

CITY OF THOUSAND OAKS

PLANNING COMMISSION

RESOLUTION NO. _____PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF THOUSAND OAKS RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVE A DEVELOPMENT PERMIT AND TENTATIVE TRACT MAP FOR THE USE OF CERTAIN PROPERTY WITHIN SAID CITY AT 225 NORTH MOORPARK ROAD

Applications: 2022-70079-DP Development Permit (DP) and 2022-70265-TTM Tentative Tract Map (TTM); and Environmental Impact Report CEQA-2022-70002

Applicant: Verdant Thousand Oaks LLC (Adam Corral – Greens Development) & Newmark Merrill Companies

Location: 225 North Moorpark Road
Assessor’s Parcel Number (APNs): 525-0-030-390, 525-0-030-410, 525-0-030-430, 525-0-030-440, 525-0-030-450, 525-0-030-470, 525-0-030-480, 525-0-054-030, & 525-0-054-040

SECTION 1

The Planning Commission 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-2022-70002: Consider the Final Environmental Impact Report (EIR), including Mitigation Monitoring and Reporting Program (MMRP) prepared in accordance with the California Environmental Quality Act (CEQA) for the subject project; and

- 2) 2022-70079-DP: To allow the demolition of approximately 35,500 square feet of commercial development and construct a new 216-room five-story hotel with amenities and approximately 13,000 square feet of commercial retail space, including outdoor dining, hardscape, landscape, and grading within the approximately 38-acre Janss Marketplace in the C-3 (Community Shopping Center) zone.

As part of the DP, the applicant requests two (2) Waivers of the TOMC to:

- a) Maintain an approximately 35% building and structure coverage above the prescribed 25% building and structure coverage as otherwise required by TOMC Section 9-4.1404(b); and
 - b) Maintain the existing 2,642 parking spaces, below the required 3,767 parking spaces for the existing Janss Marketplace plus the Janss Marketplace Hotel Project, resulting in an approximately 30% parking reduction for the Janss Marketplace as otherwise required by TOMC Section 9-4.2402.
- 3) 2022-70265-TTM: To subdivide one (1) 21.63-acre commercial lot into three (3) parcels to allow the retail component to be sold separately from the hotel component that includes provisions for shared parking, ingress, egress, and amenities:
 - a) Parcel 1 totaling 20.42 acres,
 - b) Parcel 2 airspace totaling 0.66 acres, and
 - c) Parcel 3 airspace totaling 0.49 acres.

WHEREAS, on March 2, 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 August 10, 2023, a Notice of Application sign was posted on the subject property; and

WHEREAS, on October 6, 2023, a Notice of Hearing sign was posted on the subject property; and

WHEREAS, on October 9, 2023, 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 October 9, 2023, Notice of Planning Commission Public Hearing was published in the "VC Star," a newspaper of general circulation within the City of Thousand Oaks; and

WHEREAS, the Planning Commission, upon giving the required notice, did, on the 23rd day of October 2023, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, at the October 23, 2023, 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.

SECTION 2

WHEREAS, pursuant to CEQA, City conducted environmental review of the project (consisting of a 2021-70997-Z, 2022-70079-DP, 2022-70265-TTM, and SUP-2023-70009), prepared and duly processed an EIR (“The Janss Marketplace Hotel Project EIR”), consisting of a Draft EIR dated August 2023 and a Final EIR dated October 2023, and prepared an MMRP for implementation of mitigation measures specified in the EIR; and

WHEREAS, pursuant to CEQA (Public Res. Code, Section 21000 et seq.), the State CEQA Guideline (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 EIR would be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts of the Project; and

WHEREAS, the City issued a Notice of Preparation (NOP) of a Draft EIR on February 17, 2023, and circulated the NOP for a period of 30 days (between February 17 and March 20, 2023), pursuant to State CEQA Guidelines Sections 15082(a), 15103 and 15375; and

WHEREAS, pursuant to State CEQA Guidelines section 15082, the City solicited comments from potential responsible agencies, including details about the scope and content of the environmental information related to the responsible agencies area of statutory responsibility, as well as the significant environmental issues, reasonable alternatives and mitigation measures that the responsible agency would have analyzed in the Draft EIR; and

WHEREAS, seven (7) written statements were received by the City in the response to the NOP, which assisted the City in narrowing the issues and alternatives for analysis in the Draft EIR; and

WHEREAS, a public scoping meeting was held on March 1, 2023, to familiarize the public with the Project and the environmental review process and receive input as the scope of the Draft EIR and issues of community concern; and

WHEREAS, the Draft EIR was completed and released for public review on August 11, 2023 and City initiated a 45-day public comment period (between August 11 and September 25, 2023) by filing a Notice of Completion and Availability; and

WHEREAS, pursuant to Public Resources Code section 21092, the City also provided a Notice of Completion (NOC) and Notice of Availability (NOA) to all organizations and individuals who had previously requested such notice and published the NOC on August 11, 2023, in a newspaper of general circulation in the Project area. Pursuant to the City of Thousand Oaks Local CEQA Guidelines, the NOA was mailed to all residents and property owners with 500 feet of the Project. The Draft EIR was posted on the City's website, public counter and public libraries; and

WHEREAS, two (2) written statements were received by the City in response to the NOC and NOA during the 45-day public comment period and one (1) written statement was received by the City in response to the NOC and NOA after the 45-day public comment period; and

WHEREAS, following the closure of the public comment period, all comments received on the Draft EIR during the comment period and after the comment period, the City's written responses to the significant environmental points raised in those comments were added to the Draft EIR to produce the Final EIR, and

WHEREAS, prior to taking action, the Planning Commission has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including Final EIR, and all oral and written evidence presented to it during all the meetings and public hearing; and

WHEREAS, the Final EIR reflects the independent judgement 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 supports adoption and certification of said CEQA-2022-70002, and makes the following findings of fact and recommends the following to City Council:

1. CEQA-2022-70002 was prepared in accordance with the requirements of CEQA, includes all comments received on the Draft EIR and the City's response thereto, reflects the independent judgement of the City of Thousand Oaks, and has been reviewed and considered by the City Council prior to making its decision.
2. Changes or alterations have been incorporated into the project through design or conditions that reduce potentially significant environmental impacts to a less than significant level, as identified in the Final EIR.
3. The Final EIR (CEQA-2022-70002) conducted an environmental analysis for each of the environmental factors outlined in Appendix G of the CEQA Guidelines, Environmental Checklist Form and identified the following environmental factors as:
 - a. No significant impacts: Agriculture and Forestry Resources; Mineral Resources; Population and Housing; and Wildfire.
 - b. Less than significant impacts: Aesthetics; Energy; Greenhouse Gas Emissions; Hydrology and Water Quality; Land Use and Planning; Noise; Public Services and Recreation; and Transportation.
 - c. Potentially significant impacts without mitigation but less than significant with mitigation incorporated: Air Quality; Biological Resources; Cultural, Tribal and Historical Resources; Geology and Soils; Hazards and Hazardous Materials; and Utilities and Service Systems.

Mitigation Measures have been imposed upon the project which will feasibly reduce or eliminate any potential adverse effects to less than significant levels. Based on the Final EIR, the Mitigation Monitoring and Reporting Program (MMRP) and any comments received, it is found that, there is no substantial evidence that the project will have a significant effect on the environment.

4. A MMRP has been prepared for the project associated with this application and is incorporated herein by reference. The 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 attached as Exhibit A and incorporated by reference describes the mitigation measures recommended by the EIR to reduce and avoid potential significant effects of the project, and adequately identifies the appropriate

timing and enforcement details for each to ensure each mitigation measure is implemented.

5. CEQA-2022-70002 has been reviewed for conformance with the provisions of the CEQA. For this application, the City is the Lead Agency and, on behalf of the Applicant, the City Council is being asked to (a) adopt and make the CEQA Findings and certify the EIR as legally adequate under CEQA as to each development application associated with the project and (b) adopt the MMRP and incorporate its provisions as conditions of approval for project to the extent appropriate.
6. The Planning Commission has reviewed and considered the information contained in the project Final EIR, and written and oral comments regarding environmental effects. The project EIR was prepared in accordance with the requirements of CEQA, includes all comments received on the EIR and the City's response thereto, reflects the independent judgement of the City of Thousand Oaks, and the Planning Commission is being asked to recommend to City Council the adoption of the Final EIR that was prepared for the project. Each of the following Commission findings is supported by and elaborated in the attached CEQA Findings.
7. Based on all written and oral evidence and testimony in the record, the project Final EIR (a) complies with the requirements of CEQA and adequately identifies and considers all potential significant environmental effects of the Zone Change; Development Permit; Tentative Tract Map; and Special Use Permit, and (b) reflects the City's independent judgment and analysis.
8. The Planning Commission recommends that the City Council adopt and make the CEQA Findings and certify the Final EIR as legally adequate under CEQA as to each development application associated with the project and adopt the MMRP 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 Planning Commission supporting approval of said 2022-70079-DP 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 project consists of the demolition of approximately 35,500 square feet of commercial development and construct a new 216-room five-story hotel with amenities and approximately 13,000 square feet of commercial retail space, including outdoor dining, hardscape, landscape, and grading within the approximately 38-acre Janss Marketplace. As described in the table below, the development is consistent and would not conflict with City land use goals and policies of the General Plan:

The City of Thousand Oaks General Plan land use designation for the property is Commercial, which encourages hotel, retail, restaurant (including ancillary on-site sale and consumption of alcoholic beverages), and similar uses, and the project site has a corresponding zoning designation of C-3 (Community Shopping Center) and requested C-3-H (Community Shopping Center – Height Overlay) which is required to allow a maximum height up to 75 feet. The subject parcel is not regulated by any additional specific plan or redevelopment plan. The project consists of the construction of a hotel and retail/restaurant building which is a permitted use in the Commercial land use designation and C-3 and C-3-H zones. As described in the Table 5.1-1 and Table 5.10-2 below, the development is consistent and would not conflict with City land use goals and policies of the General Plan:

**Table 5.1-1
Project Consistency with Relevant General Plan Policies**

Applicable General Plan Policies	Project Consistency Analysis
General Plan Goals	
Goal 1: To enhance and preserve the spaciousness and attractiveness of the Conejo Valley	<u>Consistent.</u> Refer to Table 5.10-2, below.
Conservation Element	
Policy CO-1: Future development and redevelopment of the existing built environment within Thousand Oaks should reflect sensitivity to its physical setting and natural scenic resources.	<u>Consistent.</u> The proposed redevelopment of the project site with a new hotel is consistent with the existing urban setting of the Janss Marketplace and surrounding commercial, office, and industrial uses. The project site along with the identified scenic resources (including the Santa Monica Mountains and surrounding natural open

**Table 5.1-1
Project Consistency with Relevant General Plan Policies**

Applicable General Plan Policies	Project Consistency Analysis
	space) are not readily visible from public vantage points or scenic corridors near the project site (along North Moorpark Road and West Hillcrest Drive). The proposed project is designed to integrate into the existing urban development within the Janss Marketplace and would be consistent with City policies and design guidelines ensuring the development reflects sensitivity to its physical setting and natural scenic resources.
<p>Policy CO-29: Continue to protect oak and landmark trees and their habitat in recognition of their historic, aesthetic and environmental value to the citizens of Thousand Oaks, in particular Valley Oak habitat.</p>	<p><u>Consistent.</u> The project’s (1.21-acre) project disturbance area does not contain oak or landmark trees. Landscaping would be provided in three primary planters at the southwest and northwest corners of the project footprint, including elm trees, a mixture of grasses and groundcover. The project proposes to remove a total of 13 existing trees, including Ponderosa Pine, Callery Pear, and Southern Magnolia trees. Thus, the project would be consistent with Policy CO-29 as the project would not remove oak or landmark trees or impact their habitat.</p>
General Development Policies	
<p>Policy 2: The City's unique natural setting will be a guide to its future physical shape. In general, development will occur in the low-lying areas with the natural hills and mountains being preserved in open space. A ring of natural open space will be created around the City. The City will support and encourage open space/greenbelt buffers around it, separating the City from adjoining communities.</p>	<p><u>Consistent.</u> Refer to Table 5.10-2, below.</p>
<p>Policy 4: Major City gateways, where the Route 101 and 23 Freeways enter the City and streets interchange with the freeways, shall receive special aesthetic enhancement.</p>	<p><u>Consistent.</u> Refer to response to Scenic Highways Element policy, above, and Table 5.1-3, below.</p>
<p>Policy 5: Highly intensive land uses--major industrial and commercial centers--should be located in proximity to or within easy access of the Ventura Freeway corridor.</p>	<p><u>Consistent.</u> Refer to response to Scenic Highways Element policy, above, and Table 5.1-3, below . The project site is located within an urban area of the City, approximately 0.35 mile north of U.S. 101 and approximately 0.90 mile west of SR 23 providing easy access to the Ventura Freeway corridor. Thus, the project is consistent with this policy.</p>

**Table 5.1-1
Project Consistency with Relevant General Plan Policies**

Applicable General Plan Policies	Project Consistency Analysis
Commercial Policies	
<p>Policy 3: Commercial development should comply with the City's height restrictions. Exceptions, through height overlays, may be appropriate under certain conditions.</p>	<p><u>Consistent.</u> The project proposes a 73-foot-tall structure; however, the existing C-3 zone allows a maximum building height of 35 feet. To increase the allowable height on-site, the project proposes a Height Limit Overlay Zone to be applied to the C-3 zone, resulting in a zone change to Community Shopping Center – Height (C-3-H). The C-3-H allows for a building height increase up to 75 feet. Thus, upon approval of this zone change, the project would be consistent with this policy.</p>
Commercial/Industrial Policies	
<p>Policy 2: Low profile and aesthetically designed signage shall be allowed for all developments; no billboards shall be allowed.</p>	<p><u>Consistent.</u> Refer to Table 5.10-2, below.</p>
Additional Policies	
<p>Policy 2 Aesthetics: As the City ages, it is important to maintain, improve and enhance the City's aesthetic appearance.</p>	<p><u>Consistent.</u> The project would demolish approximately 35,500 square feet of commercial development and construct a new five-story, 216-room hotel with approximately 13,600 square feet of commercial retail space on the first floor, facing the interior of Janss Marketplace. The associated architecture, art murals, and landscaping would provide visual compatibility with the character of the site and surrounding area</p>

**Table 5.10-2
General Plan Consistency Analysis**

Goals and Policies	Analysis of Project Consistency
General Plan Goals	
<p>Goal 1: To enhance and preserve the spaciousness and attractiveness of the Conejo Valley</p>	<p>Consistent. The spaciousness and attractiveness of the Conejo Valley would be largely unaffected by the proposed building due to its location within an existing commercial plaza, as well as its location toward the rear of the property, as seen from North Moorpark Road.</p> <p>The project was also found to be consistent with the Thousand Oaks Guidelines for Development within the Corridors of Route 101 and 23 Freeways. See Table 5.1-3, below.</p>

**Table 5.10-2
General Plan Consistency Analysis**

Goals and Policies	Analysis of Project Consistency
<p>Goal 3: To encourage commercial facilities which satisfy the Valley's mercantile needs, arranged and located to provide convenient access and compatibility with adjoining use through proper design.</p>	<p>Consistent. The Valley's mercantile needs would be enhanced through the provision of a hotel in the Janss Marketplace, which would provide additional visitors to the Jans Market and encourage local spending. The location of the hotel would contribute to the commercial uses within the Janss Marketplace and would be compatible with adjoining uses through the provision of retail along the first floor, facing the interior pedestrian walkways of the Janss Marketplace.</p>
<p>Goal 5: To provide the framework for a planned and unified community containing a balance of living, working, shopping, educational, civic, cultural and recreational facilities.</p>	<p>Consistent. The project would provide both a hotel and retail space, which would provide a balance of working, shopping, and recreation. The proposed amenity spaces would encourage social interaction.</p>
Policies	
Conservation Element	
<p>Policy CO-1: Future development and redevelopment of the existing built environment within Thousand Oaks should reflect sensitivity to its physical setting and natural scenic resources.</p>	<p>Consistent. See Table 5.1-1, above.</p>
General Development Policies	
<p>Policy 2: The City's unique natural setting will be a guide to its future physical shape. In general, development will occur in the low-lying areas with the natural hills and mountains being preserved in open space. A ring of natural open space will be created around the City. The City will support and encourage open space/greenbelt buffers around it, separating the City from adjoining communities.</p>	<p>Consistent. The Project site is located within a low-lying portion of the City and is not located on any mountainous terrain. The Project is an infill development of an already developed parcel, which has been graded to accommodate the existing structures, adjacent parking structure, and surface parking. No protected trees are proposed to be removed, and a landscape plan is provided.</p>

**Table 5.10-2
General Plan Consistency Analysis**

Goals and Policies	Analysis of Project Consistency
<p>Policy 4: Major City gateways, where the Route 101 and 23 Freeways enter the City and streets interchange with the freeways, shall receive special aesthetic enhancement.</p>	<p>Consistent. See Table 5.1-1, above, and Table 5.1-3, below.</p>
<p>Policy 5: Highly intensive land uses -- major industrial and commercial centers -- should be located in proximity to or within easy access of the Ventura Freeway corridor.</p>	<p>Consistent. The project site is located 0.35 miles from the North Moorpark Road exit of U.S. 101 Freeway and approximately 0.90 mile west of SR 23 providing easy access to the Ventura Freeway corridor. Thus, the project is consistent with this policy. Access to the Janss Marketplace and surrounding surface parking is available through two two-lane driveways into the Janss Marketplace from North Moorpark Road to the east, West Hillcrest Drive to the south, West Wilbur Road to the west and Brazil Street to the north. See Table 5.1-1, above, and Table 5.1-3, below.</p>
Commercial Policies	
<p>Policy 2: Strengthen the City's commercial core area by improving and enhancing retail, office and service uses.</p>	<p>Consistent. The project would strengthen the City's commercial core by improving and enhancing retail, office, and service uses through the redevelopment of the hotel and associated amenities, as well as through the redevelopment of the first floor retail suites.</p>
<p>Policy 3: Commercial development should comply with the City's height restrictions. Exceptions, through height overlays, may be appropriate under certain conditions.</p>	<p>Consistent. The project requests an exception to the height of the zone via a height overlay, as discussed above. Due to the location of the project within the central core area, the topography behind the Janss Marketplace, existing height overlays and precedent set on properties adjacent to the subject parcel, the setback of the proposed structure from major roads, and the renovation of the existing structure, the additional height would not create a significant impact. See Table 5.1-1, above.</p>
Commercial/ Industrial Policies	
<p>Policy 1: Employment centers which provide industrial and commercial employment, consistent with community needs, shall be encouraged.</p>	<p>Consistent. Per the applicant's project description, the hotel project estimates to employ approximately 16 employees. The first floor retail suites would have the opportunity to employ additional individuals that would provide employment consistent with community needs.</p>
<p>Policy 2: Low profile and aesthetically designed signage shall be allowed for all developments; no billboards shall be allowed</p>	<p>Consistent. The signage design would be developed during or after the construction documentation phase of the Project and would be designed to comply with the TOMC and Thousand Oaks Guidelines for</p>

**Table 5.10-2
General Plan Consistency Analysis**

Goals and Policies	Analysis of Project Consistency
	Development within the Corridors of Route 101 and 23 Freeways.
Additional Policies	
Policy 2: Aesthetics: As the City ages, it is important to maintain, improve and enhance the City's aesthetic appearance.	Consistent: See Table 5.1-1, above, and Table 5.1-3., below.
Policy 3: Air Quality: The City shall place high priority on maintaining and improving local and regional air quality.	Consistent: Refer to Section 5.2, Air Quality for the proposed project's potential air quality impacts. The analysis identified impacts and mitigation measures to reduce those impacts to below a level of significance.
Policy 4: Archaeological: The City shall preserve and protect archaeological resources for future generations and the Conejo Valley's cultural heritage.	Consistent: Refer to Section 5.4, Cultural, Tribal Cultural, and Historical Resources for the proposed project's potential impacts. The analysis identified impacts and mitigation measures to reduce those impacts to below a level of significance.

As seen in the above tables, the project is consistent with the General Plan as the project consists of hotel, retail and restaurant uses within a commercial area, is located within a district that has other commercial uses and is on a site that has easy access to the Ventura Freeway Corridor. In addition, the Project provides commercial employment opportunities. The project was reviewed for its effect on physical design on the environment, and mitigation measures have been incorporated into the project's conditions of approval. Therefore, the project is consistent with the goals and policies of the City's General Plan.

The proposed project is complimentary to Thousand Oaks 2017 Economic Development Strategic Plan Real Estate/Zoning strategic recommendation as the project implements a mix of uses at the Janss Marketplace to help replace the loss of larger department stores and big box retailers. The project is also complimentary to Thousand Oaks Economic Development Strategic Plan Public/Private Investment strategic recommendation as the project reinvestments in a key commercial center which will be a major contributor to the tax base. The project is anticipated to contribute to the fiscal health of Thousand Oaks. In particular, the development is anticipated to result in short-term economic growth during the construction of the facility and generate long-term growth through the collection of Transient Occupancy Taxes (TOT). Collectively, these actions are anticipated to contribute to the fiscal health of Thousand Oaks.

Therefore, the project is consistent with the Thousand Oaks General Plan and any applicable specific plan or redevelopment plan.

