

CITY OF THOUSAND OAKS

PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_\_ PC

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF THOUSAND OAKS APPROVING A  
VESTING TENTATIVE TRACT MAP, RESIDENTIAL  
PLANNED DEVELOPMENT, PROTECTED TREE  
PERMIT, UNDERGROUND UTILITY WAIVER, AND  
MITIGATED NEGATIVE DECLARATION FOR THE  
USE OF CERTAIN PROPERTY WITHIN SAID CITY

Application No. Vesting Tentative Tract Map (VTTM) 2022-70793, Residential  
Planned Development (RPD) 2022-70851, Protected Tree Permit  
(PTP) 2022-70874, Underground Utility Waiver (UUW) 2024-  
70002, and California Environmental Quality Act (CEQA) 2023-  
70006

Applicant: Jeb Adams, 1651 Lynn Road LLC

Location: 1651 West Lynn Road  
Assessor's Parcel Numbers (APNs):  
660-0-030-165 and 660-0-030-175

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

SECTION 1

WHEREAS, the applicant has filed with this Commission a petition under  
the provisions of the City of Thousand Oaks Municipal Code requesting the  
following applications associated with a new single-family residential development  
at 1651 West Lynn Road:

1. **Vesting Tentative Tract Map (VTTM) 2022-70793:** Subdivide two 4.61-  
acre residential lots into 19 residential lots to accommodate the  
construction of 18 single-family residences and 1 bio-retention basin lot.
2. **Residential Planned Development (RPD) 2022-70851:** Allow  
construction of 18 single-family residences, including an internal private  
access road, new walls, hardscape, landscape, bio-retention basin, and  
grading.

3. **Protected Tree Permit (PTP) 2022-70874**: Allow removal of 23 coast live oak (*Quercus agrifolia*) trees and encroachment into the protected zone of 82 coast live oak trees.
4. **Underground Utility Waiver (U UW) 2024-70002**: Waive the requirement to underground existing overhead utilities, located along the west property line, to construct 18 single-family residences.
5. **California Environmental Quality Act (CEQA) 2023-70006 (State Clearinghouse Number 2024081373)**: Approve and adopt the Mitigated Negative Declaration (MND) and mitigation monitoring plan in accordance with the California Environmental Quality Act (CEQA) for the subject project.

The applicant is requesting three (3) Modifications to the Objective Design Standards (ODS) of the Thousand Oaks Municipal Code (TOMC) as follows:

Modifications

1. Modification to the ODS of the TOMC, to allow a cul-de-sac for the main private internal access road for the project as otherwise restricted by TOMC Section 9-4.2205(a)(3);
2. Modification to the ODS of the TOMC, to allow vehicular and pedestrian gated access to the project site as otherwise restricted by TOMC Section 9-4.2205(a)(4), and
3. Modification to the ODS of the TOMC, to allow for one residential flag lot as otherwise restricted by TOMC Section 9-4.2205(a)(6).

WHEREAS, on November 22, 2019, a Pre-Application (PAR) 2019-70992 was submitted and staff met with the applicant and provided development requirements on City standards, codes, guidelines, and policies;

WHEREAS, on August 17, 2022, the subject applications for VTTM 2022-70793, RPD 2022-70851, PTP 2022-70874, and U UW 2024-70002 were submitted to the Planning Division by Jeb Adams, 1651 Lynn Road LLC;

WHEREAS, on October 26, 2022, staff conducted a site visit to document site conditions, the property and surrounding area;

WHEREAS, on November 1, 2023, the application was deemed complete for processing;

WHEREAS, on March 21, 2024, a Notice of Application was mailed to all property owners of record within a 500-foot radius of the subject site and sign posted on the subject property to inform the public of the proposed project at the early stages of the project;

WHEREAS, on September 3, 2024, a Notice of Completion was filed with the State Clearinghouse and a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) was published and mailed, and the MND was circulated for 30-days for public review in accordance with the CEQA between September 3 and October 3, 2024;

WHEREAS, on November 4, 2024, a Notice of Planning Commission Public Hearing sign was posted on the subject property;

WHEREAS, on November 4, 2024, a Notice of Planning Commission Public Hearing was mailed to all property owners of record within a 500-foot radius of the subject site;

WHEREAS, on November 4, 2024 Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Thousand Oaks and was mailed to all property owners within a 500-foot radius of the subject property;

WHEREAS, the Planning Commission, upon giving the required notice, did, on the 18<sup>th</sup> day of November, 2024, conduct a duly-advertised public hearing as prescribed by law to consider said application; and

WHEREAS, at the November 18, 2024, Planning Commission public hearing, oral and written evidence, including a staff report, were presented and received, and arguments were heard from all interested parties appearing in the matter; and

## SECTION 2

WHEREAS, the findings of the Planning Commission supporting approval of said VTTM 2022-70793 are as follows:

1. *The project is consistent with the Thousand Oaks General Plan and any applicable Specific Plan (TOMC Section 9-3.702(h)(1)).*

The proposed project is consistent with the Thousand Oaks General Plan goals and policies because it is a single-family residential development that supports residential uses consistent with densities anticipated by the “Low Density Residential (2 to 4.5 dwelling units per acre)” land use designation. The proposed density is 3.9 dwelling units per acre, which does not exceed the maximum allowable density specified for the subject property. The project site totals 4.61 acres, based on the lot size the maximum density for this project is 21 dwelling units (4.61 acres x 4.5 dwelling units per acre = 20.7 or 21 units rounded up) Further, the Tentative Map does not propose changes to the existing land use and zoning designations. The proposed development on the subject property is

consistent with the General Plan Land Use Element designation of Low Density Residential and is consistent with all other applicable goals, Policies, and objective of the General Plan.

2. *That the design or improvement of the proposed subdivision is consistent with the applicable General and Specific Plans (TOMC Section 9-3.702(h)(2)).*

Although the entire project area totals 4.61-acres, the proposed residential development, consisting of 18 single-family residences and associated development, will be constructed on the partially vacant 4.30-acre residential lot. Further, the proposed tract map and its proposed design and improvement are consistent with the Thousand Oaks General Plan applicable for this project because the proposed project will allow for a 19 lot subdivision with 18 residential units at a density of 3.9 dwelling units per acre, which does not exceed the Land Use density range specified for the property (2 to 4.5 density units per acre).

3. *That the site is physically suitable for the type of development (TOMC Section 9-3.702(h)(3)).*

The project site is suited to accommodate the proposed type of development in that the project is consistent with the subdivision and grading standards of the Municipal Code. Further, the proposed project does not encroach into greater than 25% natural sloping terrain.

4. *That the site is physically suitable for the proposed density of development (TOMC Section 9-3.702(h)(4)).*

The project site is suited to accommodate the proposed density because the project is consistent with the Rural Exclusive (R-E) and RPD zone designation standards, the project avoids encroachment into greater than 25% natural sloping terrain, while maintaining a density that does not exceed the Land Use density range specified for the property (2 to 4.5 dwelling units per acre).

5. *That the design of the subdivision or the proposed improvements are not 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 proposed improvements are not likely to cause substantial environmental damage because the project was analyzed for conformance with the California Environmental Quality Act. For this application, the City is acting as the Lead Agency and, on behalf of the Applicant the Planning Commission is being asked to adopt the Mitigated Negative Declaration that was prepared for the project. Based on the evidence in Mitigated Negative Declaration (CEQA 2023-70006), the project will have no significant adverse effect on the environment. The Final IS/MND identifies areas where all areas listed as potentially significant have been mitigated to levels that are no longer significant,

through the inclusion of mitigation measures and project design features, which the applicant shall comply with under the proposed conditions of approval.

6. *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems (TOMC Section 9-3.702(h)(6)).*

The design of the subdivision and its improvements are not likely to be detrimental to public health, safety, or general welfare in that the project is not expected to release any hazardous substances or interfere with any emergency response or evacuation plans. Further, the project has been reviewed and approved by the Community Development Department, Public Works Department, Police Department, and the Ventura County Fire Department (VCFD) and 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.

7. *That the design of the subdivision or the type of improvements will not 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 (TOMC Section 9-3.702(h)(7)).*

A 55-foot wide access easement exists along the east property line that extends from the south to the north property line. The access easement is partially improved along Blair Court and currently provides access to two residences to the east and adjacent to the subject property. The access easement will also provide access to the adjacent property to the north at 1617 Susan Drive. The proposed project includes sidewalk improvements along the project frontage within the northern portion of West Lynn Road and road and sidewalk improvements along the western portion of Blair Court. The proposed project would improve connectivity for a site that is supported by an existing transportation network along West Lynn Road that includes bicycle lanes and sidewalks for community residents to walk and/or ride bicycles and access their homes and nearby destinations. Therefore, as designed, the proposed land division does not conflict with existing public easements because the design of the subdivision and its improvements are consistent with surrounding development and conditions are included requiring public improvements.

### SECTION 3

WHEREAS, the findings of the Planning Commission supporting approval of RPD 2022-70851 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 is consistent with the Thousand Oaks General Plan, including the Land Use Element, in that the project involves the establishment of single-family

residential lots and the construction of 18 single-family residences located within a residentially designated area. The project site has a “Low Density Residential” designation in the Land Use Element of the General Plan and single-family residences, including accessory uses such as decks, balconies, swimming pools, parking spaces, etc., are allowed uses in the Rural-Exclusive (R-E) zone. Further, the project is consistent with the Rural Exclusive (R-E) and Residential Planned Development (RPD) zone designation standards and the proposed development on the subject property is consistent with General Plan goals, policies, and objectives.

Surrounding land uses include single-family residences to the north and east, a religious assembly use and single-family homes to the west, and open space to the south beyond West Lynn Road. Land Use designations of surrounding properties include Neighborhood Low 2 to the north and east, Neighborhood Low-Medium and Institutional to the west, and Existing Parks, Golf Courses, Open Space to the south beyond Lynn Road.

*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 proposed project involves the establishment of single-family residential development located within a residentially designated area and the single-family residences are allowed in the R-E zone. A proposed residential development is allowed in this zone, subject to review and approval of an RPD permit. The project site is suited to accommodate the proposed density because the project is consistent with the RPD zone designation standards while maintaining a density that does not exceed the Land Use density range specified for the property (2 to 4.5 dwelling units per acre).

The project complies with the TOMC, Oak Tree Preservation and Protection Guidelines (Resolution 2010-14), and design standards established by the City’s Precise Plan of Design Guidelines (Res. No. 2023-61), in that preservation and protection measures are required for the on-site oak trees being preserved and mitigation required for those trees being removed. Additionally, the project has been reviewed by other City departments and agencies for conformance with applicable laws, regulations, and policies, and provided appropriate conditions of approval. Other conditions of approval, including mitigation measures as determined by the Final MND, further ensure compliance with state agency regulations, such as those monitored by California Department of Fish and Wildlife (CDFW).

The building design incorporates enhanced architectural and landscape design, including decorative material finishes and colors, and meets all applicable development standards for the R-E and RPD zones (i.e. setbacks, height, parking, landscaping). The overall design of the proposed residential development includes multi-level rooflines, a mix of building materials, recessed garage entrances and outdoor space which add visual interest and a contemporary style to the design.

The design of the proposed residences is architecturally compatible with development in the area and provides appropriate horizontal and vertical articulation and incorporates a variety of exterior materials and colors. The proposed residences utilize a design with second-floor elements that are consistent with other homes in the area. The proposed buildings incorporate flat roof elements at varying rooflines that provide horizontal and vertical interest. Materials for the buildings include composite shingle roofing with metal trim on architectural elements, stone and tile, stucco, and windows that include contemporary contrasting framing.

