EXHIBIT “D”

Conditions of Approval


COMMUNITY DEVELOPMENT DEPARTMENT

GENERAL PROJECT CONDITIONS

STANDARD

1. **Land and Application** – The General Plan Amendment, Zoning Change; Development Permit; Specific Plan; Development Agreement; Development Permit; Protected Tree Permit; and Environmental Impact Report are adopted, granted or accepted for the land described in the application, any attachment thereto, and as shown on the submitted “Project Plan Set,” dated May 26, 2023.

2. **Scope of Permit Approval** – This permit is for a General Plan amendment from Commercial to Commercial/ Residential; a Zoning Change adopting Specific Plan-24 (SP-24); Development Agreement specifying development performance; and a Development Permit; along with a Protected Tree Permit, to allow demolition of the existing two-story commercial structure and construction of two new podium buildings comprised of: a four-story mixed-use development including 333 multi-family residential units (including 30 very low-income affordable units and three moderate income affordable units), common areas, and amenities and approximately 5,300 square feet of commercial space with alcohol consumption above semi-subterranean parking structures as well as the removal of 17 coast live oak (Quercus agrifolia) trees and encroachment into the protected zone of 11 coast live oak trees at 2150 W. Hillcrest Drive, as shown on project plans labeled “Project Plan Set” dated May 26, 2023, and the Oak Tree Report dated May 2023 unless conditioned otherwise herein.

3. **Approval Period** – The above referenced permits are granted for the period set forth in 2022-70777-DAGR.

4. **Compliance with Applicable Laws, Rules, and Regulations** – The applicant shall at all times comply with any and all local, city, county, state and federal laws, regulations and orders now in effect or which may hereafter be enacted pertaining to the approved modification or affecting the installation, operation or maintenance of the mixed-use development.
5. **Regulatory Agency Approval** – The requirements of all applicable regulatory agencies shall be met, and approval obtained, prior to gas release, Certificate of Occupancy, or as authorized by the City's Building and Safety Division. Copies of all required licenses shall be submitted to the Community Development Department.

6. **Payment of Fees** – Approval is subject to the applicant paying all fees and assessments to the City of Thousand Oaks, as required by the Municipal Code. The developer shall pay Quimby fees to Conejo Recreation & Park District (CRPD) in accordance with State law and the City’s ordinance.

7. **Impact Fees for Affordable Housing Units** - Per California Government Code Section 65915 and Section 65915.1, affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, shall not be imposed on a housing development's affordable units.

8. **Dedications/Reservations and Public Improvements** – With respect to dedications, reservations, construction of public improvements and fees as required by the project development conditions, the applicant is advised, pursuant to Government Code Section 66020, that the ninety (90) day protest period has commenced upon approval of the proposed improvement by the City.

9. **Condition Compliance** – All development on the subject property shall be constructed and thereafter maintained in accordance with the conditions of this permit.

10. **Project Changes/Modifications** – Changes to the project are subject to the requirements described in SP-24 and 2022-70777-DAGR. Minor changes to 2022-70773-DP or 2022-70780-PTP may be approved by the Community Development Department, provided such changes achieve substantially the same results and the project is still in compliance with the Municipal Code. Revised plans reflecting the minor changes and additional fees shall be required.

11. **Acknowledgment** – The applicant acknowledges that all aspects of this project are of special concern to and regulated by the City of Thousand Oaks, which has established specific criteria and standards concerning development within the City. Any change, modification, or alteration to improvements on the subject property shall first be approved by the City of Thousand Oaks. Any unauthorized changes may require future corrective work and may result in a City Code compliance effort.

12. **Unauthorized Changes** – The applicant acknowledges that the exterior treatment, location of structures and architectural features of the development are of special concern to, and regulated by, the City of Thousand Oaks, which has established criteria and standards concerning development within the City. Any
substantial change, modification, or alteration to the architectural design, or in the exterior treatment of any building and structure, including building colors, materials, changes in walkways, doorways, window locations, or in the parking, landscaping and other related features, must first be approved by the City of Thousand Oaks prior to performing the work. Unauthorized change(s) or failure to comply with the conditions of this permit may require future corrective work and result in a City Code violation and appropriate action.

13. **Indemnification** – The applicant agrees to defend, indemnify and hold harmless the City, its agents, officials, and employees from any claim, action or proceeding against the City or its agents, officials or employees to attack, set aside, void or annul an approval of the City. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in the defense.

14. **Signed Acceptance of Conditions** – A signed Acceptance of Conditions affidavit shall be executed by the applicant and property owner, or his duly authorized representative, and shall be returned to the Community Development Department prior to the issuance of a building permit.

15. **Other Applicable Permits** – All entitlements and conditions of approval associated with prior onsite development approved by the City of Thousand Oaks (OTP 1235, Z 1977-419, SUP 2001-1037, DP 1977-371 and Minor Modification Nos. 1 through 4, DP 1982-512 and Minor Modification Nos. 1 through 4, and SUP 2001-1037) are rescinded, voided and of no further effect. The property’s Title Report is to be updated to remove references to Covenants, Agreements and Declarations required by the permits which are rescinded, voided and of no further effect.

**ENVIRONMENTAL MITIGATION MEASURES**

16. **Mitigation Compliance** – Prior to the issuance of any grading or building permit, the applicant shall submit a written report demonstrating that all mitigation measures imposed by the City to either reduce or avoid significant environmental impacts identified in the Environmental Impact Report (EIR) (2022-70774-EIR) 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.

17. **MM BIO-11 – Pre-Construction Bat Surveys** – No earlier than three days prior to ground or vegetation disturbing activities, and separately three days prior to demolition activities if occurring 14 days or more after ground or vegetation disturbing activities, a City-approved qualified biologist shall inspect the outside and inside of the vacant structure for sign of roosting bats, such as presence of
guano or direct observations. A report of the bat survey results shall be submitted to the City for review and approval prior to ground and/or vegetation disturbance activities. If evidence of bat roosting is observed, building demolition shall not be allowed until a qualified biologist can verify that the roost is no longer active. Separate ground or vegetation disturbing activities may commence if determined appropriate by the biologist, with or without an avoidance buffer if found necessary. If necessary, bats may be evicted and building demolished following submittal and approval of a Bat Avoidance Plan by the California Department of Fish and Wildlife (CDFW).

