

CITY OF THOUSAND OAKS

PLANNING COMMISSION

RESOLUTION NO. 06-2019 PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF THOUSAND OAKS RECOMMENDING APPROVAL OF A ZONE CHANGE, DEVELOPMENT PERMIT, OAK TREE PERMIT, PARCEL MAP WAIVER AND MITIGATED NEGATIVE DECLARATION FOR THE USE OF CERTAIN PROPERTY WITHIN SAID CITY

Applications: Z 2019-70298; DP 2019-70291; OTP 2019-70292; PMW 2019-70293; MND 2019-70309

Applicant: Conejo Recreation and Park District

Location: 901 Paige and 835 Combes Avenue including APNs: 677-0-110-325, -295, -335, -275, and -365

SECTION 1

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

WHEREAS, the applicant has filed with this Commission a petition requesting the following:

1. A Zone Change from Single-Family Residential (R-1) and Single-Family Estate (R-O) to Public, Quasi-Public and Institutional Lands and Facilities Zone (P-L); and
2. A Development Permit to construct a new neighborhood park;
3. A Parcel Map Waiver to merge 5 parcels into 2 lots; and
4. An Oak Landmark Tree Permit to allow encroachment and minor pruning of thirteen protected trees.

WHEREAS, a Mitigated Negative Declaration for the project was prepared in conformance with the provisions of the California Environmental Quality Act; and

WHEREAS, the Conejo Recreation and Park District is the Lead Agency under the provisions of Section 15050 of the California Environmental Quality Act and has prepared and adopted a Mitigated Negative Declaration for the project; and

WHEREAS, the City of Thousand Oaks is a Responsible Agency under Section 15052 of the California Environmental Quality Act and has considered the conclusions, findings and mitigation measures of the adopted Mitigated Negative Declaration; and

WHEREAS, the Planning Commission, upon giving the required notice, did, on the 24th day of June 2019, conduct a duly-advertised public hearing as prescribed by law to consider said application; and

WHEREAS, at the June 24, 2019, public hearing, oral and written evidence, including a staff report, were presented and received, and arguments were heard from all interested parties appearing in the matter.

NOW, THEREFORE, BE IT RESOLVED that said MND 2019-70309 is recommended to City Council for approval subject to conformance with the conditions of approval Z 2019-70298; DP 2019-70291; OTP 2019-70292; and PMW 2019-70293 set forth and attached hereto and made a part thereof. The violation of any of the conditions shall be grounds for revocation by the Planning Commission or City Council.

SECTION 2

WHEREAS, the findings of the Planning Commission for recommending approval of said Zone Change application Z 2019-70298 are as follows:

1. *The project is consistent with the Thousand Oaks General Plan and any applicable specific plan or redevelopment plan.*

The proposed amendment of the zone will re-designate approximately 14.1-acres of land from Single-Family Residential (R-1) and Single-Family Estate (R-O) to Public, Quasi-Public and Institutional Lands and Facilities (P-L). Upon adoption of the zone change, the subject project will meet this finding because the General Plan land use designation for this property is "Existing Parks, Golf Courses, Open Space" and a community park use is consistent with the general plan land use designation. The proposed project is consistent with the General Plan goals to "provide and maintain a permanent park and recreational

system of sufficient size and quality to serve current and future needs, consistent with community expectations” and meets the policy that “neighborhood parks and open spaces should be located within walking distance of residential areas.” Therefore, the proposed project meets this finding.

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

The proposed project has been reviewed for conformance with the provisions of the California Environmental Quality Act. For this application, the City is acting as a Responsible Agency and, on behalf of the City, the Planning Commission has considered the Mitigated Negative Declaration that was prepared and approved by the Conejo Recreation and Park District. The Final IS/MND identifies areas where all areas listed as potentially significant have been mitigated to levels that are no longer significant, through the inclusion of mitigation measures, which CRPD shall comply with under the proposed conditions of approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that City Council approve Z 2019-70298.