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

The project, as designed, was reviewed for consistency with the C-3 and C-3-H zones and other TOMC development standards including, but not limited to, use, height, setbacks, parcel size, building coverage and parking as part of the EIR process. As described in Table 1, Table 5.1-2 and Table 5.1-3 below, the development is consistent and would not conflict with City TOMC Development Standards with the exception of Building and Structure Coverage and Off-street Parking (addressed after the Tables):

Table 1: Required Setbacks

DEVELOPMENT STANDARD	REQUIRED	EXISTING LOT LINES	PROPOSED LOT LINES (LD 2021-70479 & 2022-70265-TTM)	COMPLIES
Front (east along North Moorpark Road)	100 feet from the centerline of a public street.	Approximately 550 feet from the centerline of North Moorpark Road.	Approximately 550 feet from the centerline of North Moorpark Road. Approximately 205 feet to boundary of LD 2021-70479's Parcel 1.	Yes
Front (west along West Wilbur Road)	100 feet from the centerline of a public street.	Approximately 350 feet from the centerline of West Wilbur Road.	Approximately 350 feet from the centerline of West Wilbur Road.	Yes
Side (north)	None, unless abutting a Residential zone.	Abuts the C-3 zone. Approximately 390 feet at the closest point.	Abuts the C-3 zone. Approximately 25 feet to boundary of LD 2021-70479's Parcel 1 at the closest point.	Yes
Side (south)	None, unless abutting a Residential zone.	Abuts the C-3 zone. Approximately 490 feet at the closest point.	Abuts the C-3 zone. Approximately 490 feet at the closest point.	Yes

**Table 5.1-2
TOMC Consistency Analysis Governing Scenic Quality**

Relevant TOMC Section	Project Consistency Analysis
9-4.2105. Permitted use matrix – Non-residential zones	
<p>Transient Lodging Uses (Hotels and motels) are permitted in the C-3 zone upon issuance of a Development Permit.</p> <p>Eating & Drinking Establishments Restaurants, cafes, coffee shops, and other specialized food and beverage service establishments (e.g., beverages, pastry, desserts, fast food) without alcoholic beverage consumption (up to 0.5% alcohol by volume) are permitted in the C-3 zone upon issuance of a Development Permit.</p> <p>Restaurants, cafes, and other specialized food service establishments with alcoholic beverage consumption (greater than 0.5% alcohol by volume) are permitted in the C-3 zone upon issuance of a Special Use Permit.</p> <p>Retail Commercial Uses Retail stores are permitted in the C-3 zone upon issuance of a Development Permit.</p>	<p>Consistent with Development Permit and Special Use Permit. Upon issuance of the Project’s Development Permit, the Project would comply with the permitted uses for the C-3 Zone.</p>
Sec. 9-4.1404. Development permits: Conditions and limitations (C-3).	
<p>(a) The open storage of materials and equipment shall be permitted only when incidental to the permitted use of an office, store, or other building located on the front portion of the same lot; provided, however, such storage area shall be approved and shown on the plot plan.</p>	<p><u>Consistent.</u> No outdoor storage is proposed.</p>
<p>(b) Buildings and other structures shall not occupy more than twenty-five (25%) percent of the area for which the development permit is issued. The remaining area shall be used for automobile parking and circulation and shall be completely improved, surfaced, and marked for such purpose.</p>	<p><u>Consistent, with approval of Waiver.</u> The existing coverage within the 38-acre Janss Marketplace is approximately 35% consisting of an approximately 28.5% building coverage and an additional 6.4% parking structure coverage.</p> <p>Upon demolition of the approximately 35,500 square feet of commercial development, building coverage will be reduced to 26.31%, and after the hotel is constructed, with a larger</p>

**Table 5.1-2
TOMC Consistency Analysis Governing Scenic Quality**

Relevant TOMC Section	Project Consistency Analysis
	<p>36,300 square-foot building footprint, building coverage will increase to 28.50%.</p> <p>The project would be consistent with this standard upon approval of the requested Waiver.</p> <p>The creation of three airspace subdivision parcels will not alter the building coverage.</p>
<p>(c) Whenever the parking and circulation area abuts property in an R Zone, there shall be erected along the property line abutting the R Zone a solid fence or wall six (6') feet in height, or an evergreen hedge shall be planted and maintained at a height of six (6') feet.</p>	<p><u>Not applicable.</u> The Project Site does not abut a residential zone.</p>
<p>(d) No structure shall be located less than one hundred (100') feet from the center line of any public road, street, or highway or less than within ten (10') feet of any boundary line of abutting R property, except when the structure height exceeds twenty-five (25') feet, it shall be located not less than twenty (20') feet from any such boundary line.</p>	<p><u>Consistent, existing condition.</u> The existing building is located more than 100 feet from the centerline of any public road, street and highway.</p> <p>The creation of three airspace subdivision parcels will not alter the building distance from the centerline of any public road, street and highway.</p>
<p>(e) Structure heights within the C-3 Zone shall be as set forth in Section 9-4.2501 of Article 25 of this chapter.</p>	<p><u>Consistent with Height Limit Overlay.</u> The project proposes a 73-foot-tall structure. Since the existing C-3 zone allows a maximum building height of 35 feet, the project proposes a Height Limit Overlay Zone to be applied to the project site, resulting in a zone change to C-3-H. The C-3-H allows for a building height increase up to 75 feet. Thus, upon approval of proposed zone change, the project would be consistent with TOMC 9-4.3300.</p>
<p>(f) Ingress and egress roads leading onto a limited access highway shall be located at intervals not less than six hundred (600') feet apart. Ingress and egress roads leading onto any other public road, street, or highway shall be located at intervals not less than three hundred (300') feet apart, except when such</p>	<p><u>Consistent, existing condition.</u> Existing ingress and egress into the project site are at intervals not less than 300 feet.</p> <p>The project will not alter the ingress and egress intervals.</p>

**Table 5.1-2
TOMC Consistency Analysis Governing Scenic Quality**

Relevant TOMC Section	Project Consistency Analysis
<p>road, street, or highway is designed as a service road for any adjacent commercial area, the ingress and egress roads shall be located at intervals not less than one hundred (100') feet apart.</p>	
<p>(g) Frontage or interior service roads shall be provided to serve such C-3 area.</p>	<p><u>Consistent, existing condition.</u> An existing service road is located on the property north and west of the hotel location.</p> <p>The project will retain the existing service road.</p>
<p>(h) Wherever the parking or circulation area abuts a public street and the property across such street is zoned for residential uses, there shall be provided along the C-3 area property lines adjacent to the street, except within the approved exit and entrance ways, a planting strip one and one-half (1- 1/2') feet wide within which plantings shall be maintained at a minimum height of two and one-half (2-1/2') feet; provided, however, where sight distance may be impaired, the Community Development Director may permit a lesser height requirement. Appropriate wheel blocks shall be installed along the parking area sides of the planting strip.</p>	<p><u>Not applicable.</u> The Project Site does not abut a residential zone.</p>
<p>(i) Trees, approved as to number and type by the Landscape Supervisor, shall be planted in the parkway area between the curbs and sidewalks.</p>	<p><u>Consistent, existing condition.</u> Existing trees are within the parkway.</p> <p>The project will retain the existing trees.</p>
<p>(j) Every lot created on or after September 5, 1969, shall have a minimum street frontage of 100 feet and a minimum lot area of 20,000 square feet; provided, however, any lot having frontage on a limited or controlled access highway shall have a minimum frontage of 600 feet unless;</p> <p>(1) All access rights to such limited or controlled access highway have been dedicated to, and accepted by, the City subject to such driveways or common driveways as permitted</p>	<p><u>Consistent, existing condition.</u> The existing lots were originally created before 1969, and they are more than 20,000 square feet. The Janss Marketplace does not have frontage on a limited or controlled access highway.</p> <p>The three airspace subdivision parcels will share a street frontage in excess of 100 feet and a lot area in excess of 20,000 square feet</p>

**Table 5.1-2
TOMC Consistency Analysis Governing Scenic Quality**

Relevant TOMC Section	Project Consistency Analysis
<p>in such acceptance of access rights dedication; or</p> <p>(2) A Special Use Permit for an automobile service station, including access thereto, has been approved by the City.</p>	
<p>(k) Every lot created on or after September 5, 1969, shall have a depth at least equal to the required street frontage of such lot (except the required frontage along limited or controlled access highways) and a depth not more than 3 times the amount of the actual street frontage of such lot.</p>	<p><u>Consistent, existing condition.</u> The existing lots were originally created before 1969. The existing parcels are odd-shaped lots that do not conform to the width-to-depth ratio.</p> <p>The three airspace subdivision parcels will not alter the width-to-depth ratio.</p>
<p>(l) Each community shopping center site shall consist of a minimum of ten (10) acres and up to a maximum of forty (40) acres. After a development permit for the center has been approved by the City, individual lots may be created so long as they comply with the provisions of subsections (j) and (k) of this section.</p>	<p><u>Consistent.</u> The Janss Marketplace is approximately 38-acres.</p>
<p>(m) The applicant shall submit a construction sequence for the land covered by the permit showing the order in which particular structures and facilities will be constructed, and, upon approval of the sequence, the applicant shall not deviate from such sequence without written approval by the Community Development Director.</p>	<p><u>Consistent.</u> The hotel project will be developed in one phase.</p>
<p>9-4.307 Height Limit Overlay Zone (H). The Height Limit Overlay Zone is intended to be applied as an overlay zone within the C-1, C-2, C-3, M-1, and M-2 use zones wherein a waiver of the maximum height limits of such zones may be granted by the City. Property designated in the Height Limit Overlay Zone may be considered for building heights of up to 75 feet. The purpose of the Height Limit Overlay Zone is to designate those locations of the City in which high-rise structures (defined as buildings over 35 feet in height) may be developed in a manner compatible with</p>	<p><u>Consistent with Height Limit Overlay.</u> The project proposes a 73-foot-tall structure. Since the existing C-3 zone allows a maximum building height of 35 feet, the project proposes a Height Limit Overlay Zone to be applied to the project site, resulting in a zone change to C-3-H. The C-3-H allows for a building height increase up to 75 feet. Thus, upon approval of proposed zone change, the project would be consistent with TOMC 9-4.3300.</p>

**Table 5.1-2
TOMC Consistency Analysis Governing Scenic Quality**

Relevant TOMC Section	Project Consistency Analysis
adjacent land uses, circulation and utility systems. and the visual character of the area.	

**Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of Route 101 and 23 Freeways**

Relevant Guideline	Project Consistency Analysis
Section A-Site Planning	
Guideline-1: Buildings should be located on relatively level land between knolls or on moderate slopes. They should not be placed on ridgelines conspicuous hilltops or steep hillsides where potential silhouetting and extensive grading impacts could result. The plotting of any structures shall consider adequate backdrop to blend into the natural surroundings with a minimum of visual impact.	<u>Consistent.</u> The five-story hotel structure would be constructed within the Janss Marketplace, on relatively level land; it is centrally located in a manner that allows the hotel to blend in with the existing commercial development with two-story volumes and the four-story parking structure. The hotel results in an incremental increase in the height of the Janss Marketplace structures while still maintaining a view of Fireworks Hill. These proposed projects would blend into the natural surroundings and would have a minimal visual impact.
Guideline-2: Building footprints shall reflect an integration of design that joins the buildings with the natural terrain. Extensive grading shall be avoided. The site’s topography shall determine the form of architectural design.	<u>Consistent.</u> Refer to Site Planning Guideline 1 compliance. The project would require grading on-site to allow for project implementation, but significant changes in finish elevations are not expected as the site is a developed, relatively level site within the existing Janss Marketplace. No subterranean levels are being provided. The hotel results in an incremental increase in the height of the Janss Marketplace structures while still maintaining a view of Fireworks Hill.
Guideline-3: All structures shall avoid large straight, blank facades; visual interest in design shall be provided by stepping the buildings back and creating more open space between the buildings and the roadway in both horizontal and vertical directions.	<u>Consistent.</u> Refer to Site Planning Guideline 1 compliance. The hotel has numerous plane changes, exterior articulation and architectural projections to ensure that there are no areas of blank facades. The hotel would be composed of a combination of concrete porcelain tile, wood siding panels, iron fixture canopy and doors, window frames with an anodized finish, and varying stucco materials and colors. Collectively, the exterior creates space between the buildings and the roadway in both horizontal and vertical directions.
Guideline-4: Building setbacks from the freeways and open spaces between	<u>Consistent.</u> U.S. 101 is located approximately 1,900 feet south of the hotel site while the closest edge of the

**Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of
Route 101 and 23 Freeways**

Relevant Guideline	Project Consistency Analysis
buildings adjacent to the freeways shall be increased to allow for landscaping and reduced visual impact. Distances shall be determined by viewshed, site topography and configuration, and architectural design of the proposed buildings.	Janss Marketplace is located approximately 850 feet from the centerline of U.S. 101. The hotel would be substantially screened from motorist traveling along U.S. 101, so it would not affect the overall freeway corridor image. The existing visual character, which contains landscaping and commercial and office development between U.S. 101 and the Janss Marketplace, would remain as the view from the freeway.
Guideline-5: Buildings shall be oriented at angles to the freeways to reduce the exposed facades visible from the roadway. This shall also provide additional open space for innovative landscape designs and open up views to distant features.	<u>Consistent.</u> Refer to Site Planning Guideline 4 compliance.
Guideline-6: Vehicle parking lots within the freeway view corridors shall be screened by utilizing combinations of earthen berms, landscaping (predominantly evergreen), and innovative decorative wall designs to reduce the visual impact of rows of glittering automobiles. Building placement can also serve as a method of screening parking lots.	<u>Consistent.</u> No changes to parking are proposed. Parking would be provided utilizing the existing 2,642 parking spaces within Janss Marketplace; of those spaces, it is expected that the hotel guests would predominantly park in the parking structure adjacent to Wilbur Road, which has approximately 1,396 spaces, conveniently located across from the project site.
Guideline-7: Exterior lighting fixtures shall be designed and placed in such a manner as to prevent spillage of illumination beyond the boundaries of the project site.	<u>Consistent.</u> Project lighting would be designed to include outdoor lighting levels that would be no more than 2.0 foot-candle at the boundary of the Project site. This design would prevent substantial light spillage beyond the Project boundaries.
Section B – Architectural Design	
Guideline-1: Building architecture shall make creative and innovative statements yet not appear as an imposition on the landscape. Buildings must be designed at a scale and manner that is sensitive to the terrain, reflecting an integration of architecture and topography.	<u>Consistent.</u> Refer to Site Planning Guideline 1 and 2 compliances. The design goal of the hotel is to blend in with the Janss Marketplace with materials and an accessible pedestrian scale. The hotel maintains a similar design as the Janss Marketplace’s existing commercial buildings play with elongated horizontal forms and larger vertical bookend massing. The project’s architect has designed the hotel with an exterior that breaks up the elevations and relates to the local environment while also providing visual wayfinding components by using strong architectural feature elements that focus attention on the main arrival area.

**Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of
Route 101 and 23 Freeways**

Relevant Guideline	Project Consistency Analysis
	As one navigates the Janss Marketplace walking promenades and vehicle drive aisles, there is a sense of discovery at each turn. The vision for the hotel emphasizes articulation, shadowed exterior features, high-quality exterior materials, with ground-level patios and architectural projects that lower the sense of height and massing.
Guideline-2: Building architecture shall incorporate the use of design articulation to break up building mass into smaller components. The use of angled building corners, sloping facades, projecting and recessing of walls, opening sections of the buildings and the integration of landscape elements will help to reduce a bulky appearance.	<u>Consistent.</u> Refer to Site Architectural Design Guideline 1 compliance. The hotel includes many design features that work to enhance the building articulation and massing, including storefront systems, offset façade elements, massing step-downs, architectural projects, and material differentiation to help convey a more human-scaled architecture.
Guideline-3: Proper siting of buildings, allowing open sections within buildings or among groups of buildings, shall provide some form of visual relief and maintain views of distant features.	<u>Consistent.</u> Refer to Site Planning Guideline 4 compliance.
Guideline-4: Building roof architecture shall be designed in a manner that is sensitive to both building and terrain. Exposure of large expansive roof areas shall be avoided.	<u>Consistent.</u> The hotel has a flat roof that would be primarily filled with mechanical equipment and possibly solar panels. These would be screened by parapets that would have variations in the height to create visual interest.
Guideline-5: Roof designs shall maintain a proportional relationship to the scale and shape of the building walls. Sloped roofs are encouraged and will depend upon the site’s topography, to avoid creating an imposing structure. The use of roof overhangs in proportion to wall heights is encouraged to integrate the building with the terrain by providing a lower perceived horizontal structure. Such designs are necessary to achieve greater effective shadow treatment to enhance the building’s architectural facade and provide a perceived depth to the design.	<u>Consistent.</u> Refer to Site Architectural Design Guideline 1 and 2. The hotel provides a variety of different measures to break down the scale of the structure. In addition to the plane articulation, the roofline is broken up with a combination of horizontal eave elements, vertical parapets, and architectural projections to create visual interest and variation across the various building façade.

**Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of
Route 101 and 23 Freeways**

Relevant Guideline	Project Consistency Analysis
<p>Guideline-6: Exposure of roof mounted mechanical equipment will not be permitted. Protective screening shall be integrated into the building’s overall design of wall and roof components. The use of nonconforming separate roof screening attachments shall be avoided.</p>	<p><u>Consistent.</u> Refer to Architectural Design Guideline 4 compliance.</p>
<p>Guideline-7: Upper floor levels on multi-story buildings should be stepped back from their base to open up the view corridor both horizontally and vertically.</p>	<p><u>Consistent.</u> Refer to Site Planning Guideline 3 compliance.</p>
<p>Guideline-8: The roofs of buildings which are constructed on land sloping up or down from the freeway shall be parallel to the natural topography to protect the line-of-sight within the view corridor. Projecting elements above roof lines shall be minimized and shall be integrated into the buildings’ overall design.</p>	<p><u>Consistent.</u> Refer to Site Planning Guideline 1 compliance. The hotel does not have sloped roofs, but it does have architectural projections integrated into the overall design to break up the massing and provide a lightness to the structure.</p>
<p>Guideline-9: Selective use of taller buildings (height overlays) will be considered only where there is sufficient visual backdrop and where important open views are not blocked.</p>	<p><u>Consistent.</u> Refer to Site Planning Guideline 4 compliance. The hotel is significantly distanced from U.S. 101. The maximum height of the hotel is 73 feet within the Height Overlay maximum height of 75 feet.</p>
<p>Guideline-10: Building designs, exterior colors and materials shall be selected so that they blend and integrate with the surrounding natural and manmade setting, consistent with the City’s image.</p>	<p><u>Consistent.</u> Refer to Architectural Design Guideline 1 compliance. The exterior color palette is a warm mix of neutrals highlighting different textures and finishes. Many of the hotel’s exterior materials can be found elsewhere in the Janss Marketplace.</p>
<p>Guideline-11: Exterior surface materials shall be of a non-glare finish, pursuant to the Precise Plan of Design. Windows shall be designed and oriented to minimize the reflective characteristics of the glass onto the freeway.</p>	<p><u>Consistent.</u> The hotel is designed with no glare finishes. There are no windows on the south side of the hotel which faces U.S. 101.</p>
<p>Guideline-12: Where development is proposed in areas adjacent to existing land uses, building design, scale, use of material, color and landscaping characteristics shall complement the existing uses.</p>	<p><u>Consistent.</u> Refer to Architectural Design Guideline 1 compliance.</p>

**Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of
Route 101 and 23 Freeways**

Relevant Guideline	Project Consistency Analysis
<p>Guideline-13: Building identification (signs) shall be selected in compliance with the City’s Municipal Sign Ordinances, in particular that which pertain to the freeway corridor. Signs shall be designed to complement the building’s architecture and not impose a visual impact. Criteria for signage shall include: letter design, color, overall sign area in proportion to setback distances, illumination, sign area ratio to wall or fascia surfaces, and consistency in size and location with existing signs in the area.</p>	<p><u>Consistent.</u> The signage design would be developed during or after the construction documentation phase of the Project and would be designed to comply with this guideline.</p>
<p>Guideline-14: Site planning and architectural treatment of buildings shall be employed to prevent the visual exposure of service bays, storage material, trash enclosures and loading and unloading activities from the freeway corridors.</p>	<p><u>Consistent.</u> The hotel will make use of and enhance an existing service area located to the south of the hotel. The service area is screened from public view by existing development. The proposed hotel size does not require a designated loading and delivery area, and all deliveries would be made during off-peak times in 10-to-15-minute windows via small vans. There are three loading facilities within close proximity to the hotel.</p>
<p>Guideline-15: Exterior illumination of structures shall be kept to a minimum and located primarily at building entrances and landscape features. Lighting should be indirect and recessed.</p>	<p><u>Consistent.</u> Exterior Project lighting would be designed to include outdoor lighting levels that would be no more than 2.0 foot-candle at the boundary of the Project site. Outdoor lighting will be shielded.</p>
<p>Guideline-16: Illumination from within buildings should be controlled by window design, location, and tinting. Window glass should be designed to control spillage of light from interior spaces.</p>	<p><u>Consistent.</u> Refer to Architectural Design Guideline 15 compliance.</p>
<p>Section C – Walls, Barriers, Berms</p>	
<p>Guideline-1: Where barrier screening for visual or noise mitigation is necessary, such treatment shall consist of a combination of decorative walls, undulating berms of various heights and innovative use of combined evergreen and deciduous landscape plant materials.</p>	<p><u>Consistent.</u> No barrier screening for visual or noise mitigation is necessary.</p>
<p>Guideline-2: Long and linear wall sections shall be avoided. These elements should be</p>	<p><u>Consistent.</u> Refer also to Architectural Design Guideline 1 compliance.</p>

**Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of
Route 101 and 23 Freeways**

Relevant Guideline	Project Consistency Analysis
staggered by methods that provide both horizontal and vertical relief and landscaped with clusters of native plant materials. Use of various combinations of wall material is encouraged to achieve a greater aesthetic effect.	
Guideline-3: Vines and/or other clinging plant material shall be used to visually accent walls where space may preclude the use of other larger plants.	<u>Consistent.</u> The walls are being accented with architectural materials and potentially public art, so vines and/or other clinging plants are not needed.
Guideline-4: Planted earthen berms shall take precedence over construction of walls, to emphasize the natural setting.	<u>Consistent.</u> As the site is relatively level, no walls or earthen berms are included in the project design.
Guideline-5: Screen walls shall consist of decorative materials that integrate and compliment the building’s architecture.	<u>Consistent.</u> Refer to Walls, Barriers, Berms Design Guideline 2 compliance.
Guideline-6: All manufactured berms shall incorporate grading techniques which emphasize a natural condition. Manufactured slopes shall consist of undulating contours of various slope ratios. Use of boulders and other natural native rock material is encouraged.	<u>Consistent.</u> Refer to Walls, Barriers, Berms Design Guideline 4 compliance.
Section D – Landscape Planting	
Guideline-1: Landscaping shall be used to complement and enhance building architecture, not to camouflage poor building design.	<u>Consistent.</u> Refer to Architectural Design Guideline 1 compliance. To complement and enhance the building architecture, landscaping would be provided in three primary planters at the southwest and northwest corners of the project groundcover. Landscaping would also include a variety of shrubs in pots located at the hotel and retail entrances, and around an outdoor seating area at the southeast corner of the structure.
Guideline-2: Landscaping shall be used to soften the visual impact of buildings, walls, grading and other site improvements.	<u>Consistent.</u> Refer also to Landscape Planting Guideline 1 compliance. This style of planting allows for framing and preserving of distant views.
Guideline-3: The type of plant material, height and massing of vegetation.	<u>Consistent.</u> The Project’s plant palette is diverse in tree and planting shapes and sizes, foliage, and flower color. This approach is used to enhance and complement the architectural facades.

**Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of
Route 101 and 23 Freeways**

Relevant Guideline	Project Consistency Analysis
Guideline-4: Plants shall be used which offer variety of color, shape and species with an emphasis on drought tolerant native plant materials. Plant selection shall also include an appropriate ratio of evergreen to deciduous for interest.	<u>Consistent.</u> Refer also to Landscape Planting Guideline 3 compliance. The project’s plant palette is in alignment with water conservation strategies and the evolution to a more resilient landscape in the long term.
Guideline-5: The planting of oak trees should be implemented wherever possible to aid in the establishment and reinforcement of the City’s image. This image can be further enhanced by the selective night-time lighting of signature oak trees.	<u>Consistent.</u> Refer also to Landscape Planting Guideline 1 compliance. No oaks are included in the plant palette as the planters are not substantial in size and as the site is anticipated to be illuminated consistently.
Guideline-6: Height of landscape planting should be controlled to maintain views of ridgelines and other scenic features from the freeway.	<u>Consistent.</u> Refer to Site Planning Guideline 1 and 4 compliances. Refer also to Landscape Planting Guideline 2 compliance. The hotel results in an incremental increase in the height of the Janss Marketplace structures while still maintaining a view of Fireworks Hill.
Guideline-7: Solid rows of landscaped screening along continuous sections of the roadway should be avoided. Designs of plant materials should vary to provide interest, avoiding straight rows of trees or other vegetation.	<u>Consistent.</u> Refer to Site Planning Guideline 4 compliance. Refer to Landscape Planting Guideline 2 compliance.
Guideline-8: Alternate groupings of plants and open spaces to frame and preserve distant views.	<u>Consistent.</u> Refer also to Site Planning Guideline 4 compliance. Refer to Landscape Planting Guideline 1 and 2 compliances.
Guideline-9: Monotonous repetitions in plant spacing should be avoided; the number and distance between adjoining plants should be varied.	<u>Consistent.</u> Refer to Landscape Planting Guideline 1 compliance.
Guideline-10: Vegetation shall be planted behind and in front of buildings to soften hard edges of architectural design.	<u>Consistent.</u> Refer to Landscape Planting Guideline 1 and 2 compliances.
Guideline-11: For infill projects, the selection of landscape material shall match or be compatible with established roadside and/or surrounding vegetation.	<u>Consistent.</u> The landscape plan would not alter any of the landscaping along the roadside or perimeter of the Janss Marketplace. The landscape palette is compatible with the landscaping within the Janss Marketplace.

Waivers

Building and Structure Coverage

The existing building and structure coverage within the 38-acre Janss Marketplace is approximately 35% consisting of an approximately 28.45%¹ building coverage and an additional 6.4%² parking structure coverage.

Upon demolition of the approximately 35,500 square feet of commercial development, building coverage will be reduced to 26.31%³, and after the hotel is constructed, with a larger 36,300 square-foot building footprint, building coverage will increase to 28.50%⁴.

The Commission supports granting the maximum Building and Structure Coverage Waiver to maintain and not to exceed a 35% building and structure coverage above the prescribed 25% building and structure coverage as otherwise required by TOMC Section 9-4.1404(b) because the additional 800 square-foot footprint would be imperceptible in the context of the existing approximately 611,000 square feet of development in the Janss Marketplace. The creation of three airspace subdivision parcels will not alter the building coverage statistics.

Off-street Parking

Section 9-4.2403(b) of the TOMC specifies that, in a project with more than one type of use, the total requirement for off-street parking shall be the sum of the requirements for the various individual uses, unless the Commission or Council approves the shared use of parking spaces. Alternating (shared) use of parking facilities may be appropriate in cases where certain uses generate peak parking demands during hours when other uses are not in operation or generate lower demand. The applicant is seeking approval of a shared parking program based upon different peak hours of parking demand for the different uses in the project.

The TOMC specifies that the burden of proof for a reduction in the total number of required parking spaces is on the applicant and that sufficient documentation shall be submitted justifying a reduced quantity of parking. The use of a shared parking arrangement has previously been approved for the Janss Marketplace.

In compliance with requirements of the TOMC, the applicant has submitted the attached shared parking analysis prepared by the applicant's Traffic Engineers,

¹ = (~471,000 SF building footprint)/(~38 acres) = 28.45% building coverage.

² = (~106,000 SF parking structure footprint)/(~38 acres) = 6.4% structure coverage.

³ = (~435,500 SF building footprint)/(~38 acres) = 26.31% building coverage.

⁴ = (~471,800 SF building footprint)/(~38 acres) = 28.50 % building coverage.

cdd:420-78/sk/H:COMMON/Planning Commission/Agenda Packet/2023-10-23/225/Janss Hotel/07B Janss Marketplace Hotel/ 22-70079 Attach5/pz (FILE ID: 2022-70079-DP)

Kimley-Horn and Associates dated October 4, 2023, to demonstrate that the supply of off-street parking is adequate to meet demand.

Per a strict application of the TOMC, a total of 3,146 parking spaces are required under current conditions, but the Janss Marketplace has a total of 2,642 parking spaces which are currently shared between all parcels within the Janss Marketplace. This results in a 16% parking reduction for the Janss Marketplace as otherwise required by TOMC Section 9-4.2402.

The project is not providing any additional parking spaces to the 2,642 shared parking spaces within the Janss Marketplace. A total of 3,767 parking spaces would be required for the existing Janss Marketplace plus the Janss Marketplace Hotel Project if shared parking was not utilized. This results in a 30% parking reduction for the Janss Marketplace as otherwise required by TOMC Section 9-4.2402.

The primary reason for shared parking is to reduce the number of spaces to a reasonable number which satisfies demand, not to a total that is less than necessary. The provision of an ample supply of parking lots is important to avoid a deficiency which would adversely impact nearby parking lots and public streets and conflict with the intent and purpose of the TOMC.

Both the City's Planning Division and Traffic Division have reviewed the analysis prepared by the applicant's consultant and concurs with the findings. According to the shared parking analysis:

1. Actual parking usage data was collected which demonstrated the peak parking occupancy did not exceed forty-two percent (42%) of all available parking spaces.
2. As the Janss Marketplace is approximately forty percent (40%) vacant, demand counts were calibrated to project parking demand at one hundred percent (100%) occupancy of available spaces for allowable uses. Peak parking demand for the Janss Marketplace at one hundred percent (100%) occupancy plus the project resulted in a total parking demand of 1,933 parking spaces.
3. The hotel's peak hour parking demands occur in the evening while the Janss Marketplace's peak parking demands occur in the day.
4. The 2,642 shared parking spaces can accommodate a parking demand of 1,933 parking spaces.

Staff found that the analysis represents a conservative estimate of parking demand.

The Commission supports granting the maximum Off-street Parking Waiver to maintain the existing 2,642 parking spaces, below the required 3,767 parking

spaces for the existing Janss Marketplace plus the Janss Marketplace Hotel Project, resulting in an approximately 30% parking reduction for the Janss Marketplace as otherwise required by TOMC Section 9-4.2402 because the 2,642 shared parking spaces can accommodate a parking demand of 1,933 parking spaces as demonstrated in the shared parking analysis.

The project has been conditioned to update the reciprocal parking agreements to ensure the project has access to parking facilities. Additionally, the project has been conditioned to prepare a “Parking Management Program” to:

1. Establish loading and unloading zones for guests and deliveries; and
2. Implement a valet program for hotel special events; and
3. Include items to reduce auto dependency such as shuttles, auto sharing, bike sharing, ridesharing and, education/information programs with guests.

As seen in the above Tables and Waiver discussion, the project is consistent with the actual or intent behind the TOMC Development Standards and Freeway Corridor Guideline. The Commission finds the overall structure is compatible with the Janss Marketplace and integrates into the existing surrounding development. The proposed structure at 146,290⁵ square feet would displace a vacant 35,513 square-foot retail space within the 611,049 square-foot Janss Marketplace resulting in a 721,826 square-foot development.

The five-story project would fit within the existing urbanized area which consists of one- through four-story structures within the Janss Marketplace and one- to five-story buildings in the immediate vicinity. Additionally, the project site and properties to the west and south are within the C-3-H height overlay which have the potential to construct commercial buildings up to a maximum height up to 75 feet.

The project is consistent with the City’s Commercial Architectural Design Guidelines and Standards (Resolution No. 2005-011) and Freeway Corridor Guideline by using unified design elements throughout the development. The project meets the intent of the goals and policies pertaining to community design for the project site. The proposed project includes design features that would create a sense of place that is unified and attractive. As such, the project meets the intent of the aesthetic character/quality for the site per the City’s General Plan policies and Municipal Code regulations governing scenic quality.

The proximity to the commercial areas within the Thousand Oaks Boulevard Specific Plan (SP-20) area, 401 West Hillcrest Specific Plan (SP-17), Conejo Community Park, bus services, nearby commercial, office and multi-family uses, make the subject site highly suited to the proposed use and density.

⁵ 216-room hotel is ~132,982 square feet. The retail space is 13,308 square feet.
cdd:420-78/sk/H:COMMON/Planning Commission/Agenda Packet/2023/2023-10-23/225/Janss Hotel/07B Janss Marketplace Hotel/ 22-70079 Attach5/pz (FILE ID: 2022-70079-DP)

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 project complies with all applicable laws, regulations, and policies.

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 characteristics and location of the site, and uses on parcels within the zone in which the proposed use would be 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 environmental document (CEQA-2022-70002) 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 development including the commercial, office and residential uses to the north, the commercial uses to the south and east, and the commercial and office uses to the west. The project's operational noise is anticipated to be similar to and compatible with the abutting commercial facilities. The hotel has been conditioned to create a Special Events Noise Monitoring Plan to ensure that the noise cannot be heard from off-site residential properties during operating hours (the closest residentially-zoned

property to the subject site is approximately 1,180 feet away and buffered by intervening structures). The Commission finds that the Special Events Noise Monitoring plan and the physical barriers and distance from residential properties are adequate buffers between the hotel and restaurant locations and residentially-zoned properties to minimize any potential disturbance to neighboring properties. With the Mitigation Measures required by CEQA-2022-70002 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 Council is being asked to certify the Final EIR that was prepared for the project. The Final EIR identifies where all areas listed as potentially significant have been mitigated to levels that are no longer significant, through the inclusion of mitigation measures, which the applicant shall comply with under the proposed conditions of approval.

SECTION 4

WHEREAS, the findings of the Planning Commission supporting approval of said 2022-70265-TTM are made, and as the findings to recommend denial of the map as stated in (TOMC Section 9-3.702(h)) cannot be made, as follows:

1. *[Deny the map if] the proposed map is not consistent with the applicable General and Specific Plans (TOMC Section 9-3.702(h)(1)).*

The airspace subdivision is consistent with the Thousand Oaks General Plan, in that the subject site has been previously developed to accommodate the existing shopping center located within the General Plan Land Use Element designation of Commercial and C-3 (Community Shopping Center) and C-3-H (Community Shopping Center – Height Overlay) zones, which allows the established commercial use. See SECTION 3's Finding 1 for additional information about how the project is consistent with the General Plan. The subject parcel is not regulated by any additional specific plan.

2. *[Deny the map if] the design or improvement of the proposed subdivision is not consistent with the applicable General and Specific Plans (TOMC Section 9-3.702(h)(2)).*

The airspace subdivision design and improvements are suitable at this location because the project is consistent with the subdivision requirements of the Municipal Code in that the three airspace subdivision parcels will not alter the underlying existing parcels. The underlying map, Tract Map No. 1229, was recorded on April 29, 1960, before 1969, before the current Municipal Code came into effect. The airspace subdivision parcels are consistent with the Municipal Code. See SECTION 3, Finding 1, in this Resolution for additional information about how the project is consistent with the General Plan. The subject parcel is not regulated by any additional specific plan.

3. *[Deny the map if] the site is not physically suitable for the type of development (TOMC Section 9-3.702(h)(3)).*

The airspace subdivision was designed to be physically suitable to develop a 216-room five-story hotel with amenities and approximately 13,000 square feet of commercial retail space. Both hotels and retail uses are types of development allowed within the C-3 zone subject to approval of a Development Permit. The findings to approve the Development Permit have been made in SECTION 3 in this Resolution. The airspace subdivision has been designed to be in compliance with Fire Code and Building Code standards.

4. *[Deny the map if] the site is not physically suitable for the proposed density of development (TOMC Section 9-3.702(h)(4)).*

The TOMC does not include density standards relative to hotel and retail developments. The airspace subdivision was designed to be physically suitable to develop a 216-room five-story hotel with amenities and approximately 13,000 square feet of commercial retail space. Both hotels and retail uses are types of development allowed within the C-3 zone subject to approval of a Development Permit. The findings to approve the Development Permit have been made in SECTION 3 in this Resolution. The Fire Code and Building Code are written to provide safety standards, in part, based on occupant loads. The airspace subdivision has been designed to be in compliance with Fire Code and Building Code standards.

5. *[Deny the map if] the design of the subdivision or the proposed improvements are likely to cause substantial environmental damages or substantially and avoidably injure fish or wildlife or their habitat (TOMC Section 9-3.702(h)(5)).*

The design of the subdivision and anticipated improvements are not likely to be detrimental or to cause substantial environmental damages in that the project is not expected to release any hazardous substances or interfere with any emergency response or evacuation plans because the project has been reviewed and approved by the Community Development Department, Public Works

Department, and the Ventura County Fire Department. Additionally, an EIR was prepared for the project which evaluated the project's impact on the environment, including fish and wildlife or their habitat, and all environmental impacts could be reduced to a less than significant level with the incorporation of mitigation measures. With the incorporation of the conditions of approval set forth by the above listed Departments and Agencies, and with the inclusion of mitigation measures from the Final EIR, neither the subdivision nor the proposed improvements are likely to cause substantial environmental damages or substantially and avoidably injure fish or wildlife or their habitat.

6. *[Deny the map if] the design of the subdivision or the type of improvements is likely to cause serious public health problems (TOMC Section 9-3.702(h)(6)).*

The design of the subdivision and the type of anticipated type of improvements are not likely to be detrimental or to cause serious public health problems because the project has been reviewed and approved by the Community Development Department, Public Works Department, and the Ventura County Fire Department and evaluated the project to comply with safety standards. With the incorporation of the conditions of approval set forth by the above listed Departments and Agencies, and with the inclusion of mitigation measures from the Final EIR, neither the subdivision nor the proposed improvements are likely to cause serious health problems.

7. *[Deny the map if] the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or the use of property within the proposed subdivision or with public access to public resources as defined and regulated by Sections 66478.1, et seq. of the Subdivision Map Act. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided and that they will be substantially equivalent to easements previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority shall be granted to a legislative body to determine that the public at large has acquired easements for access through, or the use of, property within the proposed subdivision (TOMC Section 9-3.702(h)(7)).*

As designed, the proposed tract map does not conflict with existing public easements because the design of the subdivision and its improvements are consistent with existing and surrounding development and conditions. Any future development on the subject property will include conditions requiring public improvements, if necessary. The subdivision has been conditioned to require reciprocal access, parking, utilities, and amenities to be provided to all parcels throughout the Janss Marketplace.

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

The proposed Tentative Tract Map 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 Council is being asked to certify the Final EIR that was prepared for the project. The Final EIR identifies where all areas listed as potentially significant have been mitigated to levels that are no longer significant, through the inclusion of mitigation measures, which the applicant shall comply with under the proposed conditions of approval.

NOW, THEREFORE, BE IT RESOLVED that based on substantial evidence contained within the record, the analysis in the staff report, the Findings of Fact above, and, having considered the Final EIR and associated MMRP, the Planning Commission recommends that the City Council adopt and certify the Final Environmental Impact Report CEQA-2022-70002 prepared for the project, the Planning Commission recommends that the City Council approve 2022-70079-DP and 2022-70265-TTM , 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 Planning Commission or City Council.

I HEREBY CERTIFY that the foregoing resolution reflects action taken by the Planning Commission of the City of Thousand Oaks at a regular meeting held on the 23rd day of October 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sharon McMahon, Chair
Planning Commission

Fabiola Zelaya Melicher, Secretary
Planning Commission

**COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL FOR
2022-70079-DP**

**COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL
FOR 2022-70079-DP**

GENERAL

1. **Land and Application** – The Development Permit is adopted, granted or accepted for the land described in the application, any attachment thereto, and as shown on the submitted “Project Plan Set,” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____, pursuant to the following conditions.
2. **Scope of Permit Approval** – A Development Permit allowing the demolition of approximately 35,500 square feet of commercial development (including the former Marshalls location) and construction of a new 216-room five-story hotel with amenities, and approximately 13,000 square feet of commercial retail space, including hardscape, landscape, and grading. Requested Waivers are included to maintain an approximately 35% building and structure coverage above the prescribed 25% building and structure coverage and maintain existing parking resulting in an approximately 30% parking reduction for the Janss Marketplace. The Project shall be constructed substantially as shown on project plans labeled “Project Plan Set,” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____, unless conditioned otherwise herein.
3. **Approval Period/Use Inauguration** – The Development Permit is granted for a three (3) year period of time from City Council final project approval ending _____, at which time said permit shall expire unless the use authorized herein has been inaugurated in accordance with Section 9-4.2812(c) of the Thousand Oaks Municipal Code. The applicant may request time extensions of this period as permissible by Section 9-4.2812(e) of the Thousand Oaks Municipal Code by filing a Minor Modification application prior to the expiration date.
4. **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.

**COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL FOR
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5. **Approval Inclusion** – This approval, in its entirety as adopted, shall be included in the initial plan-check submittal that is submitted to the Building Safety Division. The 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.
6. **Condition Compliance** – The conditions set forth in this Resolution shall run with the land and shall remain in force for the duration of the life of the Project. All previously imposed conditions of PD 34, all conditions of 2022-70079-DP and 2022-70265-TTM, and, any other modification shall apply to this approval, unless otherwise modified herein.
7. **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 industrial establishment.
8. **Regulatory Agency Approval** – The requirements of all applicable regulatory agencies shall be met, and approval obtained, prior to gas release. Copies of all required licenses shall be submitted to the Community Development Department.
9. **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 commences upon the date of approval of 2022-70079-DP by the City.
10. **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.
11. **Non-residential Development Linkage Fee** – Prior to the issuance of any building permits, the applicant shall pay the required Nonresidential Development Linkage Fee for the project pursuant to Section 9-10.409 of the Municipal Code per the linkage fee rate established by the City Council Resolution in effect at the time.

**COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL FOR
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12. **City / County / Agency / Other Fees** – All Police, Fire Department, School District Fees and any other fees identified in the Standard Conditions, Resolution No. 95-20, shall be paid prior to the issuance of any building permits. Notification in writing by these agencies confirming payment shall be submitted to the Community Development Department.
13. **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.
14. **Signed Acceptance of Conditions** – A signed Acceptance of Conditions affidavit shall be executed by the applicant and property owner, or their duly authorized representative, and shall be returned to the Community Development Department prior to the issuance of a building permit associated with 2022-70079-DP.
15. **Authorized Project Changes/Modifications** – Minor changes to 2022-70079-DP may be approved by the Community Development Department through the appropriate entitlement process provided such changes achieve substantially the same results and the project is still in compliance with all applicable development standards in the Thousand Oaks Municipal Code. Revised plans reflecting the minor changes and additional fees shall be required. Any substantial changes will require the filing of a major modification application.
16. **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, doorway, window locations, or in the parking, landscaping and 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.

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17. **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 subject to, and to the extent set forth in, 2022-70079-DP. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in the defense.
18. **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.
19. **Occupancy** – No final inspection or occupancy permit shall be granted until construction and landscaping are complete in accordance with the approved plans and the conditions required herein.

ENVIRONMENTAL MITIGATION MEASURES

20. **(M) Mitigation Compliance** – Applicant agrees to comply with all mitigation measures outlined in Environmental Impact Report No. CEQA-2022-70002. 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 the Environmental Impact Report 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.

AIR QUALITY

21. **(M) MM-AQ-1 (Best Management Practices)**: The applicant shall require all construction plans to include the following best management practices:
 - a. Maximize the use of chemical dust suppressants or non-potable water, if available. If water is used, all exposed surfaces shall be watered three times daily.
 - b. Exposed surfaces include, but are not limited to, soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
 - c. Cover or maintain at least 2 feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul

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trucks that would be traveling along freeways or major roadways shall be covered.

- d. Use wet power vacuum street sweepers to remove any visible track-out mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.
- e. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- f. Pave all roadways, driveways, sidewalks, parking lots as soon as possible. In addition, building pads shall be laid immediately after grading unless seeding or soil binders are used.
- g. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, Section 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.
- h. Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment shall be checked by a certified mechanic and determined to be running in proper condition before it is operated.

22. **(M) MM-AQ-2 (Architectural Coating):** Prior to issuance of grading permits, the City of Thousand Oaks shall review the final construction plan to verify the architectural coating phase shall last for at least six weeks.

23. **(M) MM-AQ-3 (Diesel Off-road Equipment):** All diesel off-road equipment rated 50 horsepower or more shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB. This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the VCAPCD, as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.

An exemption from these requirements may be granted by the City in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the City, the applicant shall be required to demonstrate that two construction fleet owners/operators in Ventura

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County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within Ventura County. Further, if an exemption is granted by the City, the applicant shall use a minimum of Tier 3 equipment with a CARB-certified Level 3 diesel particulate filter in place of the Tier 4 Final equipment.

BIOLOGICAL RESOURCES

24. **(M) MM-BIO-1 (Bat Roosting & Surveying):** If project-related activities are to be initiated during the bat day and/or night-roosting or maternity-roosting season (April 1 through August 31), a pre-construction survey for day and/or night-roosting or maternity-roosting bats shall be conducted by a qualified biologist no more than 14 days prior to the start of any vegetation removal, ground disturbing activities, or construction, to confirm if roosting bats are present to avoid and minimize impacts to any roosting bat species. The qualified biologist shall survey all suitable roost habitat within the project's area of disturbance plus a 300-foot buffer zone. Each time work ceases for a period of 14 days or more during day and/or night-roosting or maternity-roosting season, a new roosting bat clearance survey shall be conducted.
- a. If no roosts are observed during pre-construction surveys, project activities may begin, and no additional avoidance and minimization measures shall be required.
 - b. If day-time roosting bats or signs of such bats are detected: roosting location shall be demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging to facilitate avoidance. The distance of the no-disturbance buffers around day-roosting bats would be a minimum of 50 feet. This distance may be increased based upon the particular bat species found and/or the phased removal of buildings and trees to allow day-roosting bats to relocate on their own volition as determined by a qualified bat biologist.
 - c. If an active maternity roost is identified, no work activities should occur within 100 feet of or directly under or adjacent to the maternity roost during the breeding season when young are present but are not yet ready to fly (April 1 through August 31). Their roosting location shall be demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging to facilitate avoidance.
 - d. The qualified biologist shall periodically monitor any active roosts to determine if the roost is no longer being used. No construction or ground disturbance shall occur within this buffer until the qualified biologist confirms that the roosting is completed or a Bat Avoidance Plan is submitted by the developer and approved by the California Department of Fish and Wildlife (CDFW).

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25. **(M) MM-BIO-2 (Bird Nesting & Surveying):** If project-related activities are to be initiated during the bird nesting season (January 1 to August 31), a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist no more than three days prior to the start of any vegetation removal or ground disturbing activities to confirm if active bird nests are present to avoid and minimize impacts to any nesting bird species. The qualified biologist shall survey all suitable nesting habitat within the project's area of disturbance plus a 300-foot buffer zone. Each time work ceases for a period of seven days or more during nesting season, a new nesting bird clearance survey shall be conducted.
- a. If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required.
 - b. If an active bird nest is found, the species shall be identified, and a "no-disturbance" buffer shall be established around the active nest. The distance of the no-disturbance buffer around active bird nests would be a minimum of 100 feet for non-special status species, and 300 feet for special-status passerine species and raptor species. These distances may be greater depending on the bird species and construction activity, as determined by the qualified biologist.
 - c. The qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the "no-disturbance" buffer disturb the birds and if the buffer should be increased. No construction or ground disturbance shall occur within these buffers until the qualified biologist confirms that the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions.