18. **MM PAL-1 – Paleontological Monitoring Plan** – Prior to construction, a company qualified to provide paleontological monitoring should be engaged by the applicant to provide monitoring services. The paleontological monitoring team should examine the project geotechnical report, the final project grading plan, and the site schedule to determine what subsurface activities may require paleontological monitoring of project site grading. Spot-check monitoring may be used within older alluvial deposits, however, if fossils are identified in older alluvial material, or if deeper fossil-bearing rock formations are encountered, then fulltime paleontological monitoring should take place to the end of site grading.

The paleontological team will develop a construction phase paleontological monitoring plan (Monitoring Plan), which will include all available paleontological context for the project, including the Natural History Museum of Los Angeles County (NHM) record of findings, the geotechnical report, and the Phase I Cultural Resources Assessment, as well as guidelines on when spot-check and fulltime monitoring should be used, what the project discovery plan is for fossil resources, and what the communication plan is that should be followed in the case of discovery. The Monitoring Plan will also include a Worker Environmental Awareness Plan (WEAP) in order to educate grading and trenching teams on the purpose of monitoring and what paleontological monitors look for as to fossil resources. The WEAP training should discuss what actions should take place upon a fossil discovery.

19. **MM PAL-2 – Paleontological Monitoring** – The paleontological monitor will collect any fossil material that is uncovered through grading that is found within a disturbed context and can halt construction within 30-feet of a potentially significant fossil resource if necessary. Fossils collected from a disturbed context or that do not warrant additional assessment can be collected, without the need to halt grading. If fossils are not present within the older alluvial or bedrock material, and the project conditions warrant reduced monitoring, then a weekly spot-check system of monitoring can be arranged by the compliance team with the construction manager. However, if fossils are encountered, which cannot be removed during grading and that the monitor believes will need further assessment, then the project “discovery” protocol will be followed.
situations that do not lead to further assessment, survey, evaluation, or data recovery can be described in the monitor’s daily Monitoring Report.

All fossils recovered that may be of importance to California paleontology, will be cleaned, analyzed, and described within a final project Monitoring Report, which will be submitted to the NHM at the end of the project. All materials will be curated at the NHM or placed on public display by the owner. If important fossils are found during monitoring, a Curation Plan will be needed that is reviewed by the lead agency prior to the publication of the Monitoring Report. The costs of the Monitoring Report, the Curation Plan, and the processing, analysis, and curation of all fossils will be the responsibility of the applicant.

20. **MM PAL-3 – Fossil Discovery Protocol** – If fossil materials are encountered by the project grading or trenching crews when the worksite is not being monitored, either because the project is not within sensitive rock units or because spot-check monitoring is taking place, then a Fossil Discovery Protocol should be followed by the grading/trenching team.

If potentially significant fossil materials 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 senior paleontologist can evaluate the nature and/or significance of the find(s). If the senior paleontologist confirms that the discovery is potentially significant, then the lead agency and the applicant will be contacted and informed of the discovery. Construction will not resume in the locality of the discovery until consultation between the senior paleontologist, the applicant, the lead agency, and any other concerned parties (such as additional regulatory agencies), takes place and reaches a conclusion approved by the lead 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 fossil resource may be required by the lead agency. The lead agency may also require additional site monitoring based on the nature of the discovery. All costs for site monitoring, discovery assessment, discovery evaluation, or data recovery of will be the responsibility of the Applicant. Any reports generated by the discovery event will be submitted to the NHM at the conclusion of the project.

21. **MM HAZ-1 – Soil Vapor Testing** – Due to the project being in close proximity to two open cleanup sites as Recognized Environmental Conditions (RECs) with a potential Vapor Encroachment Condition (VEC), although the possibility of hazardous material migrating beneath the project site from the RECs is considered low, limited soil vapor testing in the areas of proposed buildings intended for human occupancy shall be required at the project site. The results of the soil vapor
testing will be used to evaluate if potential VECs exist and whether engineer controls (vapor barrier) are needed for the proposed redevelopment of the project site.

22. **MM NOI-1 – Construction Barrier** – A 12-foot-high barrier shall be placed at the eastern boundary of the project site during construction to reduce the construction noise levels at the residences by 14 dBA to 62 dBA. The resulting predicted mitigated construction noise level of 62 dBA is close to the measured ambient noise levels and will temporarily increase the ambient noise level by approximately 2 to 4 dBA at the residences to the east, as shown on Table 6 of the EIR Noise and Vibration Study (Veneklasen 2023).

23. **MM NOI-2 – No Impact Pile Drivers** – In order to avoid impacts to vibration-sensitive uses north of the project site, impact pile drivers shall not be used on site and alternative equipment and methods (such as cast-in-drilled-hole (CIDH) piles) shall be used to construct the deep foundation system for the proposed project buildings.

24. **MM NOI-3 – Construction Equipment Limitations at the Eastern Boundary** – In order to assure avoidance of potential building damage impacts, no more than two units of powered construction equipment shall be used at the same time within 20 feet from any residence on the east side of the site.

**BUILDING SAFETY AND CONSTRUCTION**

25. **Final Plans** – Prior to the issuance of a building permit, final site, grading, floor, elevation and roof plans shall be submitted for the review and approval of the Community Development Department. Said plans shall incorporate any design change and other requirement as conditioned herein.

26. **Approval Inclusion** – The following shall apply:

   a. This approval, in its entirety as adopted, shall be included in the initial plan-check submittal that is submitted to the Building Division. The approval and conditions shall be copied directly onto plan sheets and included as part of the project plans throughout the plan-check process and shall be part of the project plans for which building permits are issued.
   
   b. All agreements, development standards, use allowances contained in SP-24 and 2022-70777-DAGR shall apply to this approval.
27. **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.

28. **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 conceptual grading plan, and grading plan/exhibits labeled “Project Plan Set,” date stamped May 26, 2023.

29. **Construction/Security Fencing** – Prior to the issuance of a grading/building permit, the applicant shall install a temporary five (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.

30. **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.

31. **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.

32. **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.

33. **Tier 4 Final Grading Equipment** – Heavy-duty diesel-powered construction equipment used on-site shall be equipped with Tier 4 Final or better diesel engines as proposed. The City of Thousand Oaks shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards per the VCAPCD
Guidelines. Equipment engines shall be maintained in good condition and in proper
tune as per manufacturer's specifications.