The proposed residences are located within a neighborhood that has a mix of single and two-story homes. The proposed scale, massing, roofline, vertical and horizontal design elements, exterior material finishes, and height are comparable and compatible with residences in the area, and do not overwhelm them with unbalanced size or a design that is out of character of the neighborhood. Building materials and colors are compatible with the existing natural and built environment in the surrounding area. In addition, the project will be partially screened from the view of the adjacent properties by existing mature foliage along the south and north property lines. Furthermore, the proposed elevation along the western portion of the site (at the end of the cul-de-sac) is approximately 20 feet below the existing grade at Lynn Road, thus reducing the visibility of the proposed residences and reducing visual impacts to surrounding properties. Overall, the site design and the location and massing of all proposed structures and improvements will, to the extent feasible minimize the loss of privacy to surrounding residents and not unduly impact, restrict, or block significant views.

The architectural design, size, and height of the proposed residences are minimally visible from public viewpoints and are complementary to other homes in the vicinity and therefore, will not deter from the orderly development pattern or character of the established neighborhood. The proposed project substantially complies with the City's design guidelines and is designed to be compatible with the scale and style of the existing neighborhood and will not detract from the established character of the neighborhood.

Existing open space is located approximately 130 feet to the south and beyond West Lynn Road, as such the projects visibility from the existing open space is unavoidable. However, the proposed one and two-story residences are surrounded by existing residential development and would not result in a negative visual impact as viewed from a street or surrounding properties. The proposed project includes 9 of the 18 residences within the western portion the property which sits approximately 20 feet below existing grade at West Lynn Road, and the project is partially screened by mature trees and foliage along the north and south property lines. Furthermore, 3 of the 4 one-story residences will be sited at the eastern portion of the site, with a grade elevation similar to that of West Lynn Road. Additionally, the exterior walls of the buildings are earth-toned colors and are

designed to blend the project in with the surrounding built environment and landscape.

Further, the proposed development is sited within the flattest portions of the property while also reducing encroachment into slopes greater than 25% gradient along the northern and southerly property line. The design also takes advantage of the previously graded pad area and associated access driveway for the existing single-family residence in order to avoid major alterations to the existing terrain, and further reducing the need for excessive manufactured slopes. The project includes retaining walls ranging from 0.5 feet to 6 feet to support the building pads at the north, west, and south project boundaries. No retaining wall will exceed 6 feet in height.

Therefore, approving this permit will grant the property owner reasonable use of the property. The proposed residence will be compatible with surrounding development, as the neighborhood is primarily composed of single-family homes. By incorporating two-story structures to minimize the building footprints, and strategically siting the building pads to reduce the disturbed area, and developing within the flattest portions of the site the project effectively minimizes grading. It also adheres to applicable City codes, standards, goals, and policies, ensuring a development that is respectful of the environment and provides reasonable use of private property.

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 VCFD. With the incorporation of the conditions set forth by these departments and agencies, the project will not be detrimental to public health, safety, or general welfare as the granting of this permit:

- a. Will maintain the degree of compatibility of property uses that the Zoning Ordinance is intended to promote and preserve, considering the particular site, and uses on parcels within the zone in which the use is located;
- 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;
- 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 adjacent zones; and



- d. Will not become detrimental to the public interest, health, safety, convenience or general welfare.

As demonstrated in the Mitigated Negative Declaration (CEQA) 2023-70006), the project will not unreasonably interfere with the use and enjoyment of neighboring, existing, or future developments. Therefore, the project will not be detrimental to 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)).*

An MND was prepared in accordance with the standards established by the California Environmental Quality Act for the overall site modifications and uses. The MND evaluated the project's physical development and uses, and the project's reasonable and foreseeable impacts on the environment. As documented within the MND, with the implementation of the suggested mitigation measures, the project will not have a significant impact on the environment.

#### SECTION 4

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

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

The proposed residential development includes three standards which are prohibited by the objective design standards: 1) an internal access road designed as a cul-de-sac; 2) a flag lot (Lot No. 7) at the southern portion the site; and 3) gated vehicular and pedestrian access for the residential development. Requiring a secondary point of connectivity at the southwestern portion of the site to West Lynn Road, would require additional grading, an access road potentially exceeding 15% gradient due to topography, and additional removal and encroachment into protected oak trees along West Lynn Road. The flag lot would allow for the minimum project density while reducing encroachment and removal of protected oak trees along the southern and northern portions of the site. Development within the south and southwestern portion of the site is limited due to existing topography, mature landscaping and protected oak trees, which restricts development within a significant portion of the site, thus resulting in a design hardship due to the existing site characteristics. Additionally, construction of a secondary access along West Lynn Road would be a financial hardship and the natural setting of the site would change because the southern portion of the site supports mature oak trees.

Direct access to the proposed residential development is provided via an existing access road (Blair Court) that extends approximately 215 feet to the north from West Lynn Road. The proposed project includes a gated access at the western terminus of the existing access road. The intent to restrict gated access for developments is to reduce a projects potential to divide communities, limit transportation choices, and increase vehicular and pedestrian travel. The gated access can be supported in that the proposed project is consistent with existing surrounding uses, direct access to West Lynn Road will not be obstructed and the existing community is connected by a network of existing roads, bicycle lanes, and sidewalks which will not be impacted by the proposed gated access. Further, the proposed project is not located adjacent to mixed-use or multi-family residential developments with active frontages such as public gathering places and therefore, does not create barriers within the community. Surrounding land uses include single-family residences to the north and east, a religious assembly use and single-family residences to the west, and Lynn Road to the south, as such the gated access does not impede or restrict vehicular or pedestrian access on adjacent properties. The site is supported by an existing transportation network along West Lynn Road that includes bicycle lanes and sidewalks for community residents to walk and/or ride bicycles and access their homes and nearby destinations. Although the project includes gated access, the project includes pedestrian access improvements along the western portion of the 215-foot access road (Blair Ct.). Additionally, existing surrounding single-family residential neighborhoods provide gated access and therefore, the project is consistent with surrounding development and community character.

Consequently, the Planning Commission finds the Modifications can be granted as proposed due to site constraints and design hardship. The proposed Modifications do not change the overall scale or character of the project and result in development consistent with the scale and character of existing and allowable development in the vicinity, are not detrimental to or that would not adversely impact, and provide the proposed residential units. Granting the modifications would result in a project that is compatible with the existing neighborhood and future development potential while providing an improved layout and design. The proposed project provides a density of 3.9 units per acre, which is within range of 2 to 4.5 density units per acre as allowed by the Thousand Oaks General Plan Land Use designation, therefore, supporting production of housing within the City.

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

The General Plan Land Use Element designation for the property is “Low Density Residential (2 to 4.5 dwelling units per acre)” and the zone is Rural-Exclusive (R-E – maximum 1 dwelling unit per acre). The proposed density (3.9 dwelling units per acre) does not exceed the Land Use density range specified for the property (2 to 4.5 dwelling units per acre) and therefore, consistent with the General Plan

Land Use Element designation of Low Density Residential. The construction of 18 single-family residences is located within a residentially designated area and surrounding land uses include single-family residences to the north and east, a religious assembly use and single-family residences to the west. Land Use designations of surrounding properties include Neighborhood Low 2 to the north and east, and Neighborhood Low-Medium and Institutional to the west. The scale of the proposed project is compatible with the development potential of the properties to the north and east of the site, which could be redeveloped with residential development with similar density in that the properties to the east and north have a land use designation of Neighborhood Low 2 (> 4.5 to 6 density units per acre). The site layout, including the flag lot, has been designed to develop the site at the allowed density while reducing grading, landform alterations, and protected trees to the maximum extent feasible. As previously mentioned, existing surrounding single-family residential neighborhoods provide gated access and therefore, the project is consistent with surrounding development and community character.

For the reasons described above and in the staff report to the Planning Commission dated November 18, 2024, the design of the new single-family residential development complies with the intent of all applicable laws, regulations, and policies, including the City's Objective Design Standards for Residential Development. The proposed development is compatible with the surrounding land uses in the vicinity because it is located within an urbanized setting with established infrastructure and existing nearby comparable residential uses. The project incorporates design elements such as color palettes and material choices that are complementary to surrounding development while providing a modern design aesthetic. Although the new development provides a more modern design than the surrounding development various design features have been implemented into the site layout and building design to reduce impacts to surrounding properties. The southern portion of the site supports an expansive mature landscaped area creating a physical buffer between the new structures and Lynn Road. The proposed residences along Lynn Road provide setbacks ranging from 30 to 45 feet and include one- and two-story elements. The architectural design differentiates between the first and second floor using material changes, roof line variation, attached garages with increased stepbacks, and ground-floor porches and patios to further reduce the massing from the ground level.

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

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

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

## SECTION 5

WHEREAS, the findings of the Planning Commission supporting the approval of PTP 2022-70874 are as follows:

1. *The condition or location of the [protected] trees requires cutting to maintain or aid its health, balance, structure, or to maintain adequate clearance from existing structures (TOMC Section 9-4.4206(b)(1)).*

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

2. *The condition of the tree(s) with respect to disease, danger of falling, proximity to existing structures, high pedestrian traffic areas such as parking lots, pedestrian walkways, interference with utility services, or is causing or is likely to cause substantial property damage based on sufficient evidence and/or documentation and said damage cannot be controlled or remedied through reasonable preservation and/or preventive procedures and practices (TOMC Section 9-4.4206(b)(2)).*

The subject scope of work does not include of removal or cutting of trees exclusively for the purpose of removing a condition hazardous to existing development. However, three (3) of the protected trees proposed to be removed are noted to be in poor condition, as stated in the Oak Tree Report dated September 14, 2023 and Oak Tree Report Addendum dated July 19, 2024.

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

*accordance with the Oak Tree Preservation and Protection Guidelines (TOMC Section 9-4.4206(b)(3)).*

The project, as designed, requires the removal of 23 protected coast live oak trees to accommodate the proposed improvements and grading activities associated with the construction of the proposed residences and associated development. Additionally, protected trees will be removed to construct the proposed access drive and meet the driveway clearance requirements set by the VCFD. As such, the removals are necessary for reasonable use of the property (single-family residential development of the land). Existing protected trees located along the north and southern portion of the site were prioritized for preservation. Preserving protected trees is a priority of the City Council when designing projects involving new construction.

The project also requires encroachment and pruning of 82 of the 126 protected coast live oak (*Quercus agrifolia*) trees onsite which is necessary to maintain proper clearance over proposed sidewalks, fencing and walls, and open space. A City Tree Consultant inspected the subject trees and determined that the proposed encroachments and pruning will not be detrimental to the health of the subject oak trees.

The project is consistent with the general purpose and intent of the Oak and Landmark Tree Ordinance since appropriate mitigation, in the form of replacement trees, will be provided pursuant to the standards of the Oak Tree Preservation and Protection Guidelines (Res. No. 2010-14). In addition, appropriate project conditions are in place to safeguard the oak trees, including the installation of fencing around the protected zones and on-site monitoring by the applicant's consultant during all encroachment and pruning operations.

*4. Approval of the request is not contrary to or in conflict with the general purpose and intent of this chapter (TOMC Section 9-4.4206(b)(4)).*

The project is consistent with the Thousand Oaks General Plan, including the Conservation Element, in that conditions have been imposed to offset the loss of the protected trees as specified in this Resolution and in the project's staff report. The approval of this request will not be contrary to or in conflict with the general purpose and intent of the Oak Tree Ordinance, Landmark Tree Ordinance or the Oak Tree Preservation and Protection Guidelines (Res. No. 2010-014).