SECTION 3

WHEREAS, the findings of the Planning Commission for recommending approval of said Development Permit application DP 2019-70291 are as follows:

1. *The project consistent with the Thousand Oaks General Plan and any applicable specific plan or redevelopment plan;*

Upon adoption of the zone change, the subject project will meet this finding because the General Plan land use designation for this property is “Existing Parks, Golf Courses, Open Space” and a community park use is consistent with the general plan land use designation. The proposed project is consistent with the General Plan goals to “provide and maintain a permanent park and recreational system of sufficient size and quality to serve current and future needs, consistent with community expectations” and meets the policy that “neighborhood parks and open spaces should be located within walking distance of residential areas.” The project site is not located within any applicable City specific plan or redevelopment plan. Therefore, the proposed project meets this finding.

2. *The project complies with all applicable laws, regulations and policies, including the Thousand Oaks Municipal Code;*

Contingent upon approval of the zone change, the proposed park will meet this finding because the subject site will be zoned Public, Quasi-Public, and Institutional Lands and Facilities (P-L), which allows for a park use. The proposed project complies with all requirements of the Thousand Oaks Municipal Code, including specific development standards for the P-L zone in Article 32 of Title 9 of the TOMC. The proposed structures will not occupy more than 25% of the area, for which the development permit is issued, and the proposed structures will not exceed a height of thirty-five (35') feet. Additionally, the proposed project complies with the Freeway Corridor Design Guidelines. Therefore, the proposed project meets this finding.

3. *The project will not be detrimental to the public health, safety or general welfare; and*

The proposed project has been reviewed by the City's Engineering/Utilities Division, Traffic Division, Building & Safety Division, the Ventura County Fire Department and the East Valley Sheriff's Station, for which these entities had no concerns regarding the project. Additionally, the proposed project complies with all applicable development standards of the Thousand Oaks Municipal Code. No other public health, safety or welfare concerns arise from development of a park at this location, which will be an allowed use, contingent upon approval of the requested zone change. Given these circumstances, the proposed project meets this finding.

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

The proposed project has been reviewed for conformance with the provisions of the California Environmental Quality Act. For this application, the City is acting as a Responsible Agency and, on behalf of the City, the Planning Commission has considered the Mitigated Negative Declaration that was prepared and approved by the Conejo Recreation and Park District. The Final IS/MND identifies areas where all areas listed as potentially significant have been mitigated to levels that are no longer significant, through the inclusion of mitigation measures, which CRPD shall comply with under the proposed conditions of approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that City Council approve DP 2019-70291.

SECTION 4

WHEREAS, the findings of the Planning Commission for recommending approval of said Oak Tree Permit application OTP 2019-70292 are as follows:

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

The proposed park has been designed to minimize impacts to as many protected trees on the site as feasible. The oak tree report states that there are 47 protected trees within the project site area and approximately, 192 oaks trees within the oak woodland, north of the proposed park improvements. Of the 47 protected trees, 34 of the trees would remain unaffected by the project, and 13 trees would have their protected zones permanently encroached upon by structures and/or site grading activities. The Oak Tree report indicates that encroachment activities would not result in significant long-term adverse impacts to the oak trees. To further ensure that adverse impacts to the trees are minimized, the Oak Tree Report recommends a series of mitigation measures, which have been included as project conditions of approval in the resolution and within the mitigation monitoring program.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that City Council approve OTP 2019-70292.