An exemption from these requirements may be granted by the City in the event
that the applicant documents that equipment with the required tier is not
reasonably available and corresponding reduction in criteria air pollutant emissions
are achieved from other construction equipment. Before an exemption may be
considered by the City, the applicant shall be required to demonstrate that at least
two construction fleet owners/operators in Ventura County, or more, at the
discretion of the Community Development Director, were contacted and that those
owners/operators confirmed Tier 4 Final equipment could not be located within
Ventura County.

34. **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.

35. **Phasing** – The project shall be graded and constructed in a single phase as
specified and in accordance with the parameters contained in the recorded

36. **Hours of Construction** – All grading and construction activities shall be limited to
the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday with no construction
activity permitted on Sunday. Construction workers and vehicles shall not be
permitted to congregate in the residential neighborhood or onsite before and after
the construction hours authorized herein. Likewise, warming of equipment engines
shall not be permitted outside the allowable construction hours.

37. **Condition Execution** – Compliance with and execution of all conditions listed
herein shall be necessary prior to obtaining final building inspection clearance
and/or prior to obtaining any occupancy clearance, unless stated otherwise herein.
Deviation from this requirement shall be permitted only by written consent of the
Community Development Director or designee.
38. **Occupancy** – No final inspection or final occupancy permit shall be granted until construction and landscaping are complete in accordance with the approved plans and the conditions required herein.

39. **Exporting/Importing Earth Materials** – Any exporting or importing of earth material and debris shall be authorized by permit issued by the Public Works Department. The developer shall comply with an approved haul route to and from the project site and shall coordinate the hauling of this material with the Public Works and Community Development Departments to minimize traffic disruptions and disturbances to the project area. The exporting and importing of any earth materials to new sites within the jurisdiction of the City of Thousand Oaks shall be subject to the review and approval by the Planning Commission unless such sites have previously been approved for development with an active entitlement, and said grading is in accordance with Public Works Department approved plan for the project.

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

41. **City's Recycling Program** – The project's owner shall participate in the City of Thousand Oaks recycling program, which collects cardboard, plastics, glass and mixed paper and shall attempt to use post-consumer building materials (recycled products) whenever possible in the construction of the project.

42. **Demolition of Structures Containing Asbestos** – APCD Rule No. 62.7 (Asbestos – Demolition and Renovation) shall be complied with by the applicant for all demolition activities.

43. **Dust Prevention** – In order to prevent excessive amounts of fugitive dust, all materials excavated (on-site) shall be controlled for with Ventura County Air Pollution Control District methods, which includes adherence to Rule 50 (Opacity) that sets opacity standards on the discharge from sources of air contaminants. This rule would apply during construction of the proposed project, specifically grading activities, Rule 55 (Fugitive Dust) that requires dust generators to implement control measures to limit the amount of dust from vehicle track-out, earth moving, bulk material handling, and truck hauling activities, and Rule 55.2 (Street Sweeping Equipment) that requires the use of PM$_{10}$ efficient street sweepers for routine street sweeping and for removing vehicle track-out pursuant to Rule 55. The project is to comply with the City of Thousand Oaks Water Conservation Ordinance Requirements. Level 4 Conservation Measures prohibit potable water use for dust suppression unless approved through a City waiver. For more information see: [https://www.toakwater.org/conservationstages](https://www.toakwater.org/conservationstages).

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44. **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.

45. **Parking/Materials Storage During Construction** – All construction equipment, materials, and related contractor vehicles shall be located on-site during all phases of development.

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

47. **Air Filtration Requirements** – Prior to issuance of a certificate of occupancy the project must demonstrate compliance with California's Building Energy Efficiency Standard (24 CCR, Part 6, Subchapter 7, Section 150.0) which limits particulate infiltration by installing and maintaining air filtration systems equal to or exceeding the identified filter efficiencies as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. For the two ground-floor dwelling units closest to the 101 Freeway exit ramp, advanced HEPA filtration is required, as specified by the Recommended Practice (IEST-RP-CC001.7) published by the Institute of Environmental Sciences and Technology (IEST). All other filtration devices provided must meet the minimums laid out in the Latigo Hillcrest Mixed-Use Project Freeway Health Risk Assessment dated January 2023. The leasing office shall provide notification/disclosure to all future residents of the project site of the potential risk from the I-101 freeway related to the increased risk of exposure to diesel particulates from the freeway when windows/doors are open and when outside at the recreation areas.
COMMUNITY DEVELOPMENT DEPARTMENT –

CONDITIONS FOR 2022-70773-DP

BUILDING FORM AND ARCHITECTURAL DESIGN

48. **Revised Building Colors/Materials and Elevations** – The proposed design of the building shall be constructed substantially as depicted on the building elevations and perspectives as shown in exhibits labeled Project Plan Set dated May 26, 2023, except for the following:
   
   a. The addition of an architectural treatment at the parapet of the third floor on specific corners or specific fourth floor facades as approved by the Community Development Director.

   b. Provision of heavy-gauge, decorative screening material for garage openings.

   c. Provision of trellis or other shade structures over common roof-top decks and patios as permitted by the Building Safety Division and Fire Department to provide greater roof articulation.

   d. Window frames shall be made of aluminum, fiberglass, wood, or manufactured wood; or another material with a wood grain texture finish on the following facades:
      
      i. Building A facing West Hillcrest Drive;
      
      ii. Building A and B facing Rancho Conejo Boulevard and the commercial property in between the subject property and Rancho Conejo Boulevard;
      
      iii. Building A and B facing the internal street bisecting the property, parallel to Hillcrest Drive;
      
      iv. Building A and B facing the Linden Apartments to the east of the subject property.

   The remainder of window frames may be dark bronze or similar color vinyl. Actual material samples must be provided prior to submittal of building permits to allow review and approval by the Community Development Department.

   e. Provision of metal awnings on all elevations on windows located on the third floor as follow:
      
      i. Elevation “A” North on the portion of the building between the tower element and front entrance to commercial component.
ii. Elevation “B” South along the residential units on the portion of the building projecting forward.

iii. Elevation “C” North along all the portions of the building projecting forward except on the portions of the building where the elevation incorporates fiber cement siding and brick veneer.


f. Incorporation of brick veneer on all buildings, including sub buildings 1 through 4, as reviewed and approved by the Community Development Department.