CULTURAL, TRIBAL AND HISTORICAL RESOURCES

26. **(M) MM-CUL-1 (Worker Environmental Awareness Program):** Worker Environmental Awareness Program (WEAP) training shall be provided to all construction personnel and monitors who are not trained archaeologists prior to the start of construction activities. A basic presentation and handout or pamphlet shall be prepared to ensure proper identification and treatment of inadvertent cultural resource discoveries. The purpose of the WEAP training is to provide specific details on the kinds of cultural materials, both prehistoric and historic, that may be identified during construction of the project and explain the importance of and legal basis for the protection of cultural resources. Each worker shall also be provided with the proper procedures to follow in the event that cultural resources or human remains are discovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate notification of the

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site supervisor and the qualified archaeological and Native American monitors. If the discovery is Native American, a Native American monitor shall be notified.

27. **(M) MM-CUL-2 (Unanticipated Discovery of Cultural Resources):** The project applicant shall retain a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for archaeology, prior to the start of any earthwork activities related to project construction, to monitor all ground-disturbing activities within the areas of native soil (i.e., below existing areas of artificial fill from previous construction). In the event that potential prehistoric or historic-era archaeological resources (sites, features, or artifacts) are exposed during construction activities for the project, all construction work occurring within a 50-foot buffer of the find shall immediately stop and a qualified archaeologist must be notified immediately to assess the significance of the find and determine whether or not additional study is warranted. Depending on the significance of the find under the California Environmental Quality Act (CEQA), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work (e.g., preparation of an archaeological treatment plan, testing, or data recovery) may be warranted. If Native American resources are discovered or are suspected, each of the consulting tribes for the project will be notified, 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). An archaeological monitoring report shall be prepared within 60 days following completion of ground disturbance and submitted to the City of Thousand Oaks Community Development Director for review. This report shall document compliance with approved mitigation, document the monitoring efforts, and include an appendix with daily monitoring logs. The final report shall be submitted to the South Central Coastal Information Center and interested consulting tribes.
28. **(M) MM-CUL-3 (Discovery of Human Remains):** If human remains are encountered during implementation of any phase of the project, the project archaeologist shall be allowed to temporarily divert or redirect excavation activities in the vicinity of the find in order to make an evaluation 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 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

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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 NAHC within 24 hours. The NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant must then complete their inspection within 48 hours of being granted access to the site. The most likely descendant would then determine, in consultation with the property owner, the disposition of the human remains.

GEOLOGY AND SOILS

29. **(M) MM-GEO-1 (Geotechnical Investigation):** A geotechnical investigation shall be conducted by the project applicant to analyze the soil conditions and potential threats to building stability, and shall include a report that recommends grading, construction, and design operations appropriate for seismic conditions. All grading operations and construction shall be conducted in conformance with the recommendations included in the geotechnical report. Design, grading, and construction shall also be performed in accordance with the requirements of the City of Thousand Oaks Building Code and the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project geotechnical consultant summarized in a final written report, subject to review and approval by the City of Thousand Oaks Building Official, or designee, prior to commencement of grading activities.
30. **(M) MM-GEO-2 (Geotechnical Engineer):** A qualified Geotechnical Engineer shall be retained to perform the following tasks prior to and during construction:
- a. Review final grading, foundation, and drainage plans to verify that the recommendations contained in the geotechnical investigation have been properly interpreted and are incorporated into the project specifications.
 - b. Observe and advise during all grading activities, including site preparation, foundation, and placement of fill, to confirm that suitable fill materials are placed upon component material and to allow design changes if subsurface conditions differ from those anticipated prior to the start of grading and construction.
 - c. Observe the installation of drainage devices.

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- d. Test all fill placed for engineering purposes to confirm that suitable fill materials are used and properly compacted.

31. **(M) MM-GEO-3 (Paleontologist & Paleontological Resources Impact Mitigation Plan):** Prior to the commencement of ground disturbing activities, the Project Applicant shall retain a qualified Project Paleontologist to direct all mitigation measures related to paleontological resources. A qualified Project Paleontologist is defined by the Society of Vertebrate Paleontology standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years. The Project Paleontologist shall be retained to prepare and implement a Paleontological Resources Impact Mitigation Plan (PRIMP) for the project.

The PRIMP shall be consistent with the 2010 Society of Vertebrate Paleontology guidelines and outline requirements for pre-construction meeting attendance and worker environmental awareness training, where paleontological monitoring is required within the project site based on construction plans and/or geotechnical reports; procedures for adequate paleontological monitoring and discoveries treatment; and paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils), reporting, and collections management.

Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources and meets the minimum standards of the Society of Vertebrate Paleontology for a Paleontological Resources Monitor. The paleontological monitor shall be responsible for maintaining daily monitoring logs for those days monitoring occurs. The duration and timing of the monitoring shall be determined by the Project Paleontologist based on the observation of the geologic setting from initial ground disturbance, and subject to review and approval by the City of Thousand Oaks. If the Project Paleontologist determines full-time monitoring is no longer warranted based on the geologic conditions at depth, they may recommend that monitoring be reduced or cease entirely. Monitoring shall be reinstated if any new ground disturbances are required, and reduction or suspension shall be reconsidered by the Project Paleontologist at that time.

If a paleontological resource is discovered, the monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If

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the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:

- a. **Salvage of Fossils.** If fossils are discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) shall recover them following standard field procedures for collecting paleontological resources as outlined in PRIMP for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Project Paleontologist and/or paleontological monitor shall have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.
- b. **Fossil Preparation and Curation.** The PRIMP for the project shall identify the museum that has agreed to accept fossils that may be discovered during project related excavations. Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossils specimens shall be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository no later than 30 days after all laboratory work is completed. The cost of curation shall be assessed by the repository and shall be the responsibility of the Project Applicant.
- c. A paleontological monitoring report shall be prepared within 60 days following completion of ground disturbance and submitted to the City of Thousand Oaks for review. This report shall document compliance with approved mitigation, document the monitoring efforts, and include an appendix with daily monitoring logs. The final report shall be submitted to the South-Central Coastal Information Center and the Society of Vertebrate Paleontology.

HAZARDS AND HAZARDOUS MATERIALS

32. **(M) MM-HAZ-1 (Asbestos Survey):** Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and

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Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing materials (ACMs). If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the Ventura County Air Pollution Control District (VCAPCD) Rule 62.7. Prior to issuance of a certificate of occupancy, documentation of asbestos abatement shall be provided to the VCAPCD for review and approval. Documentation shall include proper training and licensure of abatement contractors, results of asbestos samples collected, and disposal documentation showing appropriate disposal of hazardous materials at an approved facility. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.

33. **(M) MM-HAZ-2 (Lead-based Paint):** If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulations Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City Engineer. Prior to issuance of a certificate of occupancy, documentation of lead abatement shall be provided to the VCAPCD for review and approval. Documentation shall include proper training and licensure of abatement contractors, results of lead samples collected, and disposal documentation showing appropriate disposal of hazardous materials at an approved facility. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.
34. **(M) MM-HAZ-3 (PCB Survey):** Prior to the modification, relocation and/or removal of the existing transformer, a PCB survey shall be conducted by a California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence of PCB containing materials. If PCB is found, abatement shall be completed by a qualified PCB Specialist prior to any activities that would create a PCB hazard. Prior to issuance of a certificate of occupancy, documentation of hazardous building material identification and removal (such as PCBs, mercury switches, and other

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hazardous materials) shall be provided to the permitting agency for review and approval. Documentation shall include proper training and licensure of abatement contractors, results of samples collected (including field notes from PCB sampling), and disposal documentation showing appropriate disposal of hazardous materials at approved landfill, recycling, or transfer facilities. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.

35. **(M) MM-HAZ-4 (Discovery of Unknown Wastes or Suspect Materials):** If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:
- a. Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
 - b. Notify the Community Development Director of the City of Thousand Oaks;
 - c. Secure the areas as directed by the Community Development Director; and
 - d. Notify the Ventura County Health Care Agency's (VCHCA) Hazardous Waste/Materials Coordinator or other appropriate agency specified by the Community Development Director. The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

UTILITIES AND SERVICE SYSTEMS

36. **(M) MM-U-1 (Solid Waste Management Plan):** Prior to the final building and zoning inspections of the development, the property owner/developer team shall work with Athens Services to create a waste/recycle diversion plan prior to the start of operations, including training on waste streams and best practices for diversion, to determine the most sustainable waste management plan for the proposed project. The property owner/developer shall submit project plans and a Solid Waste Management Plan to the City of Thousand Oaks Public Works Department for review and approval to ensure that the plan complies with the mandates of RCRA, AB 939, AB 341, AB 1826, the California Green Building Code, Municipal Code Title 6, Chapters 2 and 3, and the Construction and Demolition Debris Recycling Ordinance as administered by the City of Thousand Oaks to the maximum extent feasible. Implementation of said plans shall commence upon occupancy and shall remain in full effect as required by the City Public Works Department and may include, at its discretion, the following plan components:
- a. Detailing the locations and design of on-site recycling facilities.
 - b. Participating in a recycling program as may be developed by the City or governing agency.

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EASEMENTS AND COVENANTS

37. **Reciprocal Access** – An easement or owner's covenant with improvement and maintenance rights to grant reciprocal access among all parcels within the Janss Marketplace (525-0-030-390, 525-0-030-410, 525-0-030-430, 525-0-030-440, 525-0-030-450, 525-0-030-470, 525-0-030-480, 525-0-054-030, & 525-0-054-040), along shared drive aisles, bicycle lanes, sidewalks, and common pathways shall be prepared to the satisfaction of the City Attorney, Community Development Director, and Public Works Director. Said easement or owner's covenant shall describe an unobstructed area, with a minimum depth and width to safely facilitate vehicle, bicycle, and pedestrian movements, to the satisfaction of the Community Development and Public Works Directors. A draft of the reciprocal access easement or owner's covenant shall be submitted to the City prior to building permit issuance and said reciprocal access easement or owner's covenant shall be recorded with the County Recorder's Office prior to a certificate of occupancy being granted. A copy of the said recorded document shall be submitted to the Community Development Director.
38. **Reciprocal Parking** – A reciprocal parking easement or owner's covenant for ingress and egress and use of all parking facilities among all parcels within the Janss Marketplace (525-0-030-390, 525-0-030-410, 525-0-030-430, 525-0-030-440, 525-0-030-450, 525-0-030-470, 525-0-030-480, 525-0-054-030, & 525-0-054-040) shall be prepared to the satisfaction of the City Attorney, Community Development Director, and Public Works Director. A draft of the reciprocal parking easement or owner's covenant shall be submitted to the City prior to building permit issuance and said reciprocal parking easement or owner's covenant shall be recorded with the County Recorder's Office prior to a certificate of occupancy being granted. A copy of the said recorded document shall be submitted to the Community Development Director.
39. **Site Maintenance** – A site maintenance agreement or owner's covenant shall allow access to and require that all site improvements within common areas within the Janss Marketplace (525-0-030-390, 525-0-030-410, 525-0-030-430, 525-0-030-440, 525-0-030-450, 525-0-030-470, 525-0-030-480, 525-0-054-030, & 525-0-054-040) including but not limited to lighting, landscaping, fences, walls, buildings, parking facilities, circulation, and other related features shall be property maintained in accordance with all applicable ordinances and approved plans and shall not be altered in any manner without prior approval of the Community Development Department. Any alteration, removal, abandonment or discontinuance without prior

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approval by the Community Development Department shall constitute a violation of the terms and conditions of this permit and shall be sufficient grounds for a code compliance action. The site maintenance agreement or owner's covenant shall be prepared to the satisfaction of the City Attorney, Community Development Director, and Public Works Director. A draft of the site maintenance agreement or owner's covenant shall be submitted to the City prior to building permit issuance and said site maintenance agreement or owner's covenant shall be recorded with the County Recorder's Office prior to a certificate of occupancy being granted. A copy of the said recorded document shall be submitted to the Community Development Director.

40. **Chase Access & Maintenance** – A chase access and maintenance agreement or owner's covenant shall allow for chases to be constructed within walls and through floors from proposed Parcel 3 through proposed Parcel 2 to the sky for the benefit of retail and restaurant uses' mechanical, electrical, and plumbing systems within Proposed Parcel 3. The chases shall be properly maintained in accordance with all applicable ordinances and approved plans and shall not be altered in any manner without prior approval of the Community Development Department. Any alteration, removal, abandonment or discontinuance without prior approval by the Community Development Department shall constitute a violation of the terms and conditions of this permit and shall be sufficient grounds for a code compliance action. The chase access and maintenance agreement or owner's covenant shall be prepared to the satisfaction of the City Attorney and Community Development Director. A draft of the chase access and maintenance agreement or owner's covenant shall be submitted to the City prior to building permit issuance and said chase access and maintenance agreement or owner's covenant shall be recorded with the County Recorder's Office prior to a certificate of occupancy being granted. A copy of the said recorded document shall be submitted to the Community Development Director
41. **Updated Covenants, Conditions, and Restrictions (CC&Rs)** – The applicant shall prepare updated CC&Rs and submit them for review and approval of the Community Development Department and the City Attorney. The updated CC&Rs shall include language requiring all property owners and their successors in interests to assume the following (as applicable) limitations, restrictions and responsibilities in perpetuity by the POA.
- a. Reciprocal access.
 - b. Ownership and maintenance of Stormwater BMP's, ownership and maintenance of private streets and access roads, gutters, sidewalks, sewer collection laterals/mains, backflow devices, gates, trails, landscaping & other like improvements.

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- c. Preservation of traffic sight distance, and associated maintenance of landscaping.
- d. Clause stating that any onsite improvements are not to be modified without the approval of the Community Development Department and Public Works Department.
- e. In the event the City determines that proper maintenance has not been performed on any of the above items, City has the right to enter property, perform required maintenance work, and bill/collect from the POA.

The updated CC&Rs shall be submitted and approved by the Community Development Department and City Attorney prior to building permit issuance and shall be recorded prior to a certificate of occupancy being granted. A copy of the recorded CC&Rs shall be submitted to the Community Development Department prior to the recordation of the final map.

42. **Amendment of CC&Rs** – A condition within the CC&Rs shall provide the right of consent to the City of Thousand Oaks to review any amendments, including additions and deletions to the CC&Rs to assure compliance with all conditions and City ordinances that apply to this project, subject to the review and approval by the Community Development Department and the City Attorney. The CC&Rs shall provide that it cannot be amended or otherwise altered when such change would affect, in any manner, any condition of development or entitlement imposed pursuant to this permit or imposed pursuant to any other City law, rule, regulation, entitlement, or approval unless such deletion, amendment or alteration is approved in writing by the Community Development Department, which shall determine whether such a proposed deletion, amendment, or alteration would affect any condition of development or entitlement.

GRADING

43. **APCD Permit** – The applicant shall obtain all necessary clearances from the Ventura County Air Pollution Control District (APCD) prior to beginning any construction activity.
44. **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

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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>

45. **Project Grading** – All gradients within the parking lot shall comply with the provisions of Section 9-4.2405(a) of the Thousand Oaks Municipal Code, unless otherwise authorized herein. All parking lot areas shall have a maximum gradient slope of 2.5% and parking spaces shall have a maximum cross-slope of 2%. Access driveways serving the site shall be limited to a maximum seven percent (7%) gradient with approved transitions. Deviation from these requirements shall be permitted only by written consent of the Community Development Director and Public Works Director or designees.
46. **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.
47. **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 builder 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.
48. **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 shown on the grading plan, as shown in the grading plan/attachments dated

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September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____.

49. **Utility Lines** – All new utility service to the site shall be installed underground.

SETBACKS, HEIGHTS, BUILDING MATERIALS, OPEN SPACE, ARCHITECTURAL TREATMENT

50. **Building Setbacks** – All building setbacks shall be provided as depicted on the Exhibits, labeled “Project Plan Set,” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____.

DEVELOPMENT STANDARD	REQUIRED	EXISTING LOT LINES	PROPOSED LOT LINES (LD 2021-70479 & 2022-70265-TTM)	COMPLIES
Setbacks (ft.)				
Front (east along North Moorpark Road)	100 feet from the centerline of a public street.	Approximately 550 feet from the centerline of North Moorpark Road.	Approximately 550 feet from the centerline of North Moorpark Road. Approximately 205 feet to boundary of LD 2021-70479's Parcel 1.	Yes
Front (west along West Wilbur Road)	100 feet from the centerline of a public street.	Approximately 350 feet from the centerline of West Wilbur Road.	Approximately 350 feet from the centerline of West Wilbur Road.	Yes
Side (north)	None, unless abutting a Residential zone.	Abuts the C-3 zone. Approximately 390 feet at the closest point.	Abuts the C-3 zone. Approximately 25 feet to boundary of LD 2021-70479's Parcel 1 at the closest point.	Yes
Side (south)	None, unless abutting a Residential zone.	Abuts the C-3 zone. Approximately 490 feet at the closest point.	Abuts the C-3 zone. Approximately 490 feet at the closest point.	Yes

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51. **Building Height** – As measured from the building’s finished floor, the maximum building height shall not exceed 73’ 0”, as shown in the exhibits labeled “Project Plan Set,” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____.

60 feet to the top of the roof; 65 feet to the top of the parapet; approximately 70 feet to the top of the mechanical equipment screen wall; approximately 71 feet to the top of the architectural feature; and 73 feet to the top of the enclosed stairway.

52. **Architectural Building Design** – The architectural design depicted in the attachments labeled “Project Plan Set,” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____, are approved in concept. 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.

53. **Building Wall Treatment** – The building walls shall incorporate architectural treatment to create a visually interesting appearance as viewed from the surrounding properties and scenic corridors. The treatment shall include, but is not limited to, incorporating decorative finish materials, vertical and horizontal variation, and recessed windows. The design shall comply with the building elevation plans as shown in the exhibits labeled “Project Plan Set,” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____.

54. **Window Recess** – Windows must be recessed at a minimum depth of at least three inches (3”) from glass face to wall edge around the windows if there is no trim.

55. **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:
- a. Muntins or grids must project at least three-eighths of an inch (3/8”) from the glass surface.
 - b. Muntins or grids must be used on both the exterior and interior of the glass.
 - c. For simulated divided-lites, spacers must be used between panes.

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56. **Window Materials** – Windows frames must be made of aluminum, fiberglass, wood, or manufactured wood; or another material with a wood grain texture finish.
57. **Window Glazing** – Opaque, reflective, and mirrored window glazing is prohibited.
58. **Window Shutters** – Shutters, where utilized, must be proportionately sized to the height and width of the window. Shutter materials must be consistent with the project’s exterior building colors/materials and not be of a faux material.
59. **Exterior Building Colors and Materials** – All exterior materials and colors depicted on the attachments labeled “Project Plan Set” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____, are approved in concept only. Prior to the issuance of a grading permit, a final color and materials sample board, including, but not limited to, specific materials and paint manufacturer colors, shall be submitted for 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. The following materials and colors are approved in concept, unless otherwise noted:
- a. Exterior Walls
 - i. Stucco Field:
 - 1. Color: Dunn Edwards DE6225 Fossil.
 - 2. Finish: Smooth per the Technical Services Information Bureau’s Plaster Textures & Acrylic Finishes Manual: <https://www.tsib.org/files/Plaster%20Textures%20and%20Acrylic%20Finishes.pdf>
 - ii. Stucco Accent:
 - 1. Color: Dunn Edwards DE6370 Charcoal Smudge
 - 2. Finish: Fine Sand Float per the Technical Services Information Bureau’s Plaster Textures & Acrylic Finishes Manual: <https://www.tsib.org/files/Plaster%20Textures%20and%20Acrylic%20Finishes.pdf>
 - b. Tile: MSI 12x24 Concrete Porcelain Tile “Dimensions – Gris” or approved equal
 - c. Siding: MSI 6x40 Porcelain Tile Fauna “XL Cyrus” or approved equal

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- d. Canopy & Exterior Doors:
 - i. Material: Steel (painted).
 - ii. Color: Dunn Edwards DE6384 “Iron Fixture”
 - e. Windows
 - i. Frames: Old Castle/Milgard – Black Anodized Aluminum or approved equal
 - ii. Glazing: 1” Double Glazed; Low-E Insulated; Clear or approved equal
 - f. Louvers: Wood-Timber “Ironwood” or approved equal
 - g. Pavement: Match existing Janss Marketplace
60. **Architectural Design Guidelines** – All provisions of the City’s Architectural Design Review Guidelines and Standards for Evaluating the Construction and Modification of Commercial Development Projects (Resolution No. 2005-011) shall be applicable to this project.
61. **Roof Overhangs** – When roof overhangs are provided, the roof overhangs must have a minimum depth of at least two (2’) feet.
62. **Final Floor Plans** – The project is approved in concept only with respect to the building floor plans for the building. Prior to the issuance of a building permit, detailed floor plans shall be submitted for review and approval by the Community Development Department.
63. **Hotel’s Common Recreational Amenities** – The applicant shall provide common on-site recreation amenities for the exclusive use by hotel guests, which include a sundry store, meeting rooms, a bar, a commercial kitchen and dining room, a fitness room, restrooms, laundry rooms, a courtyard with an event area and patio, and pool, etc. as shown in the attachments labeled “Project Plan Set,” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____.
64. **Hotel’s Outdoor Seating** – Outdoor seating must be provided at the hotel’s common usable open space areas including the courtyard patio and pool.
65. **Emergency Exit/Service Doors** – All exterior emergency exit and service doors visible from the ground shall be decorative and located in recessed vestibules of sufficient depth to accommodate the installation of overhead

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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.

66. **Flat Roof Areas** – The flat roof areas and parapet walls exposed to view from surrounding areas shall be color-coded to blend with the exterior building wall color subject to the review and approval of the Community Development Department.
67. **Roof Access** – Access to the roof shall be provided by secured enclosed stairways and locked at all times when not in use. Design, location, and security requirements of said access shall be subject to approval of the Community Development, Fire and Police Departments.

