.
 130. **Removal of Tree Debris** – Pursuant to Resolution No. 2010-014, all portions of the 17 Coast Live Oak (*Quercus agrifolia*) trees and 5 Valley Oak (*Quercus lobata*) trees approved for removal, as well as any deadwood from the on-site protected trees shall be removed from the site and disposed of legally. Additionally, the stumps shall be completely removed to a minimum of four inches below grade and the hole filled with soil.
 131. **Pre-Construction Meeting** – Pursuant to Resolution No. 2010-014, a pre-construction meeting shall be held between all contractors (including grading, tree removal/pruning, builders) and the ISA-Certified Arborist. The ISA-Certified Arborist shall instruct the contractors on tree protection practices and answer any questions. All equipment operators and spotters, assistants, or those directing operators from the ground shall provide written acknowledgment of having received tree protection training. This training shall include information on the location and marking of protected trees, the necessity of preventing damage, and the discussion of work practices that will accomplish such.
 132. **On-Site Work Monitoring** – Pursuant to Resolution No. 2010-014, all work described in this permit shall be monitored by the applicant's Tree Consultant and it shall be the responsibility of the applicant to contact the consultant and arrange for the successful completion of these conditions. The applicant is required to provide written notice to the following parties at least 48 hours prior to beginning any work within the protected zone of any

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preserved tree: the City's Community Development Department, the City's Oak Tree Consultant, the Applicant's Oak Tree Preservation Consultant.

133. **Root Protection** – Pursuant to Resolution No. 2010-014, where structural footings are required and roots will be impacted, the footing(s) shall be bridged, and the roots protected. All such roots shall be covered with a layer of plastic cloth and two to four inches of Styrofoam matting, or other protective measure as approved by permit, prior to pouring the footing.
134. **Root Preservation** – During excavation, if an oak and/or landmark tree root over two inches (2") in diameter is encountered, the applicant shall immediately contact Planning Division of the Community Development Department to schedule a field inspection to determine if it is appropriate to cut the root(s) or whether the improvements need to be redesigned and/or relocated to avoid root damage to ensure preservation of the trees.
135. **Protective Fencing, Flagging and Signage for Onsite Oak Trees** – Pursuant to Resolution No. 2010-014, an International Society of Arboriculture (ISA) Certified Arborist shall be retained to oversee that all remaining trees that will not be relocated or removed shall be preserved and protected in place. Prior to any grading or construction activities, the applicant and the applicant's Tree Consultant shall confirm with the Community Development Department that required signage and protective chain-link fencing (or other material satisfactory to City of Thousand Oaks planning staff) measuring a minimum of five (5) feet in height shall be placed at the protected zones (approximately 15 feet from the trunk or 5 feet outside the dripline, whichever is greater, of each tree or edge of canopy for cluster of trees) or construction limits for all on-site and off-site protected trees in accordance with the Oak and Landmark Tree Preservation and Protection requirements.

Additionally, signs must be installed on the fence in four locations (equidistant) around each tree. The size of each sign must be a minimum of two (2) feet by two (2) feet square and must contain the language as recommended by the Applicant's Oak Tree Preservation Consultant.

136. **Mitigation Tree Maintenance** – An irrigation system designed for "dryscape" planting shall be installed for successful oak establishment, which generally involves a drip-system irrigation for managing water distribution near the oak trees and does not include watering during summer months when natural rainfall would not be abundant. Maintenance shall include leaving the leaf-litter build-up or a 3-inch layer of mulch under the

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canopies of the oak trees to promote healthy tree growth and root development.

In the event a mitigation trees dies or is otherwise removed, each dead or removed tree shall be replaced with 2-24" box and 1-36" box oak trees of the same Genus and species.

137. **Oak and Landmark Tree Maintenance** – The continued maintenance of all on-site oak and landmark trees is the responsibility of the property owner. All oak trees shall be maintained in accordance with the Oak Tree Preservation and Protection Guidelines Resolution 2010-14.
138. **Use of Hand Tools** – Unless otherwise authorized by the Community Development Director, all work, other than the tree removals, within the protected zones of oak and landmark trees shall be performed with hand tools only and performed under direct supervision of the applicant's oak tree consultant.
139. **Excavation in Protected Zones** – All excavation and construction activity within the protected zone of the existing oak and landmark trees shall be performed with the use of hand tools only, in accordance with the Oak Tree Preservation and Protection Guidelines Resolution, No. 2010– 14, and observed in progress by the applicant's oak tree consultant.
140. **Storage of Materials** – No storage of materials is permitted within the protected zones of any oak and landmark trees.
141. **Irrigation/Landscaping Encroachments** – All plans for landscaping beneath a protected tree shall be submitted for the review and approval of the Community Development Department.
142. **Drainage** – Positive drainage shall be provided to direct run-off away from any protected tree.
143. **Lighting Encroachments** – No lighting system shall be installed within the protected zone of any oak tree or landmark tree except as otherwise authorized by the Community Development Department.
144. **Herbicides** – No herbicides shall be used within one hundred (100) feet of the dripline of any oak and landmark tree.

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145. **Billing by City Oak and Landmark Tree Consultant** – The applicant shall be billed on a real time basis for any work performed by the City’s oak and landmark tree consultant in conjunction with the Oak Tree Permit.
146. **Written Certification** – The applicant’s oak/landmark tree consultant shall certify in writing that all conditions of the Oak Tree Permit have been met and that protective measures, to ensure the preservation of the subject oak trees, have been properly implemented. A final inspection by the City’s Oak and Landmark Tree Consultant, paid for by the applicant, shall be performed upon receipt of certification and prior to final inspection for building occupancy.

BUILDING SAFETY DIVISION

147. **Bicycle Parking** – In accordance with the 2022 California Green Building Standards Code, Section 5.106.4, the number of short-term bicycle parking facilities shall be equivalent to 5% of proposed vehicle parking. The number of long-term bicycle parking facilities shall be equivalent to an additional 5% of proposed vehicle parking. The configuration and location of all bicycle parking facilities shall be as review and approved by the City Planning Division. The bicycle parking shall be designed to provide two (2) points of contact on the bicycle, be supported upright, and cause no stress onto tires. All provided bicycle parking shall be able to accommodate a standard U-lock.
- a. Short-term bicycle parking spaces are to be provided on site near the front entrance. Bicycle parking should be located along the natural desire lines of travel from the bikeways to the facility entrance, in well-lit areas visible from the front entrance and public areas, in the nature of a bicycle corral or racks. Bicycle parking shall be located outside of pedestrian walkways, loading areas, landscape planters, etc. Where feasible, bicycle-parking areas should be covered.
 - b. Long-term bicycle parking spaces shall be convenient from the street and shall be provided in one or more of the following configurations:
 - i. Covered, lockable enclosures with permanently anchored racks for bicycles;
 - ii. Lockable bicycle rooms with permanently anchored racks; or
 - iii. Lockable, permanently anchored bicycle lockers.
 - c. The applicant shall submit a bicycle parking plan to be reviewed and approved by the Chief Building Official, Traffic Engineering representative in the Engineering Services Division, and the Community Development Director (or his/her appointee). All bicycle parking shall comply with AASHTO, NACTO, or APBP standards, as permitted by the California Building Code.

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148. **Title 24 Compliance** – All requirements of California Uniform Building Code, Title 24, California Code of Regulations, shall be met. A set of plans, at a scale not less than one inch equal to ten feet (1"=10') shall be submitted to the Community Development Department displaying all exterior physically disabled accessibility requirements, including point elevations and details. Prior to the issuance of building permits, the accessibility requirements for the exterior shall be approved by the Building Division for disabled access compliance.
149. **Path of Travel** – The path of travel from the accessible parking spaces to the building entrances shall meet the current standards of the California Uniform Building Code.
150. **Interior Design Approval** – The accessibility requirements for the interior of the proposed buildings will be reviewed when construction documents are submitted for plan check to the Building Division.