49. **Color and Materials Board** - All exterior materials and colors shall match or be upgraded from those depicted on the exhibits labeled “Project Plan Set,” date stamped May 26, 2023 and as conditioned, subject to review and approval of the Planning Division of the Community Development Department. Changes to materials which are not comparable or better must be approved by the Planning Commission. Prior to the issuance of a building and/or grading permit, a final color and materials sample board, including, but not limited to, specific materials and paint manufacturer colors, shall be submitted for the review and approval by the Community Development Department. The applicant shall indicate the type of finish on the revised plans and materials and colors sample board.

50. **Front, Side, and Rear Yard Setbacks** – All structural and landscape setback requirements from property line shall be provided as depicted on the submitted project plan set, as described in SP-24, and as follows:

<table>
<thead>
<tr>
<th>Building First Floor, Fourth Floor, and Landscape Buffer Setbacks</th>
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<tbody>
<tr>
<td><strong>Building A:</strong></td>
</tr>
<tr>
<td><strong>Front(North):</strong></td>
</tr>
<tr>
<td>70’ Minimum Fourth Floor Setback (Except at Northeast Corner Building Entry)</td>
</tr>
<tr>
<td><strong>Left(West):</strong></td>
</tr>
<tr>
<td>5’ Required Min. Landscape Setback Along Driveway/Parking</td>
</tr>
<tr>
<td><strong>Right(East):</strong></td>
</tr>
<tr>
<td>10’ Required Min. Landscape Setback Along Driveway/Parking</td>
</tr>
</tbody>
</table>

Ord. No. 1717-NS
51. **Building Heights** – The maximum building heights shall be provided as shown on the elevation plans as shown in the Project Plan Set dated May 26, 2023. The absolute maximum height at any point is 55 feet.

52. **Façade Articulation** – Façade articulation, including setbacks, material offsets as well as significant, major, and minor massing breaks shall be provided as shown in the Project Plan Set dated May 26, 2023 and SP-24. The maximum building length is 325 feet.

53. **Residential Window Area** – A minimum of 36% of residential windows must be inset a minimum of two-inches and include a wood-look trim or brick header as shown in the Project Plan Set date stamped May 26, 2023.

54. **Storefront Window Area** – A minimum of 65% of the commercial storefront façade provided shall have transparent window area and minimum three-inch recess as shown in the Project Plan Set date stamped May 26, 2023.

55. **Mixed-Use Façade Transparency** – The façade facing Hillcrest Drive shall have a minimum of 50% transparency on the ground floor and at least 35%, combined, on all levels above the ground floor.

56. **Residential Direct Outdoor Primary Access** – Primary entrances to first-floor residential units with direct access to the outside shall be provided as shown on plans date stamped May 26, 2023. If final grading plans allow additional residential units to gain direct outdoor access, that should be provided.

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

58. **Flat Roof Areas** – Flat roof areas and parapet walls exposed to view from surrounding areas shall be color-coded to blend with the exterior wall finishes, subject to the review and approval of the Community Development Department.

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

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

60. **Outside Storage** – No outside open storage of any kind shall be permitted on the site, including recycled materials, packaged materials or materials within containers. There shall be no outside containers for the purposes of storing items, such as cargo containers, unless otherwise approved through an evaluation process set by the Community Development Department Director including any necessary noticing requirements and documents deemed required by the Director.
61. **Roof Access** – Access to the building roof shall only be from the interior of each building and shall be secured with appropriate hatches and be locked at all times. Exterior ladders are prohibited. Design, location and security requirements of said access shall be subject to approval of the Community Development Department and the Police Department.

62. **Downspouts** – Downspouts shall be avoided or concealed within the building walls at specific feature corner elements, such as the commercial/retail corner and brick lobby towers or any façade viewable from Hillcrest Drive or Rancho Conejo Boulevard. Any downspout not concealed within the building walls must be painted to match the wall behind.

63. **Roof-Mounted Mechanical Equipment** – All roof-mounted mechanical equipment, including air conditioning, roof fans and any other similar equipment, as well as roof ladder protrusions, shall be located within the mechanical equipment enclosures as depicted on “Project Plan Set,” date stamped May 26, 2023. Said equipment shall be screened from public view including Hillcrest Drive, Rancho Conejo Boulevard, 101 Freeway, and from properties adjacent to and within the project site. Roof screening treatment shall be designed in a manner that is integrated with the building design.

Prior to issuance of a building permit, final detailed cross-section drawings, studies, equipment manufacturer’s catalogue cuts, brochures, specifications and specific exhibits and roof equipment locations shall be submitted for the review and approval of the Community Development Department. After installation if any roof mounted equipment is visible from public view, additional screening will be required. The design and extent of said screening shall be subject to the review and approval of the Community Development Department.

64. **Surface-Mounted Mechanical Equipment** – All surface-mounted mechanical equipment, including transformers, terminal boxes or meter cabinets, shall be screened by landscaping or enclosed by solid decorative masonry walls or stucco wood frame and solid wood gates of a material which is integrated into the character and materials of the project and/or surrounding landscaping design subject to the review and approval of the Planning Division of the Community Development Department and other City utility providers.

65. **Utility Lines** – All new utility service lines shall be installed underground.

66. **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.
67. **Required Parking** – A minimum of 486 residential parking spaces, 43 commercial spaces, and 52 “surplus” parking spaces shall be provided for the project, as shown on site within “Project Plan Set,” date stamped May 26, 2023. A10% reduction of required surplus spaces may be permitted upon review and approval of the Community Development Department. The commercial and residential parking shall be spatially distinct and independent of each other. All parking spaces and driveway aisles shall be designed in accordance with Section 9.4-2404 of the Municipal Code and SP-24. Any minor change to parking or future development on the subject property shall be reviewed and evaluated by the Community Development Department. Any substantial change may require the filing of a modification application to be considered by the Planning Commission.

68. **Building B Parking Garage Design** – The floor level above the parking structure shall not exceed six (6') feet above finished grade for more than fifty (50%) percent of the perimeter and shall not exceed twelve (12') feet above finished grade at any point, as shown on site within “Project Plan Set,” date stamped May 26, 2023.

Any exposed elevations of the below-grade parking structure shall be designed to reflect architectural compatibility with existing or proposed structure. The above-grade, visible portions of the exterior elevations of the below-grade parking structure shall be designed to minimize the use of blank facades through the combined use of appropriate architectural treatment such as heavy textured concrete, planters, openings, indentations, and projections of exterior walls to provide visual interest. at least 20% of the daylighting portion of the garage, must consist of windows or other openings.