OUTDOOR DINING

68. **Outdoor Dining** – Outdoor dining associated with the 13,308 square feet of restaurant uses and up to 5,204 square feet of exterior patio space authorized by this permit is hereby approved subject to compliance with the Building Code and Fire Code and compliance with the conditions of this Development Permit.
69. **Compliance with Municipal Code** – The applicant shall comply with all provisions of Section 9-4.2523 of the Thousand Oaks Municipal Code, which establishes guidelines for outdoor customer dining areas. As identified in the “Project Plan Set,” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____, a total of eight (8) individual storefront systems are proposed along the north and east elevations. Each of these storefront systems represents an individual tenant space and each may have an outdoor dining area. The cumulative outdoor dining area shall not total more than 5,204 square feet of exterior patio space between all eight (8) tenant spaces consistent with the shared use parking analysis entitled “Parking Analysis Memorandum for the Proposed Janss Marketplace Expansion Project in the City of Thousand Oaks” prepared by Kimley-Horn and Associates, Inc. dated October 4,

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2023. If a single restaurant is composed of two to eight (8) tenant spaces, the single restaurant may utilize each exterior patio space for each individual tenant spaces as one collective space.
70. **Outdoor Dining Site/Floor Plan** – The applicant shall provide a detailed dimensioned site/floor plan of an outdoor dining area to the Community Development Department for review and approval prior to the issuance of a Zone Clearance. The issuance of a Zone Clearance is required prior to the commencement of outdoor dining activities.
71. **Review of Design and Materials of Outdoor Dining Area** – Any outdoor dining area shall be enclosed if alcohol is to be served and consumed within this area. The furniture colors shall be earthtone to compliment the colors used in the shopping center. The design and materials of any outdoor dining area shall compliment the materials used in the shopping center. The design, colors and materials of the outdoor dining area shall be subject to the review and approval of the Planning Division of the Community Development Department, prior to the issuance of any Zone Clearance.
72. **Advertising on Furniture for Outdoor Dining Areas Prohibited** – Tables, chairs, and/or umbrellas within any outdoor customer dining area shall be consistent in materials with the design requirements for the shopping center and shall not contain any advertising or signs.
73. **Outdoor Lighting and Heating Lamps** – The use and placement of any exterior lighting fixtures or heating lamps for any proposed outdoor customer dining area shall be determined through review and submittal to the Planning Division of the Community Development Department as well as through the Building Division. Any lighting fixtures shall minimize on-site and off-site glare; avoid interference with reasonable use of adjoining properties; provide adequate on-site lighting; and provide a compatible design with the total design of the proposed outdoor customer dining area and approved lighting fixtures for the shopping center. No low-pressure sodium lighting fixtures are permitted.
74. **Outdoor Music** – Unamplified outdoor music is allowed within the outdoor dining areas.
75. **Live Entertainment Prohibited** – Live entertainment, other than unamplified outdoor music, shall be prohibited unless subsequently authorized by the Planning Commission under a Special Use Permit.

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SCREENING

76. **Screening** – All exterior trash, recycling, storage utility boxes, service poles, ventilation systems, electric and gas meters, fire sprinkler valves, backflow preventers, and transformers must be screened from public view either with landscaping, fencing or integrated into the design of the primary of accessory structure.
77. **Downspouts** – The downspouts on the exterior of the buildings shall be concealed within the building walls subject to the review and approval of the Community Development Department.
78. **Roof-Mounted Mechanical Equipment** – All roof-mounted mechanical equipment, including air conditioning, roof fans and any similar equipment, shall be located within the mechanical equipment enclosures or obscured by roofing elements as depicted on “Project Plan Set,” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____. Said equipment shall be screened from public view perspectives, including North Moorpark Road, West Hillcrest Drive, West Wilbur Road, Brazil Street, and the Highway 101. In the event such equipment cannot be entirely screened from public view, the applicant shall work with the Community Development Department to provide alternative methods, including painting equipment and providing individual screens around specific equipment areas, to screen the equipment. Roof screening treatment shall be designed in a manner that is integrated with the building design. Prior to the issuance of a building permit, final detailed building section drawings and details including mechanical equipment manufacturer's catalogue cuts, brochures, specifications as well as roof equipment locations shall be submitted for the review and approval by the Community Development Department.
79. **Surface-Mounted Mechanical Equipment** – All surface-mounted mechanical equipment, including transformers, terminal boxes or meter cabinets, shall be screened by landscaping or decorative enclosure to match the materials and colors of the new building.
80. **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.

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81. **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.

82. **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.

ACCESS, CIRCULATION, AND PARKING

83. **Driveway Access** – The site shall be served by driveway access off North Moorpark Road, West Hillcrest Drive, West Wilbur Road, Brazil Street, as shown on the Exhibits labeled “Project Plan Set,” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____. Said driveways shall be designed in accordance with the City’s driveway standards, unless otherwise modified herein.
84. **Fire Lane Access** – The east-west pedestrian path located to the north of the hotel shall be redeveloped as a fire lane accessed from the internal drive aisle to the west to the interior north-south pedestrian path to the east, as shown on the Exhibits labeled “Project Plan Set,” dated September 28,

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- 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____ . The existing covered pedestrian entry adjacent to the internal drive aisle and connected to 225 North Moorpark Road and 275 North Moorpark Road is to be demolished, and 275 North Moorpark Road's façade is to be repaired to a quality equal to the facades within the Janss Marketplace. A curb cut, drive apron, and drive aisle shall be designed and constructed to meet Public Works and Fire standards for emergency vehicles. Retractable bollards activated by a Knox key switch, or similar mechanism, shall be installed to limit vehicular access to emergency vehicles only within this fire lane. Decorative pavement shall be installed to be compatible with the design of the pedestrian paths within the Janss Marketplace, and the decorative pavement shall be designed to indicate clearance areas for emergency vehicles. Fire lane signage and markings shall be installed and maintained as directed by the Fire Department. Furniture, landscaping, and other movable structures shall not be placed within the clearance area as determined by the Fire Code and Building Code.
85. **Decorative Paving** – Decorative paving material such as rock, tiles, pavers or similar patterned material shall comply with ADA and Title 24 disabled access requirements for paths of travel subject to review and approval by the Community Development Department. Decorative paving material shall be provided at driveway entrances. The final design of this decorative paving treatment shall be subject to review and approval by the Community Development Department prior to installation.
86. **Driveway** – All driveway areas shall be limited to a maximum fifteen percent (15%) grade and shall be constructed in accordance with Section 9-4.2404(c)(1)(v) of the Thousand Oaks Municipal Code and Plate 6-1 of the City's Road Improvement Standards regarding grade transitions. The drive aisle shall have a minimum pavement width as authorized by the Fire Department. The design of the driveway and transitions are subject to review and approval of Community Development and Public Works Departments.
87. **Required Parking** – The project site shall provide a minimum of 2,642 on-site parking spaces based on the mix of uses and shared use parking analysis entitled "Parking Analysis Memorandum for the Proposed Janss Marketplace Expansion Project in the City of Thousand Oaks" prepared by Kimley-Horn and Associates, Inc. dated October 4, 2023.

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All parking spaces and driveway aisles shall be designed and maintained in accordance with Section 9.4-2404 of the Municipal Code. On-site Electric Vehicle charging parking spaces can be included in the required parking count of the project. Minor changes to the parking may be permitted so long as the project complies with the parking standards contained in the Thousand Oaks Municipal Code. Any minor change to parking or future development on the subject property shall be reviewed and approved by the Community Development Department. Any substantial change shall require the filing of a modification application to be considered by the Planning Commission.

88. **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). No overhang compact parking space shall be permitted within five feet (5-feet) of any vertical obstruction.
89. **Parking Stall Dimensions** – The dimensions and design of all parking stalls shall be installed as required by the Thousand Oaks Municipal Code Section 9-4.2404.
90. **Parking Restrictions** – No parking spaces shall be utilized for overnight storage of vehicles. The storage of recreational vehicles and boats on the subject property is prohibited.
91. **Bicycle Parking** – The Project shall provide a minimum of twenty-five (25) short-term bicycle parking spaces and a minimum of twenty-five (25) long-term bicycle parking spaces within the Janss Marketplace, which is equivalent to 5% short-term bicycle parking spaces and 5% long-term bicycle parking of the project’s required vehicle parking to the satisfaction of the Community Development Director, as documented within the parking analysis entitled “Parking Analysis Memorandum for the Proposed Janss Marketplace Expansion Project in the City of Thousand Oaks” prepared by Kimley-Horn and Associates, Inc. dated October 4, 2023.

The configuration and location of all bicycle parking facilities shall be reviewed 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 front entrances. Bicycle parking should be located along the natural desire lines of travel from the bikeways to the facility entrance, in

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well-lit areas visible from the front entrance and public areas, in 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.

92. **On-Site Traffic Control and Calming** – Prior to issuance of any Building Permit, the applicant shall submit a Traffic Control and Traffic Calming plan demonstrating measures within onsite drive aisles and circulation areas. Measures shall include, but not limited to, signs, striping, and speed bumps. Said measures shall be designed and shown on a signing and striping plan. The location and type of device(s) shall be designed and installed to the satisfaction of the Community Development and Public Works Directors.

93. **Parking Management Program** – Prior to occupancy of the project, a Parking Management Program shall be designed and submitted to ensure that loading and unloading zones for guests and deliveries are established onsite. At a minimum, the Parking Management Program shall specify where the loading and unloading areas are located, the types/sizes of vehicles which can be accommodated, the length of time vehicles may be at these locations, idling of trucks and other equipment is prohibited, and how the operator will enforce these provisions. Additionally, the Parking Management Program shall include a valet program which is to be implemented for hotel special events. The valet program shall include example signage that clearly directs taxi/rideshare vehicles and valet parking customers to appropriate areas. The Parking Management Program shall also include items to reduce auto dependency by having options which may include shuttles, auto sharing, bike sharing, ridesharing and, education/information programs with guests. Said program shall be subject to review and approval by the Community Development, Public Works, and Police Departments.

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SPECIAL EVENTS AND ENTERTAINMENT

94. **Live Entertainment Restriction** – The Development Permit is granted to only allow scheduled hotel special events in the hotel’s event space and meeting rooms, which could include live entertainment, subject to the conditions of this permit. The Development Permit does not allow for live entertainment in the hotel bar or restaurant area, a dance establishment or nightclub at this location. A Special Use Permit approved by the Planning Commission would be required before any live entertainment would be permitted in the hotel bar or restaurant area. A Special Use Permit approved by the Planning Commission would be required before a dance establishment or nightclub use would be permitted at this location.
95. **Hotel Special Events Size Limitations** – Hotel special events, including weddings, with a maximum of 250 total attendees and staff members are considered “incidental and accessory uses” to the hotel’s operation and are authorized to occur within the hotel’s event space and meeting rooms without any additional Planning entitlements. Special events with 251 total attendees and staff members or more shall be reviewed and approved by the Community Development Department and processed as either a Minor Modification or a Major Modification at the determination of the Community Development Director.
96. **Hotel Special Events Coordination with Agencies** – The hotel operator is to coordinate all special events with the Fire Department, Police Department, and Alcohol Beverage Control, and any and all permits from those Departments and Agencies are to be secured prior to the start of the special event. The hotel operator is to provide contact information to the lead staff member who will be onsite during special events to the Fire Department, Police Department, and Alcohol Beverage Control. The staff member shall be available during the event to receive texts and or calls at a specific telephone number to take immediate action if requested by the Fire Department, Police Department, and Alcohol Beverage Control. Upon request, the hotel operator shall provide calendars of scheduled special events to the Community Development Department, Fire Department, Police Department, and Alcohol Beverage Control. In no case shall sales, service or consumption of alcoholic beverages at a special event occur after 1:30 a.m.
97. **Hotel Special Events Operating Hours** – Special events shall conclude by 2:00 a.m. Any breakdown of an event or clean-up of event areas shall also be completed by 3:00 a.m. or the following day.

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98. **Hotel Special Events Noise Monitoring Plan** – All special events are to be compliant with the City’s noise regulations. The hotel operator shall develop a Noise Monitoring Plan and submit it to the City for review and approval by the City Attorney, Community Development Director, and Police Chief prior to the first special event. The Noise Monitoring Plan shall identify the speaker system arrangements for live bands, disc jockey/master of ceremony and individual performers and noise monitoring locations. Multi-stationed loudspeaker systems shall be utilized to distribute audio throughout the special event area, speakers shall be aimed to retain sound within the special event area, and sound-dampening materials shall be utilized to minimize sound escaping the special event area. The Noise Monitoring Plan shall identify a lead staff member by title, the lead staff’s contact information, noise training the lead staff will receive to conduct sound measurements, the equipment to be used to monitor sound, and noise monitoring locations. The lead staff member shall be available during special events to receive texts and or calls at a specific telephone number to take immediate action to report noise levels and reduce noise consistent with this condition. During special events, the lead staff member shall monitor and document noise levels to ensure that sound levels emitted from the special event shall not exceed 60 dB(A) at the nearest residential property line. Sound measurement credentials and noise measuring records shall be kept for a minimum period of twelve (12) months, and the hotel operator shall provide special event noise measuring records to the Community Development Department and Police Department upon request. Failure to keep records, or produce records on request, shall constitute failure to comply with these conditions. If noise levels exceed the sound levels specified in this condition, the Noise Monitoring Plan shall be reviewed and revised to the satisfaction of the City Attorney, Community Development Director, and Police Chief.
99. **Hotel Special Events Security Plan** – The hotel operator shall develop a security plan and submit it to the City for review and approval prior to the first special event. The security plan shall identify the size of special events, layouts of special events, personnel associated with special events, and frequency of special events. Row seating shall be fastened together in groups of three or more. The Security Plan shall be reviewed and revised to the satisfaction of the City Attorney, Community Development Director, and Police Chief.
100. **Fire Protection Equipment and Systems** – Fire extinguishers and fire protection components shall be maintained operational and accessible at all times. A serviced 2A: 10BC rated fire extinguisher shall be provided and mounted in all areas not to exceed 75 feet of travel.

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101. **Catering** – All food provided for special events shall be from the hotel or a catering company. Concession stands are prohibited at special events.
102. **Open Flame or Candle Permits** – An open flame or candle permit shall be required and obtained from the Fire Department prior to any special event utilizing open flames or candles.
103. **Fireworks Prohibited** – Fireworks are prohibited at special events.

LANDSCAPING, FENCES, AND WALLS

104. **Landscaping and Irrigation** – All landscaping shall be designed using xeriscaping techniques; i.e., drought-tolerant low water-using plants. The use of lawns, grasses, and turf shall be minimized. Landscape irrigation systems shall likewise be designed using low-output sprinklers and/or drip automatic timed controls.
105. **Final Landscape Plans** – The submitted preliminary landscape plan is approved in concept only. Prior to the issuance of a grading or building permit, final construction landscape and irrigation plans reflecting compliance with all imposed conditions of project entitlements shall be submitted under a 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 Nos. 2006-108 and 2007-116), the Forestry Master Plan Thousand Oaks West Regional Character Design Guidelines, the Ventura County Fire Department's Prohibit Plant List and associated standards and guidelines, the Ventura County Fire Department's Ordinance 32 Chapter 49 Requirements for Wildland-Urban Interface Fire Areas, and in compliance with the State of California Model Water Efficiency Landscape Ordinance (MWELo) standards and city ordinance prohibiting non-functional turf in commercial and multifamily areas. The final landscape plan shall incorporate all landscape areas, including added areas as conditioned herein.

Prior to the issuance of a grading permit, complete landscape and irrigation plans reflecting compliance with all imposed conditions of project entitlements shall be submitted under a separate permit for review and approval. Said plans shall be subject to review and approval by the Community Development and Public Works Departments. The location of light fixtures, including standards, shall be shown on the landscape plans to

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ensure no conflict occurs between the 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.

Prior to the approval of the building permit, a licensed landscape architect is to provide a signed and stamped letter to the Community Development Director confirming the landscape plan has been designed consistent with the above-referenced standards and conditions of this permit. Prior to the issuance of a certificate of occupancy for the final building, an independent auditor or licensed landscape architect is to provide a signed and stamped letter to the Community Development Director confirming the landscape plan has been installed consistent with the approved landscape plan.

106. **Resolution No. 93-74** – All landscape standards and guidelines of Resolution No. 93-74 requiring the preparation of planting and irrigation plans shall apply to this permit approval.
107. **Landscaping Material Selection** – All new landscaping treatment shall consist of a minimum combination of at least two (2) twenty-four-inch (24") box size, one (1) thirty-six inch (36") box size, and one (1) forty-eight inch (48") box size deciduous and evergreen trees to help screen the building's facades. All shrubs shall consist of a minimum of five (5) and fifteen (15) gallon containers. The type of landscaping material shall be accomplished 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.
108. **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.
109. **Permanent Maintenance of Landscaping** – The approved landscaping shall be permanently maintained for the life of the project and in accordance with Section 1-6.01(e) (Public Nuisances) of the Thousand Oaks Municipal Code. Any redesign or alteration of project landscaping shall be subject to approval of the Community Development Department and shall be accomplished through the filing of a Landscape Plan Check application, provided such alteration is consistent with all City codes, policies, and project entitlement conditions.

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110. **Wall Treatment** – Any proposed screening wall, garden wall or retaining wall shall be decorative in appearance with similar, enhanced, or complementary materials and colors to those used on the proposed building, with appropriate relief methods (including pilasters and decorative cap). Final detail drawings reflecting design, materials selections and locations shall be submitted prior to the issuance of any building permit, subject to the review and approval by the Community Development Department.
111. **Walls and Fencing** – Fences and walls shall have a maximum exposed height of six feet. Where a solid fence or wall is provided, it shall be designed with both sides articulated, and with similar, enhanced, or complementary materials and colors to those used on the proposed building. Perimeter fencing utilized along a public street must be constructed of decorative iron, steel, pre-painted welded steel, or wood material. Security fencing, such as electrical, barbed wire, razor wire or fences with sharp pointed features are prohibited. All fences and walls designed for screening purposes must be of solid material. Chain link fencing with or without slats is prohibited. If a gate is to be used to screen the transformer, the gate and enclosure shall be solid to conceal the interior area from public view. Said gate shall be decorative in appearance with similar, enhanced, or complementary materials and colors to those used on the proposed building and is subject to review and approval by the Planning Division of the Community Development Department.
112. **Exterior Patio Wall Design** – The exterior patio walls and railings shall be limited to a maximum exposed combined height of six (6) feet. Up to 60% of the exterior patio wall may be a solid masonry element or landscape planter and the remaining height is to be a glass or an open railing system or landscaping with architectural qualities.
113. **Perimeter Wall/Fence Design** – Prior to the start of construction, the applicant's Surveyor is to verify the location of all existing buildings and structures along the perimeter of the construction area and determine if existing buildings and structures do or do not encroach into other properties. If buildings and or structures encroach onto other properties, the applicant is to either 1) remove encroaching buildings and or structures from other properties and reconstruct the buildings and or structures consistent with zoning regulations, Building Code and Fire Code, 2) obtain easements from adjacent property owners to allow the encroachments to continue, or 3) process a Lot Line Adjustment to cure the encroachments. A survey detailing the location of all existing buildings and structures along the perimeter of the construction area shall be submitted prior to the issuance

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of any building permit, subject to review and approval of the Community Development Department, Public Works Department, and Fire Department.

114. **Gates/Barriers** – Permanent gates and barriers blocking pedestrian paths through the Janss Marketplace are prohibited. Temporary gates and barriers for construction are allowed during construction activities.

LIGHTING

115. **Site Illumination** – The project’s site illumination shall be designed in a manner that is uniform in design and appearance. Lighting fixtures shall be architectural appropriate to the project. Lighting 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. All lighting shall be consistent with the intent of the lighting as shown on the Exhibits labeled “Project Plan Set,” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____.
116. **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, and prepared by a registered Electrical Engineer and accompanied by light fixture catalogues, 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. The photometric analysis shall specify brightness (footcandles and lumens) and color (Kelvin and LED color temperatures). Prior to issuance of a certificate of occupancy for the final building, a registered Electrical Engineer is to provide a signed and stamped letter to the Community Development Director confirming the exterior lighting has been installed consistent with the approved photometric plan.
117. **Light Source** – The use of metal halide and LED fixtures are preferred over high-pressure sodium fixtures, since they provide superior illumination and color rendition; however, use of bright white, high-intensity LED or metal halide lighting is prohibited.
118. **Pedestrian Lighting** – Pedestrian walkways may be illuminated by bollard lighting or by light poles reduced in height proportion to human scale.

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119. **Wall Lighting** – Building walls may be illuminated by decorative architectural lights but not by any wall-pack type light fixtures. Wall lighting fixtures at building entrance doors, loading areas, and outdoor areas within public view area are 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.
120. **Decorative Lighting Above Public and Common Areas** – Low-intensity lighting may be provided above and across any public and common exterior spaces provided the lighting does not interfere with Fire access requirements.
121. **Roof Lighting** – 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 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.

PUBLIC ART

122. **Exterior Public Art** – Any proposed exterior public art to be installed or projected onto the Janss Marketplace Hotel Project's building or installed or projected within the Janss Marketplace Hotel Project's airspace shall be submitted and approved in accordance with the Public Art Program applicable at the time the public art is proposed. If no Public Art Program is applicable at the time the public art is proposed, a Minor Modification to the Development Permit will be required.

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SIGNS

123. **Updated Uniform Sign Program** - An updated Uniform Sign Program for the Janss Marketplace shall be created to include the hotel and retail development. The sign program shall comply with the City's Sign Ordinance. The Uniform Sign Program shall include standards for the design, color and location of all monument signs, on-building signs and address numbers. Prior to the issuance of the first sign permit for the hotel and retail development, the applicant shall submit a final uniform sign program incorporating any required changes to the Community Development Department for review and approval.
124. **Signage** – All proposed signage shall comply with the requirements of the City's Sign Ordinance Section 9-4.2308 (Commercial and Industrial zones) and the Janss Marketplace Uniform Sign Program. If there is a conflict between the Sign Ordinance and the Janss Marketplace Uniform Sign Program, the Janss Marketplace Uniform Sign Program shall prevail. The size, design, color and location of any proposed signs as well as address numbers shall be processed under separate sign permit applications, subject to the review and approval by the Community Development Department. A sign program application shall be submitted for review and approval by the Community Development Department prior to the issuance of building permit for the sign.

ACCESSIBILITY

125. **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.
126. **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.
127. **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.

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BUILDING & SAFETY

128. **Design in Accordance with the Building Code Effective at the Time of Building Permit Application Submittal** – Project is to be designed in accordance with current California Building Code Standards and City of Thousand Oaks Municipal Code local amendments effective at the time of building permit application submittal to the Building Division.
129. **Demonstrate Compliance with Building Code** – The project proposes a change in the Occupancy of the building from Mercantile (M) to a mixed used Hotel (R-1), Mercantile (M) and Restaurants (A-2). The project will be required to demonstrate compliance with the allowable building area, number of stories and building height as indicated in the building code based on the Type of Construction, Occupancy category and the setbacks from the adjacent buildings.
130. **Provide Analysis for Fire Related Items** – Project will provide:
- a. An analysis for maximum area of exterior openings based on fire separation distance and degree of opening protection per California Building Code.
 - b. Fire resistance rating requirements for exterior walls based on fire separation distance of the California Building Code.
 - c. Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with the California Building Code. Party walls shall be constructed without openings and shall create separate buildings. **Fire walls shall be designed and constructed to allow collapse of the structure on either side without collapse of the wall under fire conditions. 2019 CBC 706.2.**
 - d. Provide fire rated separation walls and horizontal assemblies as required. **Walls separating dwelling units in the same building, walls separating sleeping units in the same building** and walls separating dwelling or sleeping units from other occupancies contiguous to them in the same building shall be constructed as fire partitions in accordance with Section 708. 2019 CBC 420.2.
131. **Egress Plan** – Provide egress plan for the whole building per California Building Code.
- a. Check occupant load and number of egress system at the ground floor center courtyard.

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- b. Check travel distances of occupants from the North-East section of the hotel rooms to the stairs or main egress system. They should not exceed the exit travel distance.
- c. Occupied roofs must have required numbered of egress and must be maintained until arrival to the exit discharge or a public way.

132. Elevators –

- a. Where elevators are provided in buildings four or more stories above, or four or more stories below, grade plane, not fewer than one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches as required per California Building Code.
- b. Elevator hoistway door openings shall be protected in accordance with the California Building Code where an elevator hoistway connects more than two stories in Group A, E, H, I, L, R-1, R-2, R2.1 and R2.2 Occupancies, high-rise buildings, and other applications listed as regulated by the Office of the State Fire Marshal, and more than three stories for all other occupancies.