PUBLIC WORKS DEPARTMENT

GENERAL

151. **Plan Format** – All plans submitted to the Public Works Department shall be formatted to 24 inch by 36-inch sheet size, using city standard title block, and as-built/record plans shall be submitted as part of the closure and acceptance of the project.
152. **Standard Plates** – The City of Thousand Oaks Public Works Road Design and Construction Standards and Standard Plates, adopted May 15, 2018 in Resolution No. 2018-024 shall be used as the principal criteria for the design of development plans. It shall be the responsibility of the applicant to maintain a copy of the latest edition of said Plates available to all parties utilizing said Plates for construction purposes. The Standards establish uniform criteria, policies, standard and procedures for the design and construction of City roads, drainage facilities and appurtenances. The design engineer shall review the methods and procedures contained in the Road Standards, where not considered applicable, the design engineer shall request an exception from these standards in writing to be approved by the City Engineer. Said Road Standards are available for download at www.toaks.org/roadstandards.
153. **Updating of Existing Improvement Drawings** – All existing improvement drawings in the Department's possession for water and wastewater which are affected by the subject project will be updated by the City to reflect the

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new improvements associated with this project. This work shall be considered as part of the project final process, and subject to a change order fee.

154. **Base Topography Map** – The grading plan for this project must be prepared using topography which has been plotted by photogrammetric methods or survey data compiled no longer than two years prior to the date of submittal of the grading plan and must be on current City datum. The name of the firm which prepared the topography and the date(s) on which the data was compiled or obtained must be shown on the plan. Topography must be presented in 1" = 40' or larger (closer) scale and must extend a minimum of 100 feet outside the limits of the property proposed for development. Any deviation from this condition must be approved by the City Engineer.
155. **Title Report** – A copy of the applicant's preliminary title report for the subject property, dated within 1 year of the entitlement application, shall be submitted to the Public Works Department for review prior to grading plan-check or the issuance of any Building or Grading Permits.
156. **Inspection Hours** – The applicant is advised that City Hall is closed on alternating Fridays, and as such, inspection services are not available on those particular dates. The applicant shall schedule any and all grading, stormwater, encroachment, paving and utility work requiring City inspection accordingly. A schedule of City Hall hours may be obtained from City Hall or at the City's website www.toaks.org.
157. **Survey Monuments** – The Applicant shall be fully responsible for the preservation of all survey monuments to the satisfaction of the City Engineer. Prior to the issuance of any permit and start of construction and prior to the disturbance or destruction of any existing survey monument, all monuments shall be located and referenced with minimum of four (4) ties by the Applicant's Land Surveyor. A corner record or record of survey shall be filed with and approved by the County Surveyor showing monuments that will be disturbed or destroyed, along with the reference monuments or marks and bearings or azimuth and distances to the location of the monument to be disturbed or destroyed. Documentation shall be provided to the City that the surveying has been completed. Prior to completion of construction, all affected monuments shall be reset by the applicant's Land Surveyor. A corner record or record of survey shall be filed with and approved by the County Surveyor prior to the recording of a certificate of completion for project. Documentation shall be provided to the City that the surveying has been completed.

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WATER AND WASTEWATER

158. **Water Service Requirements** – In order to obtain water service, the applicant shall pay for the Cost of the Water Meter Deposit plus the City's Water Plant Investment Fee, at the rates in effect at the time of payment, prior to issuance of a building permit. Additional fees for special facilities zones and fire flow surcharges may also apply. The applicant shall also pay the established change order fee for updating the plans for this new lateral.
159. **Fire Water Service** – If required by the Fire Department to install fire sprinkler systems, the applicant shall install a new separate fire water service line to the building, along with associated double detector check valve to protect the domestic water supply. Applicant is encouraged to contact the County of Ventura's Environmental Health Division for details pertaining to the selection, installation and testing of the double detector check valve assembly.
160. **Fire-Flow Verification** – The applicant shall pay the Department a fee for calculation and verification of the existing water system to deliver required fire flows. In the event the fire flow, as determined by the Ventura County Fire Protection District, cannot be met utilizing the existing system, the applicant shall design and install new water main(s) of sufficient size and length, as determined by the Department, to provide said fire flow. A completed copy of the above-mentioned fire flow calculation must be provided to the Department before, or at the same time as, the submittal of the first plan check for the water system. Plans will not be checked or processed unless these calculations, along with a copy of the plan showing locations for proposed fire hydrants approved by the Fire Department, are submitted.
161. **Cross Connection Device** – The applicant shall design and construct new backflow connection devices for the project's irrigation water as well as fire sprinkler systems. Prior to the issuance of clearance for occupancy by the Department, all cross-connection control devices must be inspected and approved by the Cross Connection Control Specialist of the County of Ventura, telephone 805.654.2436 (TOMC 10-2.600). Full right of access and entry to the cross-connection device shall be granted to the Public Works Department.
162. **Usefulness of Existing Water Laterals** – Where there are existing water laterals serving the subject property and it is the desire of the applicant to reuse these laterals as part of the proposed project, the applicant must demonstrate to the satisfaction of the Department that the lateral(s) are in

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acceptable condition (no broken pipe, no root intrusion, etc.). These laterals must be made of copper; all poly services must be abandoned at the main under Department inspection and the meter boxes removed. Laterals that are not appropriate for re-use must be abandoned at the main under Department inspection.

163. **Revision to Wastewater Design and Construction Standards – For Cleanouts and Slopes of Mains:** the end of all mains shall terminate in a manhole rather than a cleanout, regardless of the downstream length to the next manhole. The minimum slope for wastewater mains shall be 1 percent where the main has less than 10 residences connected to said main. In streets with grades of less than 1.5 percent, the engineer shall attempt to attain the maximum slope possible on wastewater mains in those streets.

For manholes: Standard Plates 17 through 20 are modified to provide that all joints between the barrel sections/riser shafts and/or cone sections shall be wrapped around the exterior circumference of the shafts with “Rub-R-Neck” and joints sealed with “Ram-Neck” mastic joint sealer (both as manufactured by the Henry Company Sealants Division, 1277 Boyles Street, Houston, Texas 77020) or approved equal. Manholes shall be negative pressure tested as specified in ASTM Designation C 1244-93. Steps shall not be installed in the manholes.

For manhole frame and covers: The Alhambra A-1254 frame and cover specified on Standard Plate 17 shall have a cover diameter of 26¼ inches, along with lettering conforming to Section 3.10 of the City’s “Wastewater Design and Construction Standards”. A note shall be shown on the title sheet of the wastewater plans indicating the last two revisions mentioned above for manhole construction.

164. **Procedure for Determination of Wastewater Fees** – Prior to issuance of a building permit for this project, applicant shall submit a plumbing plan and a listing of proposed fixture units for the subject project to the Public Works Department for determination of a "preliminary" wastewater connection fee estimate. The plan and listing will be reviewed for apparent correctness only and the applicant shall pay the wastewater connection fee based on this "preliminary" estimate at the time a building permit is issued. The final fee amount to be paid by the applicant will be based on the actual numbers and types of plumbing fixture units installed as determined by City staff from a field count made of the project building(s) before certificate of occupancy is granted. Any difference between the actual/field verified fixture unit count and the total amount paid will be reimbursed to the applicant. If additional connection fees are due, these shall be paid by the applicant to the City

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upon request. Any existing fixture units for which fees have been previously paid on the parcel will act as a credit against the amount to be paid.

The applicant is strongly encouraged to contact the Public Works Department prior to needing building permits to determine if additional fees are due.

165. **Usefulness of Existing Wastewater Laterals** – Where there is an existing wastewater lateral(s) serving the subject property and it is the desire of the applicant to reuse these laterals as part of the proposed project, the applicant must demonstrate to the satisfaction of the Department that the lateral(s) are in acceptable condition (no broken pipe, no root intrusion, etc.). This can best be done by utilization of a television video from a point on the subject property to the main, or by excavating the lateral at the property line and making a visual inspection of the lateral. Other methods may be utilized, but are subject to Department approval. If the lateral is acceptable to the Department, it may be reused; where it is not acceptable, a replacement lateral must be constructed or the existing lateral renovated (such as by use of pipe bursting technology). Laterals that are not appropriate for re-use must be abandoned at the main under Department inspection.
166. **Restaurant/Cafeteria Grease Interceptor/Trap** – The applicant shall install a grease interceptor (sized as required by the City's Building and Safety Division) to collect and treat oil and grease wastes from any restaurant use prior to discharge to the wastewater system.