69. **Parking Striping** – All parking spaces shall be identified with double four inch (4") wide stripes at sixteen inches (16") on center as specified in Section 9-4.2404(a)(2) of the Thousand Oaks Municipal Code.

70. **Multi-Family Residential Compact Parking** – Maximum permitted compact parking spaces shall not exceed thirty-five percent (35%) parking spaces based on the total parking requirements as indicated under Section 9-4.2404(d)(1)(i). No overhang compact parking space shall be permitted within five feet (5') of any vertical obstruction.

71. **Commercial Compact Parking** – Maximum permitted compact parking spaces shall not exceed twenty-five percent (25%) parking spaces based on the total parking requirements as indicated under Section 9-4.2404(d)(1)(iii). No overhang compact parking space shall be permitted within five feet (5') of any vertical obstruction.
72. **Parking Stall Dimensions** – The dimensions and design of all standard (non-compact or ADA) parking stalls shall be installed as required in Article 24, Chapter 4, of Title 9 of the Thousand Oaks Municipal Code. Parking stall lengths for stalls that overhang a landscape planter shall be reduced from twenty (20') feet to a depth of eighteen (18') feet to allow the remaining two (2') feet to be converted to landscaping. Overhang parking design shall consist of parking stalls measuring eighteen feet (18') in depth and shall overhang a minimum six foot (6') wide planter or sidewalk when adjacent to residential property. A width of nine feet (9') shall be required for all parking spaces.

73. **Parking Stall Clearance** - Parking spaces located adjacent to walls must be at least one foot wider to accommodate door opening clearance and vehicle maneuverability. Parking located adjacent to columns within a parking structure also must be one foot wider except for columns placed within four feet of the front or back of a stall.

74. **Parking Overhang/Path of Travel** – Where head-in parking spaces are located adjacent to a path of travel, the minimum path of travel sidewalk width shall not be less than seven (7') feet to accommodate a minimum clear sidewalk width of four (4') feet, allowing three (3') feet for the parking overhang.

75. **Loading Zone** – Two loading docks, one for commercial uses and one for residential use at Building A, are to be provided and maintained. At least one loading dock shall be provided shall be not less than twelve (12') feet in width by twenty-five (25') feet in depth by fourteen (14') feet in height pursuant to TOMC Section 9-4.2405.

76. **Temporary Parking Area** – A designated temporary parking area to accommodate pick-up and/or drop-off activities by delivery and rideshare companies, (i.e. DoorDash, Uber, Lyft, Relay Rides, etc.) is proposed along the roadway located between the two buildings. Appropriate curb designations and signage indicating the hours of operation shall be provided to ensure this area is utilized for these short-term uses and not for the parking of vehicles. All signage is subject to review and approval by the Public Works and Police Departments.

77. **Parking Restriction** – No parking space shall be utilized for overnight storage of vehicles, other than tenant vehicles.

78. **Parking Management Program** – Prior to occupancy of the project, a Parking Management Program shall be designed and submitted to ensure that proper parking assignments for tenants, guests, and employees are established within the parking structure and designated exterior spaces, as well as address timing and procedures for moving activities and moving-related vehicles/vans for all residential, commercial tenants and live/work units.
All parking stalls within below-grade parking structures shall be designed for the use of owners, tenants, and employees only.

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

79. **Pedestrian-Friendly Roadway Design** – The roadway located between Building A and Building B shall utilize cast in place concrete with enhanced finish (such as topcast and sawcut patterning) and bollards as shown on the plans dated May 26, 2023. Final materials and design shall be subject to review and approval by the Community Development, Public Works, and Fire Departments.

80. **Decorative Sidewalk Treatment** – The use of decorative material such as rock, tiles, pavers, cast in place concrete with enhanced finish, or similar patterned material shall be provided at the pedestrian entrance(s) to each building, including but not limited to the pedestrian access between Hillcrest Drive and the commercial uses, as well as between Rancho Conejo Boulevard and the nearest sidewalk. The materials and colors shall be submitted to the Community Development Department for review and approval prior to issuance of building permits. The installation and materials shall comply with ADA and Title 24 disabled access requirements for path-of-travel areas.

81. **Pedestrian Walkways** – The applicant shall utilize a decorative and contrasting surface material and/or color, such as cast in place concrete with enhanced finish, for the pedestrian walkways throughout the site as depicted within the “Project Plan Set,” date stamped May 26, 2023 prior to issuance of building permits. The installation and materials shall comply with ADA and Title 24 disabled access requirements for path-of-travel areas.

82. **Driveway Entrances** – The project’s two-way driveway aisle entrances from Hillcrest Drive shall be composed of decorative paving materials (such as at-grade cast-in-place concrete with enhanced finish), subject to the review and approval by the Community Development and Public Works Departments.

83. **Driveway and Parking Lot Grades** – The driveway and parking lot shall be designed as depicted on grading within “Project Plan Set,” date stamped May 26, 2023. All parking lot areas shall have a maximum gradient slope of 2.5% and parking spaces shall have a maximum cross-slope of 2%. All driveways including exterior and interior shall have a slope no greater than 7% and each ramp in the
parking garage shall not exceed a maximum of 10% gradient as specified under Section 9-4.2405(a) of the Municipal Code unless otherwise approved by the Community Development and Public Works Departments.

LANDSCAPING

84. **Parking Lot Shade Coverage** – The applicant shall provide fifty (50%) percent shade coverage in all surface parking areas within fifteen (15) years per Landscape Guidelines Resolution No. 2007-116.

85. **Parking Lot Finger Planters** – A tree shall be planted at the ends of each finger planter per Landscape Guidelines Resolution No. 2007-116 as depicted within the “Project Plan Set,” date stamped May 26, 2023.

86. **Parking Lot Screening** – A combination forty-two (42") high decorative headlight screen wall and undulated berming is required anywhere parking spaces face the street and is not already sufficiently screened by existing topography or landscaping, as shown by a cross section detail on the final landscape or grading plans. Said wall shall be decorative and incorporate the design and materials utilized on the main building. A flat shoulder shall be provided from the end of the parking stalls and on both sides of the screen wall to allow room for car overhang and the installation of landscaping in front of the wall. Specific design of mounding and screen wall including landscaping planting shall be subject to the review and approval of the Community Development Department and the Public Works Department prior to the issuance of a grading and building permit.