133. Safeguards During Construction – Project to comply with Chapter 33 of the California Building Code on Safeguards during construction.

CONSTRUCTION

134. Construction Phasing – The project will be constructed in a single phase.

135. Construction Safety Plan – A draft construction safety plan that addresses public and emergency ingress and egress; pedestrian controlled access zones; hazard assessment; contractor, subcontractor and project team safety responsibilities; safety representatives and key personnel; protective equipment; jobsite communications; daily protocols; and emergency action plan shall be submitted by the applicant to the City for review and approval prior to issuance of a grading permit or building permit, whichever occurs first.

136. Rodent Control – The applicant shall submit a rodent control plan to the Community Development Department prior to the issuance of any grading permit or building permit, which shall include measures to protect adjacent and nearby properties from any rodent displacement during the project demolition phase, construction activities, and operational phase.

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137. **Parking/Materials Storage During Construction** – A parking and materials storage plan shall be submitted to the Planning Division for review and approval prior to the issuance of grading permits. The intent of this requirement is to ensure construction crew parking does not negatively impact properties in the area. The applicant is encouraged to provide areas on-site for parking and material staging.
138. **Construction Outreach** – Prior to the start of construction, the applicant shall invite all tenants of the Janss Marketplace to a pre-construction meeting to review the construction schedule and hours, the construction safety plan, construction equipment and material storage locations, utility interruption protocols, parking management, methods to ensure patrons and employees are able to access all businesses within the Janss Marketplace, and distribution of construction superintendent and developer contact information.
139. **Construction Signage** – Temporary non-illuminated signage to direct pedestrians through the Janss Marketplace during the construction phase may be installed on the property without a sign permit if they comply with the following standards:
- a. Maximum Size: Twenty-four inches (24”) by twenty-four inches (24”).
 - b. Material: ½-inch MDO Plywood or ¼-inch Coroplast (corrugated vinyl).
 - c. Lettering: Professionally lettered, using an easy-to-read business typeface (Arial or similar). There shall be no handwritten text on the sign.
 - d. Firmly Attached: It is the responsibility of the applicant to ensure that the sign is firmly attached to the ground, building or security fencing, and remains in that condition throughout the construction period.
 - e. Height: The sign shall be at least three feet (3’) off the ground. The sign and supporting structure shall not exceed seven feet (7’) in height.
 - f. Quantity: The minimal number of signs to direct pedestrians safely through the Janss Marketplace at the determination of the Community Development Director.
 - g. Graffiti: Any graffiti painted or marked upon sign shall be removed or replaced within forty-eight (48) hours of being applied.
 - h. Removal: All temporary construction signage is to be removed at the conclusion of the construction phase.
140. **Easement Changes** – The applicant must provide proof that all easements on the property are acceptable to the appropriate owners prior to submittal of building permit applications.

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141. **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, 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.
142. **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.
143. **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 park on off-site properties or congregate onsite before and after the construction hours authorized herein. Likewise, warming of equipment engines shall not be permitted outside the permitted construction hours.
144. **Construction/Security Fencing** – Prior to the issuance of a grading/building permit, the applicant shall install temporary construction fencing consistent with the Construction Safety Plan approved by the City, but not less than a five-foot (5') 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 the pick-up of trash and debris on a weekly basis during building construction operations.

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RECYCLING

145. **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.

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GENERAL

145. **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.
146. **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, polices, 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.
147. **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 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.
148. **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.

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149. **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.
150. **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.

WATER AND WASTEWATER

151. **Water Service Requirements** - Prior to, or concurrent with, submittal of improvement plans to the City, the applicant shall submit a letter to the City from California-American Water Company indicating that the applicant has made the necessary financial and administrative arrangements with Cal-Am Water Company to receive water service. Cal-Am Water shall also issue a written clearance indicating that all water systems are installed and approved prior to Occupancy.
152. **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 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.

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153. **Restaurant Grease Trap** – During the building’s initial construction, the applicant shall install a grease interceptor (sized as required by the City's Building and Safety Division) for the 13,308 square-foot area which may have restaurant uses to collect and treat oil and grease wastes from the restaurants prior to discharge to the wastewater system. Until such time as the restaurant uses are more-clearly defined, the applicant shall install one grease interceptor to the east of the building and another to the west with appropriate invert elevations to ensure feasible positive connection to either of the existing easterly and westerly City wastewater collection system trunk mains.
154. **Location of Water Meter Boxes** - Water meter boxes may not be located within driveways. It is the responsibility of the applicant and his engineer to properly coordinate and locate all water service lateral locations such that there is a single, unbroken/unrepaired service line between the main in the street and the meter box to each residence or building. In the event the configuration of the proposed house or building is revised, and the meter box is then situated in a driveway, the applicant shall abandon the existing service by excavating the service at the main, closing the corporation stop, severing the service lateral approximately 12 inches beyond the corporation stop, folding and crimping this remaining portion of the service lateral and soldering the crimped pipe together. The remainder of the lateral may be abandoned in place, but the meter box must be removed, and the area returned to a condition acceptable to the water purveyor. If service laterals are relocated, the applicant’s engineer shall process a change order and pay any applicable charges for said change order.
155. **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.

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156. **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 (MC 10-2.600). Full right of access and entry to the cross connection device shall be granted to the Public Works Department.

DEVELOPMENT ENGINEERING

157. **Encroachment Permit** - Where any construction occurs within public right-of-way, including easements, 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.
158. **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.
159. **Hauling of Exported Materials** - 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.

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160. **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. 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.
161. **Off-Site Grading Mitigation Plan** – Prior to issuance of a grading permit, applicant shall prepare a report and plan detailing how adjacent structures to the east and south of the project will be protected during grading operations. The report shall be prepared by a licensed civil or structural engineer detailing proposed mitigation measures during grading to prevent damage to existing buildings and retaining walls adjacent to the easterly and southerly property line.
162. **Structural Integrity of Adjacent Structures** – Prior to issuance of a grading permit, applicant shall submit a report prepared by a licensed civil or structural engineer confirming the adjacent buildings and retaining walls can support the increased loading from the proposed building.

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163. **Pre-Grading Meeting with Adjacent Property Owners and Residents -** Prior to issuance of a grading permit, the applicant shall arrange for a public meeting to inform all adjacent residents and potentially affected or impacted residents of their project. The applicant shall mail a letter notice to all owners of record within 300 feet of the subject property (or other distance and residents as determined by City Engineer) not later than 7 days prior to the start of construction. The meeting shall be on a date, at a time, and at a location convenient to residents. The notice shall indicate the date, time, and location of the meeting, the purpose of the meeting, and contain a small map showing the location of the proposed grading. A representative of the applicant and the grading contractor shall be present at the meeting; the applicant shall inform those residents present of his schedule, the approximate quantity of earth to be moved, and the route for any import or export, whether or not any blasting will occur on the project, and if so, the nature, extent, and approximate schedule for the blasting. The applicant shall also provide a daytime telephone number at which a responsible person representing the grading contractor may be reached by residents in the event they have further questions or complaints during the grading operation. Prior to issuance of the grading permit and subsequent to the above-mentioned meeting, the applicant shall submit to the Department copies of the letter notice and any other materials sent or provided to the residents. The applicant may commence grading work anytime after the meeting has been held, provided a grading permit has been issued.
164. **On-site Run-off -** On-site storm water shall be intercepted within the project boundaries in approved pick-up structures, treated and retained and/or conveyed to the nearest public street or existing storm drain system to the maximum extent practicable, as approved by the City Engineer (M.C. 7-3.09 and 7-3.21).
165. **On-site Drainage Capture for MS4 Projects –** It is generally necessary to capture and treat all surface drainage on the site. In accordance with Ventura County Technical Guidance Manual (TGM) for Stormwater Quality Control Measures (2011), a maximum of 5% of the site is permitted to discharge without full capture. Such Effective Impervious Areas (EIA's) that escape capture and retention shall be treated using source-control Best Management Practices (BMP's) and good-housekeeping measures. Maintenance specifications shall be incorporated into the on-site stormwater Maintenance Plan (refer to NPDES conditions).

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166. **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 subarea 267B of said Master Plan, with $Q_{10} = 1.94$ cfs/acre and $Q_{100} = 3.34$ 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} .
167. **On-Site Drainage** - Project design and engineering plans shall show drainage flows to street and/or yard drains and elevations.
168. **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.
169. **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 (MC 9-4.2405).
170. **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 more than Q_{10} (developed) up to and including Q_{100} (developed) must be detained on-site. A simplified detention method is available for this site.
171. **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.

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172. **Driveway Construction** - The proposed driveway shall be constructed per Plate No. 6-1 and 6-4 of the Road Standards. The sidewalk must conform to the cross section as shown on Plate 6-4 and the applicant must grant an additional five (5) foot wide easement to the City covering the entire length of the sidewalk across the driveway. An encroachment permit shall be obtained, plan check and inspection fees paid, and security posted (if required) prior to initiating construction of said driveway improvements.
173. **On-site Improvement / Paving Permit** - The applicant shall submit for and obtain an on-site paving and improvement permit. An approved pavement section from the registered soils engineer of record shall accompany the permit application, along with payment of plan check and inspection fees, prior to initiating the construction of on-site parking, paving, and/or drainage improvements (M.C. 9-4.2405).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

174. **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).
175. 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.

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176. **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) including the 2018 errata. 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 biological processes. Further details and design requirements are available at www.vcstormwater.org
177. **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 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

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178. **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 (MC 7-8.401(c)).
179. **Site Erosion / Pollutant Runoff Control** - The applicant shall design and install all required erosion control measures to prevent the migration of soil, pollution or debris onto the public right-of-way or storm drains during the construction and grading operations. Said erosion control plans shall be in accordance with the California Stormwater Quality Association, Stormwater Best Management Practice Handbook for Construction (latest edition), and submitted to the Department for review and approval prior to issuance of any paving, grading or encroachment permits. All erosion control measures shall be subject to modification by the Department, as field conditions warrant.

TRAFFIC

180. **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.
181. **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 on-going maintenance to guarantee preservation of sight visibility).

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Stopping sight distance shall be the principal criteria 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, CC&R's shall require continued compliance with this condition and the requirements contained within Plate 3-10.

182. **Traffic Control Signs** – Control signs for regulation, warning and guidance of traffic shall be installed as required by the Department of Public Works. These shall include stop signs, speed signs, turn prohibition and one-way signs, pedestrian and school crossing signs, curve and hill warnings, not a through street signs, parking signs, bicycle route signing, together with pavement striping, road symbols and street name signs as required.
183. **Signs and Striping** – 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 are not apparent at 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.

SUSTAINABILITY

Solid Waste Collection and Diversion Requirements

184. **Trash Enclosures** - For more details, refer to Title 6, Chapter 2 of Thousand Oaks Municipal Code, "Regulations for Solid Waste, Organic Waste, and Recyclable Materials Collection, Processing, and Disposal" ([Sec. 6-2.701 – 6-2.703](#) of TOMC) governing the enclosures' locations, specific sizing, configuration, and clearances.

Covered 3-bin enclosures are required to collect solid waste, recycling, and organics (food and yard waste). The enclosure's design must be large enough to accommodate collection containers for source-separated solid waste, organic waste, and recyclable materials, and the bins must be placed so the user can lift the lids from the front by the handle.

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Trash enclosures can be located inside parking garages, but the solid waste hauler must have access to parking garages or locked gates without restriction or prior notification. Exterior Waste Enclosures shall be located no further than 250 feet away from the nearest door of the structure. (See [Section 6-2.703](#)).

A hotel with 216 rooms, 13,622 SF of retail, and 1,900 SF of bar/dining will generate weekly approximately:

- A. Trash - 35 cubic yards (CY)
- B. Recyclable – 30 CY
- C. Food waste - 5 CY
- D. Green waste - 5 CY

The organics container should accommodate green waste (if managed onsite) and food waste.

185. **Waste Management Program** – Prior to Building Permit submittal for plan check, the applicant shall submit a Trash Management and Conveyance Program to demonstrate no organic trash remnants nor other refuse become deposited upon publicly-traversed pedestrian or driving surfaces. The Program shall include a site map indicative of refuse collection areas, paths to and from the commercial trash bins serviced by the City Trash Hauler, as well as prescribe the use of leak-proof containers or other means to avoid deposition of organics or other stormwater pollutants of concern in public travel and rain-exposed areas. The Program document shall be subject to the review and approval of the Public Works Department.
186. **Reciprocal Access** – Prior to Building Permit issuance, the Applicant shall submit an intra-parcel covenant, easement or other administrative document(s) to outline and demonstrate the access rights and funding/maintenance responsibilities for trash services, driveway and pedestrian access to the public street, and access for other utilities/services as may be required between and among the proposed on-site use operators and parcel owners. Said documentation shall be subject to the review and approval of the Public Works and Community Development Departments and the City Attorney's office.

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187. **Trash Hauler Approval** – Before issuance of a trash enclosure building permit, the applicant shall submit 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 service access for collection. Contact Athens Services at (805) 852-5264, or visit their Sustainability Center at 2251 E. Thousand Oaks Blvd., Thousand Oaks, CA 91360.
188. **Construction/Demolition Debris Recycling Plan** – Before 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 (“C&D Plan”) to the Public Works Department for review and approval. The applicant must divert at least sixty-five percent (65%) of all C&D waste materials generated from the project. The C&D 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, stating which will be recycled, reused, salvaged, and /or delivered to a landfill. The C&D Plan must include estimated weights of the materials, a 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 Plan, go to ThousandOaks.WasteTracking.com.
189. **SB 1383 compliance** - [SB 1383](#) requires that Tier 1 (example: supermarket, retail food sales) and Tier 2 (example: restaurant, hotel) edible food waste generators arrange to recover the maximum amount of edible food that would otherwise be disposed of and participate in the City’s food recovery program, donating the edible food to a food recovery organization (see [Section 6-2.805](#) of TOMC).
190. **Collection containers inside the building** – Trash, Recycling, and Food Waste collection containers are required inside the building (See [AB 827](#) (2019)). Space for these should be included in the building design. Trash and recycling containers should be co-located. Food preparation and disposal areas must have organics collection containers incorporated for the collection and disposal of food waste and scraps. Organics containers must be available in front-of-house operations adjacent to all trash collection containers where the customer is responsible for disposal. Organics containers are required in break rooms, kitchens, or other locations where food is commonly consumed.

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191. **Operational Diversion Plans** – Operational Diversion Plans shall be submitted to, and approved by, the City before a Certificate of Occupancy is issued. The Operational Diversion Plan should document the location of organics, recycling, and trash containers, the solid waste service arrangements, and include examples of the educational materials and training that will be provided to the staff at that location. The City will review the site upon completion of construction to confirm that all containers and signage have been installed.

Water and Irrigation

192. **Water - Turf** - State law now prohibits the watering of non-functional turf in commercial developments. 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 to use potable water. In planning for the future, turf areas should be minimized and established on separate valves for easier shutoff during droughts.

VENTURA COUNTY FIRE PROTECTION DISTRICT CONDITIONS OF APPROVAL FOR 2022-70079-DP

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193. **Fire Department Clearance** – Applicant shall obtain VCFD Form #610 "Requirements for Construction" prior to obtaining a building permit for any new structures or additions to existing structures.
194. **Fire-Flow Verification** – Applicant shall verify that the water purveyor can provide the required fire-flow requirements by having them fill out VCFD Form #625, Fire-Flow Verification.
195. **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. **This review is concurrent with Building and Safety review. Plans (Architectural, Mechanical, Electrical, Plumbing, and dedicated fire service utility with design to finish above grade) shall be submitted directly to VCFD Fire Prevention.**
196. **Private Roads/Driveways** – Private roads/driveways shall comply with Public Road Standards, VCFPD Ordinance 29, and VCFPD Standard 501.
197. **Aerial Ladder 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 apparatus access roads and driveways.
198. **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.
199. **Vertical Clearance** – All access roads / driveways shall have a minimum vertical clearance of 13 feet 6 inches (13' 6"). Clear of building to sky.

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200. **Access Point(s) on Roads** – Roads shall be provided such that any portion of the exterior walls, at grade level, of a building or structure, is not more than 150 feet from a road as measured by an approved route around the exterior of the building. **Exception:** The distance shall be permitted to be extended to 250 feet when the building is protected by an automatic fire sprinkler system in accordance with NFPA 13 and provided with an approved access walkway leading from the road to the exterior openings around the structure.
201. **Fire Lanes – 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.
202. **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.
203. **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.

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204. **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, 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.
205. **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.
206. **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).
207. **Knox Device –** Exterior access doors leading to fire sprinkler riser rooms and alarm control panels shall be provided with a Knox Box for emergency access.
208. **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. Plans shall be construction drawings in accordance with the Ventura County Fire Code and applicable NFPA Standards and shall terminate above grade. Plan shall be design and submitted with the appropriate fees in accordance with VCFPD Standard 14.7.2.
209. **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.

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210. **Fire Protection System Plans** – Plans for all fire protection systems (sprinklers, dry chemical, hood systems, etc.) shall be submitted, with payment for plan check, to the Fire District for review and approval prior to installation. Note: Fire sprinkler systems with 20 or more heads shall be supervised by a fire alarm system in accordance with Fire District requirements.
211. **Fire Alarm System** – A fire alarm system shall be installed in all buildings in accordance with California Building and Fire Code requirements.
212. **Kitchen Hood Fire Protection System** – Plans for any new install or modification to an existing kitchen hood system shall be submitted, with payment for plan check, to the Fire District for review and approval prior to installation.
213. **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.
214. **Fire Code Permits** – Applicant and/or tenant shall obtain all applicable Operational Fire Code Permits prior to occupancy or use of any system or item requiring an operational permit in accordance with Section 105 of the California Fire Code.

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215. **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 so as 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.
216. **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 and parking areas. Interior after hours lighting is also highly recommended. The use of metal halide fixtures or Light-Emitting Diode (LED) is preferred over high-pressure sodium fixtures, since metal halide and LEDs provide superior illumination and color rendition.
217. **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 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.
218. **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.

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, and will display the address at the main entrances and in an area which will be clearly visible from the main roadways in the complex.

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Room numbers will be clearly marked on the outside of each hotel door, as well as descriptors on those rooms not housing guests (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.

- 219. **Utility Rooms And Enclosures** – All exterior utility rooms and enclosures containing electrical and telephone equipment shall be kept locked at all times.
- 220. **Video Surveillance Systems** – Will be required for a 360-degree view around the perimeter of the building. Video surveillance inside the building will be required to capture ingress and egress points to the building and the courtyard, and as well as front desk and lobby areas where the general public has access. It is suggested the corridors/hallways, meeting rooms, and courtyard include 360-degree video surveillance. The surveillance system will be HD quality, have night vision capabilities and be able to retain video data for no less than 30 days. The system should also be internet based and the camera's IP addresses should be provided to the Ventura County Sheriff's Office Dispatch Advanced Real Time Information Center (ARTIC) should the need arise to view the area in a criminal event.
- 221. **Stairwells** – Enclosed stairwells shall contain wall mounted security mirrors on all levels to minimize areas of concealment. Entry/exit doors at the stairwell landings shall have windows installed of sufficient size to allow viewing into the stairwell prior to entry. All stairwells, hallways and corridors shall have a minimum of 5 foot-candles of light at floor level at all times.

Additionally, any stairwell or doors leading from the public area to any guest booked 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 of the project not directly observed 24/7 by business employees. 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.

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- 222. **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 to accommodate a standard sized medical gurney and emergency response personnel.

- 223. **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.

- 224. **Emergency Access** – The business will have emergency access for the police and fire department to entrance / exit doors 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.

- 225. **Other Security Concerns** - The business will correct any safety or security concerns upon written notice by the Thousand Oaks Police Department.

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GENERAL

1. **Land and Application** – The Subdivision is granted for the land described in the application, any attachment thereto, and as indicated on the “Project Plan Set,” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____, pursuant to the following conditions.
2. **Scope of Permit Approval** – 2022-70265-TTM is granted to subdivide one (1) 21.57-acre commercial lot into three (3) parcels, Parcel 1 totaling 20.42 acres, Parcel 2 airspace totaling 0.66 acres, and Parcel 3 airspace totaling 0.49 acres. The lots shall be recorded substantially as shown on project plans labeled “Project Plan Set,” dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____, unless conditioned otherwise herein.
3. **Map Recordation** – The 2022-70265-TTM approval is granted for a three (3) year period of time from City Council final project approval ending _____, at which time said Land Division map shall expire unless the final map has been recorded or filed in a timely manner as set forth in the permit’s conditions of approval. The applicant may request a two-year time extension, as allowed by TOMC Section 9-3.704(b), by filing a minor modification application with the Community Development Department prior to the expiration date.
4. **Timely Filing Provisions** – The filing of the final parcel map for recordation shall be submitted in a timely manner to the City Engineer. The delivery of specific information to constitute a timely filing shall be provided to the City Engineer and shall include the following to allow for processing, approving, and recording of the final map within a maximum of 60 days from filing. In order to be considered a timely filing for the purpose of this condition, the applicant shall provide the following:
 - a. The final map and improvement plans shall be ready for signature.
 - b. Bonds and agreements shall be fully executed.
 - c. The confirmation of fees paid to all necessary government agencies shall be provided.

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- d. Total and complete compliance shall be achieved with the relevant development conditions imposed on the respective tentative tract, covenants and restrictions and/or necessary documents approved by the respective departments, including the City Attorney's Office.
 - e. Without the concurrent submittal of all required information, the final map review process shall not be considered a timely filing allowing for final map to be scheduled for recordation. A complete list shall be obtained from the Public Works Department regarding the material or information that must be submitted to constitute a timely filing of a final map and avoid expiration of the recording period time limit.
5. **Condition Compliance** – The conditions set forth in this Resolution shall run with the land and shall remain in force for the duration of the life of the Project. All previously imposed conditions of PD 34, all conditions of 2022-70079-DP and 2022-70265-TTM, and, any other modification shall apply to this approval, unless otherwise modified herein.
 6. **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 subdivision.
 7. **Dedications, Reservations, Fees 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 commences upon the date of approval of 2022-70265-TTM by the City.
 8. **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 subdivision as required by the Municipal Code and established by City Council.
 9. **City / County / Agency / Other Fees** – All Police, Fire Department, School District Fees and any other fees identified in the Standard Conditions, Resolution No. 95-20, shall be paid prior to the recordation of the map, as may be applicable. Notification in writing by these agencies confirming payment shall be submitted to the Community Development Department.