SECTION 5

WHEREAS, the findings of the Planning Commission for recommending approval of said Parcel Map Waiver application PMW 2019-70293 are as follows:

1. *Sec. 9-3.302(b) of the Thousand Oaks Municipal Code allows a parcel map to be waived, pursuant to the procedures set forth in (b) of Section 9-3.302(b) of Article 7 of chapter 3, upon the finding that the proposed division complies with all requirements as to area, improvements and design, floodwater drainage control, appropriate improved public roads, wastewater facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act and this Code.*

The subject site is made up of five legal parcels with a combined gross lot size of 14.1 acres. Two APNs, -325 and -295 are west of Paige Lane and comprise 7.18 acres, and the other three are east of Paige Lane and total 6.92 acres. It is necessary to merge the five lots into two lots because Paige Lane bisects the subject parcels and compliance with the City's Municipal Code standards, such as area and setbacks will be enforced. The proposed parcel map waiver also complies with wastewater facilities, water supply availability, and environmental protection requirements. Additionally, conditions of approval are contained in Planning Commission Attachment #4, which require the applicant to complete the merger process prior to issuance of a building permit. As a result, the proposed parcel map will be waived.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that City Council approve applications for a Zone Change Z 2019-70298; Development Permit DP 2019-70291; Oak Tree Permit OTP 2019-70292; Parcel Map Waiver PMW 2019-70293; and MND 2019-70309, subject to conformance with the conditions set forth and attached hereto and made a part hereof.

I HEREBY CERTIFY that the foregoing resolution reflects action taken by the Planning Commission of the City of Thousand Oaks at a regular meeting held on the 24th day of June 2019, by the following vote:

AYES: Commissioners Buss, Kohan, Lanson, Newman, and Chair McMahon
NOES: None
ABSENT: None
ABSTAIN: None


Sharon McMahon, Chair
Planning Commission


Kelvin Parker, Secretary
Planning Commission

GENERAL

1. **Land and Application** – The approval is granted for the land described in the application and any attachment thereto and as note on the project Exhibits, labeled “Project Plan Set,” dated April 4, 2019.
2. **Scope of Permit Approval** – The approval is granted to allow: 1) construction of a neighborhood park associated with a Zone Change and Development Permit, as shown on the Exhibit, labeled “Project Plan Set,” dated April 4, 2019; 2) a Parcel Map Waiver to allow the merger of five lots into two lots of record; and 3) an Oak Landmark Tree Permit to allow for the encroachment and minor pruning of thirteen trees.
3. **Approval Period/Use Inauguration** – The approval is granted for a three (3) period of time ending on June 24, 2022, at which time said permit shall expire unless the use authorized herein has been inaugurated in accordance with Section 9-4.2812(c) of the Thousand Oaks Municipal Code. The applicant may request time extensions of this period as permissible by Section 9-4.2812(e) of the TOMC by filing a Minor Modification application prior to the expiration date.
4. **Conditions Compliance** – All development on the subject property shall be constructed and thereafter maintained in accordance with the conditions of this permit.
5. **Resolution No. 95-20 Standard Condition Compliance** – The permit shall comply with all applicable standards conditions as included in Resolution No. 95-20, unless otherwise modified herein.
6. **Other Conditions** – Replacement mitigation trees as required by the conditions of approval for the 299 E. Thousand Oaks Boulevard project (SUP 2018-70185, OTP 2018-70208, and LTP 2018-70210) shall be planted on-site.
7. **Mitigation Measures** – All mitigation measures shall be implemented as identified in the Mitigation Monitoring and Reporting Program of the Final MND for this project, which is incorporated by reference.
8. **Final Plans** – Prior to the issuance of a building permit, final grading/site elevation, and landscape plans shall be submitted for the review and approval of the Community Development Department incorporating any design changes and other requirements as conditioned herein.
9. **Monument Sign Design and Review** – The dimensions of the monument signs shall not exceed 4-feet by 10-feet. Colors and materials shall be

**COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS FOR Z 2019-70298,
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consistent with the site and elevation plan as shown on Sheet LC506 within the "Project Plan Set," dated April 4, 2019. Monument signs shall be processed under separate sign permit applications. Final design and location of the monument signs shall be submitted for review and approval by the Community Development Department, while the Public Works Department shall review for adequate site distance.

