RESOLUTION NO. 2011-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS APPROVING AMENDMENT No. 2 TO SPECIFIC PLAN 13 (ACADEMY BUSINESS PARK) SPA 2007-70740 (APPLICANT: SEVENTH DAY ADVENTIST CHURCH)

WHEREAS, a specific plan is a tool for implementing a general plan within a portion of the area covered by the general plan; and

WHEREAS, in accordance with Section 65453 of the California Government Code, a specific plan may be adopted either by resolution or ordinance and may be amended as often as deemed necessary by the City Council; and,

WHEREAS, on February 6, 1996, the City Council adopted Specific Plan 13 (Academy Business Park) to guide development within 458 acres of land located north of the Ventura Freeway at Wendy Drive, and on May 23, 2006, the City Council approved Amendment No. 1 to said Specific Plan; and,

WHEREAS, the applicant filed an application for Amendment No. 2 to Specific Plan 13 (SPA 2007-70740) along with entitlement applications to develop certain portions of the area covered by the Specific Plan; and,

WHEREAS, the Planning Commission, upon giving the required notice, on December 13, 2010, conducted a public hearing as prescribed by law and following said hearing recommended that the City Council approve said application; and,

WHEREAS, on January 25, 2011, the City Council conducted a noticed public hearing on SPA 2007-70740 and the associated Mitigated Negative Declaration No. 278 and Mitigation Monitoring Plan and received written and oral evidence at the hearing; and,

WHEREAS, a resolution is required to formalize City Council action pursuant to Section 65453 of the California Government Code and this resolution is adopted for that purpose and reflects the action of a majority of the members of the City Council in rendering a decision on the matter at the regular meeting of January 25, 2011.
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Thousand Oaks that the Mitigated Negative Declaration and Mitigation Monitoring Plan are approved and that Specific Plan Amendment 2007-70740 is approved per Exhibit A (Land Use Exhibit) and the attached Exhibit B (Authority and Conditions) based on the following findings:

1. The Specific Plan amendment is consistent with the Thousand Oaks General Plan.

2. The amendment is consistent with the land use designations of the General Plan Land Use Element. The proposed "Retail Commercial" specific plan designation for Planning Area D is consistent with the "Commercial" General Plan designation.

3. The Specific Plan amendment is consistent with the hillside development policies of the Conservation Element of the General Plan because it entails only minor additional encroachments into land in excess of 25% natural slope. It is also consistent with the Open Space Element policies for open space preservation and stewardship because it does not reduce the amount of land to be preserved as open space.

4. Mitigated Negative Declaration No. 278 reflects the independent judgment of the City of Thousand Oaks and that, on the basis of the Initial Study and any comments received, it is found that, with mitigation, there is no substantial evidence that the project will have a significant effect on the environment.

5. Mitigation measures identified in Mitigated Negative Declaration No. 278 are provided as recommended conditions of approval, and are fully enforceable through permit conditions, agreements or other measures.

PASSED AND ADOPTED THIS 25th day of January, 2011.

Andrew P. Fox, Mayor
City of Thousand Oaks, California

ATTEST:

Linda D. Lawrence, City Clerk
CERTIFICATION

STATE OF CALIFORNIA     )
COUNTY OF VENTURA       ) SS.
CITY OF THOUSAND OAKS   )

I, LINDA D. LAWRENCE, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution No. 2011-003, which was duly and regularly passed and adopted by said City Council at a regular meeting held January 25, 2011, by the following vote:

AYES: Councilmembers Gillette, Glancy, Bill-de la Peña, Irwin and Mayor Fox
NOES: None
ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.

______________________________
Linda D. Lawrence, City Clerk
City of Thousand Oaks, California
EXHIBIT B - CONDITIONS OF APPROVAL

AUTHORITY FOR SPECIFIC PLAN 13 - Specific Plan 13 is approved in accordance with, and is authorized by, Sections 65450 through 65457 of the State of California Government Code, and Sections 9-2.401 through 9-2.404 of the Thousand Oaks Municipal Code.

1. The boundary of Specific Plan 13 is depicted on the Specific Plan Map (Exhibit A).

2. Specific Plan 13 as amended through Amendment No. 2 consists of Exhibit A (Specific Plan Map), and Exhibit B (Conditions of Approval). In the event of a conflict between the map and these conditions, the conditions shall prevail. The purpose of the Specific Plan is to implement the City's General Plan by providing a framework for the coordinated development of land within the Specific Plan boundaries, and establishing additional development standards for the Specific Plan area, which are contained herein.

3. Specific Plan 13 augments the development policies, regulations and standards of the City's zoning ordinance. Unless explicitly provided otherwise by this Specific Plan, the City's development standards and regulations, including all Standard Conditions of Approval, shall apply within the Specific Plan area.

   The Specific Plan establishes permitted land uses, required infrastructure, and site development standards within the Specific Plan boundaries. It is not an entitlement to develop per se.

4. The specific plan designations, land use and development standards for each Planning Unit shall apply as follows:
<table>
<thead>
<tr>
<th>Planning Unit</th>
<th>Specific Plan Designation</th>
<th>Applicable Development Standards (Refer to City Zone)</th>
<th>Permitted Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Retail Commercial</td>
<td>C-2</td>
<td>Same as C-2 zone</td>
</tr>
<tr>
<td>B-1 through B-4 and C</td>
<td>Retail Commercial</td>
<td>C-3&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Same as C-3 zone&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>D</td>
<td>Retail Commercial</td>
<td>C-3&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Same as C-3 zone</td>
</tr>
<tr>
<td>E</td>
<td>Commercial/Restaurant</td>
<td>C-2</td>
<td>Restaurant only</td>
</tr>
<tr>
<td>F</td>
<td>School Site</td>
<td>P-L</td>
<td>School only</td>
</tr>
<tr>
<td>G</td>
<td>Commercial/Restaurant</td>
<td>C-2</td>
<td>Restaurant only</td>
</tr>
<tr>
<td>I</td>
<td>Retirement Center</td>
<td>P-L</td>
<td>Faculty housing&lt;sup&gt;1&lt;/sup&gt; or age-restricted congregate care housing&lt;sup&gt;2&lt;/sup&gt; only</td>
</tr>
<tr>
<td>J-1</td>
<td>School Site</td>
<td>P-L</td>
<td>School only</td>
</tr>
<tr>
<td>J-2</td>
<td>School Site</td>
<td>P-L</td>
<td>School only</td>
</tr>
<tr>
<td>L-1, L-2</td>
<td>Light Industrial</td>
<td>M-1</td>
<td>restricted congregate care</td>
</tr>
<tr>
<td>M-1, M-2, and M-3</td>
<td>Natural Open Space</td>
<td>OS-PR</td>
<td>housing&lt;sup&gt;2&lt;/sup&gt; only</td>
</tr>
</tbody>
</table>

<sup>1</sup> Housing in which at least one occupant of each unit is a faculty member of a school within Specific Plan 13.

<sup>2</sup> Congregate care facility may include independent residential housing units, which are ordinarily not a permitted use in the P-L zone if designed and integrated with congregate care units as a single facility in which at least one occupant is at least 55 years old.

<sup>3</sup> Front yard setbacks shall comply with the requirements of the C-3 zone (100 feet from the centerline of the street), with the exception that encroachment within the front yard setback may be permitted if: (1) an average front setback of one hundred (100) feet from centerline is provided; (2) a minimum landscaped front setback of 20 feet (from the front property line) is maintained; (3) any building that encroaches within 100-feet of the street centerline shall be angled in relation to the street; and (4) the area between the building and the property line is predominantly landscaped. No parking shall be closer than twenty (20) feet from property lines abutting public rights-at-way.