87. **Added Landscaping for Compact Parking and Parking Structure** – The project shall provide an additional twenty-five square feet (25 s.f.) of on-site landscaped area, above the minimum amount required, for each compact parking stall which is located outside of the parking garage. In addition, the project shall provide a minimum 5 feet of landscaping anywhere the garage daylights.

88. **Garage Screening** – At least 50% of the total linear above-grade garage frontage must be covered by landscaping within fifteen (15) years unless otherwise recommended or required by the Community Development Department, including the Building Division.

89. **Landscape Design Compliance/Approval** – All landscaping and irrigation improvements shall be designed and installed in accordance with the City's Guidelines and Standards for Landscape Planting and Irrigation (Resolution No. 2007-116). All landscape plans shall demonstrate compliance with the State of California Model Water Efficiency Landscape Ordinance (MWELO).
Complete landscape and irrigation plans reflecting compliance with all imposed conditions of project entitlements shall be submitted and receive final decision prior to the issuance of any grading permit and building permits. Said plans shall be subject to review and approval by the Community Development and Public Works Departments.

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

90. **Landscaping and Irrigation** – Landscaping shall be designed using xeriscaping techniques; i.e. drought-tolerant low water-using plants and as allowed in SP-24. 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.

91. **Landscape Planters** – All landscape planters and fingers shall be planted with shrubs, trees and flowers subject to the review and approval of the Community Development Department. Trees planted on the podium will be installed in either raised planters constructed of masonry or cast in place concrete, or in depression cast into the podium deck as depicted within the “Project Plan Set,” date stamped May 26, 2023. A minimum of 42” of soil depth and minimum horizontal dimension of 2 times the root ball must be provided unless otherwise approved by the City landscape consultant and Building Division.

92. **Landscaping Material Selection** – All new landscaping treatment shall consist of combinations of minimum fifteen (15) gallon, twenty-four inch (24”), thirty-six inch (36”) and forty-eight inch (48”) box size deciduous and evergreen trees as well as five (5) and fifteen (15) gallon shrubs. Larger size trees may be required to complement the building’s facades. The type of landscaping material shall be selected in a manner that blends with existing landscaping treatment in the area. The specific size, number and species of plant materials used shall be included on the landscape plans subject to review and approval by the Community Development Department.

93. **Final Landscape Plans** – The submitted preliminary landscape plan is approved in concept only. Prior to the issuance of a grading and building permit, final construction landscape and irrigation plans reflecting compliance with all imposed conditions of project entitlements shall be submitted under separate permit for review and approval by the Community Development Department through a Landscape Plan Check application. Any landscape and irrigation improvements shall be designed and installed in accordance with the City’s Guidelines and Standards for Landscape Planting and Irrigation Plans (Resolution No. 2007-116).
94. **Public Exterior Space and Common Amenity Space** – Potted landscaping and built-in tree wells shall be provided within the exterior public space and common amenity areas as shown on the conceptual landscape plan dated May 26, 2023. Said plant materials shall be incorporated on the required final landscape plan.

95. **Rancho Conejo Boulevard Gateway Area** – The landscaped easement provided along Rancho Conejo Boulevard must comply with Resolution No. 93-152. Informational signage describing the protected species in the area should be provided on site. Final plans are subject to review and approval by the Community Development and Public Works Departments.

96. **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.

97. **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.

**FENCES, AND WALLS**

98. **Existing Chainlink Fencing** – Any existing chainlink fencing shall be removed, but may be re-used as temporary construction fencing and repositioned in order to preserve and protect on-site oak and/or landmark trees as determined by the Project’s Tree Consultant and the Community Development Department.

99. **Wall/Fence/Gate Design** – All walls, fences, and gates shall be constructed of decorative material(s) that match the materials and style of the primary buildings. Final detailed drawings of all walls and fencing including elevations, material selections and site plan locations shall be submitted prior to the issuance of any building permit, subject to review and approval of the Community Development and Public Works Departments. Chain link fencing is not approved for any wall, fence or gate.

100. **Screen Walls or Hedge** – The existing precast concrete panel screen wall along the eastern property boundary shall be repaired anywhere it is damaged, a decorative cap detail shall be provided along the entirety of the wall, and the wall must be repainted to match the new development prior to final occupancy. Prior to the issuance of a grading permit, such design shall be submitted for review and approval by the Community Development and Public Works Department.

101. **Retaining Walls** – All retaining walls shall be constructed of a decorative masonry material with a decorative cap that match the materials and style of the primary buildings. All retaining walls shall be limited to a maximum exposed height of six (6’) feet, unless otherwise authorized by the Community Development and Public
Works Departments for purposes of lessening the amount of grading without negatively impacting public views of the property. In no case shall retaining walls exceed twelve (12) feet. All retaining walls shall incorporate the design and materials utilized on the buildings and be softened by the installation of landscaping adjacent to the wall. Where such walls are exposed to public view, pilasters and/or horizontal articulation of varying depths shall be provided to break up a long linear monotonous appearance. The design and location of all retaining walls shall be subject to review and approval of the Community Development and Public Works Departments.

**LIGHTING**

102. **Site Illumination** – Site illumination within the project shall be designed in a manner that is uniform in design and appearance. Parking lot illumination shall be designed in accordance with the City’s parking lot standards as identified in the City’s Building and Security Ordinance No. 1395-NS. Review and approval of such lighting shall be processed under a separate permit. Special design features within these fixtures shall include flat lens and shielding devices to avoid an over-intensification of illumination, to direct the illumination in a downward direction (full cut-off) and to eliminate any spillover of light into adjacent properties and past the centerline of public streets.

All pole lighting utilized shall not exceed 14’ in height and shall be provided with concrete pedestals finished to complement the earthtone colors of the buildings as shown on site within “Project Plan Set,” date stamped May 26, 2023. All pedestals shall be painted the same color which shall complement one of the main wall colors of the buildings, subject to the review and approval of the Community Development Department. Where pedestrian walkways occur, the height of these fixtures may be reduced in proportion to human scale.

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

103. **Photometric/Light Fixture Catalogues and Specifications** – All exterior lighting shall be processed under a separate permit. Prior to the issuance of any electrical and building permits for exterior lighting, a photometric analysis prepared by a registered Electrical Engineer and accompanied by light fixture catalogues, brochures and specifications shall be submitted for review and approval by Building and Planning Divisions of the Community Development Department, as well as review by the Police Department.