In addition, the approval is consistent with the intent of the Oak Tree Preservation and Protection Ordinance since the proposed removal of 23 coast live oak (*Quercus agrifolia*) trees will be replaced in accordance with mitigation standards adopted by the Oak Tree Preservation and Protection Guidelines Resolution 2010-14. A condition of approval requires the removed trees to be replaced at a 3:1 ratio, consisting of two 24-inch boxes and one 36-inch box tree. The total number of replacement oaks required would be forty-six 24-inch box trees and twenty-three

36-inch box trees. The applicant will either need to submit a Replacement Tree Plan which complies with Resolution 2010-014, propose the planting of the trees at an off-site location for public benefit, subject to Community Development Director approval, or provide an in-lieu cash payment to the City's Open Space Conservation Fund used toward acquisition of open space, as prescribed by Resolution 2010-014. The applicant is proposing to plant various mitigation oak trees on the development site, however, due to site constraints and Fire Prevention District limitations on landscaping, the applicant will pay an in-lieu for the balance of the mitigation trees.

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

A MND was prepared in accordance with the standards established by the CEQA for the overall site modifications and uses. The MND evaluated the project's physical development and uses, and the project's reasonable and foreseeable impacts on the environment. As documented within the MND, with the implementation of suggested mitigation, the project will not have a significant impact on the environment.

## SECTION 6

WHEREAS, the findings of the Planning Commission recommending approval of said U UW 2024-70002 are as follows:

1. *Upon the application of a subdivider, developer, landowner, or utility company, and after paying a fee as prescribed by Council resolution, the provisions of Section 7-5.202 may be waived pursuant the procedures set forth in Article 28 of Title 9 of this Code, if it is found that the requirements of an underground installation of utility lines would be unreasonable or impractical.*

(a) The Municipal Code requires all facilities and overhead lines for utility services such as electric, cable TV, and telephone adjacent to new construction to be placed underground, unless waived. TOMC Section 7-5.203 allows for the waiver of this requirement if it is found to be unreasonable considering certain circumstances, one of which is the existence of overhead utility lines serving existing nearby buildings. The proposed underground utility waiver meets the requirements established in TOMC Section 7-5.203(c) in that existing overhead utility lines serve the surrounding residential neighborhood. The associated overhead utility drop lines preclude undergrounding at this time since various overhead utility lines exist on adjacent development to the west. Staff supports the waiver request in this case because existing institutional and residential uses to the west are served by existing overhead utility lines and no new overhead utility lines will be installed, and further impacts to existing oak trees will be avoided.

(b) The proposed project will require the applicant to pay an in-lieu fee of approximately \$99,242, thereby fulfilling the applicant's entire obligation

to underground the overhead utility lines. The City will use monies collected and accumulated to fund a future City undergrounding project.

- (c) The granting of this waiver would not constitute a special privilege to the applicant since other underground utility waivers have been granted in the vicinity of the subject site.

NOW, THEREFORE, BE IT RESOLVED that based on substantial evidence contained within the record, the analysis in the agenda report, and the findings of fact, the Planning Commission approves said applications for a Vesting Tentative Tract Map, Residential Planned Development, Protected Tree Permit, Underground Utility Waiver, inclusive of the requested ODS Modifications, including the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, 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 permits 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 18<sup>th</sup> day of November 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Don Lanson, Chair  
Planning Commission

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Fabiola Zelaya Melicher, Secretary  
Planning Commission

## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING DIVISION

1. **Land and Application** – Approval is granted for the land described in the application, any attachment thereto, and as shown on the submitted “Project Plan Set,” date stamped July 19, 2024.
2. **Scope of Permit Approval** – VTTM 2022-70793, RPD 2022-70851, PTP 2022-70874, UUW 2024-70002, and CEQA 2023-70006 are granted to subdivide a 4.61-acre residential lot into 19 residential lots to accommodate the construction of 18 single-family residences and 1 bio-retention basin lot, including the construction of a private road, removal of 23 oak trees, encroachment and pruning into the protected zone of 82 oak trees, new walls, hardscape, landscape, grading and request to waive the requirement to underground existing overhead utilities to construct 18 single-family residence. A Mitigated Negative Declaration has been prepared for the project for conformance with the California Environmental Quality Act (CEQA), as shown on project plans labeled “Project Plan Set” date stamped July 19, 2024 and associated Oak Tree Report, dated September 14, 2023 and Oak Tree Report Addendum dated July 19, 2024, unless conditioned otherwise herein.
3. **Approval Period** – VTTM 2022-70793, RPD 2022-70851, PTP 2022-70874, and UUW 2024-70002 are each granted for a three (3) year period of time ending November 18, 2027, 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 (TOMC). Inauguration of this approval signifies an acceptance of the decision and associated conditions of approval, hereto. The applicant may request time extensions of this period as permissible by Section 9-4.2812(e) of the TOMC by filing a Minor Modification application with the Community Development Department prior to the expiration date.
4. **Phasing** – The project shall be graded and constructed in a single phase.
5. **Model Homes** – Prior to the issuance of a grading and building permits, the applicant may request model home plans for the review and approval of the Community Development Department. Said plans shall incorporate site, grading, floor, elevation, roof and formal landscaping plans for the model home site for the review and approval by the Community Development Department.
6. **No New Utility Poles** – No new utility poles or above-ground utilities shall be installed for the project area.



7. **Underground Utility Assessment District** – The applicant shall waive the right of protest and hereby consent to participate in any future formation of an Underground Utility Assessment District created to underground the existing overhead utility lines and services along the frontage of the subject property and other properties similarly situated, and submit appropriate documentation binding the owner(s), heir(s) and successor(s) of the property. Said waiver of protest rights and agreement to participate shall be recorded by a deed restriction in a form approved by the Community Development Director and City Attorney, which waiver and consent shall run with the land. Said deed restriction shall be recorded prior to occupancy of the single-family dwelling.
8. **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.
9. **Project Changes/Modifications** – Minor changes to VTTM 2022-70793, RPD 2022-70851, PTP 2022-70874, and U UW 2024-70002 may be approved by the Community Development Department, provided such changes achieve substantially the same results and the project is still in compliance with the Municipal Code. Revised plans reflecting the minor changes and additional fees shall be required.
10. **Condition Compliance** – All development on the subject property shall be constructed and thereafter maintained in accordance with the conditions of this permit.
11. **Condition Execution** – Unless otherwise specified by condition, 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.
12. **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.
13. **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.

14. **Payment of Fees** – Approval is subject to the applicant paying all applicable 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.
15. **Impact Fees for Affordable Housing Units** – Per California Government Code Section 65915 and Section 65915.1, affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, shall not be imposed on a housing development's affordable units.
16. **Dedications/Reservations and Public Improvements** – With respect to dedications, reservations, construction of public improvements and fees as required by the project development conditions, the applicant is advised, pursuant to Government Code Section 66020, that the ninety (90) day protest period has commenced upon approval of the proposed improvement by the City.
17. **Preconstruction Meeting** – Prior to issuance of a grading permit, the applicant shall coordinate with the Community Development and Public Works Departments including, a preconstruction meeting at the job site to review field conditions, project conditions, methods and procedures, individual and City department responsibilities associated with the project. Members attending this meeting shall include but not be limited to City department representatives, City landscape consultant/arborist, owner or designated project coordinator, architect, project consultants, project landscape consultant general contractor and other representatives associated with the project. The meeting shall be arranged no sooner than one (1) week prior to commencement of work.
18. **Construction Signs** – The applicant shall post a construction notification sign identifying contact information for the Project Manager to provide a contact should interested parties have concerns over fugitive dust, noise, or other concerns regarding the construction process. Said sign shall be posted in a prominent location on the Lynn Road frontage of the property at 1651 West Lynn Road. The size, location, and language on the sign shall be reviewed and approved by the project planner with the Community Development Department.
19. **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.

20. **Occupancy** – No final inspection or occupancy permit shall be granted until construction and landscaping is complete for any lot requiring slope planting materials in accordance with the approved plans and the conditions, required herein.
21. **Approval Inclusion** – These approval conditions, in its entirety as adopted, shall be included/incorporated on the initial plan set submittal that is submitted to the Building Safety Division for structural plan check. 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.
22. **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.
23. **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 changes, modifications, or alterations 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.
24. **Indemnification** – The applicant shall 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 that is brought to attack, set aside, void, or annul an approval of the City issued as related to the project for which the applicant is applying. The City shall promptly notify the applicant of any such claim, action, or proceeding and the City shall cooperate in the defense.

25. **Signed Acceptance of Conditions** – A signed Acceptance of Conditions affidavit shall be executed by the applicant and property owner, or his duly authorized representative, and shall be returned to the Planning Division of the Community Development Department prior to the issuance of a grading and building permit associated with VTTM 2022-70793, RPD 2022-70851, PTP2022-70874, and U UW 2024-70002.

## **ENVIRONMENTAL MITIGATION MEASURES**

26. **Environmental Mitigation Measure Compliance** – Applicant agrees to comply with all mitigation measures outlined in the Mitigated Negative Declaration (CEQA 2023-70006) prepared for the project. Prior to the issuance of a grading 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 Mitigated Negative Declaration 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.
27. **MM-1 (BIO-1 PRE-CONSTRUCTION SURVEYS FOR SPECIAL-STATUS WILDLIFE)** – Prior to the commencement of ground or vegetation disturbing activities, a minimum of two (2) pre-construction surveys for special-status wildlife species shall be conducted by City-approved qualified biologist(s) to determine the presence/absence of these species at the site. At a minimum, one survey shall be conducted within fourteen (14) days and a second survey shall be conducted within three (3) days prior to commencement of ground or vegetation disturbing activities. The pre-construction surveys must incorporate appropriate methods and timing to detect the species that may potentially occur at the site. If a special-status species is found, avoidance is the preferred option (e.g., waiting for the animals to leave the Project footprint). If avoidance is not possible, the species shall be captured and transferred to appropriate habitat and location where it would not be harmed by Project activities, preferably to open space habitats in the vicinity of the site. If a Federally or State listed species is found, the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW), as applicable, and the City Planning Department shall be consulted prior to the start of Project activities. A letter report summarizing the methods and results of the surveys and relocation efforts, if applicable, shall be submitted to the City Planning Department, CDFW, and USFWS, as applicable, prior to issuance of a grading permit.
28. **MM-2 (BIO-2 PRE-CONSTRUCTION BIRD SURVEYS)** – For construction activities initiated during the bird nesting season February 15 through

September 15 (as early as January 1 for raptors), involving removal of vegetation, abandoned structures, man-made features, or other nesting bird habitat, a pre-construction nesting bird survey shall be conducted no more than five days prior to initiation of ground disturbance and vegetation removal. The nesting bird pre-construction survey shall be conducted on foot and shall include an area on and around the construction site at a distance determined by a qualified biologist, including staging and storage areas. The minimum survey radii surrounding the work area shall be 500 feet. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in the Thousand Oaks region. If construction lapses for five days or longer, the qualified biologist shall conduct another focused survey before project activities are reinitiated. If nests are found, an avoidance buffer shall be determined by the qualified biologist dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside the site. The qualified biologist shall observe the active nest to establish a behavioral baseline of the adults and nestlings, if present. The qualified biologist shall monitor the active nests, while construction activities are happening to detect signs of disturbance and behavioral change as a result of construction impacts, such as noise, vibration, odors, or worker/equipment motion. If signs of disturbance and behavioral changes are observed, the qualified biologist shall stop all construction work causing those changes and until a larger avoidance buffer is established or until it is determined that the nesting period is completed. The buffer shall be demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to demarcate the boundary. All construction personnel shall be notified of the buffer zone as a "Nesting Bird Area" and to avoid entering the buffer zone until a biologist determines that the nest is no longer active. No ground-disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. A report summarizing the pre-construction survey(s) shall be prepared by a qualified biologist and shall be included on Project site plans and submitted to the City prior to the commencement of construction activities.