10. **Recordation of Merger** – Prior to a grading permit, the Notice of Merger shall be signed by all property owners of the subject properties and submitted for review and approval of the Community Development and Public Works Departments for subsequent recordation with the Office of the County Recorder.
11. **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 of it is 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.
12. **Signed Acceptance of Conditions** – A signed Acceptance of Conditions affidavit shall be executed by the applicant and property owner, or his duly authorized representative, and shall be returned to the Planning Division of the Community Development Department prior to the issuance of a grading and building permit.

DESIGN

13. **Exterior Building Colors and Materials** – The exterior building materials and colors of the restrooms and shade structures shall be in substantial conformance with the materials and color board.
14. **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 Plans (Res. No. 2007-116). Prior to the issuance of a building permit, complete landscape and irrigation plans shall be submitted under separate permit for review and approval. Said plans shall depict all landscaping treatment relative to improvements for the park, subject to review and approval by the Community Development and Public Works Departments.
15. **Final Landscape Plans** – Prior to the issuance of a grading permit, final landscape and irrigation plans reflecting compliance with all imposed conditions of project entitlements shall be submitted for review and approval of the Community Development Department.

GRADING

16. **Grading Plan** – Prior to the issuance of any grading permit, a detailed fine grading and drainage plan shall be submitted for review and approval of the Community Development Department.

PROTECTED TREES

17. **Oak and Landmark Tree Compliance** – All oak tree work shall conform and abide by the provisions of the Oak Tree Ordinance, Title 5, Chapter 14 of the Thousand Oaks Municipal Code, and the Oak Tree Preservation and Protection Guidelines Res. No. 2010-014.
18. **Oak Tree Report Provisions** – All specific minimization measures nos. 1-14 contained within the Oak Tree Report, dated January 2019, shall be adhered to.
19. **Oak and Landmark Tree Maintenance** – The continued maintenance of all on-site oak and landmark trees is the responsibility of the owner. All oak trees shall be maintained in accordance with the Oak Tree Preservation and Protection Guidelines Res. No. 2010-014.
20. **Equipment and Materials Storage** – There shall be no storage of equipment or materials within the protected zones of any oak or landmark trees.
21. **Protection Fencing and Signage for On-site and Off-site Oak and Landmark Trees** – Prior to any grading or construction activities, required signage and protective chain-link fencing measuring a minimum of five feet (5') in height, or other type of protective fencing subject to the review and approval of the City's Oak Tree Consultant, shall be placed at protected zones for all on-site and off-site oak and landmark trees.
22. **Work Monitoring/Certification/Field Inspection** – All work described in this permit shall be monitored by the applicant's oak tree consultant and it shall be the responsibility of the applicant to contact the consultant and arrange for the successful completion of these conditions. Additionally, the applicant's oak tree consultant shall submit a Letter of Certification within fourteen (14) days of completion to the Community Development Department, stating that all work was accomplished in accordance with the Oak Tree Reports for this project, except as deleted or modified by conditions of this permit. Upon receipt of the Letter of Certification, Staff shall schedule a field inspection.

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23. **Liability/City Protection** – This approval shall not be deemed to impose any liability for damages or a duty of care and maintenance upon the City or upon any of its officers or employees. The person in possession of any public property or the owner of any private property shall have a duty to keep the oak trees upon the property under their control in a safe, healthy condition.