DEVELOPMENT ENGINEERING

167. **Encroachment Permit** – Where any construction occurs within public right-of-way, an encroachment permit shall be obtained, plan check and inspection fees paid, an approved traffic control submitted, and bond/security posted (if required) prior to initiating construction of any improvements.
168. **Underground Conduits** – Pursuant to the City Council policy and Resolution No. 91-174, adopted on July 23, 1991, the applicant shall install a minimum two-inch diameter conduit capable of carrying coaxial or fiber optic cable suitable for carrying health and safety features such as fire alarm, water meter reading, telecommunications, etc. Said conduit shall be continuous and placed behind the sidewalk or curb within a public service easement or within a public right-of-way, where applicable. Pull boxes shall be placed at alternate property lines of all lots. The conduit and pull boxes

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- shall be of materials approved by the Public Works Department. The conduits and pull boxes shall be dedicated to the City. The architecture and technical specifications of the conduit system shall be subject to the review and approval of the City Engineer. A 1"=100' scale plan shall be prepared under the direction of a Registered Engineer and shall be submitted to the City Engineer for review prior to approval of the final map or improvement plans. The plan shall include details and general notes, and shall be part of the plan set.
169. **Permission for Offsite Construction** – Prior to the issuance of a grading permit, written permission for all proposed offsite construction along with any required easements from the owners of the affected property shall be submitted to the City Engineer.
170. **Blasting** – If blasting is found to be necessary within the tract boundaries, a modification to the grading permit shall be required, whereupon special provisions relating to the protection of adjacent commercial areas from damage shall be made a part of said grading permit.
171. **Hauling of Imported or Exported Materials** – This project will require exporting of earth from the project site. Prior to issuance of a grading permit the applicant shall submit a written plan to the Department for review and approval. Said plan shall detail the quantity of earth to be exported, the location to which the earth will be taken, the proposed haul routes to be used, the size and numbers of the trucks to be used, the proposed hours of operation (times of day, days of the week, and estimated number of days), the estimated number of round trip truck movements, the proposed methods to be utilized to keep the haul route clear of any dirt dropped along the route, and any other information as may be required by the Department.
172. **Grading Permit and Soils Certification** – The applicant shall prepare and submit final grading plans, improvement plans, erosion control plans, BMP improvement plans, geotechnical soils reports, supporting hydrology and hydraulic calculation reports, title report, and other items as required by the City Engineer in order to obtain a grading permit in accordance with the requirements of the City's Grading Ordinance. Applicant shall also prepare and submit detailed erosion control plans for both phases of land development; the pre-grading / site stabilization phase, as well as the post grading / building construction phase. The grading and improvement plans submitted to the City for plancheck shall at a minimum indicate all topography, proposed improvements, drainage features, water/wastewater connections and laterals, existing easements, interface with adjacent properties, storm drain and drainage systems, and street improvements.

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- All submittals shall include the completed public and private improvement cost estimate worksheets, the required plancheck and inspection fees, and the posting of the required grading bond prior to the start of any construction. After the grading is complete, the applicant shall submit a building pad compaction report and a rough grading certificate from the soils engineer prior to issuance of a building permit. Grading bonds shall be exonerated after satisfactory completion of the project punchlist items, which are generated after the applicant's engineer provides a submittal of the final Record (as-built) Drawings.
173. **On-Site Drainage Design** – Project design shall use the City of Thousand Oaks “Master Plan of Drainage” (2007) for the purpose of establishing on-site storm flows. The project lies within subareas 238C of said Master Plan, with $Q_{10} = 1.73$ cfs/acre and $Q_{100} = 3.02$ cfs/acre. The CFS-per-acre unit discharge in the Master Plan shall be used when preparing the Q_{10} (developed) discharge flows and for the detention calculations up through Q_{100} .
174. **On-Site Drainage** – Project design and engineering plans shall show drainage flows to street and/or yard drains and elevations.
175. **Drainage Study** – The applicant's engineer shall prepare a hydraulic/hydrology analysis for the project. The study shall include, but is not limited to addressing offsite tributary flows, retention/detention, inlet hydraulics and storm drains and appurtenances intended to convey and treat project storm discharges. The focus of the study is to ensure the existing conveyances possess sufficient capacity to pass the Q_{10} (developed) and to demonstrate that no new flooding will occur adjacent to or upon the property during a Q_{100} event as a result of development. The study shall be subject to the review and approval of the City Engineer prior to grading permit issuance.
176. **On-site Ribbon Gutters** – The City prohibits the use of ribbon gutters and encourages the use of graded parking lots with perimeter curb and gutter to convey flow away from pedestrian pathways. Parking lot and drive drainage shall conform to this standard. The use of ribbon gutters will only be considered under special circumstances as determined by the Public Works and Community Development Directors (TOMC 9-4.2405).
177. **Parking Structure Drainage** – The City prohibits the discharge of pressure-washing effluent, antifreeze and motor oils into either the wastewater system or storm drain system. Inasmuch as these are the anticipated discharges from the interior of the parking structure, the applicant shall incorporate a blind sump containment area within the parking

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- structure designed to capture and store such discharges. Provisions shall be provided for periodic pump-out of the blind sump via tanker truck with disposal in conformance with all local, state and federal regulations. The roof and other surfaces of the parking structure directly exposed to rainfall may be drained and discharged in accordance with NPDES design parameters for a normal, rainfall-exposed surface parking lot.
178. **Building Pad Protection** – The project engineer must provide analysis to demonstrate building pad protection from Q_{100} flows. On-site discharges (including roofs, etc) shall be detained behind a wall, graded barriers or curb, and metered through a weir or other controlling device, constraining discharge to the Q_{10} developed condition for the tributary area. Applicants' engineer must prepare calculations to support this design. Said calculations must be approved by the City Engineer (TOMC 4-7.01).
179. **FEMA Flood Plain** – A portion of the property lies within a FEMA designated flood plain. All proposed improvements shall be located outside the designated flood plain. If applicant chooses to apply for a Letter of Map Revision (LOMR) to revise the flood plain limits, building permits for the proposed structures will not be issued until the LOMR is approved by FEMA. This requirement is limited to structures and not improvements such as flat works, sidewalks, etc.
180. **Detention of Onsite Storm Flows** – The applicant's engineer shall prepare a hydraulic/hydrology analysis for the site and design onsite catch basin(s) and conveyances which will pass only the Q_{10} (developed) flows into the public storm drain system. All flows in excess of Q_{10} (developed) up to and including Q_{100} (developed) must be detained on-site. A simplified detention method is available for this site.
181. **Existing Improvements** – Existing improvements adjacent to the property, including but not limited to sidewalks and curb & gutter which are broken or uneven shall conform to City and ADA standards, and if deemed necessary by the City Engineer, shall be repaired or replaced.
182. **Sidewalk Improvements** – Existing sidewalk along Thousand Oaks Boulevard shall be removed and replaced with a new 10-foot widesidewalk, and existing sidewalk along Lombard Street shall be removed and replaced with a new 8-foot wide sidewalk per City Plate No. 8-3. Damaged curb and gutter shall be replaced per City Plate No. 8-2.
183. **On-site Paving** – An approved pavement section from the registered soils engineer of record shall be submitted to the City prior to initiating the

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construction of on-site parking, paving, and/or drainage improvements (TOMC MC 9-4.2405).

184. **Existing Storm Drain** – There is currently a 6.5 feet wide by 6 feet high concrete box culvert situated along the southwestern property line. The storm drain easement depicted on existing maps has not been accepted by the City. Consequently, the box culvert is privately owned by the applicant and the adjacent property owner. Both property owners share the responsibility of maintaining the box culvert. If the applicant intends to dedicate the box culvert to the City for maintenance, they must enhance it to meet City standards acceptable to the City Engineer.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

185. **NPDES Permit Compliance** – Development shall be undertaken in accordance with conditions and requirements of the Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS004002. The project shall employ NPDES best management practices in accordance with the latest applicable version of the Countywide Stormwater Program “Technical Guidance Manual” and the California Stormwater Quality Association (CASQA) “BMP Handbooks” and/or other approved reference documents cited in Permit No. CAS004002 (M.C. 7-8.302).