29. **MM-3 (BIO-3 OAK TREE REPLACEMENT)** – In compliance with the Oak Tree Planting and Replacement Program from the City's Oak Tree Preservation and Protection Guidelines and as conveyed by the Oak Tree Report, the following oak tree replacement planting shall be required to mitigate the removal of 23 oak trees from the Project site:

- 46 - 24" boxed Coast Live Oak (*Quercus agrifolia*); and
- 23 - 36" boxed Coast Live Oak (*Quercus agrifolia*).

With regard to the removal or encroachment of any tree that is located near

a property line and/or extending over the property line, it is the Applicant's responsibility to notify the adjacent property owner(s) of the removal or encroachment that may affect jointly-owned or off-property trees.

The oak tree planting locations shall be provided by the Project landscape architect and approved by the City.

30. **MM-4 (BIO-4 OAK TREE PROTECTION)** – The Applicant shall implement the specific tree protection measures and the general tree protection measures as listed in the Oak Tree Report. If there is a conflict between specific tree protection measures and general oak tree protection measures, the specific tree protection measures supersede.

31. **MM-5 (CUL-1 ARCHAEOLOGICAL DISCOVERY PROTOCOL)** – In the event that previously unknown and potentially significant intact archaeological deposits are encountered within an undisturbed context during grading, then a cultural/fossil resource “discovery” protocol shall be followed. If older historical or prehistoric features or artifact concentrations are encountered during project grading within native soils or original context, then all work in that area shall be halted or diverted away from the discovery to a distance of 30-feet until a qualified senior archaeologist can evaluate the nature and/or significance of the find(s). If a senior archaeologist confirms that the discovery is potentially significant, then the Lead/Permitting Agency shall be contacted and informed of the discovery.

Construction shall not resume in the locality of the discovery until consultation between the senior archaeologist, the owner's Project manager, the Lead/Permitting Agency, and any other concerned parties (such as additional regulatory agencies or Native American Tribal Groups), takes place and reaches a conclusion approved by the Lead/Permitting Agency. If a significant cultural resource is discovered during earth-moving, complete avoidance of the find is preferred. However, if the discovery cannot be avoided, further survey work, evaluation tasks, or data recovery of the significant resource may be required by the Lead/Permitting Agency. The Lead/Permitting Agency may also require site monitoring, based on the discovery. All individual reports shall be submitted to the South Central Coastal Information Center (SCCIC).

32. **MM-6 (GEO-1 FOSSIL DISCOVERY PROTOCOL)** – In the event that previously unknown and potentially significant intact fossil deposits are encountered within an undisturbed context during grading, then a fossil resource “discovery” protocol shall be followed. If significant fossils are encountered during Project grading within native soils or original context, then all work in that area shall be halted or diverted away from the discovery to a distance of 30-feet until a qualified senior paleontologist can evaluate the nature and/or significance of the find(s). If a senior paleontologist

confirms that the discovery is potentially significant, then the Lead/Permitting Agency shall be contacted and informed of the discovery.

Construction shall not resume in the locality of the discovery until consultation between the senior paleontologist, the owner's Project manager, the Lead/Permitting Agency, and any other concerned parties (such as additional regulatory agencies), takes place and reaches a conclusion approved by the Lead/Permitting Agency. If a significant fossil resource is discovered during earth-moving, complete avoidance of the find is preferred. However, if the discovery cannot be avoided, further survey work, evaluation tasks, or data recovery of the significant resource may be required by the Lead/Permitting Agency. The Lead/Permitting Agency may also require site monitoring, based on the discovery. All individual reports shall be submitted to the Natural History Museum of Los Angeles County.

33. **MM-7 (TCR-1 TRIBAL RESOURCES DURING CONSTRUCTION)** – In the event that cultural resources of Native American origin are identified during ground disturbance during construction of a project implemented under the City of Thousand Oaks 2045 General Plan Update, all earth-disturbing work in the vicinity of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. If the City, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and, thus, significant under the California Environmental Quality Act, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with local Native American group(s). The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American tribal representative and, if applicable, a qualified archaeologist. Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.

### **VESTING TENTATIVE TRACT MAP 2022-70793**

34. **Tract Map Recordation** – VTTM 2022-70793 approval is granted for a three (3) year period of time ending November 18, 2027, 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 conditions of approval. The applicant may request a 2-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.

35. **Timely Filing Provisions** – The filing of the final tract 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.
  - 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 this 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 in order to constitute a timely filing of a final map and avoid expiration of the recording period time limit.

## RESIDENTIAL PLANNED DEVELOPMENT 2022-70851

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

36. **Development Standards**– All building height, parking, useable open space, driveway grade, and retaining walls shall be provided as depicted on the Exhibits, labeled “Project Plan Set,” date stamped July 19, 2024.

DEVELOPMENT STANDARD	REQUIRED	PROPOSED	COMPLIES
<b>Setbacks (ft.)</b>			
Front Yard	20	20	Yes
Front Yard (garage)	15	15	Yes
Rear Yard	20	20	Yes
Side Yard (One-Story)	5	5	Yes
Side Yard (Two-Story)	10	10	Yes
Lynn Rd. Side Yard	20	31.5	Yes



Street Side Yard	10	17	Yes
<b>Parking</b>			
Enclosed	2 spaces	2 spaces	Yes
<b>Open Space (sq. ft.)</b>			
	1,400	1,400	Yes
<b>Height (ft.)</b>			
	25-foot	25-foot	Yes
<b>Driveway Grade</b>			
	7%	7%	Yes
<b>Retaining Walls (ft.)</b>			
<b>Front yard</b>	3-foot maximum	3-foot	Yes
<b>Other</b>	6-foot maximum	6-foot	Yes

## ARCHITECTURAL DESIGN

37. **Architectural Building Design** – The building design depicted in the Exhibits, labeled “Project Plan Set,” date stamped July 19, 2024, is 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.
38. **Architectural Design Guidelines** – All provisions of the City’s Precise Plan of Design for Residential Projects (Resolution No. 2006-108) shall be applicable to this project.
39. **Side and Rear Building Elevation Architectural Treatment** – Side and rear wall elevations exposed to public view along Lynn Road shall incorporate design treatment commensurate with the front elevation. The specific design and the extent of such treatment shall be subject to review and approval by the Community Development Department.
40. **Roof Materials** – Roof materials for each single-family dwelling shall be designed as depicted in the Exhibits, labeled “Project Plan Set,” date stamped July 19, 2024. Roof materials shall be in earthen tone color and in compliance with Resolution No. 2023-061 and shall be subject to review and approval by the Community Development Department and included in the Covenants, Conditions, and Restrictions (CC&R’s) for the project.
41. **Exterior Building Colors/Materials** – All exterior materials and colors depicted on the exhibits labeled “Project Plan Set,” date stamped July 19, 2024, 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 the review and approval by the Community Development Department. The applicant shall indicate the type of finish on the revised plans and materials and colors sample board.
42. **Color of Non-Building Improvements** – All non-residential building improvements, including decks, patios, brow ditches, bench drains, etc. shall be constructed in an earth color to blend with the surrounding natural landscape and/or soil and be located on private property.
43. **Surface-Mounted Mechanical Equipment** – Heating, ventilation, air-conditioning and pool equipment shall be enclosed by solid decorative masonry walls or stucco wood frame and solid wood gates of a material, which is integrated into the character, and materials of the house and/or surrounding landscaping design.
44. **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.
45. **Energy Conservation** – Energy conservation measures shall be incorporated into the design of all residential structures.
46. **Water Conservation Devices** – The proposed dwelling shall be equipped with ultra-low volume toilets (1.6 gallons per flush or less), low volume showerheads, faucet aerators, and other current state of the art water conservation devices.
47. **Structural Slope Setback** – All structural setback requirements from the tops and toes of slopes shall be satisfied, as specified by the Building Division of the Community Development Department.
48. **Useable Open Space** – By reference herein, the Usable Open Space (UOS) requirements specified in Section 9-4.904(e)(1) of the TOMC shall be applicable to this project. A minimum of 1,000 square feet of useable open space plus an additional 200 square feet for each bedroom over two (2) bedrooms. To qualify toward meeting this requirement, the UOS shall have a minimum dimension of 20 feet in any direction and less than 10% slope, shall be provided within reasonable proximity and have a functional relationship to the residence.
49. **Density** – The density for this development shall not exceed the maximum density provided by the underlying Zoning designation or General Plan, whichever is greater.

50. **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.
51. **Minimum Lot Size** – All lots shall have minimum lot sizes as specified on the tentative map /exhibits labeled “Project Plan Set,” date stamped July 19, 2024.

## GRADING

52. **Archaeological Discovery Protocol** – If buried materials of potential archaeological significance are accidentally discovered within an undisturbed context during ground disturbance, then all work in that area shall be halted or diverted away from the discovery to a distance of 50-feet until a qualified senior archaeologist can evaluate the nature and significance of the find(s). A project communication plan will be followed, and the Lead agency (City of Thousand Oaks) will be immediately notified of the discovery.

Ground disturbance shall not resume in the locality of the discovery until consultation between the senior archaeologist, the Lead agency, the applicant’s representative, and all other concerned parties, takes place and reaches a conclusion acceptable to the City of Thousand Oaks. If a significant archaeological resource is discovered during ground disturbance, complete avoidance of the find is preferred. However, further survey work, evaluation tasks, or fossil recovery of the significant resource by a qualified archaeologist may be required by the Lead agency if the resource cannot be avoided. This work shall be conducted, and paid for, by the applicant. In response to the discovery of significant archaeological resources, the Lead agency may also add additional conditions, which may include archaeological monitoring.

Any monitoring, assessment, evaluation, fossil recovery, or other reports that are generated as a response to the discovery of a significant archaeological resource shall be submitted to the lead agency for review and final curation as part of the project record. All such documents associated with the discovery of archaeological resources will be transmitted to the Natural History Museum of Los Angeles County at the end of project construction.

53. **Paleontological Resource Evaluation** – In the event that Paleontological Resources are discovered during any activity on the site, work shall immediately cease until a qualified paleontologist can provide an evaluation of the nature and significance of the resources and until the Community Development Department can review this information.

54. **Inadvertent Discovery of Human Remains** – The inadvertent discovery of human remains is always a possibility during ground disturbances; State of California Health and Safety Code Section 7050.5 addresses these findings. This code section states that in the event human remains are uncovered, no further disturbance shall occur until the County Coroner has made a determination as to the origin and disposition of the remains pursuant to California Health and Safety Code (PRC) Section 5097.98. The coroner must be notified of the find immediately, together with the City and the property owner.

If the human remains are determined to be prehistoric, the coroner will notify the California Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials and an appropriate re-internment site. The lead agency and a qualified archaeologist shall also establish additional appropriate mitigation measures for further site development, which may include additional archaeological and Native American monitoring or subsurface testing.