<sup>4</sup> Shall be designed as a single unit with integrated parking facilities and traffic circulation, integrated and complementary architecture and landscaping and shall include two (2) or more major retail stores.
5. All development within the Specific Plan shall require the filing of appropriate entitlement applications with the City, which shall comply with all filing requirements in effect at the time of submittal to the City.

Each entitlement application shall be reviewed for consistency with this Specific Plan, and no entitlement application shall be approved unless the decision-making body finds that the application is consistent with the Specific Plan or appropriate amendments are subsequently adopted prior to a final decision on the development applications.

Additional conditions may be imposed upon any entitlement application which is deemed necessary to carry out the Specific Plan and other City development policies and regulations.

6. Development in the South Campus (Planning Units A, B-1, B-2, B-3, B-4, C, D, E and G) shall integrate site planning, architecture, landscaping and circulation under a uniform design theme and shall incorporate the recommendations of the Architectural Design Review Guidelines (Resolution 2005-11) and the Freeway Corridor Design Guidelines (Resolution 91-172).

7. Prior to issuance of building permits for Planning Areas B-4, D, E, or G, a gateway feature design shall be provided at the intersection of Grande Vista and Academy Drive, consistent with the requirements of Resolution 93-152, Gateway Design Policy and Guidelines. The design of this feature shall reflect the architectural character of the commercial development and shall include specimen oak trees. The design and specific location of the gateway feature shall be subject to approval of the Community Development Department and Public Works Department. Construction of said gateway feature shall be completed prior to final building occupancy of Planning Unit D.

8. Unless otherwise modified in individual project conditions of approval architectural enhancements within the commercial project area shall include the use of brick, tile and/or stone pavers and other similar textured and colored pavement material for walkways, sidewalks and crosswalks. Use of raised planters, decorative rail fencing, pedestrian and landscape lighting features and other pedestrian amenities consistent with the City's Architectural Design Review Guidelines, Resolution No 2005-11 (or as may be amended from time to time), shall be required throughout the South Campus of Specific Plan 13.

9. Combinations of decorative walls and landscaped berms, in conjunction with a minimum 8-foot wide sidewalk, shall be provided along the north side of Caminos Dos Rios beginning at the east boundary and extending west to Academy Drive, then north along Academy Drive to the Bus Station.
10. There shall be a uniform landscape design within the South Campus consisting of combinations of evergreen and deciduous trees and plant materials which are selected to create visual interest through color accent, texture and shape as well as to visually soften the building architecture design. Landscape materials shall be selected on the basis of proportion to adjacent structures. Use of palms trees shall be limited to accent and focal points within the project area. Where possible, ground mounted light fixtures shall be used to accent trees and shrubs during the hours of darkness.

11. Landscaping treatment of Planning Unit I, shall comply with the City's Grading Ordinance to protect the building pads and manufactured slopes from erosion and shall include the following:

   a. Installation of street trees.
   b. Hydroseeding.
   c. Temporary irrigation system.

   Landscape plans shall be submitted to the Community Development Department for review and approval prior to installation.

12. Entry features shall incorporate selections of trees, including specimen oak trees, shrubs and groundcover that provide visual interest and serve as focal points for ingress and egress.

13. Architectural design of all commercial specific plan designations shall maintain a unified theme and shall use complementary building materials, colors and textures.

14. The selection of exterior building materials and colors shall be based upon the following considerations:

   a. In the "North Campus" (Planning Units I, J-1 and J-2) and in Planning Units E and G, natural colors and materials shall be used exclusively, to harmonize with the adjacent terrain and natural open space.

   b. A variety in the use of muted earth tone colors on the exterior face of the buildings with deep accent colors and materials similar to the material/colorboard labeled Exhibit "D" dated August 15, 1995 shall be required in the South Campus Planning Units A, B-1, B-2, B-3, B-4, C and D. Any changes in the selection of exterior colors and materials shall be subject to the review and approval of the Community Development Department.
15. Building size, scale and mass shall be compatible with the surrounding terrain and other structures as follows:

**North Campus**

a. Use of horizontal building components commensurate with the terrain with minimum use of vertical elements.

b. Use of appropriate wall/roof articulation.

c. Break-up of large building masses into smaller building components.

d. Strong integration of building mass to the terrain through the use of building materials, elevated land formations, building wing walls, extended roof overhangs, sloped roof elements, cantilevered horizontal projections commensurate with the hillside and elevated planters and landscaping treatment to lessen visual impacts from the east.

**South Campus**

a. Use of appropriate wall/roof articulation.

b. Break-up of large building masses into smaller building components.

c. Use of slope roof elements at varying heights to soften the building mass and provide focal points to the building facade.

d. Use of shading features including roof and lattice projections with decorative colonnades are encouraged to reduce building mass and to create a more pleasant environment for the pedestrian.

e. Buildings in Planning Units E and G shall be low-profile in design, having a maximum average height of 22 feet with no portion of the structures exceeding 30 feet in height for more than 10 percent of the footprint area.

16. Signs

a. Sign Permits - The design, selection of colors and location of all approved building identification signs as well as building addressing, shall be processed under separate permit.

b. Uniform Sign Program - All signs within Planning Units A, B-1, B-2, B-3, B-4, C, D, E, G, L-1 and L-2 shall comply with the approved Uniform Sign Program, dated March 22, 2007 and any
amendments to said Program that may be approved from time to time. The Uniform Sign Program and any amendments thereto shall be subject to the approval of the Community Development Department. Placement of monument signs shall be reviewed and approved by the Public Works and Community Development Departments.

c. On-site Pedestrian/Vehicular Circulation, Directional and Traffic Control Signage - Prior to occupancy of any building, a complete secondary uniform sign program for on-site pedestrian and vehicular circulation, directional and traffic control shall be submitted for the surrounding area. Said signage shall be designed consisting of materials and colors to complement the projects' overall architectural design theme. Location and design of said signage shall be subject to review and approval by the Departments of Community Development, Public Works and Police and the Fire Protection District. The signs identified in the approved sign program applicable to any given building shall be installed prior to occupancy of said building.

d. School & Retirement Facility (Planning Units F, I, J-1 and J-2) Signs - Each facility within Planning Units F, I, J-1 and J-2 may be identified by one (1) low-profile monument sign, designed in accordance with all provisions of Articles 23 and 32 of Chapter 4 of Title 9 of the Thousand Oaks Municipal Code. The monument sign(s) shall be designed and integrated into a landscape strip located adjacent to the major street near the main entrance. Each monument sign shall identify the name of the complex only and shall not exceed thirty-two (32) square feet in area, six feet (6') in height. No more than two (2) sign colors shall be permitted. The illumination shall be restricted to ground mounted flood lights located within the planter area.

Additional secondary monument signs identifying the buildings' function only may be located at the vehicular entrances into the project areas and shall require the filing of appropriate sign permits. The maximum size of these secondary signs shall not exceed twenty-four (24) square feet, maximum four (4) feet in height. The final location, design and selection of materials and colors shall be subject to Community Development Department approval and shall be consistent and compatible with the building design. The design and location of any sign shall be submitted as part of and shall be shown on all project working drawings.

17. Building heights, except where specifically noted in other Specific Plan conditions, shall be controlled by the Municipal Code, based upon an
average height. Church spires may exceed this height provided they are
designed in proportion to the building.