The Los Angeles Regional Water Quality Control Board approved a new MS4 permit for local municipalities in September 2021 to implement starting in 2024. All projects not deemed “complete” from a planning/entitlement standpoint by the time the new permit goes into effect will need to comply with the new post-construction stormwater requirements.

186. **MS4 Stormwater Retention Requirements** – The project meets the thresholds requiring stormwater treatment and site retention specified in the Ventura County NPDES Municipal Stormwater Permit (MS4) and 2011 Technical Guidance Manual (TGM). The project shall design, construct and maintain treatment and retentive catchments that will capture, treat and retain all rainfall runoff from disturbed and directly-connected impervious areas affected by the project. The design shall function for the first three-quarter-inch (3/4”) of all rainfall events, including drawdown and elimination of the captured runoff within 72-hours of the rainfall event. Drawdown may typically be achieved via groundwater recharge/percolation or vegetative irrigation/ evapotranspiration. Treatment of the site’s pollutants of concern is preferably addressed through vegetative contact and other natural

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biological processes. Further details and design requirements are available at www.vcstormwater.org.

187. **BMP Sizing Requirements** – Prior to issuance of a grading/paving permit, the project’s engineer shall prepare analyses to demonstrate that the proposed Best Management Practices (BMP’s) for stormwater treatment will mitigate pollutants of concern. The analyses shall include calculations demonstrating that the selected BMP’s must satisfy one of the following sizing criteria:
- Treat the storm flow equivalent to ten percent (10%) of the 50-year peak flow; or
 - Treat the volume of annual runoff (based upon the unit storage water quality volume) to achieve 80 percent or more volume treatment by the method recommended in the “*California Stormwater Best Management Practices Handbook – Industrial / Commercial (1993)*” and the “*Ventura Countywide Stormwater Quality Management Program Technical Guidance Manual for Stormwater Quality Control Measures (2002)*.”
188. **Inlet Labels** – All on-site drain inlets, whether newly constructed or existing, shall be labeled “Don’t Dump - Drains to Creek” in accordance with City requirements prior to final acceptance.
189. **Landscaped Areas / Roof Drains** – Landscaped areas shall be designed with efficient irrigation to reduce runoff and promote surface filtration and minimize the use of fertilizers and pesticides which can contribute to urban runoff pollution. Unless otherwise recommended in the soils report, on-site stormwater discharges (including roof drains if applicable) shall be directed toward landscaped areas. Applicant may employ pervious landscaping design, rainfall capture pocket-planters, and other L.I.D. techniques and measures to the maximum extent practicable.
190. **Stormwater Pollution Prevention Plan and Notice of Intent (SWPPP)** – Prior to the issuance of any grading permit and/or the commencement of any clearing, grading or excavation for all projects that disturb over 1 acre, the applicant/owner shall submit a Notice of Intent (NOI) to the California State Water Resources Control Board, Storm Water Permit Unit, in accordance with the NPDES Construction General Permit (No. 2009-009-DWQ including amendments). The applicant/owner shall provide the City with a WDID number or proof of the NOI submittal. The applicant/owner shall comply with all additional requirements of this General Permit including preparation of a Stormwater Pollution Prevention Plan (SWPPP). The

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SWPPP shall be prepared by a certified QSD, fully comply with RWQCB requirements and contain specific BMPs to be implemented during project construction to reduce erosion and sedimentation to the maximum extent practicable. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the site superintendent shall use the plan to train all construction site contractors in site Best Management Practices prior to starting work on the site. At a minimum, the following BMPs and requirements shall be included:

- A. Pollutant Escape: Deterrence
- B. Pollutant Containment Areas
- C. Pollutant Detainment Methods
- D. Sediment control and capture
- E. Erosion Control / Dust Control
- F. Recycling/Disposal
- G. Hazardous Materials Identification and Response

191. **Deed Restriction Regarding Best Management Practices (BMPs)** – Prior to issuance of occupancy, the applicant/owner shall record a Stormwater Covenant and Deed Restriction, requiring all property owners and their successors in interest to assume all duties and responsibilities for ongoing maintenance of all onsite permanent stormwater BMP's, including, but not limited to, maintenance of all Best Management Practice and any and all equipment which is required for implementation of Best Management Practices. Contained within the Covenant and Deed Restriction must be a description of the BMP's that are being provided as part of the project, a description of the inspection and maintenance requirements and procedures, and a site map indicating the location of the BMP's to be maintained. The draft language and contents included in the Covenant and Deed Restriction shall be submitted to the City Attorney's Office and Public Works Department for review and approval prior to issuance of building/paving/grading permits (TOMC 7-8.401(c)).

SUSTAINABILITY

192. **Trash Hauler Approval** – Prior to issuance of a trash enclosure building permit, the applicant shall provide a letter from Athens Services, the City's trash hauler, indicating they have reviewed the project plans and that the enclosure locations and orientation as shown are acceptable to their company for purposes of trash and recyclables pick up. Contact Athens Services at (805) 852-5264, or visit their Sustainability Center at 2251 E. Thousand Oaks Blvd.

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193. **Construction/Demolition Debris Recycling Plan** – Required: Prior to the issuance of a demolition permit (where the site contains existing structures or facilities) or of a grading/building permit, the applicant shall submit a Construction and Demolition (C&D) Debris Recycling Plan to the Department for review and approval.

The applicant must divert a minimum sixty-five percent (65%) of all C&D waste materials generated from the project. The C&D Debris Recycling Plan shall indicate the proposed means of disposition of all C&D waste materials, including but not limited to, asphalt, concrete, wood, drywall, brush and vegetation, landscaping materials, lights, piping, concrete block, metal, and the like, which will be recycled, reused, salvaged, and /or delivered to a landfill. The Recycling Plan must also include estimated weights of the materials, list of proposed recycling/disposal facilities, and authorized hauling companies to be used. For a list of authorized waste haulers and/or to complete and submit a C&D Debris Recycling Plan go to ThousandOaks.WasteTracking.com.

194. **Solid Waste, Recycling and Organics Collection** – American with Disabilities (ADA) accessible, covered 3-bin enclosures with a ramp are required for the collection of solid waste, recycling, and organics (food waste). The design of the enclosure must be large enough to accommodate collection containers for source-separated solid waste, organic waste, and recyclable materials.

Refer to the City’s revised waste ordinance (November 16, 2021) governing the enclosures’ locations, specific sizing, configuration, and clearances. Resident access to Waste Enclosures serving MFD-C or MXD developments via walk-up shall be located no further than **150 feet** from the front door of the furthest residential unit served as measured along the accessible path of travel, unless as otherwise approved by Public Works and Community Development Departments. The site plan shows the location of the enclosures with the expected travel path and distance in feet to the furthest door served by that enclosure exceeding the 150-foot standard. Please revise or Public Works Sustainability Division contact at 805-449-2472 to discuss options.

Locations with preparation areas like Kitchens or Cafés should have organics collection containers included in the back of house and in the front of house if the occupants dispose of finished food and packaging materials. Organics containers should also be located in break rooms, kitchens, or other locations where food is commonly consumed.

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Please add the bulky item collection location(s) to the site plan showing the enclosures, bin placement, and doors.