104. **Light Spillover** – Light spillover may not occur outside property boundaries where the property abuts a residential use or past the centerline of public streets.

105. **Restriction of Light Poles** – Light poles are prohibited at the ends of the landscape fingers as the end of landscape fingers are intended be planted with trees to allow their canopies to cover drive aisles and parking spaces and to reduce the likelihood of a vehicle colliding with a light pole. The location of a light pole located within a landscape finger is to be coordinated effort between a landscape architect and a photometric engineer. Deviations from this prohibition shall be permitted only be written consent of the Community Development Director or designee.

106. **Decorative Lighting Above Public Area** – Low intensity lighting may be provided above and across the public exterior space.

107. **Lighting on Roof Top Terrace** – No roof illumination shall be permitted except as otherwise needed to comply with building security requirements. The design and location of such fixtures shall be subject to review and approval of the Community Development Department prior to the issuance of a building permit. The rooftop areas shall be illuminated with wall sconces and shall not extend beyond the height of the parapet. Additionally, the rooftop areas may be illuminated subject to the following:
   a. Cut-off shields shall be installed/maintained on each side of the light fixtures visible from the parapet wall perspectives;
   b. Motion sensors shall be installed to limit operation of the lighting to times activity is detected on the rooftop areas. Lighting shall be off when no activity is on the rooftop; and
   c. Stand-alone light standards shall not exceed 10'-0" in height.

108. **Wall Lighting** – Wall-pac type light fixtures at building entrance doors, loading areas, and outdoor areas within public view area shall not be permitted. Lighting may be provided by decorative downward shielded light fixtures, recessed in a downward direction from projecting canopies, recessed doorways, and window openings. Decorative architectural light fixtures shall be installed on the building walls. Light fixture cut sheets shall be submitted for review and approval by the Planning Division. Architecturally designed fixed pendant and bracket light fixtures are permitted. The use of such lighting shall be designed to create a uniform illumination generally in a downward direction and not create illumination hot spots on adjacent surfaces.

109. **Light Source** – The use of low-pressure sodium illumination; bright white, high intensity LED; or metal halide lighting is prohibited.
SIGNS

110. **All Signs** – All site and building signage shall be designed to meet the Architectural Guidelines for Commercial Projects (Res. No. 2005-011), Precise Plan of Design Guidelines (Res. No. 2006-108), as well as Title 9, Chapter 4, Article 23 of the Municipal Code and SP-22. The design, color and location of all site and building signs as well as address numbers shall be processed under separate permits. Prior to the issuance of any sign permits, detailed plans shall be submitted for the review and approval of the Community Development Department.

111. **City Gateway Sign** – The City Gateway sign located within the easement along Rancho Conejo Boulevard shall be replaced as stated within 2022-70777-DAGR and as reviewed and approved by the Community Development Department, Public Works Department, and City Manager’s office. Applicant, or applicant’s designated contractor shall work with City staff in good faith to prepare specifications for the new Gateway sign including, but not limited to, the sign materials, dimensions, specific location in the easement along Rancho Conejo Boulevard, and sign copy. The Gateway sign shall be constructed and approved by City before City’s Building Official, or designee, approves the Project for occupancy.

AMENITIES

112. **Private Storage** – A minimum of 56 cubic feet of private enclosed storage area per unit, must be provided in garages, carports or patio areas must be provided as shown on the plans dated May 26, 2023.

113. **Child-Appropriate Play Areas** – The project must provide at least one open space area within the development designed for use by children. Such play area must:

   a. Have a minimum dimension of fifteen feet (15’) in any direction unless otherwise approved by the Community Development Director, and a minimum area of six hundred (600) square feet.
   b. Play equipment for children under the age of five (5) must be included in child play areas.
   c. The play area must be visible to as many units as possible to provide casual surveillance.
   d. The play area must be separated from traffic and any adjacent streets or parking lots with a fence or other barrier at least four feet (4’) in height.
   e. Seating for adults that are accompanying younger children must be provided.
114. **Public Exterior Space** – The public space located in front of Building A shall utilize decorative paver stones as shown on the plans dated May 26, 2023. The outdoor area shall incorporate potted plant materials throughout this area. The size, type, and location shall be identified on the formal landscape plan check review, subject to the review and approval by the Community Development Department.

115. **Maintenance of Common Facilities** – All improvements within common areas of the project including lighting, landscaping, fences, walls, buildings and other related features shall be properly maintained in accordance with conditions of this permit as well as all applicable ordinances and shall not be altered in any manner without prior approval of the City. Any alteration, removal, abandonment or discontinuance without prior City approval shall constitute a violation of the Development Permit and conditions and shall be sufficient grounds for a Code Compliance action.

116. **Common On-Site Recreational Amenities for Residents** – The applicant shall provide common on-site recreation amenities for the exclusive use by the residents and/or their guests, which include a swimming pool and associated courtyard with seating areas, interior amenity/fitness room, roof terraces and seating courtyard area as shown on the site, floor and conceptual landscape plans in the Project Plan Set dated May 26, 2023.

117. **Common On-Site Recreational Amenities for Guests of Residents** – The applicant shall provide common on-site outdoor public amenities for guests of the project consisting of seating, public art, water feature(s), gardens and roof terraces as shown on the site, floor and conceptual landscape plans in the Project Plan Set dated May 26, 2023.

118. **Private Useable Open Space** – Each residential unit must have direct access to adjoining private open space reserved for the exclusive use of residents of the dwelling unit and their guests. Private open space for each unit must be a minimum of 50 square feet with a minimum dimension of six feet. The overall amount of private open space for the project shall be no less than an average of 88 square feet per unit, as shown in the Project Plan Set dated May 26, 2023.

**COMMERCIAL USES**

119. **Notice to Tenants** – The management of the property shall include, as an addendum to all tenant leases, disclosure of the hours of operation for the commercial tenants, including the work/live units, and advisement of the potential for alcoholic beverage consumption and/or live entertainment on the site.
120. **Outdoor Dining Area Limitation** – Outdoor dining areas shall be subject to all requirements as specified in Section 9– 4.2523 of the Thousand Oaks Municipal Code except that no parking spaces are required for the first 500 square feet (8 tables with 4 chairs each) of outdoor dining per commercial unit. Any outdoor dining area in excess of 500 square feet, 1 space per 100 square feet is required (as required by SP 24).