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10. **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.
11. **Signed Acceptance of Conditions** – A signed Acceptance of Conditions affidavit shall be executed by the applicant and property owner, or their duly authorized representative, and shall be returned to the Community Development Department recordation of the map with 2022-70265-TTM.
12. **Notice of Development Conditions** – A notice of development conditions that apply to the property (PD 34, and 2022-70079-DP) along with the conditions of this subdivision (2022-70265-TTM) shall be recorded as deed restrictions in the County Recorder's Office prior to the recordation of the final map.
13. **Authorized Project Changes/Modifications** – Minor changes to 2022-70265-TTM may be approved by the Community Development Department through the appropriate entitlement process provided such changes achieve substantially the same results and the project is still in compliance with all applicable development standards in the Subdivision Map Act and the Thousand Oaks Municipal Code. Revised plans reflecting the minor changes and additional fees shall be required. Any substantial changes will require the filing of a major modification application.
14. **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 subject to, and to the extent set forth in, 2022-70265-TTM. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in the defense.
15. **Condition Execution** – Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final map and recordation, unless stated otherwise herein. Deviation from this requirement shall be permitted only by written consent of the Community Development Director or designee.

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ENVIRONMENTAL MITIGATION MEASURES

16. **(M) Mitigation Compliance** – Applicant agrees to comply with all mitigation measures outlined in Environmental Impact Report No. CEQA-2022-70002. 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 the Environmental Impact Report 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.

AIR QUALITY

17. **(M) MM-AQ-1 (Best Management Practices):** The applicant shall require all construction plans to include the following best management practices:
- a. Maximize the use of chemical dust suppressants or non-potable water, if available. If water is used, all exposed surfaces shall be watered three times daily.
 - b. Exposed surfaces include, but are not limited to, soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
 - c. Cover or maintain at least 2 feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways shall be covered.
 - d. Use wet power vacuum street sweepers to remove any visible track-out mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.
 - e. Limit vehicle speeds on unpaved roads to 15 miles per hour.
 - f. Pave all roadways, driveways, sidewalks, parking lots as soon as possible. In addition, building pads shall be laid immediately after grading unless seeding or soil binders are used.
 - g. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, Section 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.
 - h. Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment shall be checked by a certified mechanic and determined to be running in proper condition before it is operated.

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18. **(M) MM-AQ-2 (Architectural Coating):** Prior to issuance of grading permits, the City of Thousand Oaks shall review the final construction plan to verify the architectural coating phase shall last for at least six weeks.
19. **(M) MM-AQ-3 (Diesel Off-road Equipment):** All diesel off-road equipment rated 50 horsepower or more shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB. This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the VCAPCD, as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.

An exemption from these requirements may be granted by the City in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the City, the applicant shall be required to demonstrate that two construction fleet owners/operators in Ventura County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within Ventura County. Further, if an exemption is granted by the City, the applicant shall use a minimum of Tier 3 equipment with a CARB-certified Level 3 diesel particulate filter in place of the Tier 4 Final equipment.

BIOLOGICAL RESOURCES

20. **(M) MM-BIO-1 (Bat Roosting & Surveying):** If project-related activities are to be initiated during the bat day and/or night-roosting or maternity-roosting season (April 1 through August 31), a pre-construction survey for day and/or night-roosting or maternity-roosting bats shall be conducted by a qualified biologist no more than 14 days prior to the start of any vegetation removal, ground disturbing activities, or construction, to confirm if roosting bats are present to avoid and minimize impacts to any roosting bat species. The qualified biologist shall survey all suitable roost habitat within the project's area of disturbance plus a 300-foot buffer zone. Each time work ceases for

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a period of 14 days or more during day and/or night-roosting or maternity-roosting season, a new roosting bat clearance survey shall be conducted.

- a. If no roosts are observed during pre-construction surveys, project activities may begin, and no additional avoidance and minimization measures shall be required.
- b. If day-time roosting bats or signs of such bats are detected: roosting location shall be demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging to facilitate avoidance. The distance of the no-disturbance buffers around day-roosting bats would be a minimum of 50 feet. This distance may be increased based upon the particular bat species found and/or the phased removal of buildings and trees to allow day-roosting bats to relocate on their own volition as determined by a qualified bat biologist.
- c. If an active maternity roost is identified, no work activities should occur within 100 feet of or directly under or adjacent to the maternity roost during the breeding season when young are present but are not yet ready to fly (April 1 through August 31). Their roosting location shall be demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging to facilitate avoidance.
- d. The qualified biologist shall periodically monitor any active roosts to determine if the roost is no longer being used. No construction or ground disturbance shall occur within this buffer until the qualified biologist confirms that the roosting is completed, or a Bat Avoidance Plan is submitted by the developer and approved by the California Department of Fish and Wildlife (CDFW).

21. **(M) MM-BIO-2 (Bird Nesting & Surveying):** If project-related activities are to be initiated during the bird nesting season (January 1 to August 31), a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist no more than three days prior to the start of any vegetation removal or ground disturbing activities to confirm if active bird nests are present to avoid and minimize impacts to any nesting bird species. The qualified biologist shall survey all suitable nesting habitat within the project's area of disturbance plus a 300-foot buffer zone. Each time work ceases for a period of seven days or more during nesting season, a new nesting bird clearance survey shall be conducted.

- a. If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required.
- b. If an active bird nest is found, the species shall be identified, and a "no-disturbance" buffer shall be established around the active nest. The distance of the no-disturbance buffer around active bird nests

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would be a minimum of 100 feet for non-special status species, and 300 feet for special-status passerine species and raptor species. These distances may be greater depending on the bird species and construction activity, as determined by the qualified biologist.

- c. The qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the “no-disturbance” buffer disturb the birds and if the buffer should be increased. No construction or ground disturbance shall occur within these buffers until the qualified biologist confirms that the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions.

CULTURAL, TRIBAL AND HISTORICAL RESOURCES

22. **(M) MM-CUL-1 (Worker Environmental Awareness Program):** Worker Environmental Awareness Program (WEAP) training shall be provided to all construction personnel and monitors who are not trained archaeologists prior to the start of construction activities. A basic presentation and handout or pamphlet shall be prepared to ensure proper identification and treatment of inadvertent cultural resource discoveries. The purpose of the WEAP training is to provide specific details on the kinds of cultural materials, both prehistoric and historic, that may be identified during construction of the project and explain the importance of and legal basis for the protection of cultural resources. Each worker shall also be provided with the proper procedures to follow in the event that cultural resources or human remains are discovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate notification of the site supervisor and the qualified archaeological and Native American monitors. If the discovery is Native American, a Native American monitor shall be notified.

23. **(M) MM-CUL-2 (Unanticipated Discovery of Cultural Resources):** The project applicant shall retain a qualified archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards for archaeology, prior to the start of any earthwork activities related to project construction, to monitor all ground-disturbing activities within the areas of native soil (i.e., below existing areas of artificial fill from previous construction). In the event that potential prehistoric or historic-era archaeological resources (sites, features, or artifacts) are exposed during construction activities for the project, all construction work occurring within a 50-foot buffer of the find shall immediately stop and a qualified archaeologist must be notified immediately to assess the significance of the find and determine whether or not additional study is warranted. Depending

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on the significance of the find under the California Environmental Quality Act (CEQA), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work (e.g., preparation of an archaeological treatment plan, testing, or data recovery) may be warranted. If Native American resources are discovered or are suspected, each of the consulting tribes for the project will be notified, 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). An archaeological monitoring report shall be prepared within 60 days following completion of ground disturbance and submitted to the City of Thousand Oaks Community Development Director for review. This report shall document compliance with approved mitigation, document the monitoring efforts, and include an appendix with daily monitoring logs. The final report shall be submitted to the South Central Coastal Information Center and interested consulting tribes.

24. **(M) MM-CUL-3 (Discovery of Human Remains):** If human remains are encountered during implementation of any phase of the project, the project archaeologist shall be allowed to temporarily divert or redirect excavation activities in the vicinity of the find in order to make an evaluation 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 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 NAHC within 24 hours. The NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant must then complete their inspection within 48 hours of being granted access to the site. The most likely descendant would then determine, in consultation with the property owner, the disposition of the human remains.

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GEOLOGY AND SOILS

25. **(M) MM-GEO-1 (Geotechnical Investigation):** A geotechnical investigation shall be conducted by the project applicant to analyze the soil conditions and potential threats to building stability, and shall include a report that recommends grading, construction, and design operations appropriate for seismic conditions. All grading operations and construction shall be conducted in conformance with the recommendations included in the geotechnical report. Design, grading, and construction shall also be performed in accordance with the requirements of the City of Thousand Oaks Building Code and the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project geotechnical consultant summarized in a final written report, subject to review and approval by the City of Thousand Oaks Building Official, or designee, prior to commencement of grading activities.
26. **(M) MM-GEO-2 (Geotechnical Engineer):** A qualified Geotechnical Engineer shall be retained to perform the following tasks prior to and during construction:
- a. Review final grading, foundation, and drainage plans to verify that the recommendations contained in the geotechnical investigation have been properly interpreted and are incorporated into the project specifications.
 - b. Observe and advise during all grading activities, including site preparation, foundation, and placement of fill, to confirm that suitable fill materials are placed upon component material and to allow design changes if subsurface conditions differ from those anticipated prior to the start of grading and construction.
 - c. Observe the installation of drainage devices.
 - d. Test all fill placed for engineering purposes to confirm that suitable fill materials are used and properly compacted.
27. **(M) MM-GEO-3 (Paleontologist & Paleontological Resources Impact Mitigation Plan):** Prior to the commencement of ground disturbing activities, the Project Applicant shall retain a qualified Project Paleontologist to direct all mitigation measures related to paleontological resources. A qualified Project Paleontologist is defined by the Society of Vertebrate Paleontology standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years. The Project Paleontologist shall be retained

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to prepare and implement a Paleontological Resources Impact Mitigation Plan (PRIMP) for the project.

The PRIMP shall be consistent with the 2010 Society of Vertebrate Paleontology guidelines and outline requirements for pre-construction meeting attendance and worker environmental awareness training, where paleontological monitoring is required within the project site based on construction plans and/or geotechnical reports; procedures for adequate paleontological monitoring and discoveries treatment; and paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils), reporting, and collections management.

Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources and meets the minimum standards of the Society of Vertebrate Paleontology for a Paleontological Resources Monitor. The paleontological monitor shall be responsible for maintaining daily monitoring logs for those days monitoring occurs. The duration and timing of the monitoring shall be determined by the Project Paleontologist based on the observation of the geologic setting from initial ground disturbance, and subject to review and approval by the City of Thousand Oaks. If the Project Paleontologist determines full-time monitoring is no longer warranted based on the geologic conditions at depth, they may recommend that monitoring be reduced or cease entirely. Monitoring shall be reinstated if any new ground disturbances are required, and reduction or suspension shall be reconsidered by the Project Paleontologist at that time.

If a paleontological resource is discovered, the monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:

- a. Salvage of Fossils. If fossils are discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) shall recover them following standard field procedures for collecting paleontological resources as outlined in PRIMP for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer

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salvage periods. In this case, the Project Paleontologist and/or paleontological monitor shall have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.

- b. Fossil Preparation and Curation. The PRIMP for the project shall identify the museum that has agreed to accept fossils that may be discovered during project related excavations. Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossils specimens shall be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository no later than 30 days after all laboratory work is completed. The cost of curation shall be assessed by the repository and shall be the responsibility of the Project Applicant.
- c. A paleontological monitoring report shall be prepared within 60 days following completion of ground disturbance and submitted to the City of Thousand Oaks for review. This report shall document compliance with approved mitigation, document the monitoring efforts, and include an appendix with daily monitoring logs. The final report shall be submitted to the South-Central Coastal Information Center and the Society of Vertebrate Paleontology.

HAZARDS AND HAZARDOUS MATERIALS

28. **(M) MM-HAZ-1 (Asbestos Survey):** Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing materials (ACMs). If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the Ventura County Air Pollution Control District (VCAPCD) Rule 62.7. Prior to issuance of a certificate of occupancy, documentation of asbestos abatement shall be provided to the VCAPCD for review and approval. Documentation shall include proper training and licensure of abatement contractors, results of asbestos samples collected, and disposal documentation showing appropriate disposal of hazardous materials at an approved facility. Documentation shall verify all abatement

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activities have been completed in compliance with applicable laws, rules, and regulations.

29. **(M) MM-HAZ-2 (Lead-based Paint):** If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulations Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City Engineer. Prior to issuance of a certificate of occupancy, documentation of lead abatement shall be provided to the VCAPCD for review and approval. Documentation shall include proper training and licensure of abatement contractors, results of lead samples collected, and disposal documentation showing appropriate disposal of hazardous materials at an approved facility. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.
30. **(M) MM-HAZ-3 (PCB Survey):** Prior to the modification, relocation and/or removal of the existing transformer, a PCB survey shall be conducted by a California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence of PCB containing materials. If PCB is found, abatement shall be completed by a qualified PCB Specialist prior to any activities that would create a PCB hazard. Prior to issuance of a certificate of occupancy, documentation of hazardous building material identification and removal (such as PCBs, mercury switches, and other hazardous materials) shall be provided to the permitting agency for review and approval. Documentation shall include proper training and licensure of abatement contractors, results of samples collected (including field notes from PCB sampling), and disposal documentation showing appropriate disposal of hazardous materials at approved landfill, recycling, or transfer facilities. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.
31. **(M) MM-HAZ-4 (Discovery of Unknown Wastes or Suspect Materials):** If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:

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- a. Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
- b. Notify the Community Development Director of the City of Thousand Oaks;
- c. Secure the areas as directed by the Community Development Director; and
- d. Notify the Ventura County Health Care Agency's (VCHCA) Hazardous Waste/Materials Coordinator or other appropriate agency specified by the Community Development Director. The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

UTILITIES AND SERVICE SYSTEMS

32. **(M) MM-U-1 (Solid Waste Management Plan):** Prior to the final building and zoning inspections of the development, the property owner/developer team shall work with Athens Services to create a waste/recycle diversion plan prior to the start of operations, including training on waste streams and best practices for diversion, to determine the most sustainable waste management plan for the proposed project. The property owner/developer shall submit project plans and a Solid Waste Management Plan to the City of Thousand Oaks Public Works Department for review and approval to ensure that the plan complies with the mandates of RCRA, AB 939, AB 341, AB 1826, the California Green Building Code, Municipal Code Title 6, Chapters 2 and 3, and the Construction and Demolition Debris Recycling Ordinance as administered by the City of Thousand Oaks to the maximum extent feasible. Implementation of said plans shall commence upon occupancy and shall remain in full effect as required by the City Public Works Department and may include, at its discretion, the following plan components:
- a. Detailing the locations and design of on-site recycling facilities.
 - b. Participating in a recycling program as may be developed by the City or governing agency.

PARCEL SIZE ADJUSTMENT

33. **Ground Level Parcel Size Adjustment** – During the final map's plan check, Parcel 1 shall be adjusted to include areas which abut the exterior face and foundation systems of the development proposed in 2022-70079-DP with the airspace of Parcels 2 and 3 located above the surface of Parcel 1.

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Alternatively, during the final map's plan check, Parcels 1, 2 and 3 are to be adjusted to be coterminous with the furthest outward projecting portions of the foundation systems, exterior façade, projections, and anticipated signage of the development proposed in 2022-70079-DP and an easement and or owner's covenant shall be prepared consistent with Building Code and Fire Code requirements to achieve the development intended in 2022-70079-DP to the satisfaction of the City Attorney, Community Development Director, Fire Chief, and Public Works Director. A draft of the easement and or owner's covenant shall be submitted to the City prior to building permit issuance. Said easement and or owner's covenant shall be recorded with the County Recorder's Office concurrently with the recordation of the final map. A copy of the said recorded document(s) shall be submitted to the Community Development Director.

34. **Airspace Parcel Size Adjustment** – During the final map's plan check, the exterior airspace distance of Parcels 2 and 3 may be adjusted downwards or an easement and or owner's covenant shall be prepared consistent with minimum Fire and Building Code standards allowing development intended by 2022-70079-DP .

Any such easement and or owner's covenant shall be prepared consistent with Building Code and Fire Code requirements to achieve the development intended by 2022-70079-DP to the satisfaction of the City Attorney, Community Development Director, Fire Chief, and Public Works Director. A draft of the easement and or owner's covenant shall be submitted to the City prior to building permit issuance. Said easement and or owner's covenant shall be recorded with the County Recorder's Office concurrently with the recordation of the final map. A copy of the said recorded document(s) shall be submitted to the Community Development Director.

EASEMENTS AND COVENANTS

35. **Reciprocal Access** – An easement or owner's covenant with improvement and maintenance rights to grant reciprocal access among all parcels within the Janss Marketplace (525-0-030-390, 525-0-030-410, 525-0-030-430, 525-0-030-440, 525-0-030-450, 525-0-030-470, 525-0-030-480, 525-0-054-030, & 525-0-054-040), along shared drive aisles, bicycle lanes, sidewalks, and common pathways shall be prepared to the satisfaction of the City Attorney, Community Development Director, and Public Works Director. Said easement or owner's covenant shall describe an unobstructed area, with a minimum depth and width to safely facilitate vehicle, bicycle, and pedestrian movements, to the satisfaction of the Community Development and Public Works Directors. Said reciprocal

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access easement or owner's covenant shall be recorded with the County Recorder's Office prior to or concurrently with the recordation of the final map. A copy of the said recorded document shall be submitted to the Community Development Director.

36. **Reciprocal Parking** – A reciprocal parking easement or owner's covenant for ingress and egress and use of all parking facilities among all parcels within the Janss Marketplace (525-0-030-390, 525-0-030-410, 525-0-030-430, 525-0-030-440, 525-0-030-450, 525-0-030-470, 525-0-030-480, 525-0-054-030, & 525-0-054-040) shall be prepared to the satisfaction of the City Attorney, Community Development Director, and Public Works Director. Said reciprocal parking easement or owner's covenant shall be recorded with the County Recorder's Office prior to or concurrently with the recordation of the final map. A copy of the said recorded document shall be submitted to the Community Development Director.
37. **Site Maintenance** – A site maintenance agreement or owner's covenant shall allow access to and require that all site improvements within common areas within the Janss Marketplace (525-0-030-390, 525-0-030-410, 525-0-030-430, 525-0-030-440, 525-0-030-450, 525-0-030-470, 525-0-030-480, 525-0-054-030, & 525-0-054-040) including but not limited to lighting, landscaping, fences, walls, buildings, parking facilities, circulation, and other related features shall be properly maintained in accordance with all applicable ordinances and approved plans and shall not be altered in any manner without prior approval of the Community Development Department. Any alteration, removal, abandonment or discontinuance without prior approval by the Community Development Department shall constitute a violation of the terms and conditions of this permit and shall be sufficient grounds for a code compliance action. The site maintenance agreement or owner's covenant shall be prepared to the satisfaction of the City Attorney, Community Development Director, and Public Works Director. Said site maintenance agreement or owner's covenant shall be recorded with the County Recorder's Office prior to or concurrently with the recordation of the final map. A copy of the said recorded document shall be submitted to the Community Development Director.
38. **Chase Access & Maintenance** – A chase access and maintenance agreement or owner's covenant shall allow for chases to be constructed within walls and through floors from proposed Parcel 3 through proposed Parcel 2 to the sky for the benefit of retail and restaurant uses' mechanical, electrical, and plumbing systems within Proposed Parcel 3. The chases shall be properly maintained in accordance with all applicable ordinances and approved plans and shall not be altered in any manner without prior

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approval of the Community Development Department. Any alteration, removal, abandonment or discontinuance without prior approval by the Community Development Department shall constitute a violation of the terms and conditions of this permit and shall be sufficient grounds for a code compliance action. The chase access and maintenance agreement or owner's covenant shall be prepared to the satisfaction of the City Attorney and Community Development Director. Said chase access and maintenance agreement or owner's covenant shall be recorded with the County Recorder's Office prior to or concurrently with the recordation of the final map. A copy of the said recorded document shall be submitted to the Community Development Director.

39. **Updated Covenants, Conditions, and Restrictions (CC&Rs)** – The applicant shall prepare updated CC&Rs and submit them for review and approval of the Community Development Department and the City Attorney. The updated CC&Rs shall include language requiring all property owners and their successors in interests to assume the following (as applicable) limitations, restrictions and responsibilities in perpetuity by the POA.
- a. Reciprocal access.
 - b. Ownership and maintenance of Stormwater BMP's, ownership and maintenance of private streets and access roads, gutters, sidewalks, sewer collection laterals/mains, backflow devices, gates, trails, landscaping & other like improvements.
 - c. Preservation of traffic sight distance, and associated maintenance of landscaping.
 - d. Clause stating that any onsite improvements are not to be modified without the approval of the Community Development Department and Public Works Department.
 - e. In the event the City determines that proper maintenance has not been performed on any of the above items, City has the right to enter property, perform required maintenance work, and bill/collect from the POA.

The updated CC&Rs approved by the Community Development Department and City Attorney shall be recorded prior to or concurrently with the recordation of the final map. A copy of the recorded CC &R's shall be submitted to the Community Development Department prior to the recordation of the final map.

40. **Amendment of CC&Rs** – A condition within the CC&Rs shall provide the right of consent to the City of Thousand Oaks to review any amendments, including additions and deletions to the CC&Rs to assure compliance with all conditions and City ordinances that apply to this project, subject to the review and approval by the Community Development Department and the

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City Attorney. The CC&Rs shall provide that it cannot be amended or otherwise altered when such change would affect, in any manner, any condition of development or entitlement imposed pursuant to this permit or imposed pursuant to any other City law, rule, regulation, entitlement, or approval unless such deletion, amendment or alteration is approved in writing by the Community Development Department, which shall determine whether such a proposed deletion, amendment, or alteration would affect any condition of development or entitlement.

41. **Fire Lane Access** – A fire lane easement or owner's covenant for straddling proposed Parcel 1 and Parcel 3 from the internal drive aisle to the west to the interior north-south pedestrian path to the east, as shown on the Exhibits labeled "Project Plan Set," dated September 28, 2023, attached to the Planning Commission staff report dated October 23, 2023, and attached to the City Council staff report dated _____, shall be prepared to the satisfaction of the City Attorney, Fire Chief, Community Development Director, and Public Works Director. The fire lane shall be free of obstruction from ground to sky except for the existing covered pedestrian entry adjacent to the internal drive aisle and connected to 225 North Moorpark Road and 275 North Moorpark Road which can remain until the redevelopment of either 225 North Moorpark Road and/or 275 North Moorpark Road occurs. Upon redevelopment of 225 North Moorpark Road or 275 North Moorpark Road, the existing covered pedestrian entry referenced above is to be demolished, and façade of remaining structures are to be repaired to a quality equal to the facades within the Janss Marketplace. A curb cut, drive apron, and drive aisle shall be designed and constructed to meet Public Works and Fire standards for emergency vehicles. Retractable bollards activated by a Knox key switch, or similar mechanism, shall be installed to limit vehicular access to emergency vehicles only within this fire lane. Decorative pavement shall be installed to be compatible with the design of the pedestrian paths within the Janss Marketplace, and the decorative pavement shall be designed to indicate clearance areas for emergency vehicles. Fire lane signage and markings shall be installed and maintained as directed by the Fire Department. Furniture, landscaping, and other movable structures shall not be placed within the clearance area as determined by the Fire Code and Building Code. Said fire lane easement or owner's covenant shall be recorded with the County Recorder's Office prior to or concurrently with the recordation of the final map. A copy of the said recorded document shall be submitted to the Community Development Director.