55. **Diesel Equipment** – All off-road diesel construction equipment must meet U.S. EPA Tier 4 emission standards. Equipment engines must be maintained in good condition and in proper tune as per manufacturer's specifications. In accordance with Section 2485 of Title 13 of the California Code of Regulations, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction must be limited to five minutes at any location.
56. **Grading Limits** – All grading activity shall be limited to the immediate pad areas only as shown on the grading plan exhibits labeled "Project Plan Set," date stamped July 19, 2024, subject to the review and approval of the Community Development Department.
57. **Encroachment Into 25% Slope Terrain** – Grading shall be prohibited in 25% or steeper terrain. The final approved grading plan shall represent the extent of maximum limits of grading for the subject property, as shown on the site plan and grading plan exhibits labeled "Project Plan Set," date stamped July 19, 2024.
58. **Deed Restriction for Restricted Use Area** – A Restricted Use Area shall be established for the area outside the approved graded pads for the main residences to prohibit future development within the limits of the existing protected oak trees within the north and south property boundaries. The Restricted Use Area shall be made part of a deed restriction which shall be signed by all owners of the property, notarized by a Certified Notary Public and

- recorded in the Office of the Ventura County Recorder prior to issuance of a building permit for the subject dwelling and detached accessory buildings. This deed restriction shall include a site plan showing the Restricted Use Area, the protected oak trees to remain, the 25% natural sloping terrain area, and the approved graded building pad areas within the confines of the subject property. The deed restriction shall also include a description of development limitations within the established Restricted Use Area. Any development within the Restricted Use Area shall require filing of an application to be reviewed and approved by the Planning Commission prior to the modification.
59. **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/exhibits labeled "Project Plan Set," date stamped July 19, 2024.
60. **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.
61. **Dust Prevention** – In order to prevent excessive amounts of fugitive dust, all materials excavated (on-site) shall be controlled with Ventura County Air Pollution Control District methods. 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>.
62. **Manufactured Slope Height** – No manufactured slope shall exceed twenty-five (25) feet in height. Prior to the issuance of a grading permit, a final grading plan shall be submitted for review reflecting compliance with this requirement.

63. **Rounded Manufactured Slopes/Contoured Grading Techniques** – All manufactured slopes shall include rounded top sections and shall incorporate contour grading techniques to blend with the adjacent terrain, except where slopes terminate into retaining walls
64. **APCD Permit** – If needed, an Air Pollution Control District (APCD) Authority to Construct Permit shall be obtained by the applicant prior to beginning any grading on-site. Verification shall also be provided to the City.
65. **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.

#### PARKING, ACCESS, AND DRIVEWAY

66. **Required Parking** – All proposed residences are required to provide at least 2 enclosed parking spaces and designed in accordance with Section 9-4.904(c)(2) of the Municipal Code. Three (3) enclosed parking spaces shall be required for dwellings with 5-6 bedrooms. Each enclosed parking space within the 3-car garage shall measure a minimum unencumbered interior width of nine feet (9'-0) and a minimum unencumbered depth of twenty feet (20'-0"). Minor changes to the required enclosed parking spaces may be approved by the Community Development Department, provided such changes achieve substantially the same results and the project is still in compliance with the Municipal Code. Revised plans reflecting the minor changes and additional fees shall be required.
67. **Driveways** – The design of all driveways are subject to review and approval of Community Development and Public Works Departments.
68. **Driveway Grades** – The private access driveway shall be designed as depicted on grading within "Project Plan Set," date stamped July 19, 2024. 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)(iv) of the Thousand Oaks Municipal Code and Plate 6-1 of the City's Road Improvement Standards regarding grade transitions. The design of the driveway and transitions are subject to review and approval of Community Development and Public Works Departments.
69. **Tract Entry Areas, Gates, Pilasters and Tract Identification Signs** – Tract entry areas, decorative paving, gates, pilasters and fencing are approved in concept only. Prior to the issuance of any building permit, a detailed site plan, utilizing Public Works Department Plate No. 3-4, including

special decorative paving materials, decorative gates and pilasters with decorative caps shall be submitted for the approval of the Public Works and Community Development Departments. Any signs for purposes of tract identification shall be subject to Title 9, Article 23, Sign Regulations of the Thousand Oaks Municipal Code.

70. **Decorative Paving Material** – The use of decorative 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.

#### LANDSCAPING

71. **Landscaping and Irrigation** – All landscaping shall be designed using xeriscaping techniques; i.e. drought-tolerant low water-using plants. The use of lawn, grasses, and turf shall be minimized. Landscape irrigation systems shall likewise be designed using low output sprinklers and/or drip automatic timed controls.
72. **Final Landscape Plans** – The submitted preliminary landscape plan is approved in concept only. Prior to the issuance of a grading permit, final construction landscape and irrigation plans reflecting compliance with all imposed conditions of project entitlements shall be submitted under separate permit for review and approval by the Community Development Department through a Landscape Plan Check application. Any landscape and irrigation improvements shall be designed and installed in accordance with the City's Guidelines and Standards for Landscape Planting and Irrigation Plans (Resolution Nos. 2006-108 and 2007-116), the Forestry Master Plan Newbury Park Regional Character Design Guidelines, the Ventura County Fire Department's Prohibit Plan List and associated standards and guidelines, and in compliance with the State of California Model Water Efficiency Landscape Ordinance (MWELo) standards. 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 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 ensure no conflict occurs between placement of trees/shrubs and light fixtures and to avoid plant growth interference with the level of illumination. The use of reclaimed water for landscaping where available is encouraged.

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. Prior to final inspection, a 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.

73. **Manufactured Slope Landscaping** – In accordance with the City's Grading Ordinance (TOMC Section 7-3.24), all manufactured slopes shall be landscaped with drought resistant native plants materials including tree clusters and ground cover and provided with a permanent irrigation system throughout. Landscaping and an irrigation system shall be installed 6 months following the completion of grading for the project. Prior to the issuance of a grading permit, landscaping and irrigation plans shall be submitted under separate permit for review and approval by the Community Development and Public Works Departments.
74. **Transition Landscaping** – In order to provide an acceptable transition between residential structures and Lynn Road, all manufactured slopes adjacent to the road shall be landscaped entirely with native, non-invasive ground covers, shrubs and trees.

## LIGHTING

75. **Lighting Plan** - During the plan check review process, the Developer shall provide a lighting plan that provides design details (light standards, bollards, wall mounted fixtures, etc.) and illumination site information proposed throughout the development. All lighting is to be designed to confine the light within the site boundaries and to provide safety and security. All building entrances and pedestrian ways are to be adequately lighted. Lighting is to be shielded from neighboring properties and directed at a specific task or target. Exposed bulbs are prohibited.
76. **Driveway Lighting** – Only low-level, low-intensity type lighting may be used to illuminate the private driveway with lighting fixtures that minimize light and glare and prevent light spilling onto adjacent properties. Any proposed lighting, other than low voltage, shall be submitted to the Community Development Department for review and approval prior to installation.
77. **Pedestrian Lighting** – Pedestrian walkways may be illuminated by bollard lighting or by light poles reduced in height proportion to human scale.
78. **Wall Lighting** – Building walls may be illuminated by decorative architectural lights but not by any wall-pack type light fixtures. Wall lighting



- may be permitted to enhance the building design or to meet security requirements only and not as a means to illuminate the site. 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. 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 or glare on adjacent or nearby surfaces. Catalogue cut sheets and specifications for all exterior lighting shall be submitted for the review and approval prior to installation by the Community Development Department.
79. **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.
80. **Site Illumination/Light Spillover Control** – All light fixtures shall be designed with appropriate lenses and oriented in a downward direction, and downward shielded.
81. **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.

#### WALLS, FENCES, AND SIDEWALKS

82. **Wall/Fence/Gate Design** – Final detailed drawings of all walls and fencing including elevations, material selections and site plan locations shall be submitted prior to the issuance of any building permit, subject to review and approval of the Community Development and Public Works Departments. Chain link fencing is not approved for any wall, fence or gate.
83. **Perimeter Wall Treatment** – Perimeter walls shall be constructed as depicted on the grading plan, 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. The CC&R's shall prohibit the installation of any other wall or fencing not in accordance with the standard design and this restriction shall be made part of the CC&R's.

84. **Planter Walls** – Planter walls and garden walls located within the 20-foot front yard setback shall be limited to a maximum 36 inches in height.
85. **Garden Walls** – All garden walls shall be designed to complement the proposed residences in exterior appearance or blend with the landscaping. Any proposed garden walls located along the side or rear lot lines shall not exceed a maximum 6-foot height above grade, unless otherwise approved by the Community Development Department.
86. **Retaining Walls** – All retaining walls shall be constructed of a decorative materials and design with earth tone colors and/or designed to complement the residence in exterior appearance or blend with landscaping. All retaining walls shall be limited to a maximum exposed height of three feet within the front yard setback and six feet in all other areas, unless otherwise authorized by the Community Development and Public Works Departments for purposes of lessening the amount of grading without negatively impacting public views of the property. All retaining walls shall incorporate the design and materials utilized on the buildings and be softened by the installation of landscaping adjacent to the wall. The design and location of all retaining walls shall be subject to review and approval of the Community Development and Public Works Departments.
87. **Construction/Security Fencing** – Prior to the issuance of a grading/building permit, the applicant shall install a temporary 5-foot-high chain-link fence within the limits of the proposed development area. Said fencing shall be provided for purposes of maintaining security, as well as containing trash and debris on-site. The fence shall remain in place during all phases of construction and shall be maintained until no longer needed for trash and debris control as determined by the Community Development Department. The applicant shall be responsible for pick-up of trash and debris on a weekly basis during building construction operations.

#### RESTRICTIONS, CC& Rs, ETC

88. **Formation of Homeowners Association/CC& R' s** – Prior to the recordation of the tract map, the applicant shall form a Homeowners Association (HOA) for all common areas including but not limited to landscaping, private street, lighting within this project shall be maintained through the formation of a Homeowner's Association or other approved entity. The organization, duties, and responsibilities of said association shall be established through the preparation and recordation of Conditions, Covenants and Restrictions (CC&R's), subject to review and approval by the Department of Community Development and the City Attorney's Office prior to the recordation of a final tract map. Said CC& Rs shall incorporate Architectural Design Guidelines.

89. **CC& R' S/Review by City of Thousand Oaks** – The CC&R's for the residential project shall contain a provision that provides the right of consent to the City of Thousand Oaks to review and approve any amendments, including additions and deletions to the CC&R's in order to assure compliance with all conditions and City ordinances that apply to this Residential Planned Development permit and Tentative Tract Map subject to review and approval of the Community Development Department and City Attorney's Office. CC&R's shall be prepared and submitted to the Community Development Department prior to the issuance of building permits. The CC&R's shall provide that they cannot be amended or otherwise altered when such change would affect, in any manner, any condition of the development pursuant to this permit or imposed pursuant to any other City law, rule, regulation, entitlement or approval unless such deletion, amendment or alteration is first approved in writing by the Community Development Department, who shall determine whether such a proposed deletion, amendment or alteration would affect any condition of development or entitlement.
90. **No Further Subdivision of Lots** – The CC&R's for the single-family detached residential lots shall contain a provision that prohibits the further division of these lots into additional parcels of land for sale and development.
91. **Landscape Maintenance** – Maintenance of landscaping along Lynn Road adjacent to Lot Nos. 1, 7, and 8 shall be the responsibility of the Homeowner's Association. Homeowners shall also be responsible through the CC&R's for maintenance of perimeter landscaping adjacent to the any wall or fence.
92. **Improvements within Existing Oak Trees** – The CC&R's shall include a notice to all future owners of these single-family lots that all improvements within the protected zones of existing oak trees, including but not limited to accessory structures and grading, shall be prohibited, except for required fencing and that postholes within any protected zone of any oak trees shall be dug by hand.
93. **Utility Lines** – All new utility service lines shall be installed underground. Utility service to the site will follow the alignment of the private access driveway beneath its centerline to avoid additional protected oak tree impacts. The CC&R's shall require that no antenna shall be exposed to visual observation.