PUBLIC FACILITIES AND INFRASTRUCTURE

Fire Protection

18. Prior to the issuance of a grading permit, the applicant shall submit plans
to the Fire District for approval of the location of hydrants. On plans, show
existing hydrants within 300 feet of the development.

19. Fire Flow - The minimum fire flow required shall be determined as
specified by the current adopted edition of the Ventura County Fire
Protection District Fire Code Appendix B with adopted Amendments and
the applicable Water Manual for the jurisdiction (whichever is more
restrictive). Given the present plans and information, the maximum
required fire flow is approximately 4,000 gallons per minute at 20 psi for a
minimum four hour duration. A minimum flow of 1,500 gallons per minute
shall be provided from any hydrant. The applicant shall verify that the
water purveyor can provide the required volume and duration at the
project prior to Map Recordation. Prior to the issuance of a building permit
for each building within the Specific Plan area, a completed fire flow form
shall be submitted to the Public Works Department showing compliance
with the required flow.

20. Prior to recordation of any tract map within the Specific Plan, the applicant
shall provide to the Fire District verification from the water purveyor that
the purveyor can provide the required fire flow for the project.

21. Fire Station Site- In lieu of providing a parcel of land at a location
acceptable to the Ventura County Fire Protection District (Fire District)
within the Specific Plan area, the property owner, or the property-owner's-
successor-in-interest, shall pay the Fire District the sum of $300,000
(three hundred thousand dollars) as a contribution toward the Fire
District's purchase and improvement of a site of its choosing for a new fire
station located adjacent or near to Specific Plan 13. The Fire District shall
retain exclusive control over, and the right to collect any and all Fire
Facility Fees, for Specific Plan 13 site development, as well as exclusive
ownership of current Fire Station 35, which shall not be traded to the
property owner or the property owner's-successor-in-interest.

22. Secondary Access

a. Planning Unit F shall be provided with a minimum 25-foot wide
paved temporary secondary access road to Marion Drive as
conceptually shown in Exhibit A attached hereto. Final design of the
access road shall be subject to review and approval of the Fire
District and the City of Thousand Oaks Public Works Department.
Said road shall be installed prior to occupancy of any building on Planning Unit F. (Completed).

b. Building permits in Planning Units E, G, I, J-1 and J-2 shall not be issued until the permanent secondary access from Streets "B" (Academy Drive) and "C" to Corporate Center Drive in adjacent Specific Plan 7 has been installed. Alternatively, Planning Units E and G may use the temporary secondary access road for Planning Unit F, if an agreement to use said road is obtained from the property owners who own the road, City of Thousand Oaks and the Fire District. No gates shall be permitted on the temporary secondary access road under this alternative. Additional signs stating emergency exit only may be required at the discretion of the City and/or the Fire District under this alternative.

23. When abutting undeveloped land, a minimum one-hundred foot (100') wide fuel modification zone, as measured from the developable pad area, shall be provided and the cleared areas replaced with fire retardant and drought resistant trees, shrubs and/or ground covers, preferably native species that blend with the surrounding natural vegetation, including irrigation systems.

Utility Services

24. All utilities for permanent service to new construction, specifically including electric service, telephone, cable TV, gas, wastewater and water service within Specific Plan 13 shall be constructed underground pursuant to applicable provisions of the Thousand Oaks Municipal Code and placed within the paved section of public and/or private streets and not within landscaped median or parkways except where placement in streets is infeasible.

Potable Water

25. Prior to transfer of any portion of the existing Academy Mutual water system to Cal-American Water Company, those portions within the Specific Plan 13 area which do not meet current City standards for service shall be replaced by the developer to the satisfaction of the California-American Water Company. These include replacement of undersized (4 inch or less) water mains, fire hydrants to current Ventura County Fire Protection District standards, unacceptable pipe materials, and other applicable appurtenances.

26. The City will exchange specific portions of infrastructure with California-American Water Company pursuant to the Public Utilities Commission Settlement Agreement signed on August 17, 2004. The developer agrees, by acceptance of these conditions, not to oppose in any manner the
transfer of water service from the City of Thousand Oaks to California-American Water Company, when such occurs. (Completed)

27. The developer or its successor in interest shall utilize water conservation measures throughout Specific Plan 13, especially as they apply to the use of imported domestic water for purposes of landscape and yard irrigation. The developer or its successor in interest shall remain abreast of state-of-the-art water conservation measures over the life of the project, and shall implement measures in the design of all phases of construction consistent with the then prevailing state-of-the-art measures.

28. On January 1, 2008, California American Water Company (Cal-Am) became the designated water purveyor for this area. The developer shall seek permits and pay fees as required solely by Cal-Am.

29. Planning Units E, F and G do not appear to meet the City's required 45 pounds per square inch minimum water pressure standard (i.e., finished -pad elevation 104 feet below the midpoint elevation of the water reservoir serving the site/Planning Unit). Special provisions for water service will be required, which must be approved by the City. Prior to issuance of grading permits for said Planning Units, the developer shall submit plans to the City and Cal-Am showing the proposed method(s) to provide domestic and fire flow to said Planning Units.

Non-Potable Water

30. Academy Mutual Water Company may continue to use the existing well to provide water for irrigation purposes provided that a separate agreement is reached between Academy and Cal-Am allowing the continued ownership and operation of said facilities.

Wastewater

31. All wastewater disposal shall occur through public wastewater mains tributary to the City of Thousand Oaks wastewater collection and transmission system. The developer shall be responsible for the design and construction of all wastewater lines within Specific Plan 13. This work shall be per the requirements of the "Wastewater Design and Construction Standards" and the Thousand Oaks Municipal Code. Unless otherwise approved, the Standards and Codes shall be those which are current at the time such work is authorized for construction.

32. In order to attain gravity wastewater flow from Planning Units "I", "J-1" and "J-2" this developer alone, or in conjunction with Shapell Industries shall construct the secondary access road between said planning units and Conejo Center Drive. Prior to development of Planning Units "I", "J-1" and "J-2", the developer shall design and construct a road and wastewater
main extending to Conejo Center Drive to the satisfaction of the City Engineer.

Solid Waste/Recycling

33. The developer shall be responsible for adherence to the requirements of the City's "Refuse Enclosure Space Regulations", as set forth in Chapter 2 of Title 6 of the Thousand Oaks Municipal Code and as may be amended or modified in the future.

34. The developer shall, to the maximum extent possible, recycle materials which are part of the demolition process of the existing structures and related facilities. These materials include, but are not limited to, concrete from existing buildings, asphalt pavement, wood, plastics, etc. These materials may be recycled or reprocessed on-site (example: concrete and asphalt pavement crushed and reused for road base) or removed and hauled to a recycling processor for further reuse. The City will provide the names of such processors, a listing of products which can be recycled and generally assist the developer in accomplishing the intent of this condition. As a requirement for the final phase of development, the developer shall provide a written letter report to the Public Works Department detailing the approximate quantities (in tons) of each of the products recycled.

35. (M) The following recycling measures for each land use shall be implemented prior to issuance of certificate of occupancy within:

a. Commercial Uses: A recycling program targeting cardboard, mixed paper, plastics, glass and ferrous materials, shall be developed and implemented in the commercial area in conjunction with the City's authorized exclusive, non-exclusive or permitted companies.

b. Industrial Uses: A recycling program targeting cardboard, plastics, glass, and ferrous materials shall be developed and implemented in the industrial area in conjunction with the City's authorized exclusive, non-exclusive or permitted companies.

c. School Uses: A recycling program for the school uses shall cover the following wastes: cardboard, mixed paper, plastics, glass and ferrous materials.