195. **Mandatory Organics Recycling** – The applicant/owner is hereby notified that California State law requires businesses, schools, hospitals, restaurants, government buildings and other commercial properties to begin separating and recycling their organic waste (food waste, yard waste, food-soiled paper). Effective January 2017, businesses generating 4+ cubic yards per week of organic waste shall implement the above-stated separation requirements. Effective January 2019, businesses generating 4+ cubic yards per week of combined trash and organics waste shall implement the above-stated separation requirements.
196. **Trash/Recycling Areas** – The applicant proposes chutes and trash receptacles for on-site trash and recyclable collection. Bins within trash enclosure spaces shall be afforded a 9’0” interior soffit clearance and means to keep bins separated and easily accessed for trash deposits and disposal. Trash and/or recycling areas shall be covered and shall be designed in accordance with the City’s latest Refuse Enclosure Space Requirements. Receptacles for trash, recyclables, and organics recycling shall be available within each enclosure. All litter/waste material shall be kept in leak proof containers. Area(s) shall be paved with impermeable material and include zero-slope upon interior slabs. No other area shall drain onto these areas. The trash enclosure and/or recycling area(s) shall not drain to the storm drain system nor the sanitary sewer, shall not have a hose-bib or other water supply, and all cleaning shall be performed using dry cleanup methods. The trash enclosures and their placement shall be designed to accommodate the above considerations, as well as access requirements of the City’s waste hauler. Compactor units that are self-contained and watertight may remain exposed to rainfall provided the surrounding area is frequently inspected and cleaned.
197. **Operational Recycling Plan** – Prior to occupancy, in accordance with the City’s Enclosure Space Regulations, each applicant and/or owner must submit a Recycling Plan pertaining to operational solid waste management after occupancy. A completed Recycling Plan form must be submitted for review and approval by the Public Works Department. A Certificate of Occupancy cannot be issued by the Community Development Department until the form is completed and processed by the Public Works Department.
198. **Bulky Item Collection** – A covered location shall be provided for occupants to place bulky items for collection by the authorized hauler. Access door(s)

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- and egress walkways shall be clearly shown that is adequate to accommodate King-size mattresses and sofas (84" length and 40" depth).
199. **Operational Plan** – Operational Diversion plans are required before occupancy.
 200. **Turf Landscape** – State law and City Ordinance prohibit non-functional turf in commercial developments. Replace the non-functional with an alternate groundcover, such as California native grasses, UC Verde Buffalo Grass or non-invasive Kurapia. If the developer proposes turf as part of the project, please include an explanation of why it is "functional turf" and request a waiver from the Sustainability Division. Low flow irrigation systems are required for new groundcover installations.

TRAFFIC

201. **Traffic Mitigation Fees** – The applicant acknowledges that the subject development will impact traffic and agrees to provide for the mitigation by depositing with the City of Thousand Oaks the appropriate non-refundable fees no later than prior to the issuance of building permits.
202. **Sight Distance** – Adequate vehicular and pedestrian sight visibility shall be provided at all intersections of public streets and private driveways in accordance with the criteria specified within Plate 3-10. The improvement plans for all projects shall demonstrate compliance with this plate (and a means to execute ongoing maintenance to guarantee the preservation of sight visibility).

Stopping sight distance shall be the principal criterion in determining the appropriate location of on or off-site improvements. It is especially critical that mature landscaping be considered in evaluating visibility, not just the barren ground. Stopping sight distance less than the minimum criteria as specified within Plate 3-10 shall be reviewed and approved by the Planning Commission if determined necessary by the City Engineer or the Community Development Department. Where applicable, Covenants, Conditions, and Restrictions shall require continued compliance with this condition and the requirements contained within Plate 3-10.

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203. **Ingress and egress** – The proposed Thousand Oaks Boulevard driveway shall accommodate full inbound movements and right-turn outbound movements only. The proposed Thousand Oaks Boulevard driveway shall not have a separate phase at the Thousand Oaks Boulevard and Hodencamp Road intersection traffic signal. The proposed Lombard Street driveway shall accommodate full inbound and outbound access. Upon occupancy of the project, any modifications to driveway access and adjacent signal operations shall be determined by the Department of Public Works.
204. **Signing, Striping & Signal Plans** – Prior to grading permits, the developer shall submit plans to the City Engineer for review and approval detailing proposed signing, striping, and/or signal modifications along Thousand Oaks Boulevard at the Hodencamp Road and Lombard Street intersections, as required by the Public Works Department. Signing, striping, and signal work shall be shown on a plan sheet separate from the proposed street improvements. The signing, striping, and signal plans shall include the following modifications at Thousand Oaks Boulevard/Hodencamp Road:
- Install Westbound left-turn striping into the project driveway.
 - Install Westbound flashing arrow traffic signal equipment (protected-permissive phasing) with associated traffic signal pole and mast arm modifications to match Eastbound signal operations.
 - Install pedestrian signal equipment at both sides of the project driveway to control pedestrian crossing.
 - Relocate the traffic signal pole located on the south side of Thousand Oaks Boulevard, which is currently located where the project driveway is proposed.
 - Install Northbound flashing red signal equipment for vehicles exiting the project driveway.
 - Install associated signage with the improvements listed above.

The signing and striping plans shall include the following modifications at Thousand Oaks Boulevard/Lombard Street:

- Install separate left-turn and right-turn striping at the Northbound approach.
- Install associated signage with the improvement listed above.

The applicant shall construct all proposed changes to the signing, striping, and traffic signal in conjunction with the development of the site and related street improvements prior to final acceptance.

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205. **Signs and Striping** – Control signs for regulation, warning, and guidance of traffic shall be installed as required by the Department of Public Works. These shall include, but are not limited to, stop signs, speed limit signs, turn prohibition signs, pedestrian and school crossing signs, curve warning signs, not a through street signs, parking signs, bicycle facility signs, pavement and curb markings, road symbols, and street name signs as required.

Prior to occupancy, all signs and striping shall be installed, and prior to final acceptance, the city may require the applicant to add traffic safety devices, such as signing and striping, the need for which is not apparent at the time of plan approval, but which are warranted due to actual field condition. The applicant shall install the traffic safety devices prior to final acceptance.

CONEJO RECREATION AND PARKS DISTRICT (CRPD)

206. **Park Land Dedication** – Developer at its sole cost, shall set aside the land and build park-like improvements on their property in an amount equal to or greater than as required by Conejo Recreation and Park District:

- 500 Thousand Oaks Boulevard Public Park Dedication and Improvements based on February 15, 2024 Formal Resubmittal (26,267 square feet for the "Linear Park" along TO Blvd. and 13,576 square feet for the "Lombard Park" for a total of 39,843 square feet).
- Developer shall bear all costs and expenses associated with improving, ongoing maintenance and capital improvements at the "Linear Park" and "Lombard Park" to meet District level amenities as found in public parks.

207. **Park Maintenance and Operation** – Developer shall keep and maintain the "Linear Park" and "Lombard Park" sites open and available for recreational use and enjoyment by the general public in a manner similar to public parks. Any fencing shall not keep out public access during normal operating hours which shall not be less than 1 hour after sunrise until 1 hour after sunset.

208. **Plan Development** – Developer shall include and coordinate with District staff to ensure park amenities and plans meet the satisfaction of the District prior and during construction of project.

209. **General Public Access and Recreational Use** – Developer shall grant an easement over the land area of the "Linear Park" and "Lombard Park" to

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the Conejo Recreation and Park District for the benefit of general public access and recreational use of Linear Park and Lombard Park.

210. **Quimby in-lieu fee** – Developer is proposing to build a total of 328 multi-family apartment units. As consideration for Developer's above agreement, including but not limited to the public access easement, improvements, and ongoing management and maintenance of "Linear Park" and "Lombard Park", District will calculate Quimby Fees per the "flat-rate" method established in CRPD Resolution 020515-A (rather than the FMV method in the City's ordinance) and agrees to a 50% credit for the Quimby Fees due at the time of payment.
- a. Current (9/29/23) Quimby Fee = \$12,076/unit.
Full payment is $(\$12,076/\text{unit}) \times (328 \text{ units}) = \$3,960,928$
50% reduction is \$1,980,464.
 - b. Quimby Fee beginning February 5, 2024 = \$12,438/unit.
Full payment is $(\$12,438/\text{unit}) \times (328 \text{ units}) = \$4,079,554$.
50% reduction is \$2,039,832.
 - c. Under CRPD resolution, fee increases 3% annually every February 5th.
 - d. CRPD is currently considering a Quimby Fee/Park Impact Fee update.
211. **Termination "Buy Out"** – Developer or its successor has the right to terminate the easement and eliminate public access over "Linear Park" and "Lombard Park" by paying to Conejo Recreation and Park District Fifty percent (50%) of the current prevailing Quimby/Park Impact Fee for the 328 units of multi-family housing at date of termination.
212. **Proportionate Relationship** – Developer shall provide a proportionate fee per Condition 5 for any Park Land Dedication reduction for the approved total area as outlined in Condition 1. As the Park Land Dedication is 50% credit of the required fee, the percentage of fee increase should be 50% of the reduced area percentage.