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GENERAL/SURVEYING

42. **Final Map Recordation Requirements** - Upon conditional approval of the subject subdivision (Exhibit "A", dated _____) by the City Council, a final map shall be prepared by a registered civil engineer or licensed surveyor. It shall conform to the requirements of the current State Subdivision Map Act, the requirements of the Thousand Oaks Municipal Code, and be approved by the City Engineer. Also required is a certificate of consent, signed and acknowledged by all parties having any record title interest in the real property being subdivided.
43. **Indicate Facilities On Map** - All existing and proposed streets, easements, survey control monuments, utility, storm drain, slope, access and other easements shall be shown on the final map.
44. **Final Map Submittal** - The applicant shall submit with the first plan check of the final map, a current preliminary title report and subdivision guarantee, five prints of the final map, a map checking fee, one copy of all boundary and lot calculations, and copies of any reference maps and deeds as may be required to facilitate the map checking process as determined by the City Engineer.
45. **Governmental Health/Welfare Access Easement** – An access easement for emergency vehicles and all governmental agencies providing for the public safety, health, and welfare shall be offered to the City of Thousand Oaks over all parcels within the proposed subdivision.
46. **Public Service Easement** - A six-foot wide Public Service Easement (PSE) adjacent to the public street right-of-way shall also be dedicated to the City of Thousand Oaks.
47. **Dedication of Abutting Rights** - All remaining rights of access to and from all Parcels/ lots of the proposed subdivision abutting North Moorpark Road, West Hillcrest Drive and Wilbur Road except existing driveway(s) shall be offered on the map for dedication free and clear of any prior easements to the City of Thousand Oaks (M.C. 7-2.208).
48. **Access Easement Requirements** - The applicant shall obtain an access easement or owners' covenant, with improvement and maintenance rights

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and satisfactory to the City Attorney and Public Works Department, for use of the access to the public street for the proposed Parcel 1, Parcel 2, and Parcel 3. This document(s) shall be recorded with the County Recorder's Office prior to or concurrently with the recordation of the subdivision map.

49. **Reciprocal Access** – The Applicant shall submit an intra-parcel covenant, easement or other administrative document(s) to identify and demonstrate the access rights and funding/maintenance responsibilities for infrastructure and services including but not limited to trash service, driveway and pedestrian access to the public street, and other utilities/services as may be required between and among the proposed on-site use operators and parcel owners. Said documentation shall be subject to the review and approval of the Public Works and Community Development Departments and the City Attorney's office prior to map recordation.
50. **Monumentation / Well Monuments** - The engineer or surveyor shall set one Standard Well Monument at location designated by the City's Registered Surveyor, per the County of Ventura Standard Drawings Plate E-4. A minimum of four (4) ties shall be required for each Centerline monument. The remaining monuments shall be set in accordance with the standards described in Subdivision Map Act, Land Surveyor Act and the City of Thousand Oaks Subdivision Ordinance.
51. **Monument Bond Requirements** – Prior to map recordation of the final map, the applicant shall submit to the City of Thousand Oaks a cash deposit for monument placement security as determined by the City Engineer. The submittal shall include all bonds specified in the Thousand Oaks Municipal Code and in the current edition of the California Subdivision Map Act.
52. **Vertical Datum** - Vertical references used for preparation of the map shall be based on a benchmark approved by the City Engineer and County Surveyor.

Exhibit A

Janss Marketplace Hotel Project EIR: Mitigation Monitoring and Reporting Program (MMRP)

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 4-1, Mitigation Monitoring and Reporting Program, has been prepared for the Janss Marketplace Hotel Project (project). This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable mitigation measures and standard conditions relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure/standard condition has been implemented; 2) recordation of the actions taken to implement each mitigation measure/standard condition; and 3) retention of records in the Janss Marketplace Hotel project file.

This Mitigation Monitoring and Reporting Program (MMRP) delineates responsibilities for monitoring the project, but also allows the City of Thousand Oaks (City) flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure or standard condition. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures/standard conditions were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist (Table 4-1). If an adopted mitigation measure or standard condition is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure or standard condition is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Draft EIR and Final EIR, which provide general background information on the reasons for including specified mitigation measures/standard conditions.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures/standard conditions.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures/standard conditions have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.

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Janss Marketplace Hotel Project EIR: Mitigation Monitoring and Reporting Program (MMRP)

- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures and standard conditions will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. No change will be permitted unless the MMRP continues to satisfy the requirements of Public Resources Code Section 21081.6.

The following subsections of the Draft EIR contain detailed environmental analyses of the existing conditions, project impacts (including direct and indirect, short-term, long-term, and cumulative impacts), recommended mitigation measures and standard conditions, and significant unavoidable impacts, if any.

Based on the Draft EIR, no significant impacts would occur in regard to the following environmental issue areas, which are addressed in Draft EIR Section 8.0, Effects Found Not To Be Significant:

- Agriculture and Forestry Resources;
- Mineral Resources;
- Population and Housing; and
- Wildfire

In accordance with Appendix G of the CEQA Guidelines, the following environmental issue areas were determined to have a potentially significant impact and have been analyzed within the Draft EIR:

- Aesthetics/Light and Glare;
- Air Quality;
- Biological Resources;
- Cultural, Tribal Cultural, and Historical Resources;
- Energy;
- Geology and Soils;

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- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning;
- Noise;
- Public Services and Recreation;
- Transportation; and
- Utilities and Service Systems.

For the purposes of the environmental analysis in the Draft EIR, impacts were analyzed in each environmental issue area for the proposed project. If necessary, mitigation measures and/or standard conditions were recommended in order to reduce any significant impacts.

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Janss Marketplace Hotel Project EIR: Mitigation Monitoring and Reporting Program (MMRP)

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
Air Quality								
AQ-1	<p>The applicant shall require all construction plans to include the following best management practices:</p> <ol style="list-style-type: none"> 1. Maximize the use of chemical dust suppressants or non-potable water, if available. If water is used, all exposed surfaces shall be watered three times daily. 2. Exposed surfaces include, but are not limited to, soil piles, graded areas, unpaved parking areas, staging areas, and access roads. 3. Cover or maintain at least 2 feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks 	Applicant	Prior to Initiation of Construction Activities	City of Thousand Oaks Community Development Department	During Construction			

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Janss Marketplace Hotel Project EIR: Mitigation Monitoring and Reporting Program (MMRP)

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	<p>that would be traveling along freeways or major roadways shall be covered.</p> <p>4. Use wet power vacuum street sweepers to remove any visible track-out mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.</p> <p>5. Limit vehicle speeds on unpaved roads to 15 miles per hour.</p> <p>6. Pave all roadways, driveways, sidewalks, parking lots as soon as possible. In addition, building pads shall be laid immediately after grading unless seeding or soil binders are used.</p>							

Exhibit A

Janss Marketplace Hotel Project EIR: Mitigation Monitoring and Reporting Program (MMRP)

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	<p>7. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, Section 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.</p> <p>8. Maintain all construction equipment in proper working condition according to manufacturer’s specifications. The equipment shall be checked by a certified mechanic and determined to be running in proper</p>							

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cdd:420-78/sk/H:COMMON/Planning Commission/Agenda Packet/2023/2023-10-23/225/Janss Hotel/07B Janss Marketplace Hotel/ 22-70079 Attach 5/pz (FILE ID: 2022-70079-DP)

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**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	condition before it is operated.							
AQ-2	Prior to issuance of grading permits, the City of Thousand Oaks shall review the final construction plan to verify the architectural coating phase shall last for at least six weeks.	City of Thousand Oaks Community Development Department	Prior to Issuance of Grading Permits	City of Thousand Oaks Community Development Department	Prior to Issuance of Grading Permits			
AQ-3	All diesel off-road equipment rated 50 horsepower or more shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB. This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel	Applicant; Construction Contractor	Prior to Initiation of Construction Activities; During Construction	City of Thousand Oaks Community Development Department	During Construction			

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**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	<p>Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the VCAPCD, as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.</p> <p>An exemption from these requirements may be granted by the City in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are</p>							

Exhibit A

Janss Marketplace Hotel Project EIR: Mitigation Monitoring and Reporting Program (MMRP)

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	achieved from other construction equipment. Before an exemption may be considered by the City, the applicant shall be required to demonstrate that two construction fleet owners/operators in Ventura County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within Ventura County. Further, if an exemption is granted by the City, the applicant shall use a minimum of Tier 3 equipment with a CARB-certified Level 3 diesel particulate filter in place of the Tier 4 Final equipment.							
Biological Resources								
BIO-1	If project-related activities are to be initiated during the bat day and/or night-roosting or maternity-roosting season (April 1 through August 31), a pre-construction survey for day and/or night-	Qualified Bat Biologist; Construction Contractor; Applicant	Prior to Initiation of Construction Activities, Vegetation Removal,	City of Thousand Oaks Community Development Department	Prior to Issuance of a Demolition Permit; During Construction			

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**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	roosting or maternity-roosting bats shall be conducted by a qualified biologist no more than 14 days prior to the start of any vegetation removal, ground disturbing activities, or construction, to confirm if roosting bats are present to avoid and minimize impacts to any roosting bat species. The qualified biologist shall survey all suitable roost habitat within the project’s area of disturbance plus a 300-foot buffer zone. Each time work ceases for a period of 14 days or more during day and/or night-roosting or maternity-roosting season, a new roosting bat clearance survey shall be conducted. <ul style="list-style-type: none"> If no roosts are observed during pre-construction surveys, project activities may begin, and no 		and/or Ground Disturbing Activities; During Construction					

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**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	<p>additional avoidance and minimization measures shall be required.</p> <ul style="list-style-type: none"> If day-time roosting bats or signs of such bats are detected: roosting location shall be demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging to facilitate avoidance. The distance of the no-disturbance buffers around day-roosting bats would be a minimum of 50 feet. This distance may be increased based upon the particular bat species found and/or the phased removal of buildings and trees to allow day-roosting bats to relocate on their 							

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Janss Marketplace Hotel Project EIR: Mitigation Monitoring and Reporting Program (MMRP)

**Table 4-1
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	<p>own volition as determined by a qualified bat biologist.</p> <ul style="list-style-type: none"> If an active maternity roost is identified, no work activities should occur within 100 feet of or directly under or adjacent to the maternity roost during the breeding season when young are present but are not yet ready to fly (April 1 through August 31). Their roosting location shall be demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging to facilitate avoidance. The qualified biologist shall periodically monitor 							

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	any active roosts to determine if the roost is no longer being used. No construction or ground disturbance shall occur within this buffer until the qualified biologist confirms that the roosting is completed or a Bat Avoidance Plan is submitted by the developer and approved by the California Department of Fish and Wildlife (CDFW).							
BIO-2	If project-related activities are to be initiated during the bird nesting season (January 1 to August 31), a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist no more than three days prior to the start of any vegetation removal	Qualified Bird Biologist; Construction Contractor; Applicant	Prior to Initiation of Construction Activities, Vegetation Removal, and/or Ground Construction	City of Thousand Oaks Community Development Department	Prior to Issuance of a Demolition Permit; During Construction			

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	<p>or ground disturbing activities to confirm if active bird nests are present to avoid and minimize impacts to any nesting bird species. The qualified biologist shall survey all suitable nesting habitat within the project’s area of disturbance plus a 300-foot buffer zone. Each time work ceases for a period of seven days or more during nesting season, a new nesting bird clearance survey shall be conducted.</p> <ul style="list-style-type: none"> If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required. If an active bird nest is found, the species shall be 		Activities; During Construction					

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	<p>identified, and a “no-disturbance” buffer shall be established around the active nest. The distance of the no-disturbance buffer around active bird nests would be a minimum of 100 feet for non-special status species, and 300 feet for special-status passerine species and raptor species. These distances may be greater depending on the bird species and construction activity, as determined by the qualified biologist.</p> <ul style="list-style-type: none"> The qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the “no- 							

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	disturbance” buffer disturb the birds and if the buffer should be increased. No construction or ground disturbance shall occur within these buffers until the qualified biologist confirms that the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions.							
Cultural Resources								
CUL-1	Worker Environmental Awareness Program. Worker Environmental Awareness Program (WEAP) training shall be provided to all construction personnel and monitors who are not trained archaeologists prior to the start of construction activities. A basic presentation and handout or	Applicant; Construction Contractor; Qualified Archaeologist	Prior to Initiation of Construction Activities/Group-Construction Activities	City of Thousand Oaks Community Development Department	Prior to Ground-Construction Activities			

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	pamphlet shall be prepared to ensure proper identification and treatment of inadvertent cultural resource discoveries. The purpose of the WEAP training is to provide specific details on the kinds of cultural materials, both prehistoric and historic, that may be identified during construction of the project and explain the importance of and legal basis for the protection of cultural resources. Each worker shall also be provided with the proper procedures to follow in the event that cultural resources or human remains are discovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate notification of the site supervisor and the qualified archaeological and Native American monitors. If the discovery							

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	is Native American, a Native American monitor shall be notified.							
CUL-2	Unanticipated Discovery of Cultural Resources. The project applicant shall retain a qualified archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards for archaeology, prior to the start of any earthwork activities related to project construction, to monitor all ground-disturbing activities within the areas of native soil (i.e., below existing areas of artificial fill from previous construction). In the event that potential prehistoric or historic-era archaeological resources (sites, features, or artifacts) are exposed during construction activities for the project, all construction work occurring within a 50-foot buffer of the find shall immediately stop and	Applicant; Construction Contractor; Qualified Archaeologist	Prior to Ground-Construction Activities; During Grading Activities	City of Thousand Oaks Community Development Department	Prior to Ground-Construction Activities			

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	a qualified archaeologist must be notified immediately to assess the significance of the find and determine whether or not additional study is warranted. Depending on the significance of the find under the California Environmental Quality Act (CEQA), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work (e.g., preparation of an archaeological treatment plan, testing, or data recovery) may be warranted. If Native American resources are discovered or are suspected, each of the consulting tribes for the project will be notified, as dictated by California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and CEQA							

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	Guidelines Section 15064.5(e). An archaeological monitoring report shall be prepared within 60 days following completion of ground disturbance and submitted to the City of Thousand Oaks Community Development Director for review. This report shall document compliance with approved mitigation, document the monitoring efforts, and include an appendix with daily monitoring logs. The final report shall be submitted to the South Central Coastal Information Center and interested consulting tribes.							
CUL-3	Discovery of Human Remains. If human remains are encountered during implementation of any phase of the project, the project archaeologist shall be allowed to temporarily divert or redirect excavation activities in the vicinity	Construction Contractor; Qualified Archaeologist	During Construction	City of Thousand Oaks Community Development Department	During Construction			

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	of the find in order to make an evaluation 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 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							

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	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 NAHC within 24 hours. The NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant must then complete their inspection within 48 hours of being granted access to the site. The most likely descendant would then determine, in consultation with the property owner, the disposition of the human remains.							

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Geology and Soils								
GEO-1	A geotechnical investigation shall be conducted by the project applicant to analyze the soil conditions and potential threats to building stability, and shall include a report that recommends grading, construction, and design operations appropriate for seismic conditions. All grading operations and construction shall be conducted in conformance with the recommendations included in the geotechnical report. Design, grading, and construction shall also be performed in accordance with the requirements of the City of Thousand Oaks Building Code and the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project	Applicant; Qualified Geotechnical Engineer	Prior to Issuance of Grading Permits	City of Thousand Oaks Community Development Department	Prior to Issuance of Grading Permits			

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	geotechnical consultant summarized in a final written report, subject to review and approval by the City of Thousand Oaks Building Official, or designee, prior to commencement of grading activities.							
GEO-2	<p>A qualified Geotechnical Engineer shall be retained to perform the following tasks prior to and during construction:</p> <ul style="list-style-type: none"> Review final grading, foundation, and drainage plans to verify that the recommendations contained in the geotechnical investigation have been properly interpreted and are incorporated into the project specifications. Observe and advise during all grading activities, 	Applicant; Qualified Geotechnical Engineer	Prior to Initiation of Construction Activities; During Construction	City of Thousand Oaks Building Division	Prior to Initiation of Construction Activities; During Construction			

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	including site preparation, foundation, and placement of fill, to confirm that suitable fill materials are placed upon component material and to allow design changes if subsurface conditions differ from those anticipated prior to the start of grading and construction. <ul style="list-style-type: none"> • Observe the installation of drainage devices. • Test all fill placed for engineering purposes to confirm that suitable fill materials are used and properly compacted. 							
GEO-3	Prior to the commencement of ground disturbing activities, the Project Applicant shall retain a	Applicant; Qualified Project Paleontologist;	Prior to Issuance of Grading	City of Thousand Oaks Community	Prior to Issuance of Grading			

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	<p>qualified Project Paleontologist to direct all mitigation measures related to paleontological resources. A qualified Project Paleontologist is defined by the Society of Vertebrate Paleontology standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years. The Project Paleontologist shall be retained to prepare and implement a Paleontological Resources Impact Mitigation Plan (PRIMP) for the project.</p> <p>The PRIMP shall be consistent with the 2010 Society of Vertebrate</p>		Permits; During Grading Activities; Following the Completion of Ground-Construction Activities	Development Department	Permits; Following the Completion of Ground-Construction Activities			

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	<p>Paleontology guidelines and outline requirements for pre-construction meeting attendance and worker environmental awareness training, where paleontological monitoring is required within the project site based on construction plans and/or geotechnical reports; procedures for adequate paleontological monitoring and discoveries treatment; and paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils), reporting, and collections management.</p> <p>Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources and meets the minimum standards of the Society of</p>							

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	Vertebrate Paleontology for a Paleontological Resources Monitor. The paleontological monitor shall be responsible for maintaining daily monitoring logs for those days monitoring occurs. The duration and timing of the monitoring shall be determined by the Project Paleontologist based on the observation of the geologic setting from initial ground disturbance, and subject to review and approval by the City of Thousand Oaks. If the Project Paleontologist determines full-time monitoring is no longer warranted based on the geologic conditions at depth, they may recommend that monitoring be reduced or cease entirely. Monitoring shall be reinstated if any new ground disturbances are required, and reduction or suspension shall be reconsidered							

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	<p>by the Project Paleontologist at that time.</p> <p>If a paleontological resource is discovered, the monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:</p> <p>Salvage of Fossils. If fossils are discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered</p>							

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	significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) shall recover them following standard field procedures for collecting paleontological resources as outlined in PRIMP for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Project Paleontologist and/or paleontological monitor shall have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil(s) can be							

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	<p>removed in a safe and timely manner.</p> <p>Fossil Preparation and Curation. The PRIMP for the project shall identify the museum that has agreed to accept fossils that may be discovered during project related excavations. Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossils specimens shall be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the</p>							

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	<p>accredited museum or repository no later than 30 days after all laboratory work is completed. The cost of curation shall be assessed by the repository and shall be the responsibility of the Project Applicant.</p> <p>A paleontological monitoring report shall be prepared within 60 days following completion of ground disturbance and submitted to the City of Thousand Oaks for review. This report shall document compliance with approved mitigation, document the monitoring efforts, and include an appendix with daily monitoring logs. The final report shall be submitted to the South-Central Coastal Information Center and the Society of Vertebrate Paleontology.</p>							

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Hazards and Hazardous Materials								
HAZ-1	Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing materials (ACMs). If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the Ventura County Air Pollution Control District (VCAPCD) Rule 62.7. Prior to issuance of a certificate of occupancy, documentation of	Applicant; AHERA and Cal/OSHA Certified Building Inspector	Prior to Demolition Activities	City of Thousand Oaks Community Development Department	Prior to Demolition Activities			

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	asbestos abatement shall be provided to the VCAPCD for review and approval. Documentation shall include proper training and licensure of abatement contractors, results of asbestos samples collected, and disposal documentation showing appropriate disposal of hazardous materials at an approved facility. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.							
HAZ-2	If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. If lead-based paint is found, abatement	Applicant; Qualified Environmental Professional	During Demolition Activities	City of Thousand Oaks Community Development Department	During Demolition Activities			

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	shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulations Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City Engineer. Prior to issuance of a certificate of occupancy, documentation of lead abatement shall be provided to the VCAPCD for review and approval. Documentation shall include proper training and licensure of							

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	abatement contractors, results of lead samples collected, and disposal documentation showing appropriate disposal of hazardous materials at an approved facility. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.							
HAZ-3	Prior to the modification, relocation and/or removal of the existing transformer, a PCB survey shall be conducted by a California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence of PCB containing materials. If PCB is found, abatement shall be completed by a qualified PCB Specialist prior to any activities that would create a PCB hazard. Prior to issuance of a	Applicant; Cal/OSHA Certified Building Inspector	Prior to Modification, Relocation, and/or Removal of Transformer	City of Thousand Oaks Community Development Department	Prior to Modification , Relocation, and/or Removal of Transformer			

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	certificate of occupancy, documentation of hazardous building material identification and removal (such as PCBs, mercury switches, and other hazardous materials) shall be provided to the permitting agency for review and approval. Documentation shall include proper training and licensure of abatement contractors, results of samples collected (including field notes from PCB sampling), and disposal documentation showing appropriate disposal of hazardous materials at approved landfill, recycling, or transfer facilities. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.							

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HAZ-4	<p>If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:</p> <ul style="list-style-type: none"> • Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area; • Notify the Community Development Director of the City of Thousand Oaks; • Secure the areas as directed by the Community Development Director; and • Notify the Ventura County Health Care Agency’s (VCHCA) Hazardous Waste/Materials 	Construction Contractor	During Construction	City of Thousand Oaks Community Development Department	During Construction			

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	Coordinator or other appropriate agency specified by the Community Development Director. The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.							
Utilities and Service Systems								
U-1	Prior to the final building and zoning inspections of the development, the property owner/developer team shall work with Athens Services to create a waste/recycle diversion plan prior to the start of operations, including training on waste streams and best practices for diversion, to determine the most sustainable waste management plan for the proposed project. The property	Applicant; Athens Services	Prior to Final Building and Zoning Inspections	City of Thousand Oaks Public Works Department	Prior to Final Building and Zoning Inspections			

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	owner/developer shall submit project plans and a Solid Waste Management Plan to the City of Thousand Oaks Public Works Department for review and approval to ensure that the plan complies with the mandates of RCRA, AB 939, AB 341, AB 1826, the California Green Building Code, Municipal Code Title 6, Chapters 2 and 3, and the Construction and Demolition Debris Recycling Ordinance as administered by the City of Thousand Oaks to the maximum extent feasible. Implementation of said plans shall commence upon occupancy and shall remain in full effect as required by the City Public Works Department and may include, at its discretion, the following plan components:							

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cdd:420-78/sk/H:COMMON/Planning Commission/Agenda Packet/2023/2023-10-23/225/Janss Hotel/07B Janss Marketplace Hotel/ 22-70079 Attach 5/pz (FILE ID: 2022-70079-DP)

Exhibit A

Janss Marketplace Hotel Project EIR: Mitigation Monitoring and Reporting Program (MMRP)

**Table 4-1
Mitigation Monitoring and Reporting Program**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	1. Detailing the locations and design of on-site recycling facilities. 2. Participating in a recycling program as may be developed by the City or governing agency.							