36. (M) Uses within the Specific Plan area shall participate in all waste reduction, recycling, composting or funding programs or policies implemented by the county and/or city to achieve compliance with AB 939 and AB 2176.
Circulation System and Traffic Impact Mitigation

37. Roads - Except as may be provided herein, all roads within Specific Plan No. 13 shall be public roads, and shall be constructed to applicable City standards and in accordance with the road sections depicted on Exhibit A.

38. Road Locations - Roads shall be constructed in substantially the locations shown on Exhibit A. The extension of Street "B" (Academy Drive), connecting the North Campus and South Campus areas of the Specific Plan across City-owned open space within adjacent Specific Plan 7, is hereby approved as shown on Exhibit A.

39. Bus Stop Facilities - The developer shall provide for bus stop facilities including but not limited to: turn-out and acceleration lane, street lighting, bus bench, bus shelter, bus signs, etc. as required by the Director of Public Works. (These facilities have been completed at the intersection of Academy Drive and Broadbeck Drive, but shall be modified per SPA Condition No. 59 (b)).

40. Ingress and Egress - There shall be no vehicular ingress or egress to the subject property except as shown on Exhibit A.

Access to Camino Dos Rios and Hillcrest Drive, controlled access roadways, must be approved by the City Council per the Controlled Access Policy.

41. 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 of the City Road Standards. The improvement plans for all projects shall demonstrate compliance with this plate (and a means to execute on-going maintenance to guarantee preservation of sight visibility).

Stopping sight distance shall be a 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. Where applicable, CC&R's shall require continued compliance with this condition and the requirements contained within said Plate 3-10. (M.C. 9-4.2404 (c) (1) (i))

42. Design of project driveway(s) shall comply with City stopping sight distance criteria per the City of Thousand Oaks Road Standard plate 3-10. Sight distance areas shall be shown on all grading plans, improvement plans, landscape plans and the sign program.

43. Driveways - Approved ingress or egress shall be a commercial driveway with a width of not less than 30 feet exclusive of side slope areas. Driveway openings shall be surfaced and improved to include necessary
paveout or cross-gutters to join existing pavement as required by and in accordance with the specifications of the City of Thousand Oaks (M.C. 9-4.2404).

44. Major Street Right of Way Dedication - Prior to issuance of any building permit, sufficient property shall be dedicated per Phase I Mitigation Plan (varying from 12 to 25 feet along the frontage on the north side of Camino Dos Rios and 13 feet on the south side of Camino Dos Rios) to the City of Thousand Oaks to allow for the ultimate street right of way width of 122 feet, together with standard radius property line returns. (M.C. 7-1.104). If completed, applicant shall submit documents prior to issuance of a grading permit.

45. Bicycle Lanes - Sufficient right of way shall be dedicated to provide bicycle lanes on Teller/Camino Dos Rios, Academy Drive, Grande Vista Drive and on Hillcrest Drive with Phase I, II and III improvements.

46. Traffic Signal Coordination - Traffic signal coordination will be implemented by City staff using state-of-the-art traffic signal timing software. The City Traffic Engineer will conduct periodic field observations of the traffic progression to ensure safe and efficient flow on Camino Dos Rios from Hillcrest Drive to the Wendy Drive/101 interchange. Traffic queues will be measured. Queues that are longer than the distance between adjacent intersections are deemed unsafe and do not provide efficient flow, but encourage diversion to alternate routes.

47. Crosswalk Locations - Traffic signal timing must include adequate pedestrian crossing time. The proposed traffic signal spacing requires that the number of crosswalks in this vicinity be limited. Crosswalks will be located on the east leg of the intersection of Wendy Drive at U.S. 101 Northbound and on the east leg of Camino Dos Rios at Hillcrest Drive. There will be no crosswalks on Camino Dos Rios (neither east nor west leg) at Broadbeck Drive. There will be no east/west pedestrian crosswalk on Academy Drive at Grande Vista Drive.

48. Deviations from Controlled Access Policy - The City Council must approve any deviation from the controlled access policy, including constructing signalized intersections located at less than 1320-foot (one quarter mile) spacing between adjacent intersections. Quarter mile spacing is optimum for traffic signal coordination.

Permitted Deviations:

a. Broadbeck Drive at Camino Dos Rios is proposed to be a signalized intersection located 510 feet from Hillcrest Drive to the east and 475 feet from Wendy Drive at the Northbound Ramps to the west. (Complete)
b. Project Driveway (Broadbeck Drive) on Academy Drive is proposed to be a signalized intersection located approximately 650 feet north of the proposed modified intersection of Academy Drive and Grande Vista Drive (Phase 3).

c. The intersection of Grande Vista Drive at Academy Drive will remain at its current location, approximately 245 feet north of the signal at Camino Dos Rios and the Northbound Ramps and a traffic signal will be installed at the intersection. These improvements shall be completed prior to any occupancy, for any Planning Unit (excluding Planning Units A, B-1, B-2, B-3, C and F). Caltrans may require additional modifications to this intersection.

49. Project Driveways on "B" Street (Academy Drive) - The two project driveways on "B" Street (Academy Drive), which serve Planning Units E and G, shall align centerline to centerline or to a minimum separation of 300 feet.

50. Camino Dos Rios - The developer will construct Camino Dos Rios adjacent to the site as a controlled access roadway with a 14-foot wide landscaped median in compliance with City Road Standards. (Completed)

51. Hillcrest Drive Widening - Prior to occupancy of any structure within Planning Unit A, the developer shall widen Hillcrest Drive to a point 900 feet south of Camino Dos Rios, plus adequate taper to match existing striping, to provide a minimum 66-foot curb to curb section plus an 8-foot sidewalk on the east side of Hillcrest Drive. Existing 10-foot sidewalk on west side shall remain. (Completed)

52. Project Driveway Opposite Hillcrest Drive - The project driveway opposite Hillcrest Drive serving Planning Unit B-1 shall be 52 feet wide with a capacity to provide two lanes in (12 feet and 13 feet wide), two lanes out (11 feet and 12 feet wide) and a center island (4 feet wide).

Prior to issuance of building permits for any building within any Planning Unit other than Planning Unit A, B-1, B-2, B-3, C or F, the developer shall provide a study to the City Traffic Engineer to determine the need for a second eastbound left turn lane from Camino Dos Rios into Planning Unit B-1. Should the City Traffic Engineer determine that this lane is needed, the developer will construct said improvement prior to any additional occupancy permits.

53. Driveway at Camino Dos Rios and Hillcrest Drive - Prior to any work done to modify the north leg of the intersection of Camino Dos Rios and Hillcrest Drive, to eliminate the right-turn only out of the Target shopping center, plans shall be provided for review and approval to the Public Works Department. In addition, an encroachment permit shall be issued.
by the Department and improvements shall be completed to the satisfaction of the City Traffic Engineer.

54. Hillcrest Drive at Camino Dos Rios - The north side of Camino Dos Rios shall be widened prior to any occupancy permits to provide a third westbound travel lane on Camino Dos Rios from the project driveway westerly to the Wendy Drive interchange.

Amgen has been required to improve this intersection by widening the north side of Camino Dos Rios to provide a second westbound through lane. Should Amgen construct this improvement, SDA will reimburse Amgen for 80% of the costs that Amgen has incurred prior to occupancy of SDA Phase I.