## **BRUSH CLEARANCE/WEED ABATEMENT**

94. **Fuel Modification Zones** – Fuel modification zones (brush clearance areas) between structures and natural hillside areas shall be planted and irrigated appropriately to create a fire zone "greenbelt". The preservation of native specimen plants to minimize the visual Impact of brush clearance in fuel modification zones is required.
95. **Annual Weed Abatement** – The property owner shall be responsible for providing annual weed abatement resulting from the proposed construction. All grass or brush exposing any structure(s) to fire hazards shall be cleared for a distance of 100 feet prior to construction of any structure and shall be maintained in accordance with Ventura County Fire Protection District (VCFPD) Ordinance. All grass and brush shall be cleared to a distance of ten (10) feet on each side of all access roads / driveways.
96. **Off-Site Weed Abatement** – Prior to issuance of grading or building permits, the owner shall use good faith efforts to obtain a License Agreement ("Notice of License Agreement") between the owner and adjoining property owner(s) authorizing the owner to conduct annual weed abatement on a portion of the adjoining property owner(s) property. Said "Notice of License Agreement" shall be subject to the review and approval by the Community Development Department and the City Attorney's Office and shall be recorded with the Ventura County Recorder's Office.

## **CONSTRUCTION RESTRICTIONS**

97. **Hours of Construction/Construction Parking** – All grading and construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction activities shall be permitted on Sunday or holidays recognized by the City of Thousand Oaks. There shall be no congregation of construction workers, construction related vehicles, or warming of equipment engines in the vicinity of the project site outside of the established hours of construction.
98. **Nesting Bird Survey** – Consistent with MM-BIO-1, if project activities (i.e. demolition, grading, construction, landscaping, and/or tree removal, etc.) occur between February 1<sup>st</sup> and August 31<sup>st</sup>, a breeding bird survey is required to be conducted and active nests shall be avoided with a minimum buffer distance as determined by a qualified biological monitor.

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

**COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS FOR PTP 2022-70874**

100. **Land and Application** – The Protected Tree Permit is granted for the land described in the application and any attachments thereto and as indicated on the Oak Tree Map, as part of the Oak Tree Report, dated September 14, 2023 and Oak Tree Report Addendum dated July 19, 2024, and prepared by Jan C. Scow, ASCA, ISA.
101. **Scope of Permit Approval** – The Protected Tree Permit is granted to allow the following:
- Removal of 23 Coast Live Oak (*Quercus agrifolia*) trees (Tree Nos. 7– 22, 59, 61, and 136-138); and
  - Encroachment into the protected zone of 82 Coast Live Oak (*Quercus agrifolia*) trees (Tree Nos. 23-24, 26-28, PL32, 33-39, 41, 43-45, 47-50, 52-58, 62, OP1-OP2, 63-66, 69, 76-78, 81-85, 87, 90-91, 94-107, 109, 111- 120, 124- 129, 131- 135)
102. **Approval Period** – The Protected Tree Permit is granted in conjunction with VTTM 2022-70793, RPD 2022-70851, PTP 2022-70874, U UW 2024-70002, and CEQA 2023-70006 and shall expire with these permits.
103. **Preservation of Existing Oak Trees** – The preservation of coast live oak trees identified in the Oak Tree Report as tree numbers: 25, 29, 30, 40, 42, 46, 51, 67, 68,70-75, 79, 86, 110, 121-123, 128, and 130, is authorized under this permit. Appropriate work methods and monitoring are required as described in the Oak Tree Report dated September 14, 2023 and Oak Tree Report Addendum dated July 19, 2024, and prepared by Jan C. Scow.
104. **Oak Tree Replacement** – The applicant shall provide two 24– inch box and one 36– inch oak replacement tree for each Coast Live Oak (*Quercus agrifolia*) tree removed. As such, a total of 69 mitigation trees are required:
1. 46 twenty– four (24”) inch box specimens, and
  2. 23 thirty– six (36”) inch box specimens.

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

Prior to the Certificate of Occupancy being issued, if all of the replacement trees cannot fit on the developed project site, the applicant shall instead either plant the replacement oak trees on public property such as designated open space area, public parks, etc., subject to Community Development Director approval; or provide an in-lieu cash payment to the City's Open Space Conservation Fund in the amount of approximately \$117,245, which represents the total current cost of purchasing similar tree species of the required mitigation size, transporting the trees to a receiving site, planting the tree, installing necessary irrigation, and the anticipated cost of water. The Community Development Direct may require fewer trees to be planted off- site or a smaller in- lieu fee if the developer plants and maintains larger box- size oak trees on the project site than required by the City of Thousand Oaks Oak Tree Preservation regulation.

The Community Development Direct shall coordinate any off- site tree planting locations with the Conejo Open Space Conservation Agency (COSCA) and replacement trees shall be placed on COSCA property or as agreed to by the Director of the Community Development Department. Any in-lieu fee approved by the Community Development Director in association with COSCA shall be made prior to the Certificate of Occupancy being issued for the final building.

105. **Mitigation Oak Tree Location Map** – Prior to issuance of a grading permit, the applicant shall submit a mitigation tree location map demonstrating the location of the replacement trees.
106. **Oak Tree Preservation and Protection Guidelines Compliance** – All construction activities to or near an oak tree shall conform and abide by the City of Thousand Oaks, Oak Tree Preservation and Protection requirements as specified in Article 42, Chapter 4 of Title 9 of the Thousand Oaks Municipal Code and Resolution No. 2010-014.
107. **On-Site Work Monitoring** – Pursuant to Resolution No. 2010-014, all work described in this permit shall be monitored by an International Society of Arboriculture (ISA) Certified Arborist and it shall be the responsibility of the applicant to contact the Oak Tree Preservation Consultant and arrange for the successful completion of these conditions. The applicant is required to provide written notice to the following parties at least 48 hours prior to beginning any work within the protected zone of any preserved tree: the City's Community Development Department, the City's Oak Tree Consultant, the Applicant's Oak Tree Preservation Consultant.
108. **Pre-Construction Meeting** – Pursuant to Resolution No. 2010-014, a pre-construction meeting shall be held between all contractors (including grading, tree removal/pruning, builders) and the ISA-Certified Arborist. The

ISA-Certified Arborist shall instruct the contractors on tree protection practices and answer any questions. All equipment operators and spotters, assistants, or those directing operators from the ground shall provide written acknowledgment of having received tree protection training. This training shall include information on the location and marking of protected trees, the necessity of preventing damage, and the discussion of work practices that will accomplish such.

109. **Protective Fencing, Flagging and Signage for Onsite Oak Trees** – Pursuant to Resolution No. 2010-014, an International Society of Arboriculture (ISA) Certified Arborist shall be retained to oversee that all remaining trees that will not be relocated or removed shall be preserved and protected in place. Prior to any grading or construction activities, the applicant and the applicant's Tree Consultant shall confirm with the Community Development Department that required signage and protective chain– link fencing (or other material satisfactory to City of Thousand Oaks planning staff) measuring a minimum of five (5) feet in height shall be placed at the protected zones (approximately 15 feet from the trunk or 5 feet outside the dripline, whichever is greater, of each tree or edge of canopy for cluster of trees) or construction limits for all on– site and off– site protected trees in accordance with the Oak and Landmark Tree Preservation and Protection requirements.

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

110. **Tree Protection and Maintenance During Construction** – A Landscape Architect or Certified Arborist shall be retained to oversee implementation of the following:
- a. **Notice:** The applicant shall provide a forty-eight (48) hour notice to the City and the applicant's oak tree consultant prior to the start of any approved work within the protected zone of any oak tree.
  - b. **Equipment Operation and Storage:** Heavy equipment operation and storage shall be avoided Tree Protection Zone (TPZ). Operating heavy machinery around the root zones of trees will increase soil compaction, which decreases soil aeration and subsequently reduces water penetration in the soil. All heavy equipment and vehicles shall, at minimum, stay out of the fenced TPZ, unless where specifically approved in writing and under the supervision of a Landscape Architect or Certified Arborist. or as provided by the approved landscape plan.
  - c. **Storage and Disposal:** Do not store or discard any supply or material, including paint, lumber, concrete overflow, etc. within the

tree protection zone. Remove all foreign debris within the tree protection zone; it is important to leave the duff, mulch, chips, and leaves around the retained trees for water retention and nutrients. Avoid draining or leakage of equipment fluids near retained trees. Fluids such as gasoline, diesel, oils, hydraulics, brake and transmission fluids, paint, paint thinners, and glycol (anti-freeze) shall be disposed of properly. Keep equipment parked at least 50 feet away from retained trees to avoid the possibility of leakage of equipment fluids into the soil. The effect of toxic equipment fluids on the retained trees could lead to decline and death.

- d. **Excavation:** Earth spoils from excavation shall not be placed within the protection zone of any oak tree.
- e. **Grade Changes:** Grade changes, including adding fill, are not permitted within the TPZ without special written authorization and under the supervision of a Landscape Architect or Certified Arborist. or as provided by the approved landscape plan.
- f. **Moving Construction Materials:** Above ground tree parts that could be damaged (e.g., low limbs, trunks) shall be flagged with red ribbon prior to the start of construction. If contact with the tree crown is unavoidable, the conflicting branch(es) shall be pruned using ISA standards under the direction and supervision of a Landscape Architect or Certified Arborist.
- g. **Root Pruning:** Except where specifically approved in writing, all trenching shall be outside of the fenced tree protection zone. Roots primarily extend in a horizontal direction forming a support base to the tree similar to the base of a wineglass. Where trenching is necessary in areas that contain tree roots, roots shall be pruned the roots using a Dosko root pruner or equivalent and under the direction and supervision of a Landscape Architect or Certified Arborist. All cuts shall be clean and sharp, to minimize ripping, tearing, and fracturing of the root system. The trench shall be made no deeper than necessary.
- h. **Irrigation:** In the event that root pruning is necessary, trees that have been substantially root pruned (30% or more of their root zone) will require irrigation for the first 12 months. The first irrigation shall be within 48 hours of root pruning. They shall be deep watered every 2 to 4 weeks during the summer and once a month during the winter (adjust accordingly with rainfall). One irrigation cycle shall thoroughly soak the root zones of the trees to a depth of 3 feet. The soil shall dry out between watering; avoid keeping a consistently wet soil. Designate one person to be responsible for irrigating (deep watering) the trees. Check soil moisture with a soil probe before irrigating. Irrigation is best accomplished by installing a temporary above ground micro-spray system that will distribute water slowly (to avoid runoff) and evenly throughout the fenced protection zone but never



soaking the area located within 6 feet of the tree trunk, especially during warmer months.

- i. **Pruning:** Trees shall not be pruned until all construction is completed. This will help protect the tree canopies from damage. All pruning shall be completed under the direction of a Landscape Architect or Certified Arborist and using ISA guidelines. Only dead wood shall be removed from tree canopies.
- j. **Washing:** During construction in summer and autumn months, wash foliage of trees adjacent to the construction sites with a strong water stream every two weeks in early hours before 10:00 a.m. to control mite and insect populations.