121. **Outdoor Dining Enclosure** – Outdoor dining areas shall be reviewed in conjunction with any proposed future restaurants and the applicant shall submit a sample of the enclosure materials and colors for review and approval by the Community Development Department prior to installation.

122. **Advertising Prohibited on Furniture for Outdoor Dining Areas** – Tables, chairs and/or umbrellas within any outdoor customer dining area shall be consistent in materials with the design requirements for the shopping center and shall not contain any advertising or signs.

123. **Outdoor Dining Furniture** – The design, colors, and materials of the furniture proposed for the outdoor customer seating area shall be subject to the review and approval of the Community Development Department. The applicant shall submit cut sheets and/or brochure information for review and approval by the Community Development Department.

124. **Path of Travel** – A minimum four (4) foot wide path of travel shall be maintained for pedestrian and disabled access circulation to and within any proposed outdoor customer seating area.

125. **Storefront Window Display Area** – Product display and product display window areas shall comply with the following standards:
   a. The bottom of any window or product display window may not be more than three and one-half feet above the adjacent sidewalk.
   b. Product display windows must have a minimum height of four feet and be internally lit.

126. **Commercial Operations** – Commercial-only use areas must include direct service to customers on site and may not include those businesses which only serve off-site customers through delivery services. All on-site commercial operations shall provide services from the tenant space to the public. No “delivery-only” operations are permitted.

127. **Delivery Hours** – Deliveries for the commercial uses shall be limited to the hours of 7:00 A.M. to 7:00 P.M., seven days a week. Should any verified complaint of a nuisance occur as a result of delivery hours and/or operations, the City may add
128. **Truck Deliveries** – Delivery vehicle engines shall be turned off during loading/unloading activities. Signage expressing this condition of approval shall be posted at commercial and residential loading areas.

129. **Work/Live Units** – The Community Development Director shall determine the appropriateness of all uses within the designated work/live unit. Other business operations requiring interpretation as a permissible use shall be considered by the Community Development Director through an appropriate permit process. The designated work/live units as shown on the Project Plan Set dated May 26, 2023 shall comply with the following:

   a. The work portion of the tenant space shall be limited to the designated work area within the unit and exclusively operated by the occupant of the living area portion of the unit. No additional employees are permitted.
   b. The commercial uses shall be restricted to business and professional offices with individual client programs, including, but not limited to, attorneys, insurance agents, accountants, design professionals, and similar uses with low volume customer traffic.
   c. The following commercial uses are not permitted:
      i. Any business involving medical, dental, physical therapy, or surgical use that requires additional parking other than allowed under this special use permit; or
      ii. Any use that causes noise and/or vibration not typical of the ambient levels in the residential area.
   d. Exterior signage shall be limited to one on–building non–illuminated sign that shall be centered horizontally and vertically above the tenant space entrance.
   e. The work/live units shall not be combined or otherwise modified to increase the unit size.

**AFFORDABLE HOUSING**

130. **Affordable Housing Covenant** – Approval of this residential project is subject to execution of an Affordable Housing Covenant entered into between the Applicant and City of Thousand Oaks. Said Affordable Housing Covenant shall incorporate the following conditions and is subject to approval by the City Attorney and Community Development Director.

   a. Affordable Housing Covenant shall be recorded prior to final building permit issuance. Covenant shall be recorded to provide notice to any future owners.
b. The Affordable Housing Covenant shall require 33 units as affordable units. 30 units will be preserved at the very-low-income level of 50% of the Ventura County average median income and three units will be preserved at the moderate income level of 120% of the Ventura County average median income.

c. Applicant agrees to execute an Affordable Housing Covenant with City that provides for the on-going affordability of these 33 restricted units for 55 years from the date the units initially become available for lease.

d. The City may extend affordable period if owner does not comply with Affordable Housing Covenant.

e. Affordable units must be comparable in exterior appearance and overall quality of construction to market-rate dwelling units in the same residential development. The design and appearance of the affordable units shall be compatible with the design of the market-rate units.

f. Affordable units shall proportional, in number of bedrooms and gross floor area of habitable space to the market rate units.

g. Affordable units must be dispersed throughout the mixed-use and residential use buildings of the development in a manner acceptable to the City.

h. The Affordable Housing Covenant shall be in compliance with the latest California State requirements.

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

COMMUNITY DEVELOPMENT DEPARTMENT
CONDITIONS FOR 2022-70780-PTP

131. **Land and Application** – The Protected Tree Permit is granted for the land described in the application and any attachments thereto and as indicated on the Tree Location Map and part of the Protected Tree Report, dated May 4, 2023 prepared by Trees, etc.

132. **Scope of Permit Approval** – The Protected Tree Permit is granted to allow the following:

- Removal of 17 Coast Live Oak (Quercus agrifolia) trees (Tree Nos. 1– 6, 15, 16, and 18– 26); and
- Encroachment into the protected zones of eight Coast Live Oak (Quercus agrifolia) trees (Tree Nos. 7, 8, 10, 13, 14, 17, 27 and 28)
133. **Preservation of Existing Oak and Landmark Trees** – The preservation of three coast live oak trees, identified as trees numbered 9, 11, and 12 in the Protected Tree Report, is authorized under this permit. Appropriate work methods and monitoring are required as described in the Protected Tree Report dated May 2023, prepared by Trees, Etc.

134. **Oak Tree Replacement** – The applicant shall provide two 24–inch box and one 36–inch box replacement tree for each Coast Live Oak (Quercus agrifolia) tree removed. In addition, if any of the eight trees which are to be encroached upon die within five years of the encroachment, they shall be replaced at the above ratio. A total of 51 mitigation trees are required for the project as proposed:

   A. 34 twenty–four (24”) inch box specimens, and
   B. 17 thirty–six (36”) inch box specimens.

20 Coast Live Oak (Quercus agrifolia) and 20 Valley Oak (Quercus lobata) trees are to be provided onsite per the conceptual landscape plan dated May 2023. 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 equal to the total current cost of similar tree species acquisition, transport, planting and a 5–year tree maintenance fee for all required 34 24–inch box size trees and 17 36–inch box size trees and subtract the verified costs of the protected trees which were planted on the property. 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 sycamore or 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.

135. **Mitigation Oak and Landmark Tree Location Map** – Prior to issuance of a grading permit, the applicant shall submit a mitigation tree location map demonstrating the location of the replacement trees.