Should SDA complete this improvement prior to the requirement for Amgen to do so, Amgen will reimburse the developer of the SDA project for 20% of the cost of widening on the north side of Camino Dos Rios to provide an additional lane and restriping Camino Dos Rios for two through lanes in the westbound direction. Amgen will reimburse SDA upon reaching the development threshold at which Amgen would have been required to make said improvements. (Completed)

55. North Campus Driveways (Planning Units I, J-1 and J-2) - Prior to grading permits, driveway access to property within Planning Units I, J-1 and J-2 shall be reviewed and approved by the City Traffic Engineer in conjunction with entitlement applications.

56. Wendy Drive at US 101 Northbound Ramps - Prior to issuance of building permits for any Planning Unit (excluding Planning Units A, B-1, B-2, B-3, C and F), the developer shall obtain a Cal Trans encroachment permit for the signal modification and the 101 northbound ramp improvements and the developer shall complete the improvements prior to occupancy:

   a. Modify traffic signal phasing to include a southbound overlap phase.

   b. Add one southbound right-turn lane on Camino Dos Rios, a minimum of 150 feet in length with a standard 90-foot bay taper. This will require right-of-way dedication and traffic signal modification.

   c. Construct a northbound through lane within Cal Trans right-of-way on the Wendy Drive northbound off ramp, including widening and signal modification.

57. Wendy Drive / US 101 Southbound Ramps - Prior to issuance of certificates of occupancy for any Planning Unit (excluding Planning Units A, B-1, B-2, B-3, C and F), the applicant will modify signal timing and
restripe the intersection to change the northbound left-turn lane to a
shared through left-turn lane and restripe one southbound left-turn lane to
a shared through/left-turn lane.

This will mitigate the project's impact at this location based on mitigation
measures identified in the Mitigated Negative Declaration for Specific Plan
13, Amendment 1. (Completed).

58. Decorative Paving in Driveways – Unless otherwise authorized by the
City, at intersections of private driveways and public streets, decorative
paving shall not be placed within 50 feet of public streets to allow
appropriate traffic control striping and pavement markings to be installed
and maintained.

59. Traffic Impact Mitigation - To adequately mitigate Specific Plan 13 project
traffic impacts, the applicant shall construct all street improvements
described in Specific Plan 13 Final EIR No. 276, including all street
improvements described and amended in Specific Plan Amendment No. 1
MND No. 253 and Specific Plan Amendment No. 2 MND No. 278, which
include the following:

a. Construct improvements to the Cal Trans Intersection at Wendy/US
101 Northbound ramps as set forth in Specific Plan 13 Amendment No.
1 MND No. 253, Appendix J, and Specific Plan Amendment No. 2,
Exhibit A and MND No. 278, Appendix J, and as approved by Cal
Trans and City of Thousand Oaks Public Works Director.

b. Bus stop modification at the southeast corner of Academy Drive and
Broadbeck. Due to the raised median on Academy Drive proposed
with the development of Planning Unit D, the current one way direction
of travel for the bus stop/bus plaza must be reversed. The applicant
shall provide/relocate necessary signage and bollards to provide for
buses to enter the plaza by turning right from northbound Academy
and exiting onto Broadbeck Drive. The plaza shall be clearly marked
and signed, and bollards or other means provided to restrict the plaza
to bus use only.

Bus shelter, bench, sign & trash can shall be relocated and provided
on the opposite side (south/east side) of the plaza for ease of patrons
to board the bus. Bollards or curb shall be provided to protect the new
location of the bus shelter & passenger waiting area.

c. Install traffic signals at intersections of Academy/Grande Vista Drives,
and during Phase 3 install a signal at Academy/Broadbeck. The signal
design shall include, but not be limited to, the following: all indications
shall be Light Emitting Diodes (LED), video detection, backup battery,
standard emergency global positioning satellite pre-empt, and
hardware interconnect to adjacent signals. Signals to be interconnected include: Wendy/US 101 Northbound Ramps, Academy/Grande Vista Drive, Academy/Broadbeck and Broadbeck/Camino dos Rios.

d. Easements shall be granted to the City for traffic signal maintenance at the intersection of Academy/Broadbeck, both project driveways and Broadbeck approaches.

e. Dedicate sufficient street right of way and construct street improvements and realignment for Grande Vista Drive as set forth in MND No. 253 Appendix J and MND No. 278 Appendix J and pursuant to Plate 2-4.

f. Dedicate sufficient street right of way and construct street improvements and realignment for Academy Drive as set forth in MND No. 253 Appendix J and MND No. 278 Appendix J.

g. Academy Drive Median – A raised median island shall be constructed on Academy Drive at Grande Vista Drive per Plate 3-15 Standard One-Half S-Island to prohibit left turns onto Academy Drive for traffic eastbound on Grande Vista.

h. Existing Street “A” (Academy Drive) Commercial Driveway Turn Restrictions – The existing driveway on the east side of Street “A” (Academy Drive) shall be limited to right turns in and out by construction of the new raised median on Street “A” (Academy Drive) and the installation of appropriate signing and striping.

i. The existing service driveway on the east side of Academy Drive, behind Planning Unit C) shall be limited to right turns in and right turns out only. Improvement plans for Academy Drive shall include all necessary signing, striping, driveway or median improvements.

j. Street “A” (Academy Drive) at Broadbeck -- Intersection radius returns shall be increased to a minimum of 35 feet or as appropriate to accommodate WB-50 vehicle turning radius in all directions. The radius on the southwest corner shall be a minimum of 45 feet.

k. Wendy Bridge Widening Improvements as specified in CIP No. 5050. City shall construct the improvements, however, developer shall be responsible for forty-two (42%) percent of the costs associated with these improvements to mitigate Specific Plan 13 Phase II project traffic impacts.

60. Traffic Impact Mitigation Construction Schedule – All traffic impact mitigation shall be performed pursuant to the following schedule, unless otherwise approved by Staff:
a. Prior to building permits for any development in Planning Units B-4, D, E, G, I, J1, J2, L1, or L2, all traffic signal plans shall be approved by the City Traffic Engineer and Cal Trans. Cal Trans encroachment permits shall be granted, potholing for signal pole placement shall be complete, traffic signal bonds shall be posted, and traffic signal equipment shall be on order, and have been verified by City Traffic Engineer.

b. The applicant will coordinate with the City Traffic Engineer prior to placing orders for any of the traffic signal equipment. This coordination must begin with first submittal of traffic signal plans for preliminary review by the City Traffic Engineer. Once the preliminary review is complete by the City, the applicant will be instructed to pothole the proposed location of the signal poles and signal controller cabinets to confirm the location of utilities. The City Traffic Engineer will then approve the size and type of traffic signal equipment that the applicant will order and install.

c. Prior to building permits for any development in Planning Units B4, D, E, G, I, J1, J2, L1, or L2, all street improvement plans shall be approved by the City Traffic Engineer and Cal Trans. Cal Trans encroachment permits shall be issued and all street right of way dedications shall be offered by applicant.

d. Prior to occupancy for any development in Planning Units B4, D, E, G, I, J1, J2, L1, or L2, all street improvements and traffic signal work shall be complete and operational.

e. Prior to building permits for any development in Planning Units B4, D, E, G, I, J1, J2, L1, or L2, the developer shall grant to the City easements for the installation and maintenance of all traffic signal equipment, including signing and striping, at all signalized project driveways, and all traffic fees, including traffic signal maintenance fees and Wendy Bridge Widening mitigation cash-out shall be paid to the City.

f. Plan check and inspection fees shall be paid and bonds posted prior to the issuance of any permits.