The Developer submitted a design proposal (Sept 18, 2023), which was approved by CRPD Board Oct 19, 2023 and was to include equal or greater area of below:

26,267 Linear Park
13,576 Lombard Park
= 39,843 Total square feet

The latest Developer design proposal (Dec 4, 2023) as submitted to city planning and under consideration of the Planning Commission is:

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21,154 Linear Park
12,049 Lombard Park
= 33,203 Total square feet

The reduction in publicly accessible, improved park land is 6,640 square feet which represents 16.6% reduction in the CRPD Board approved park land. This may be addressed through payment of additional fees proportionate to the change in publicly accessible, improved park acreage approved by the CRPD Board on October 19, 2023.

Developer Submitted Design Proposal Approved by the CRPD Board:

- 50% Publicly Accessible Park Improvements - 39,843 square feet.
- 50% Fee - Quimby Fee beginning February 5, 2024 =\$12,438/unit.
- Full payment is (\$12,438/unit) x (328 units) = \$4,079,664.
- 50% reduction is \$2,039,832.

Adjusted Park Proposal, under consideration by Planning Commission:

- 41.7% Park Improvements - > 33,203 Total square feet.
- 16.6% area reduction = 8.3% of 50% land dedication.
- Add change to fee by 8.3% increase.
- 58.3% Fee - Quimby Fee beginning February 5, 2024 =\$12,438/unit.
- Full payment is (\$12,438/unit) x (328 units) = \$4,079,664.
- 41.7% reduction is \$2,378,444.

Netting a difference of \$338,612 in additional park fees (per the 2024 fee schedule) from the developer submitted design proposal approved by the CRPD Board.

VENTURA COUNTY FIRE PROTECTION DISTRICT

213. **Code Compliance** – Applicant shall comply with all current Ventura County Fire Protection District Ordinances, Codes, and Standards.
214. **Fire Department Clearance** – Applicant shall obtain VCFD Form 610B "Requirements for Construction" prior to obtaining a building permit for any new structures or additions to existing structures. The applicant shall verify that the water purveyor can provide the required fire-flow requirements by having them fill out Section II of the form.
215. **Fire Flow (Commercial, Industrial, Multi-family buildings)** – The minimum fire flow required shall be determined as specified by the current adopted edition of the International Fire Code Appendix B with adopted

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- Amendments and the applicable Water Manual for the jurisdiction (with ever is more restrictive). The applicant shall verify that the water purveyor can provide the required volume and duration at the project prior to obtaining a building permit.
216. **Site Access** – Two (2) means of ingress/egress shall be provided to the development in accordance with VCFPD access standards.
217. **Access Road Certification** – The access road(s)/driveway(s) inclusive of bridges, culverts, and other appurtenant structures which supplement the roadway bed or shoulders, shall be certified by a registered civil engineer as having an all-weather surface in conformance with the City of Thousand Oaks Public Works and/or Fire District standards. This certification shall be submitted to the Fire District for review and approval prior to occupancy.
218. **Access Road Location** – The access / driveway shall be extended to within 250 feet of all portions of the exterior walls of the first story of any building and shall be in accordance with Fire District access standards. Where the access roadway cannot be provided, approved fire protection system or systems shall be installed as required and acceptable to the Fire District.
219. **Turning Radius** – The access road shall be of sufficient width to allow for a 40-foot centerline turning radius at all turns in the road.
220. **Vertical Clearance** – All access roads / driveways shall have a minimum vertical clearance of 13 feet 6 inches (13' 6"). Clear of building to sky.
221. **Access Road Width, Private Roads/Driveways** – Private roads shall comply with Public Road Standards.
- Access road width of 36 feet shall be provided for residential use with parallel parking permitted on both sides.
 - Access road width of 32 feet shall be provided for residential use with parallel parking permitted on one side.
 - Access road width of 24 feet shall be required with no on-street parking permitted.
 - Where one-way traffic and off-street parking occurs, a 20-foot driveway width shall be provided. (Note: limited use only and not for high hazard occupancies: H, R-1 over 2 stories, R-2)
 - Aerial Fire Apparatus Access; Multi-Family, Commercial or Industrial Buildings or portions of buildings or facilities with perimeter eave lines exceeding 30 feet in height above the lowest level of fire department access shall require an approved aerial ladder fire

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apparatus access roads and driveways. Aerial fire apparatus access roads and driveways shall have a minimum clear width of 30 feet. Overhead utility and power lines shall not be located within the aerial ladder fire apparatus access roads and driveways. At least one of the required access routes meeting this condition shall be located a minimum of 15 feet and a maximum of 30 feet parallel to one side of the buildings, as approved by the Fire District. Buildings exceeding 50,000 SQFT shall have the required access route along a minimum of two sides. Parking shall be prohibited along the required width of the access roads and driveways. Landscaping and other improvements between the required access and the buildings shall not interfere with aerial ladder fire apparatus operations, as approved by the Fire District.

222. **Mitigation to Aerial Fire Apparatus Access Roads** – The fire code official is authorized to reduce the required width to not less than 24 feet when all of the following are provided.
- Automatic fire sprinklers are installed throughout the structure in accordance with NFPA 13.
 - Fire sprinkler standpipes are provided on all floors and through to the roof.
 - Two or more roof access points are provided through 2-hour fire rated stairs separated a distance not less than half of the diagonal of the structure.
223. **Ground Ladder Access** – Access around the building shall be provided to allow for laddering the building, at a maximum 75-degree angle, to reach emergency escape and rescue openings below the fourth story above the grade plane. A three (3) foot clear working space shall be provided around the ladder at ground level.
224. **Construction Access** – Prior to combustible construction, a paved all-weather access road/driveway suitable for use by a 20-ton Fire District vehicle shall be installed at locations approved by the Fire District.
225. **Construction Access Utilities** – Prior to combustible construction, all utilities located within the access road and the first lift of the access road pavement shall be installed. A minimum 20-foot clear width shall remain free of obstruction during any construction activities within the development once combustible construction starts.
226. **Turnarounds** – Approved turnaround areas for fire apparatus shall be provided when dead-end Fire Department access roads / driveways exceed

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- 150 feet. Turnaround areas shall not exceed a 5% cross slope in any direction and shall be located within 150 feet of the end of the access road / driveway. Turnaround areas shall not be used for parking and shall be kept free of obstructions at all times. Turnaround areas shall be posted as Fire Lanes in accordance with Fire District Fire Lane Standards.
227. **Parking Prohibited** – The property owner(s) are hereby advised that parking on access roads / driveways and fire department turnarounds is prohibited.
228. **Fire Lanes** – Prior to construction the applicant shall submit two (2) site plans to the Fire District for approval of the location of fire lanes. **Prior to occupancy**, all fire lanes shall be posted “NO PARKING-FIRE LANE-TOW AWAY” in accordance with California Vehicle Code, the International Fire Code and current VCFPD Fire Lane Standards. All signs and or Fire Lane markings shall be within recorded access easements.
229. **Access Road Gates** – Any gates to control vehicle access are to be located to allow a vehicle waiting for entrance to be completely off the intersecting roadway. A minimum clear open width of 15 feet in each direction shall be provided for separate entry / exit gates and a minimum 20 for combined entry / exit gates. If gates are to be locked, a Knox system shall be installed. The method of gate control, including operation during power failure (battery back-up), shall be subject to review by the Fire Prevention Division. Gate plan details shall be submitted to the Fire District for approval prior to installation. A final acceptance inspection by the Fire District is required prior to placing any gate into service.
230. **Walkways** – Approved walkways shall be provided from all building openings to the public way or fire department access road / driveway.
231. **Walk and Pedestrian Gates** – If gates are to be locked, a Knox system shall be installed. The method of gate control, including operation during power failure (battery back-up), shall be subject to review by the Fire Prevention Division. Gate plan details shall be submitted to the Fire District for approval prior to installation. A final acceptance inspection by the Fire District is required prior to placing any gate into service.
232. **Address Numbers (Commercial, Industrial, Multi-family buildings)** – Building address numbers, a minimum of ten inches (10") high, shall be installed prior to occupancy, shall be of contrasting color to the background, and shall be readily visible at night. Brass or gold-plated numbers shall not be used. Where structures are set back more than 150 feet from the street,