GENERAL

24. **Plan Format** - All plans submitted to the Public Works Department shall be on 24-inch by 36-inch sheet size, using city standard title block and as-built/record plans submitted as part of the closure and acceptance of the project shall be on 4 mil Mylar.
25. **Base Topography Map** - The grading plan for this project must be prepared utilizing topography which has been plotted by photogrammetric methods or survey data compiled no longer than two years prior to the date of submittal of the grading plan and must be on current City datum. The name of the firm which prepared the topography and the date(s) on which the data was compiled or obtained must be shown on the plan. Topography must be presented in 1" = 40' or larger (closer) scale and must extend a minimum of 100 feet outside the limits of the property proposed for development. Any deviation from this condition must be approved by the City Engineer.
26. **Construction/Demolition Debris Recycling Plan** – Prior to the issuance of a demolition permit (where the site contains existing structures or facilities) or of a grading/building permit, the applicant shall submit a Construction and Demolition (C&D) Debris Recycling Plan to the Department for review and approval. The applicant must divert a minimum sixty-five percent (65%) of all C&D waste materials generated from the project. The C&D Debris Recycling Plan shall indicate the proposed means of disposition of all C&D waste materials, including but not limited to, asphalt, concrete, wood, drywall, brush and vegetation, landscaping materials, lights, piping, concrete block, metal, and the like, which will be recycled, reused, salvaged, and /or delivered to a landfill. The Recycling Plan must also include estimated weights of the materials, list of proposed recycling/disposal facilities, and authorized hauling companies to be used. For a list of authorized waste haulers and/or to complete and submit a C&D Debris Recycling Plan go to ThousandOaks.WasteTracking.com.
27. **Inspection Hours** - The applicant is advised that City Hall is closed on alternating Fridays, and as such, inspection services are not available on those particular dates. The applicant shall schedule any and all grading, stormwater, encroachment, paving and utility work requiring City inspection accordingly. A schedule of City Hall hours may be obtained from City Hall or at the City's website www.toaks.org.

WATER AND WASTEWATER

28. **Water Service** – In order to obtain water service, the applicant shall pay for the Cost of the Water Meter Deposit plus the City's Water Plant Investment Fee, at the rates in effect at the time of payment, prior to issuance of a building permit. Additional fees for special facilities zones and fire flow surcharges may also apply. The applicant shall also pay the established change order fee for updating the plans for this new lateral.
29. **Separate Irrigation Meter / Over 5,000 SF Landscaping-** Pursuant to State Assembly Bill No. 1881 (AB 1881), this project contains more than 5,000sf of irrigated landscape and therefore shall require a fully separate water meter for irrigation and landscaping. Said irrigation meter will require all water permit fees to be paid, each service lateral and meter box installed and approved by the City Public Works Inspector, and the appropriate backflow device(s) installed, tested and certified (by an approved independent testing firm hired by the applicant) prior to the installation of the irrigation meters by the Department. The City may lock off the angle meter stop at the meter until the applicant has accomplished all of the above. Any taking of irrigation water without being metered through a water meter is a violation of the Municipal Code Section 10-2.514, punishable in fines up to \$1,000 per day for each day of illegal taking.
30. **Cross Connection Device** - The applicant shall design and construct new backflow connection devices for the project's irrigation water as well as fire sprinkler systems. Prior to the issuance of clearance for occupancy by the Department, all cross connection control devices must be inspected and approved by the Cross Connection Control Specialist of the County of Ventura, telephone 805.654.2436 (MC 10-2.600). Full right of access and entry to the cross connection device shall be granted to the Public Works Department.
31. **Wastewater Service** - There is no wastewater lateral to serve the subject property. The applicant shall pay the wastewater connection charge at the time of payment to the City of Thousand Oaks prior to or concurrent with issuance of a building permit. The applicant is strongly encouraged to contact the Public Works Department to calculate the total required fees.

DEVELOPMENT ENGINEERING

32. **Encroachment Permit** - Where any construction occurs within public right-of-way, an encroachment permit shall be obtained, plan check and inspection fees paid, an approved traffic control submitted, and bond/security posted (if required) prior to initiating construction of any improvements.