61. Traffic Mitigation Fees - The applicant acknowledges that development within the Specific Plan Area will impact traffic safety and efficiency and therefore agrees to provide for the mitigation of same by complying with the following conditions and by depositing with the City of Thousand Oaks the appropriate non-refundable fees in cash no later than prior to the issuance of building permits for individual development projects within the Specific Plan Area. The trip generation of individual development projects will be based on ITE Trip Generation Manual, 8th Edition, 2008 rates.
The following table provides an estimate of the cumulative Traffic Mitigation Fees that will apply to development projects within the Specific Plan Area that are entitled concurrent with or after the approval of Amendment 2 to Specific Plan 13. Each fee amount will be recalculated at the time of approval of an entitlement and then again at the time of payment. Unless otherwise specified herein or the conditions of approval of a specific entitlement, fees shall be paid prior to issuance of building permits. Fees collected will be based on the current fee rate in effect at the time of payment.

The trip rates will be calculated and the following fees shall apply to the project, as applicable:
62. Traffic Mitigation Fees – Wendy Drive Interchange The following improvements are required to mitigate the impact of cumulative growth at the Wendy Drive Interchange. These improvements will be constructed by the City as part of the Wendy Drive Overcrossing Project.
Crime Prevention and Security

63. The Police Department shall review the individual projects as they are submitted by each applicant and/or potential tenant and establish crime prevention and security conditions of approval concerning the design of the project, including, but not limited to, lighting, landscape design, vehicular and pedestrian access, hardscape, door and window types, security hardware, stairwells, security alarm systems, etc.

Grading

64. Grading shall be limited to the areas and purposes depicted on the Specific Plan Map. Grading in areas of natural slope exceeding 25% grade are permitted only insofar as shown on Exhibit A. Grading plans for entitlement applications shall conform to the Specific Plan unless otherwise allowed in the approval of a specific entitlement application. Phased grading shall be determined and regulated by the conditions of approval of entitlement applications.

65. Grading approved in conjunction with entitlement applications shall include contour grading and rounding of the top sections of manufactured slopes to blend with the adjacent natural terrain.

66. Manufactured slopes approved in conjunction with any entitlement shall be generally as depicted on the Specific Plan map, and shall not exceed the maximum slope heights depicted thereon. Where feasible and beneficial to appreciably reduce the height of manufactured slopes, aesthetically designed retaining walls shall be used provided they are limited to a maximum height of six (6) feet, unless a greater height is allowed in conjunction with a specific entitlement application.

67. Manufactured slopes approved in conjunction with any entitlement not previously approved in Exhibit “A” of Specific Plan 13, shall not exceed the maximum slope of 2:1 unless approved as specified in the Thousand Oaks Municipal Code.

68. Landscape treatment shall be used to reduce erosion and improve the aesthetic appearance of manmade cut and fill slopes.

69. A grading permit as required by the Grading Ordinance shall be applied for, with the required grading bond and the required fees, prior to the start of any construction.

70. An erosion control plan shall be submitted to the Director of Public Works upon request, but any grading operations between the dates of October 1st and April 15th will automatically require that such a plan be furnished to said office and implemented. Said plan shall show all adequate anti-erosion and/or drainage devices, i.e., check dams, retention and desilting...
basins, berms and other devices necessary to protect public streets and the property of others from damage of any kind. A grading permit will not be issued, under any circumstance, prior to the approval of an erosion control plan during that period of time between the months indicated above. All required State and local NPDES permits and pollution-control plans shall be obtained prior to grading permit issuance.

71. Development shall be undertaken in accordance with conditions and requirements of the current Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System (NPDES) Permit. The project shall employ NPDES best management practices in accordance with the Countywide Stormwater Program "Technical Guidance Manual" (July 2002), the California Stormwater Quality Association (CASQA) "BMP Handbooks" and/or other approved reference documents cited in Permit No. CAS004002 (M.C. 7-8.302).

Tree Protection

72. All work in and around oak and landmark trees shall conform to and abide by the City of Thousand Oaks Municipal Code Title 5, Chapters 14 and 24, the Oak Tree Preservation and Protection Guidelines (Resolution No. 2010-14) and any required oak tree or landmark tree permit.

Biological Resources

73. All brush clearance areas required for fire protection purposes shall be landscaped with material which is both drought-resistant and fire-retardant, and shall be provided with permanent irrigation systems. Suitable existing native shrubs within the brush clearance areas shall be retained and trimmed on a "point center" basis.

74. Any encroachment into populations of Lyon's pentachaeta (Pentachaeta lyonii); Conejo Dudleya (Dudleya abramsii ssp parva) or Blochman's dudleya (Dudleya-blochmaniae ssp blochmaniae), shall require a detailed mitigation and monitoring program to be developed in consultation with the California Department of Fish and Game and the U.S. Fish and Wildlife Service.

75. The applicant or its successor in interest shall enter into a Memorandum of Understanding (MOU) with the California Department of Fish and Game in order to preserve and protect any existing populations of Pentachaeta lyonii located in close proximity (100’-500’) to areas proposed for grading in Planning Unit J-1. A copy of this MOU shall be submitted to the Community Development Department verifying this requirement has been met.
Geologic and Seismic

76. (M) Rockfall - Prior to occupancy, measures, as determined by a registered geologist and identified in the preliminary geotechnical report, shall be incorporated into the development plans of the projects to mitigate rock fall hazards. These measures shall include:
   a. Catchment areas where drainage channels intersect engineered slopes.
   b. Protective barriers, such as walls, vinyl coated chain link fence, and gabion barriers, across upstream channels and near residential uses.

77. (M) Blasting - If blasting is found to be necessary within the tract boundaries, a modification to the grading permit shall be required subject to review and approval by the Public Works Department. No blasting (other methods may be considered) of subsurface rock on the North Campus shall be permitted between February and July unless a thorough raptor survey(s) shall be conducted by a qualified biologist in consultation with the California Department of Fish and Game (DFG). In the event that any active nest sites are found, a minimum buffer of 140 yards shall be established provided the peak noise levels do not exceed 140 dB at the nest site. Greater dB levels would require larger buffers subject to DFG approval. The number of blasts shall be limited to no more than 3 per day, and a maximum of 90 during the nesting season (February through July). This restriction applies to charges detonated an average of 10 feet underground using 18 grains per foot, and surface explosions of 167 grains of charge. Larger subsurface explosions can render nest substrate unstable, and may cause failure. Any such detonations will require a minimum of a 550-yard buffer from an active nest site.

Prior to the initiation of blasting, existing structures, such as water tanks or other sensitive structures, shall be inspected by a registered geologist for their tolerance to ground motion or other impacts from blasting. Measures necessary to protect these structures shall be implemented. A registered geophysicist shall evaluate the blasting plan and monitor the operation in order to ensure appropriate techniques are being used and that requirements of Cal OSHA and the recommendations of the institute of makers of explosives are followed. All blasting shall be subject to review and approval by the Department of Public Works.

78. (M) Demolition -
   a. During construction, concrete slabs and existing pavement shall be processed and crushed by the developer for reuse as fill material for new development.
b. Any existing wells to be abandoned during site development shall be done according to the standards of the City of Thousand Oaks, and the County of Ventura Health Department. If any wells are to be abandoned, an abandonment permit from the Ventura County Water Resources shall be submitted to the City Engineer.

c. Prior to initiation of earthwork, vegetation, trash and debris within grading areas shall be stripped and removed from the site.