- 111. **Removal of Tree Debris** – Pursuant to Resolution No. 2010-014, all portions of the 23 Coast Live Oak (*Quercus agrifolia*) trees approved for removal, as well as any deadwood from the on-site protected trees shall be removed from the site and disposed of legally. Additionally, the stumps shall be completely removed to a minimum of four inches below grade and the hole filled with soil.
- 112. **Use of Sensitive Excavation Tools** – Unless otherwise authorized by the Community Development Director, all construction and utility trenching within the Tree Protected Zones shall be performed with an air spade or equal tool to remove the soil and expose the roots of the preserved trees and performed under direct supervision of the applicant's oak tree consultant.
- 113. **Root Protection** – Pursuant to Resolution No. 2010-014, where structural footings are required and roots will be impacted, the footing(s) shall be bridged, and the roots protected. All such roots shall be covered with a layer of plastic cloth and two to four inches of Styrofoam matting, or other protective measure as approved by permit, prior to pouring the footing.
- 114. **Root Preservation** – During excavation, if an oak tree root over two inches (2") in diameter is encountered, the applicant shall immediately contact Planning Division of the Community Development Department to schedule a field inspection to determine if it is appropriate to cut the root(s) or whether the improvements need to be redesigned and/or relocated to avoid root damage to ensure preservation of the trees.
- 115. **Excavation in Protected Zones** – All excavation and construction activity within the protected zone of the existing oak trees shall be performed with the use of hand tools only, in accordance with the Oak Tree Preservation and Protection Guidelines Resolution, No. 2010–14, and observed in progress by the applicant's oak tree consultant.

116. **Storage of Materials** – No storage of materials is permitted within the protected zones of any oak trees.
117. **Irrigation/Landscaping Encroachments** – All plans for landscaping beneath a protected tree shall be submitted for the review and approval of the Community Development Department.
118. **Drainage** – Positive drainage shall be provided to direct run-off away from any protected tree.
119. **Lighting Encroachments** – No lighting system shall be installed within the protected zone of any oak tree except as otherwise authorized by the Community Development Department.
120. **Herbicides** – No herbicides shall be used within one hundred (100) feet of the dripline of any protected oak and landmark tree.
121. **Mitigation Tree Maintenance** – An irrigation system designed for “dryscape” planting shall be installed for successful oak establishment, which generally involves a drip-system irrigation for managing water distribution near the oak trees and does not include watering during summer months when natural rainfall would not be abundant. Maintenance shall include leaving the leaf-litter build-up or a 3-inch layer of mulch under the canopies of the oak trees to promote healthy tree growth and root development.

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

122. **Oak Tree Maintenance** – The continued maintenance of all on-site oak trees is the responsibility of the property owner. All oak trees shall be maintained in accordance with the Oak Tree Preservation and Protection Guidelines Resolution 2010-14.
123. **Billing by City Oak and Landmark Tree Consultant** – The applicant shall be billed on a real time basis for any work performed by the City’s oak and landmark tree consultant in conjunction with the Oak Tree Permit.
124. **Written Certification** – The applicant’s oak/landmark tree consultant shall certify in writing that all conditions of the Oak Tree Permit have been met and that protective measures, to ensure the preservation of the subject oak trees, have been properly implemented. A final inspection by the City’s Oak and Landmark Tree Consultant, paid for by the applicant, shall be performed upon receipt of certification and prior to final inspection for building occupancy.

## **PUBLIC WORKS DEPARTMENT CONDITIONS**

### **GENERAL**

125. **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.
126. **Standard Plates** – The City of Thousand Oaks Public Works Road Design and Construction Standards and Standard Plates, adopted May 15, 2018 in Resolution No. 2018-024 shall be used as the principal criteria for the design of development plans. It shall be the responsibility of the applicant to maintain a copy of the latest edition of said Plates available to all parties utilizing said Plates for construction purposes. The Standards establish uniform criteria, policies, standard and procedures for the design and construction of City roads, drainage facilities and appurtenances. The design engineer shall review the methods and procedures contained in the Road Standards, where not considered applicable, the design engineer shall request an exception from these standards in writing to be approved by the City Engineer. Said Road Standards are available for download at [www.toaks.org/roadstandards](http://www.toaks.org/roadstandards).
127. **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.
128. **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.

129. **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 plancheck or the issuance of any Building or Grading Permits.
130. **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](http://www.toaks.org).
131. **Survey Monuments** – The Applicant shall be fully responsible for the preservation of all survey monuments to the satisfaction of the City Engineer. Prior to the issuance of any permit and start of construction and prior to the disturbance or destruction of any existing survey monument, all monuments shall be located and referenced with minimum of four (4) ties by the Applicant's Land Surveyor. A corner record or record of survey shall be filed with and approved by the County Surveyor showing monuments that will be disturbed or destroyed, along with the reference monuments or marks and bearings or azimuth and distances to the location of the monument to be disturbed or destroyed. Documentation shall be provided to the City that the surveying has been completed. Prior to completion of construction, all affected monuments shall be reset by the applicant's Land Surveyor. A corner record or record of survey shall be filed with and approved by the County Surveyor prior to the recording of a certificate of completion for project. Documentation shall be provided to the City that the surveying has been completed

## **WATER AND WASTEWATER**

132. **Water Service Requirements** – In order to obtain water service, the applicant shall pay for the Cost of the Water Meter Deposit plus the City's Water Plant Investment Fee, at the rates in effect at the time of payment, prior to issuance of a building permit. Additional fees for special facilities zones and fire flow surcharges may also apply. The applicant shall also pay the established change order fee for updating the plans for this new lateral.
133. **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.

134. **Fire-Flow Verification** – The applicant shall pay the Department a fee for calculation and verification of the existing water system to deliver required fire flows. In the event the fire flow, as determined by the Ventura County Fire Protection District, cannot be met utilizing the existing system, the applicant shall design and install new water main(s) of sufficient size and length, as determined by the Department, to provide said fire flow. A completed copy of the above-mentioned fire flow calculation must be provided to the Department before, or at the same time as, the submittal of the first plan check for the water system. Plans will not be checked or processed unless these calculations, along with a copy of the plan showing locations for proposed fire hydrants approved by the Fire Department, are submitted.
135. **Concrete Pads Around Fire Hydrants** – Regardless of whether a fire hydrant is located within the parkway between the curb and sidewalk (where detached sidewalks are required), or behind the sidewalk (where monolithic sidewalks are required), or within commercial areas, the applicant shall install a 4-inch (minimum) thickness concrete pad around each fire hydrant which extends a minimum of 18 inches beyond the barrel of the fire hydrant in all directions. Where detached sidewalks are installed, the pad shall be rectangular, extend from the back of the curb to the sidewalk and be 48 inches wide. A detail for said concrete pad shall be shown on all water plans for all water purveyors within the City of Thousand Oaks. The hydrant and concrete pad must be located within a specific easement, right-of-way, or public service easement shown on the tract map or dedicated by separate instrument dedicated to or usable by the respective water purveyor and the Ventura County Fire Protection District, or by other means acceptable to the Public Works Department.
136. **Revision to Wastewater Design and Construction Standards** –

Cleanouts and Slopes of Mains: the end of all mains shall terminate in a manhole rather than a cleanout, regardless of the downstream length to the next manhole. The minimum slope for wastewater mains shall be 1 percent

where the main has less than 10 residences connected to said main. In streets with grades of less than 1.5 percent, the engineer shall attempt to attain the maximum slope possible on wastewater mains in those streets.

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

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

137. **Wastewater Service** – There is no wastewater lateral to serve the subject property. The applicant shall pay the wastewater connection charge at the time of payment to the City of Thousand Oaks prior to or concurrent with issuance of a building permit. The applicant is strongly encouraged to contact the Public Works Department to calculate the total required fees.
138. **Easement Dedication for Westerly Waterline** – There is an existing approximately 200-foot City 8-inch waterline near the west property boundary built in 1964 per City water plan C20079W sheet 3. The project shall dedicate a variable-width waterline easement (5-feet in the north, 10-feet in the south) to the City for access and maintenance of the subject waterline.

## DEVELOPMENT ENGINEERING

139. **Encroachment Permit** – Where any construction occurs within public right-of-way, an encroachment permit shall be obtained, plan check and inspection fees paid, an approved traffic control submitted, and bond/security posted (if required) prior to initiating construction of any improvements.
140. **Public Improvement Bond, Dedication, Guarantee** – Developer shall furnish to the City, a sufficient bond to guarantee the faithful performance and payment of labor and materials for all public improvements required to be constructed under this entitlement. The public improvements shall be

offered to the City for public use and accepted by the City Engineer upon satisfactory completion.

Said improvements shall be guaranteed by the Developer after acceptance by the City Engineer for a period of one year, during which time said improvements shall continue to have security in place with the City of at least ten percent of the original posted bond during the guarantee period. At the conclusion of the one-year guarantee, City shall re-inspect said public improvements and Developer shall without delay, repair, replace or reconstruct any defective work or materials to the satisfaction of the City Engineer and at no cost to the City.

At anytime during the actual construction or during the guarantee period, the Developer fails or refuses to complete said work, surety agrees to take over and complete the work and the improvements which were guaranteed. If the guarantee posted is any other form than a paper bond from a surety company, City may make demand on such guarantee and complete said work to the satisfaction of the City Engineer and at no cost to the City.

141. **No Known Easement Conflicts** – The Department has reviewed available map records and has determined there are no known conflicts with existing easements. The applicant is encouraged to confirm these findings by reviewing the subject property's title report prior to starting the proposed construction,
142. **Underground Conduits** – Pursuant to the City Council policy and Resolution No. 91-174, adopted on July 23, 1991, the applicant shall install a minimum two-inch diameter conduit capable of carrying coaxial or fiber optic cable suitable for carrying health and safety features such as fire alarm, water meter reading, telecommunications, etc. Said conduit shall be continuous and placed behind the sidewalk or curb within a public service easement or within a public right-of-way, where applicable. Pull boxes shall be placed at alternate property lines of all lots. The conduit and pull boxes shall be of materials approved by the Public Works Department. The conduits and pull boxes shall be dedicated to the City. The architecture and technical specifications of the conduit system shall be subject to the review and approval of the City Engineer. A 1"=100' scale plan shall be prepared under the direction of a Registered Engineer and shall be submitted to the City Engineer for review prior to approval of the final map or improvement plans. The plan shall include details and general notes, and shall be part of the plan set.

143. **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.
144. **Noise Abatement Prior to Commencement of Working Hours** – On grading and construction projects where residential units are located within 100 feet of the boundaries of the proposed work, the contractor may not start up any vehicles or any gas or diesel powered equipment prior to the start of approved working hours, cause any other construction related noise, or allow employees or subcontractors to keep their vehicles running while parked.
145. **Hauling of Imported or Exported Materials** – In the event this project will require either the importing or exporting of earth to or from the project site, prior to issuance of a grading permit the applicant shall submit a written plan to the Department for review and approval. Said plan shall detail the quantity of earth to be imported or exported, the location from which or to which the earth will be removed or 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.
146. **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 plan-check 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 plan-check 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.

147. **Disposition of Excavated Materials** – Excavated soils from the proposed grading may not be stockpiled or stored at this location without the issuance of a grading permit. In the event this project requires the exporting of earth from the project site, the applicant shall submit a written/letter 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 route(s) 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 used to keep the haul route clear of any dirt dropped along the route, and any other information as may be required by the Department.
148. **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, 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.