33. **Grading Permit and Soils Certification** - The applicant shall prepare and submit final grading plans, improvement plans, erosion control plans, BMP improvement plans, geotechnical soils reports, supporting hydrology and hydraulic calculation reports, title report, and other items as required by the City Engineer in order to obtain a grading permit in accordance with the requirements of the City's Grading Ordinance. Applicant shall also prepare and submit detailed erosion control plans for both phases of land development; the pre-grading / site stabilization phase, as well as the post grading / building construction phase. The grading and improvement plans submitted to the City for plancheck shall at a minimum indicate all topography, proposed improvements, drainage features, water/wastewater connections and laterals, existing easements, interface with adjacent properties, storm drain and drainage systems, and street improvements. All submittals shall include the completed public and private improvement cost estimate worksheets, the required plancheck and inspection fees, and the posting of the required grading bond prior to the start of any construction. After the grading is complete, the applicant shall submit a building pad compaction report and a rough grading certificate from the soils engineer prior to issuance of a building permit. Grading bonds shall be exonerated after satisfactory completion of the project punchlist items, which are generated after the applicant's engineer provides a submittal of the final Record (as-built) Drawings.
34. **On-site Run-off** - On-site storm water shall be intercepted within the project boundaries in approved pick-up structures, treated and retained and/or conveyed to the nearest public street or existing storm drain system to the maximum extent practicable, as approved by the City Engineer (M.C. 7-3.09 and 7-3.21).
35. **On-site Drainage Capture** - To the extent feasible, provide flow-intercept devices (or grading design) to intercept discharges flowing toward the driveway approaches such that all flows are captured on-site to the maximum extent practicable.
36. **On-site Drainage** - Project design and engineering plans shall show drainage flows to street and/or yard drains and elevations.
37. **On-site Improvement / Paving Permit** - The applicant shall submit for and obtain an on-site paving and improvement permit. An approved pavement section from the registered soils engineer of record shall accompany the permit application, along with payment of plan check and inspection fees, prior to initiating the construction of on-site parking, paving, and/or drainage improvements (M.C. 9-4.2405).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

38. **NPDES Permit Compliance** - Development shall be undertaken in accordance with conditions and requirements of the Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS004002. The project shall employ NPDES best management practices in accordance with the latest applicable version of the Countywide Stormwater Program "Technical Guidance Manual" and the California Stormwater Quality Association (CASQA) "BMP Handbooks" and/or other approved reference documents cited in Permit No. CAS004002 (M.C. 7-8.302).
39. **Stormwater Pollution Prevention Plan and Notice of Intent (SWPPP)** - Prior to the issuance of any grading permit and/or the commencement of any clearing, grading or excavation for all projects that disturb over 1 acre, the applicant/owner shall submit a Notice of Intent (NOI) to the California State Water Resources Control Board, Storm Water Permit Unit, in accordance with the NPDES Construction General Permit (No. 2009-009-DWQ including amendments). The applicant/owner shall provide the City with a WDID number or proof of the NOI submittal. The applicant/owner shall comply with all additional requirements of this General Permit including preparation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared by a certified QSD, fully comply with RWQCB requirements and contain specific BMPs to be implemented during project construction to reduce erosion and sedimentation to the maximum extent practicable. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the site superintendent shall use the plan to train all construction site contractors in site Best Management Practices prior to starting work on the site. At a minimum, the following BMPs and requirements shall be included:
- A. Pollutant Escape: Deterrence
 - B. Pollutant Containment Areas
 - C. Pollutant Detainment Methods
 - D. Sediment control and capture
 - E. Erosion Control / Dust Control
 - F. Recycling/Disposal
 - G. Hazardous Materials Identification and Response

TRAFFIC

40. **Traffic Mitigation Fees** - The developer acknowledges that the subject development will impact traffic 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.

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41. **Traffic control signs** - Control signs for regulation, warning and guidance of traffic shall be installed as required by the Department of public works. These shall include stop signs, speed signs, turn prohibition and one-way signs, pedestrian and school crossing signs, curve and hill warnings, not a through street signs, parking signs, bicycle route signing, together with pavement striping, road symbols and street name signs as required.
42. **Bicycle Racks** – Bicycle racks or other secure bicycle parking shall be installed. The racks shall be provided near the parking lot in a manner acceptable to the City Engineer and shall be an inverted "U" shape design or approved equal.