79. (M) Soil Stability/Compressibility/Expansion -

a. During construction, recommendations for removing loose soils, unconsolidated deposits, low-density soils, and surficial landslides as identified in the project geotechnical study shall be implemented to reduce impacts from unsafe building conditions. Appropriate grading practices shall be implemented according to the project geotechnical engineer.

b. During grading, all fill soils from on-site excavations should be free of organics, rocks greater than 8 inches in maximum linear dimension and other deleterious materials.

c. If fills are to be placed in canyon or compressible areas, partial to complete removal and recompaclion of alluvial deposits, topsoil, colluvium, debris flows, landslide debris, and uncontrolled fills to geotechnically competent standards shall be performed by the developer. All other measures identified by the geotechnical report for remediating secondary settlement shall be implemented.

d. Determination of expansiveness and development of appropriate remedial measures shall be performed by a geotechnical engineer prior to site development. If expansive clay is encountered at shallow depths, it may be recommended that clay-rich soils be removed and replaced with nonexpansive granular soil beneath the structures, concrete slabs, and footings.

e. During grading, slope construction shall be in accordance with the City of Thousand Oaks Building Code. All fills should be properly keyed, benched, and compacted under the observation of the project geotechnical consultant.

80. (M) Compaction Standards - Prior to placing any fill, the exposed soils shall be scarified to a depth of 8 inches, moisture conditioned to near the optimum moisture content and compacted to at least 90 percent of the maximum dry density determined by ASTM test designation D1557-86. Fill soils placed within 10 feet of finished slope faces shall have enough clay to develop at least 250 pounds per square foot cohesive shear strength.
81. (M) Faulting and Seismicity - If faults are identified during grading operations which exhibit differing engineering characteristics, that have expansive clay gouge zones, or show ground water seepage in the area of the proposed development, appropriate geotechnical remedial measures shall be implemented as identified by a certified engineering geologist or a geotechnical engineer.

Hydrology

82. (M) The developer shall construct two (2) permanent on-site detention facilities, as depicted on Exhibit A(5) (F-3, F-3A in the EIR), in order to prevent any increases in peak stormwater runoff within downstream reaches of the Arroyo Conejo Creek during 100-year events.

83. Flood protection shall be provided in accordance with Ventura County Watershed Protection District (VCWPD) criteria, and building pads shall be further adequately protected from an ultimate 100-year storm. Such protection shall be to the satisfaction of the VCWPD and the Director of Public Works. Maintenance responsibilities of any flood control facilities shall be established to the satisfaction of the VCWPD and the Director of Public Works. The extent of the 100-year flood plain shall be shown on the record maps.

84. Prior to each project’s completion, funds shall be contributed to the VCWPD for the provision of area-wide drainage facilities (Flood Zone III) in order to reduce the project’s cumulative impacts on downstream drainage facilities.

85. Prior to any map recordation, a written agreement among the Specific Plan 13 property owners shall be executed to ensure maintenance of the detention basins. The agreement shall be subject to City Attorney and City Engineer approval. (Completed)

Open Space

86. Open Space Dedication - Open Space Planning Units M-1, M-2 and M-3 shall be created as separate lots on the final tract map, filed after the approval of Specific Plan 13, Amendment No. 2. Planning Unit M-2 shall be offered for dedication to the City of Thousand Oaks for preservation as permanent natural open space free and clear of all liens and encumbrances. The City may accept all or portions of said Planning Unit at the time dedication is offered on the final tract map, and may subsequently transfer all or any portion of this land to another public agency for the same purpose. If the applicant elects the cash-out option for construction of the open space trail through Planning Unit M-2, and the tract map is not recorded before issuance of grading permits for Planning Units B-4, D or E, whichever comes first, Planning Unit M-2 shall be
transferred by grant deed to COSCA prior to issuance of said grading permits. If the applicant chooses to construct the open space trail through Planning Unit M-2, and if the tract map is not recorded prior to issuance of building permits for Planning Units B-4, D or E, whichever comes first, Planning Unit M-2 shall be transferred by grant deed to COSCA prior to issuance of said building permits. Any necessary grant deed documents shall be prepared by the applicant. Planning Units M-1 and M-3 shall be private, natural open space. Open Space Planning Unit M-2 shall not include cut and fill slopes.

87. Restoration - The developer shall restore Planning Unit M-2 to its natural state, in conjunction with grading for Planning Units B-4, D, E, J-1 and J-2, whichever comes first, using techniques such as discing, backfilling, recontouring, hydro-seeding, and using native plant materials in the landscape treatment. Restoration shall include: a) removal of surface scars, roads, trails that are not part of the proposed trail system, utilities excavations, and other ground disturbance associated with past uses; and b) removal of all structures, trash, refuse and debris that is foreign to the natural environment (unless determined to be historically significant). A Restoration Plan emphasizing erosion control and use of native plant materials shall be submitted for review and approval by the Conejo Open Space Conservation Agency (COSCA) prior to approval of any grading permit for Planning Units B-4, D or E.

88. Electronic Map - Prior to the issuance of building permits for any development within Planning Units B-4, D, or E, whichever comes first, the applicant shall provide to COSCA a compact disc containing an electronic 1"=100' scale map (layered pdf format) of Planning Unit M-2, delineating topography, geologic data, archaeological information, and available as built data referencing existing utilities, easements, and other pertinent features. Property and/or easement boundaries shall be clearly identified including bearings, distances and other appropriate information. Property information and as-built data shall be updated and submitted to COSCA on a compact disc, after Planning Unit M-2 is recorded as a separate lot, and after all improvements within Planning Unit M-2, which are authorized by the Specific Plan, have been completed.

89. Boundary Monumentation - Prior to recordation of the first final tract map filed after approval of Specific Plan 13, Amendment No. 2, the property boundaries of lots corresponding to Planning Units M-1, M-2 and M-3 shall be identified, in locations approved by COSCA, with temporary markers. Within one year of map recordation, permanent monuments shall be provided and shall be marked with 24", orange-colored painted pipe as witness stakes.

90. Fencing and Trail Entry Structures - In conjunction with the construction of roads and development projects within the Specific Plan area, access
91. Grading on Adjacent Property - Grading adjacent to open space shall be designed and performed in such a manner as to minimize the visual, topographic, and vegetation impacts. Methods to achieve this result may include: (a) that projects be designed so that manufactured slopes blend with remaining natural features, by reducing sharp angles and extensive flat surfaces and by landscaping with native plants; (b) that structures incorporate adequate setbacks and be located and designed in order to minimize visual dominance from surrounding open space areas; and (c) that major stands of coastal sage scrub and chaparral on hillside slopes shall be preserved wherever possible and that structures shall be located in such a manner that removal of this vegetation would not be required for fire safety purposes.

92. Lighting - All sources of exterior street and lot illumination adjacent to Planning Units M-1, M-2 and M-3 shall be designed and installed in such a manner as to eliminate any spillover of light into these areas. Deed restrictions shall be recorded on all adjacent lots disclosing this limitation.

93. Color - All improvements adjacent to open space areas, including stream channel inlets, brow ditches, and bench drains, shall be stained an earth color to blend with the surrounding natural landscape conditions and shall be located, constructed and maintained totally on private property.