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- larger numbers will be required so that they are distinguishable from the street. In the event a structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post. Individual unit numbers shall be a minimum of 4 inches in height and shall be posted at the front and rear entrance to each unit. Additional address directional signs may be required at common building entrances and stairways.
233. **Address Directory** – An address directory shall be provided at all entrances to the project at locations approved by the Fire District. Design shall be in accordance with Fire District Addressing Standards. Directory plans shall be submitted to the Fire Prevention Division for review and approval prior to installation.
234. **Address Number Plan** – A plan shall be submitted to the Fire District for review indicating the method in which buildings are to be identified by address numbers.
235. **Accessory Room Door Labeling** – All accessory room doors shall be labeled on the doors indicating use of the room (i.e., Electrical Room, Riser Room, Fire Alarm Panel Inside, Storage Room, Janitor, Roof Access, etc).
236. **Knox Device** – Exterior access leading to fire sprinkler riser rooms and alarm control panels shall be provided with a Knox Box for emergency access.
237. **Door Swing** – All exit doors shall swing in the direction of travel (outwards) when leaving the building.
238. **Panic Hardware** – All exit doors shall be provided with panic hardware when serving A, E, I occupancies with an occupant load of 50 or more persons.
239. **Egress Aisle Clearance** – All required egress aisles shall be maintained clear of obstructions at any time.
240. **Emergency Lighting and Exit Signs** – All emergency lights and exit signs shall be always maintained in an operable condition.
241. **Emergency Planning and Preparedness** – The owner / applicant and all occupants of buildings shall comply with the Fire Department requirements for Evacuation Plans, Drills and training as indicated under The International Fire Code, Chapter 4 “Emergency Planning and Preparedness”, and CCR

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- Title 19 Sec 3.09. All required records and documentation shall be available for review by the Fire Department upon request.
242. **Fire Hydrant Plan** – Prior to construction, the applicant shall submit plans to the Fire District for placement of fire hydrants. On plans, show existing hydrants within 300 feet of the development. Indicate the type of hydrant, number and size of outlets.
243. **Fire Hydrant(s) Required** – Fire hydrant(s) shall be provided in accordance with current adopted edition of the International Fire Code, Appendix C and adopted amendments. On-site fire hydrants may be required as determined by the Fire District.
244. **Fire Hydrant Design (Commercial, Industrial, Multi-family buildings)** – Fire hydrants shall be installed and in service prior to combustible construction and shall conform to the minimum standard of the City of Thousand Oaks Water Works Manual and the following.
- a. Each hydrant shall be a 6-inch wet barrel design and shall have (1) 4 inch and (2) 2 ½ inch outlet(s).
 - b. The required fire flow shall be achieved at no less than 20-psi residual pressure.
 - c. Fire hydrants shall be spaced in accordance with the California Fire Code Chapter 5 and Appendix C.
 - d. Fire hydrants shall be set back in from the curb face 24 inches on center.
 - f. No obstructions, including walls, trees, light and sign posts, meter, shall be placed within three (3) feet of any hydrant.
 - g. A concrete pad shall be installed extending 18 inches out from the fire hydrant. Ground clearance to the lowest operating nut shall be between 18 to 24 inches.
245. **Fire Hydrant Installation** – Prior to combustible construction on any parcel, a fire hydrant capable of providing the required fire flow and duration shall be installed and in service along the access road / driveway at a location approved by the Fire District, but no further than 150 feet from the building site. The owner of the combustible construction is responsible for the cost of this installation.
246. **Hydrant Location Markers** – Prior to occupancy of any structure, blue reflective hydrant location markers shall be placed on the access roads in accordance with Fire District standards. If the final asphalt cap is not in

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- place at time of occupancy, hydrant location markers shall still be installed and shall be replaced when the final asphalt cap in completed.
247. **Water System Plans** – Plans for water systems supplying fire hydrants and / or fire sprinkler systems and not located within a water purveyor’s easement, shall be submitted to the Fire District for review and approval prior to issuance of grading and/or building permits or signing of Mylar plans, whichever is first. Plans shall reflect only dedicated private fire service lines and associated appurtenances. Plan shall be design and submitted with the appropriate fees in accordance with VCFPD Standard 14.7.2.
 248. **Fire Sprinklers** – All structures shall be provided with an automatic fire sprinkler system in accordance with current VCFPD Ordinance at time of building permit application.
 249. **Fire Alarm/Sprinkler Monitoring Plans** – Plans for any fire alarm system or sprinkler monitoring system shall be submitted, with payment for plan check, to the Fire District for review and approval prior to installation.
 250. **Fire Alarm System** – A fire alarm system shall be installed in all buildings in accordance with California Building and Fire Code requirements.
 251. **Fire Extinguishers** – Fire extinguishers shall be installed in accordance with the International Fire Code. The placement of extinguishers shall be subject to review by the Fire District.
 252. **Spark Arrester** – An approved spark arrester shall be installed on the chimney of any structure(s).
 253. **Fire Code Permits** – Applicant and / or tenant shall obtain all applicable International Fire Code (IFC) permits prior to occupancy or use of any system or item requiring an IFC permit.
 254. **Trash Dumpster Locations** – Commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within 5 feet of openings, combustible walls, or combustible roof eave lines unless protected by approved automatic fire sprinklers.
 255. **Building Plan Review** – Building plans of all A, E, I, H, R-1, R-2 or R-4 occupancies shall be submitted, with payment for plan check, to the Fire District for review and approval prior to obtaining a building permit.

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256. **Hazardous Fire Area** – Portions of this development may be in a Hazardous Fire Area and those structures shall meet hazardous fire area building code requirements. Contact the Building Department for requirements.
257. **Hazard Abatement** – All grass or brush exposing any structure(s) to fire hazards shall be cleared for a distance of 100 feet prior to construction of any structure and shall be maintained in accordance with VCFPD Ordinance.
258. **Hazard Abatement** – All grass and brush shall be cleared to a distance of ten (10) feet on each side of all access roads / driveways.
259. **Fuel Modification/Landscape Plans** – Project is located within a Hazardous Fire Area. Fuel Modification Zone (FMZ) and or landscape plans shall be submitted for review and approval to the Fire Prevention Bureau prior to Fire Department final inspection of the building or installation of any landscape, whichever occurs first. Where landscape plans have not been developed prior to a structure being ready for the Fire Department final, the owner may sign an affidavit that plans will be submitted prior to installation. See VCFD Guidelines 416.

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260. **Door Security Hardware** – Exterior double doors shall have an astragal constructed of steel or aluminum a minimum of .125” thick, which will cover the opening between the doors. The attachment of the astragal shall comply with all applicable provisions of the Fire Code. Exterior, outward opening single doors shall have the appropriate type of latch guard installed to prevent the violation of the latch and strike. The latch guard shall be a minimum of .125” thick and extend a minimum of six inches above and below the door latch or deadbolt. Doors utilizing rim and cylinder locks shall have heavy-duty cylinder guards installed. All outward opening exterior doors shall have hinges equipped with non-removable hinge pins or a mechanical interlock (set screws) to prevent removal of the door from the outside by removing the hinge pins.
261. **Lighting** – Weather and breakage resistant covers shall protect all exterior lighting. Exterior lighting fixtures will be fully enclosed to minimize tampering and breakage. After hours exterior lighting shall provide sufficient illumination to allow viewing of the exterior of the buildings, all pedestrian walkways and patron gathering areas. The use of Light-Emitting Diode (LED) is preferred since LEDs provide superior illumination and color

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rendition. Adequate lighting (3000+ Kelvin / LED / 3 ft candles / even coverage) is to be provided throughout the property where patrons/residents are anticipated to gather and parking areas as to clearly see persons outside of building surrounds. All lights shall include shielding to prevent light pollution, spillage, and glare to roadways and all surrounding properties not owned and/or controlled by the project owners, including overhead. Project photometrics will be provided to the Thousand Oaks Police Department Community Resource Unit for review and approval. The planned “park” area at the south west corner of the property closest to Lombard St will be adequately lighted as described above during hours of darkness.

262. **Landscaping** – Landscaping shall not cover, nor partially cover any exterior door or window. Landscaping, including trees, will not be placed directly under any overhead lighting that could cause loss of light at ground level. All landscaping will be kept trimmed in order to provide an unobstructed view of the parking areas and building from adjacent streets. The standard CPTED (Crime Prevention through Environmental Design) landscaping rules of “two foot / six foot” shall apply to the property (No shrubbery shall be higher than 2 feet and lower the tree canopy shall not grow below 6 feet). This will reduce concealment areas and keep the area well-lit during darkness hours.

A combination of walls/fencing and thorny vegetation shall be used along the southern property edge. Wall/fence height should be no less than 7 feet. Thorny vegetation should be used on one or both sides of the fence/wall to prevent unauthorized access to the property from Hwy 101 located to the south of the property. Thorny vegetation will dissuade illegal camping along the length of the wall as well. Examples of thorny vegetation include but are not limited to cactus, bougainvillea, Chinese bitter orange, etc.

263. **Address Numbers** – Wall mounted address numbers shall be a minimum of ten inches in height, be of a highly contrasting color to the background on which they are attached, and shall be illuminated from dusk to dawn by a permanent, dedicated light source. All sides of the residential structures will be marked with the main street address for easy viewing from the street level. Map signs of the location will be placed at all vehicular and pedestrian entrances to residential units.

Address numbers shall be mounted in a prominent, non-obstructed location on all sides of the building. All individual unit numbers shall be a minimum of 4” in height.

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- Unit numbers will be clearly marked on the outside of each residential door, as well as descriptors on those rooms not housing residents (closet, electrical, restroom, etc.). Floor plans of the facility will be displayed in prominent locations inside of any exterior to interior access points to the building. Floor plans of the current floor will be displayed inside stairwells near door access to current floor, as well as outside each elevator opening. Directional signs shall be placed at elevator access points on each level indicating which direction each room number can be located for speed of ingress for emergency personnel.
264. **Utility Rooms and Enclosures** – All exterior utility rooms and enclosures containing electrical and telephone equipment shall be kept locked at all times.
265. **Trash Enclosures** – Exterior trash enclosures shall be kept closed and locked during non-business hours to discourage, loitering, illegal dumping and theft. The site shall be maintained in a neat and clean condition at all times. Litter on the site or any litter scattered to a nearby property, streets, and walkways shall be removed daily. Trash enclosures will be constructed to have outside visibly to reduce the possibility of camping or sleeping in the area.
266. **Video Surveillance System** – Will be required for a 360 degree view around the parking level/areas. Additionally, video surveillance with the same below listed parameters will be required for all roof deck areas and in such positions as to capture vehicles and persons entering and exiting from the parking areas. The video surveillance feed will be made immediately available to the Thousand Oaks Police Department upon request in the event of a major emergency or incident. A phone number to the security company or video surveillance provider will be provided to the Thousand Oaks Police Department upon completion of the project. The surveillance system will be HD quality, have night vision capabilities and be able to retain video data for no less than 30 days.
267. **Emergency Access** – The location will have emergency access for the police and fire department to entrance / exit doors and parking areas via a “Knox Box” or similar security device for all secured exterior doors. A generic code for building access should (if applicable) also be provided to Sheriff’s Dispatch at 805-654-9511. Any code changes need to be provided to Sheriff’s Dispatch within 48 hours.

A detailed floor map of the entire complex including room numbers and street addresses shall be provided to the Sheriff’s Dispatch Advanced Real Time Information Center (ARTIC). For the express use of expediting

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emergency personnel response to calls for service. These maps are often referred to as a tactical map.

268. **Roof Access** – Roof access must be secured with locking doors or any other mechanism to restrict access for non-public areas. Roof access to the residential area is to be controlled by “keyfob” or any other similar security device. Roof access to public areas will be control at the discretion of the developer.

269. **Retail Stores, Restaurants, and Bar Spaces** – The projected/planned retail, restaurants, bars, and commercial spaces within the project must submit for specific conditions from the Thousand Oaks Police Department Community Resource Unit prior to building alterations or providing goods or services to the public.

The Door Security Hardware, Lighting, Landscaping, and Address Numbers portions of this conditions memorandum shall apply to each of the individual retail/commercial spaces.

270. **Noise and Music** – No amplified music/announcements shall be allowed between the hours of 11 PM and 9 AM.

271. **Other Security Concerns** – The businesses will correct any safety or security concerns upon written notice by the Thousand Oaks Police Department.

The applicant ***shall*** notify a Thousand Oaks Police Department representative (Sergeant or senior deputy of the Community Resource Unit {805-371-8362}) at least one week prior to special entertainment events, which are reasonably anticipated to attract a larger or different patronage.

The Thousand Oaks Police Department also reserves the right to make further comments or conditions related to security or safety after the issuance of occupancy permits, and the applicant will correct any safety or security concerns upon written notice by the Police Department within the time period set forth in any such notice.

272. **Level 1 Parking** – For the residents, will have a motorized gate to limit free and unrestricted access from persons not having business at the location. All exterior openings in the structure's level 1 walls shall be secured with decorative metal grids to minimize unauthorized pedestrian entry. The concrete flooring of the structure shall be rough swirled to prevent skateboarding, rollerblading, etc. The garage area will have emergency

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access to the gate via a “Knox Box” or similar security device. A generic code for gate access will also be provided to Sheriff’s Dispatch at 805-654-9511. Any code changes need to be provided to Sheriff’s Dispatch ASAP.

273. **Stairwells** – Stairwells leading to additional floors in the enclosed public and non-public areas will either have (1) mirrors, (2) an open stairs concept, (3) half-wall concept or (4) any combination of the aforementioned, to allow the traveler to view up or down to the next floor for the purposes of an increased field of view and reduced blind spots.

Additionally, any stairwell or doors leading from the public area to any residential area is to be accessed by key-fob, key, punch code or other control device as to restrict access from the general, non-residing public. This includes all exterior doors on the perimeter of the residential portion of the project. The doors will have emergency access via a “Knox Box” or similar security device. A generic code for door access will also be provided to Sheriff’s Dispatch at 805-654-9511 if coded. Any code changes need to be provided to Sheriff’s Dispatch ASAP.

274. **Mailboxes** – If a cluster box is used, it shall be placed in an area conducive to surveillance. A designated location for package delivery shall be established in an area conducive to surveillance. Hub style delivery/pickup locations are suggested. The delivery location shall be used for all packages within size restrictions to prevent packages from being left unattended outside of residences and greatly diminish the likelihood of package theft.

275. **Elevators** – Elevator interiors shall be equipped with mirrors or highly reflective surfaces to allow surveillance of the interior prior to entry, and shall have a minimum interior dimension of 6’ 8” wide x 4’9” deep in order to accommodate a standard sized medical gurney and emergency response personnel.

276. **Signs** – Any signs displayed must be far enough back from the street as to not impede with visibility to traffic. The street address shall be prominently displayed on the sign to assist first responders with identifying the facility. Sign mounted address shall be no less than 5 inches in height, will be of a highly contrasting color to the background on which they are attached, and shall be illuminated from dusk to dawn by a permanent, dedicated light source. Signs of the location will be placed at all vehicular and pedestrian entrances.

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277. **Maintenance** – Any and all graffiti, etchings, unauthorized writing/painting/art shall be removed/abated as soon as practicable, not to exceed 72 hours. Allowing time for police reporting if desired by location management.