149. **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).
150. **On-Site Drainage Design** – Project design shall use the City of Thousand Oaks "Master Plan of Drainage" (2007) for the purpose of establishing on-site storm flows. The project lies within subareas 646C and 659C of said Master Plan. 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  $Q_{100}$ .
151. **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.
152. **Building Pad Protection** – The project engineer must provide analysis to demonstrate building pad protection from  $Q_{100}$  flows. On-site discharges (including roofs, etc) shall be detained behind a wall, graded barriers or curb, and metered through a weir or other controlling device, constraining discharge to the  $Q_{10}$  developed condition for the tributary area. Applicants' engineer must prepare calculations to support this design. Said calculations must be approved by the City Engineer (M.C. 4-7.01).
153. **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).
154. **Frontage Improvements**— Applicant shall provide frontage improvements on West Lynn Rd. and "B Lane" including but not limited to new sidewalks,

curbs, gutters, drainage, and paving in accordance with City Standards as set forth in the municipal code. Said frontage improvements shall be approved by the City Engineer prior to issuance of Building Permit and constructed prior to issuance of Occupancy (M.C. 7-1.103).

155. **Geotechnical Investigation** – It is vital that the geotechnical engineer for this project has thoroughly reviewed any proposed Best Management Practices (BMP's) and concurs with their design. Special attention shall be given to the property's grading history, presence and location of groundwater, and ability to sustain soil saturation that may result from any proposed infiltration BMP's. As part of the grading plancheck review, the applicant shall provide the Department with the geotechnical report responding to the subject concerns with findings regarding probable soil saturation and infiltration BMPs' feasibility.
156. **Final Map Recordation Requirements** – Upon conditional approval of the subject subdivision (Exhibit "A", dated July 19, 2024) by the Community Development Department or Planning Commission, 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.
157. **Indicate Facilities On Map** – All existing and proposed streets, survey control monuments, utility, storm drain, slope, access and other easements shall be shown on the final map.
158. **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.
159. **Subdivision Improvement Agreement and Bond Requirements** – Prior to the recordation of the final map, the applicant shall submit to the City of Thousand Oaks an executed subdivision improvement agreement and Faithful Performance and Labor & Materials bond and a cash deposit for monument placement security. The submittal shall also include all bonds specified in the Thousand Oaks Municipal Code and in the current edition of the California Subdivision Map Act.

160. **Monument Bond Requirements** – Prior to the recordation of the final map, the applicant shall submit to the City of Thousand Oaks a cash deposit for monument placement security.
161. **Public Service Easement** – A six-foot wide Public Service Easement (PSE) adjacent to the public street and private street right-of-way shall be dedicated to the City of Thousand Oaks.
162. **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 private street(s) within the proposed subdivision.
163. **Dedication of Abutting Rights** – All remaining rights of access to and from all lots of the proposed subdivision abutting North Lynn 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).
164. **Monumentation / Well Monuments** – The engineer or surveyor shall set one Standard Well Monument(s) at locations 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.

## **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

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

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

166. **MS4 Stormwater Retention Requirements** – The project meets the thresholds requiring stormwater treatment and site retention specified in the Ventura County NPDES Municipal Stormwater Permit (MS4) and 2011 Technical Guidance Manual (TGM). The project shall design, construct and maintain treatment and retentive catchments that will capture, treat and retain all rainfall runoff from disturbed and directly-connected impervious areas affected by the project. The design shall function for the required 85<sup>th</sup> percentile of all rainfall events, including drawdown and elimination of the captured runoff within 72-hours of the rainfall event pursuant to the TGM. 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](http://www.vcstormwater.org).
167. **Permanent Stormwater Facilities** – Parking and associated drive areas shall be designed to minimize degradation of stormwater quality. Best Management Practices, such as oil/water separators, sand filters, landscaped areas for infiltration, basins or approved equals, shall be installed to mitigate pollutants, to the maximum extent practicable, from discharging to the storm drain system. The design must be submitted to the Public Works Department for review and approval prior to the issuance of a paving permit.
168. **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.
169. **Inlet Labels** – All on-site drain inlets, whether newly constructed or existing, shall be labeled “Don’t Dump - Drains to Creek” in accordance with City requirements prior to final acceptance.
170. **Metal Building Surfaces** – All exterior metal building surfaces, including roofs, railings, and fences, shall be galvanized or finished with rust inhibitive paint to prevent corrosion and release of metal contaminants into the storm drain system prior to occupancy, or the applicant shall provide the Department with a letter from the metal manufacturer indicating that the

metal being provided will not release metal contaminants which ultimately may be carried to the storm drain system.

171. **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
172. **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)).

## TRAFFIC

173. **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.
174. **Sight Distance** – Adequate vehicular and pedestrian sight visibility shall be provided at all intersections of public streets and private driveways in accordance with the criteria specified within Plate 3-10. The improvement plans for all projects shall demonstrate compliance with this plate (and a means to execute ongoing maintenance to guarantee the preservation of sight visibility).

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

175. **Signing and Striping Plans** – Prior to grading permits, the developer shall submit plans to the City Engineer for review and approval detailing proposed signing and striping at the Blair Court and Lynn Road intersection, as required by the Public Works Department. Signing and striping work shall be submitted as part of the proposed street improvement plan set.

The signing and striping plans shall include, but are not limited to, the following:

- Install stop-controlled signage and striping for the Blair Court approach at the Lynn Road intersection.
- Install centerline striping for the Blair Court approach at the Lynn Road intersection.
- Modify bike lane striping along Lynn Road based on the proposed Blair Court roadway alignment and install bike lane conflict zone striping.
- The existing “One-Way” sign in the center median facing southbound Blair Court shall be refurbished or replaced to meet current retro-reflectivity standards. The “One-Way” sign shall be relocated to align with southbound vehicles, if necessary.

- The proposed curb ramps at the Blair Court and Lynn Road intersection shall be installed near the midpoint of the curb return or as required by the Public Works Department.

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

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

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

## **SUSTAINABILITY**

177. **Solid Waste, Recycling and Organics Collection** – Covered 3-bin enclosures are required for the collection of solid waste, recycling, and organics (food waste). The design of the enclosure must be large enough to accommodate collection containers for source-separated solid waste, organic waste, and recyclable materials. Since the development is small a covered enclosure that accommodates three residential carts will be allowed.



## POLICE DEPARTMENT CONDITIONS

178. **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 (If any). 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 provides superior illumination and color rendition. A lighting plan must be submitted to The Thousand Oaks Police Department for review and is subject to change prior to Police Department approval.
179. **Landscaping** – Landscaping shall not cover, nor partially cover any exterior door or window. Landscaping, including trees, will not be placed directly under any overhead lighting that could cause loss of light at ground level. All landscaping will be kept trimmed in order to provide an unobstructed view of the building from adjacent walkways from within the project.
180. **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.
- Map signs of the location will be placed at all vehicular and pedestrian entrances to residential units.
181. **Mailboxes** – If a cluster box is used, it shall be placed in an area conducive to surveillance.
182. **Other Security Concerns** – The business will correct any safety or security concerns upon written notice by the Thousand Oaks Police Department.

## FIRE PREVENTION CONDITIONS

183. **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.
184. **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.
185. **Private Roads/Driveways** – Private roads/driveways shall comply with Public Road Standards, VCFPD Ordinance 29, and VCFPD Standard 501.
186. **Construction Access** – Prior to combustible construction, a paved all-weather access road / driveway suitable for use by a 20 ton Fire District vehicle shall be installed at locations approved by the Fire District.
187. **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.
188. **Turning Radius** – The access road shall be of sufficient width to allow for a 50-foot centerline turning radius at all turns in the road.
189. **Vertical Clearance** – All access roads / driveways shall have a minimum vertical clearance of 13 feet 6 inches (13' 6"). Clear of building to sky.
190. **Turnarounds** – Approved turnaround areas for fire apparatus shall be provided when dead-end Fire Department access roads / driveways exceed 150 feet. Turnaround areas shall not exceed a 5% cross slope in any direction and shall be located within 150 feet of the end of the access road / driveway. Turnaround areas shall not be used for parking and shall be kept free of obstructions at all times. Turnaround areas shall be posted as Fire Lanes in accordance with Fire District Fire Lane Standards.
191. **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 13D and provided with an

approved access walkway leading from the road to the exterior openings around the structure.

192. **Maximum Dead-End Access Road Length** – When only one (1) access point is provided, the maximum length of access roads shall not exceed 800 feet from the point of two (2) separate means of ingress / egress
193. **Access Road Certification** – That the access road(s)/driveway(s) shall be certified by a registered civil engineer as having an all weather surface in conformance with Public Works and / or Fire District standards. This certification shall be submitted to the Fire District for review and approval prior to occupancy.
194. **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.
195. **Street Names** – Prior to recordation of street names, proposed names shall be submitted to the Fire District's Fire Prevention Bureau for review and approval. *The street name "B" off Lynn Rd will also impact the addressing of the 4 existing homes adjacent to the development since they are all addressed off Susan Dr. which no longer connects through to Susan Dr toward the East.*
196. **Address Numbers (Single Family Homes)** – Address numbers, a minimum of 4 inches (4") 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 (150') from the street, larger numbers will be required so that they are distinguishable from the street. In the event the structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post.
197. **Address Number Plan** – A plan shall be submitted to the Fire District for review indicating the method in which buildings are to be identified by address numbers.

198. **Fire Hydrant Plan** – Prior to construction, the applicant shall submit plans to the Fire District for placement of fire hydrants. On plans, show existing hydrants within 500 feet of the development. Indicate the type of hydrant, number and size of outlets.
199. **Fire Hydrant Installation** – Prior to combustible construction on any parcel, a fire hydrant capable of providing the required fire flow and duration shall be installed and in service along the access road / driveway at a location approved by the Fire District.
200. **Fire Hydrant(s) Required** – Fire hydrant(s) shall be provided in accordance with current adopted edition of the International Fire Code, Appendix C and adopted amendments. On-site fire hydrants may be required as determined by the Fire District.
201. **Fire Hydrant Design (Single Family Homes)** – Fire hydrants shall be installed and in service prior to combustible construction and shall conform to the minimum standards of the City of Thousand Oaks Water Works Manual and the following.
  - a. Each hydrant shall be a 6-inch wet barrel design and shall have one (1) 4 inch and one (1) 2 ½ inch outlet.
  - b. The required fire flow of 1000 gpm shall be achieved at no less than 20-psi residual pressure.
  - c. Fire hydrants shall be set back from the curb face 24 inches on center.
  - d. No obstructions, including walls, trees, light and sign posts, meter, shall be placed within three (3) feet of any hydrant.
  - e. A concrete pad shall be installed extending 18 inches out from the fire hydrant.
  - f. Ground clearance to the lowest operating nut shall be between 18 to 24 inches
202. **Hydrant Location Markers** – Prior to occupancy of any structure, blue reflective hydrant location markers shall be placed on the access roads in accordance with Fire District standards. If the final asphalt cap is not in place at time of occupancy, hydrant location markers shall still be installed and shall be replaced when the final asphalt cap is completed.
203. **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.

204. **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.
205. **Very High Fire Hazard Severity Zone** – This project is in a Very High Fire Hazard Severity Zone and all structures shall meet hazardous fire area building code requirements. Contact the Building Department for requirements.
206. **Hazard Abatement** – All grass or brush exposing any structure(s) to fire hazards shall be cleared for a distance of 100 feet prior to construction of any structure and shall be maintained in accordance with VCFPD Ordinance.
207. **Hazard Abatement** – All grass and brush shall be cleared to a distance of ten (10) feet on each side of all access roads / driveways.
208. **Fuel Modification/Landscape Plans** – Project is located within a Hazardous Fire Area. Fuel Modification Zone (FMZ) and or landscape plans shall be submitted for review and approval to the Fire Prevention Bureau prior to Fire Department final inspection of the building or installation of any landscape, whichever occurs first. Where landscape plans have not been developed prior to a structure being ready for the Fire Department final, the owner may sign an affidavit that plans will be submitted prior to installation. See VCFD Guidelines 416.

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