94. Drainage - All drainage flowing onto or influencing open space areas shall be provided with adequate energy dissipating structures, located on private property, to diminish soil erosion and deposits. The design and location of drainage structures shall be shown on applicable grading plans and reviewed and approved by the City and COSCA. Drainage from open space areas onto developed portions of the project area shall also be provided with an adequate drainage system, including structures to control rock and debris flow from Planning Unit M-2 onto proposed development within the northern watershed. All brow ditches and drainage structures shall be designed to a minimum 20-year storm standard and located on private property. The design and location of drainage structures shall be shown on the applicable grading plans and reviewed and approved by the City and COSCA.
Trails and Trailheads

95. Trail Plan - Prior to issuance of any grading permits for Planning Units B-4, D, or E, whichever comes first, the developer shall submit Phase 1 of the Trail Plan for review and approval by COSCA. Prior to issuance of any grading permits for Planning Units J-1, J-2 or I, whichever comes first, the developer shall submit Phase 2 of the Trail Plan for review and approval by COSCA. Together, Phases 1 and 2 of the Trail Plan shall incorporate all trails and the trailhead depicted on Exhibit A of the Specific Plan, related improvements such as barriers, step-overs and/or other alignments that may be deemed desirable by COSCA to serve the Specific Plan area and the regional trail system. The proposed trail alignments shall be approved by COSCA.

96. Open Space Trail Construction - Open space trails (i.e., those not alongside roads) within Planning Unit M-2 shall be constructed concurrently with grading for Planning Units B-4, D, or E, whichever comes first, unless developer elects cash-out option. In lieu of construction of open space trails within Planning Unit M-2, developer may elect to pay a one-time fee to COSCA, the amount of which will be equal to the cost of construction of the trails, to be determined by COSCA. The fee shall be paid to COSCA prior to grading of Planning Units B-4, D or E, whichever comes first.

97. Trail Easements - Where trails depicted in the Trail Plan are located within private property, the applicant shall grant to the City or COSCA an easement for trail purposes in conjunction with COSCA approval of trail construction.

98. Trailhead - A trailhead and parking lot shall be constructed within City owned open space located immediately to the east of Specific Plan 13 on the north side of “C” Street and as shown on the Trail Plan. Construction of this trailhead parking lot shall be in accordance with CRPD/COSCA standards and shall be completed in conjunction with construction of “C” Street.

Fuel Modification Zones

99. Location of Fuel Modification Zones - Fuel Modification Zones (fire/brush clearance) shall be a minimum of one hundred feet (100') slope distance from the developable pad. All land to be maintained as a fuel modification zone or for slope stabilization shall be located within private parcels with maintenance responsibility exercised and controlled by private landowners, according to current City policies.
Parks

100. The developer shall provide for basic park lands to serve the residential development area, as specified in Specific Plan 13, and provide the funding to design and develop the facility as a basic neighborhood park furnished with landscaping, park furnishings and equipment.

Since the Park District Master Plan does not include a park within the Seventh Day Adventist Specific Plan 13 area, the Park District shall select a cash in lieu payment for an equivalent amount of land, and the costs for design, development and equivalent park amenities that would serve the residential area.

101. The calculation for the equivalent park fee shall be based on a ratio of 10 acres per 1000 residential population in accordance with the District Master Plan and the City's current densities for single-family residential and multiple housing. A 10% credit for dedication of open space and an additional 10% credit for the establishment of a park and open space maintenance district shall be applied to the overall calculation.

The land and or development in lieu fee shall be required to be transferred or paid to the District as a condition for recordation of the final map for Tract 4927.

If the future retirement center is to be constructed and classified as a senior housing facility, it shall be evaluated and included in the in lieu calculation based on the density and function associated with such units.

102. The applicant shall agree to join any citywide assessment district for those residential, commercial and industrial properties within Specific Plan 13 which receive a benefit from the park and open space system based on engineering studies to be funded by the applicant. The assessment district shall be on the basis of benefit units per gross acre of each parcel for benefit received from parks and open space amenities, for the purpose of maintaining park and open space amenities within the Specific Plan area. (Completed)

The assessment district shall be established in accordance with the COSCA requirements for the offer of dedication for Planning Unit M-2 set forth above.

Historic and Archaeological Resources

103. (M) Archaeological site CA-Ven 1032 should be preserved, in perpetuity, within Planning Unit J-1.
104. (M) A Native American archaeological monitor shall be present during grading activities to stabilize or recover any archaeological remains that may be discovered at that time.

105. A deed restriction shall be recorded to permanently preserve Archaeological site CA-Ven 1032. Said deed restriction shall also include a provision restricting construction within 100 feet of this sensitive cultural resource. In order to avoid any potential indirect impacts upon this resource, the developer or its successor in interest, shall cap the site with a contrasting sterile layer of soil to a depth of 18 inches.

Air Quality

106. (M) The applicant shall minimize the number of employee commute trips associated with the project through implementation of an on-site TDM program, developed in accordance with Ventura County Air Pollution Control District Guidelines.

107. (M) Air Quality Fees- The applicant shall pay the Air Quality Fees calculated in the 2006 Mitigated Negative Declaration for Specific Plan 13, Amendment 1, letter from Impact Sciences dated January 10, 2006 to the City of Thousand Oaks. The total fee is $809,164.82 and shall be paid in one lump sum or the applicant may pay a rate of $1.81 per square foot of gross floor area at the time of issuance of building permits.

108. Individual entitlement applications within the Specific Plan area shall be conditioned to comply with mitigation measures listed in Section III J.4 of the 1996 Final EIR for Specific Plan 13, pertaining to emissions and fugitive dust associated with grading and construction.

Noise

109. (M) Construction activity, including blasting shall be limited to 7 AM to 7 PM, Monday through Saturday. A separate permit for blasting work shall be obtained from the Department of Public Works. If there are no noise sensitive receptors exposed to construction noise, then the Department of Public Works may allow extended hours pursuant to Thousand Oaks Municipal Code provisions.

Administration

110. Except as specifically excepted by these conditions or as may otherwise be provided by a Development Agreement which may be executed between the applicant and the City, all development within Specific Plan No. 13 shall be subject to all ordinances, regulations, resolutions, policies, guidelines and other controls of the City and other public agencies relating to land development and improvements, which are now or hereafter may
be generally applicable within the City or parts of the City specifically identified by such ordinance, regulation, resolution, policy, guideline or other control and as such may be amended or revised from time to time by the City or other public agency.

111. For purposes of interpretation of the Specific Plan and conditions and regulations relative thereto, all references herein to ordinances and regulations, etc., are to those controls as currently written unless expressly provided to the contrary; however, this shall not be construed to prevent the subsequent adoption of ordinances, regulations, policies, guidelines, and other controls of the City or other public agencies which will thereafter be applicable to the administration and development of the Specific Plan. In the event any condition or term herein set forth is declared illegal or unenforceable, the other terms and conditions shall remain in full force and effect to the full extent permitted by law.

112. Further environmental review of specific projects within Specific Plan 13 shall be conducted pursuant to Section 15181 of the State CEQA Guidelines.

113. Amendments to Specific Plan 13 shall be considered pursuant to Section 65453 of the State of California Government Code. Minor modifications of the planning unit boundaries shown on the Specific Plan may be adjusted without Specific Plan Amendments as necessary to implement future specific development permit and tract map approvals.

114. In consideration of the City's approval of Specific Plan 13 which includes an increase in the property's authorized uses and value, the development contemplated by such plan must pay its fair share of city infrastructure costs. Therefore, the developer/applicant waives, on its behalf and as to future property owners of lots within said Specific Plan, any and all rights to have City connection fees, or development impact fees or charges fixed or frozen under California law at a time earlier than the point in time when said City fees or charges are due and collected (particularly as to those rights under the Kaufman & Broad v. City of Modesto case, or Government Code section 66474.2). The rate or level of all such fees and charges on projects within Specific Plan 13 shall be the rate or level in effect at the time when the fee or charge is due and payable to the City.

115. Indemnification - The developer 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 attach, set aside, void or annul an approval of the City. The City shall notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense.