

# Appendix A

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Notice of Preparation and Comment Letters

## Notice of Preparation

**Date:** June 7, 2022

**To:** State Clearinghouse, Responsible Agencies, Trustee Agencies, Interested Parties

**Subject:** Notice of Preparation and Public Scoping Meeting for the City of Thousand Oaks 2045 General Plan Update Draft Environmental Impact Report.

**Location:** City of Thousand Oaks and Sphere of Influence – see Figure 2 (attached)

### Public Comment

**Period:** Written comments must be submitted to the City's Community Development Department no later than **July 7, 2022 by 5:00 p.m.**

**Scoping Meeting:** A virtual public scoping meeting will be conducted on June 23, 2022, beginning at 6:00pm via zoom and may be accessed via [toaks.co/nopscope](https://www.toaks.co/nopscope).

### Lead Agency

**Contact Person:** Iain Holt, Senior Planner, AICP  
Community Development Department  
Planning Division  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362  
Email: [gp@toaks.org](mailto:gp@toaks.org)  
Office: (805) 449-2314

The City of Thousand Oaks (City), as the Lead Agency under the California Environmental Quality Act (CEQA), is commencing its preparation of a Draft Environmental Impact Report (DEIR) for its 2045 General Plan Update (GPU). The DEIR will evaluate the potential environmental effects associated with the GPU and Climate and Environmental Action Plan (CEAP).

This Notice of Preparation (NOP) has been issued to provide an opportunity for the general public, responsible and trustee agencies, and other interested entities to submit comments on the scope of the EIR relative to the GPU. For agencies, comments should focus on topics that relate to the agency's statutory responsibilities in connection with the proposed project.

The City requests your input regarding the scope of environmental analysis in order to ascertain potential environmental impacts of the proposed project.

## Introduction

The EIR is intended to be a program-level document that will analyze the environmental effects of the City's proposed 2045 GPU. The purpose of a Program EIR is to allow the lead agency to consider broad policy alternatives and program-wide mitigation measures early in the process when the agency has greater flexibility to address environmental issues. Since no specific development projects are being proposed as part of the update to the City's existing GP, the EIR analysis will focus on the reasonably foreseeable direct and indirect physical environmental effects that could result from the update to the GP. The analysis will compare the net change from existing environmental conditions to those conditions which would result from adoption of the 2045 GPU.

The City's Development Plan (also known as the General Plan) was adopted in 1970. Since then, the City has updated General Plan Elements on an as-needed basis. The following is a list of the elements in the current General Plan and the year that they were updated:

- Conservation Element - 2013
- Forestry Element - 2000
- Housing Element - 2014
- Land Use/Circulation Element Map
- Noise Element - 2000
- Open Space Element - 2013
- Public Buildings Element - 1972
- Safety Element - 2014
- Scenic Highways Element - 1974
- Social Element - 1979

In conjunction with the GPU, the City is also preparing the Climate and Environmental Action Plan (CEAP) that will guide its efforts to reduce emissions of greenhouse gases through 2030 and 2045.

The City of Thousand Oaks began the GPU in 2019. Over a 3-year period, the City conducted an extensive research and community engagement process that included an advisory committee, workshops, online surveys, educational forums and stakeholder meetings. The research and engagement activities provided context for the GPU and ideas to support the vision, goals, and policies. The detailed content of the GPU is currently under development.

The 2045 GPU will ensure that all sections of the GP remain consistent with one another and form a cohesive vision for the city, while addressing the community's evolving needs, challenges, and opportunities. The GPU will provide the context to effectively plan for the



city's future based on an updated set of goals, policies, and implementation actions that reflect the current values and aspirations expressed by the community. Additionally, the update will provide the City with a policy framework to manage future projects and provide for capacity to accommodate the growth and development anticipated to occur in the city for the next 25 years.

### **Project Location**

The City of Thousand Oaks is located at the southeastern edge of Ventura County, bordering Los Angeles County (see Figure 1). The city is within the Conejo Valley and is surrounded by the Mountclef Ridge to the north, Simi Hills to the east, Santa Monica Mountains to the south, and Conejo Mountain to the west. The city is approximately 40 miles northwest of Downtown Los Angeles and approximately 50 miles southeast of city of Santa Barbara. Primary regional east-west access is provided by U.S. Route 101 (US 101), which provides access to the city of Los Angeles and greater Los Angeles County to the east, and the cities of Camarillo and Ventura to the west. State Route 23 (SR23) provides north-south access to the city, to the City of Moorpark to the north and communities in the Santa Monica Mountains and City of Malibu to the south.

The 2045 GPU Planning Area encompasses approximately 56 square miles (35,840 acres), of which 15,250 acres is protected open space (see Figure 2). The city's Sphere of Influence (SOI) contains approximately 1,900 acres within unincorporated Ventura County and is comprised of four clusters of unincorporated "County Islands" which include Casa Conejo, Lynn Road, Rolling Oaks, and Lynn Ranch. According to the California Department of Finance, the estimated population for Thousand Oaks in 2021 was approximately 125,426 residents, with the city growing at a rate of 0.34 percent per year since 2000.

### **Project Description**

The City of Thousand Oaks 2045 GPU articulates the long-term shared community vision for the preservation, enhancement and improvement of the city. It is a long-range plan that directs decision-making and establishes rules and standards for city improvements and new development. The Plan reflects the community's vision for the future and provides direction through the year 2045. The housing element was updated in 2022 and will be included in the GPU. The 2045 GPU will provide the context to effectively plan and manage the city's growth based on an updated set of goals, policies, and implementation actions that reflect the community's values and aspirations for the future. Additionally, the update will equip the City with a policy framework to manage future projects and ensure that there is development capacity to accommodate the anticipated growth to occur in the city for the next 25 years.

As required by California Government Code Section 65302, the GPU will include the eight mandated elements. The GPU includes all required topics in the following elements: Land Use; Mobility; Parks and Open Space; Conservation; Community Facilities and Services; Arts and Culture; Safety; Noise; Governance; and Housing. Goals and policies related to





Environmental Justice and Sustainability are contained throughout several elements of the General Plan. The GPU also includes chapters on the update process and the vision and guiding principles.

These elements will establish policy direction for the City for a range of topics, including but not limited to:

- The use of land in the City
- Housing needs
- Job creation and the provision of commercial services
- Mobility of people, goods, and services
- Public safety and protection from potential hazards as wildland fire, flooding, landslides and seismicity
- Conservation of natural and cultural resources
- Adaptation to climate change and reduction of GHG emissions
- Protection against exposure to excessive noise
- Groundwater management
- Stormwater runoff and pollution controls
- Infrastructure needs such as water supply, sewer and wastewater treatment
- Public services and facilities

The preferred land use map preliminarily endorsed by the City Council is shown on Figure 3.

### **Potential Environmental Impacts to be considered**

The DEIR for the proposed project will focus on the resource areas/issues applicable to this project. The DEIR will evaluate the potentially significant environmental impacts of the GPU and will propose feasible mitigation measures that may lessen or avoid such impacts. As the proposed project does not include any specific construction or development, but rather the potential for land use changes or development to be constructed in the future, the impact analysis will be programmatic and cumulative in nature. The DEIR will evaluate potentially significant environmental effects related to the following environmental issues:

- Aesthetics (Visual Resources)
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire



Significant environmental effects concerning the following environmental issues are not anticipated:

- Agricultural and Forest Resources
- Mineral Resources

The DEIR will also identify and evaluate alternatives to the proposed project that have the potential to alleviate identified impacts.

### **Review and Response Period**

In accordance with CEQA Guidelines Section 15082, this NOP is being circulated for a 30-day comment period. **Pursuant to CEQA Guidelines, Section 15082(b), the City of Thousand Oaks requests that written comments be provided at the earliest possible date, but no later than 30 days from receipt of this notice.**

### **Submittal of Written Comments**

Please send written/typed comments (including a name, email, telephone number, and/or other contact information) electronically or by mail to the following:

City of Thousand Oaks, Community Development Department  
RE: Thousand Oaks 2045 General Plan Update EIR  
ATTN: Iain Holt, AICP Senior Planner  
Planning Division  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362  
Email: [gp@toaks.org](mailto:gp@toaks.org)

### **Scoping Meeting**

Pursuant to California Public Resources Code Section 21083.9 and California Code of Regulations, Title 14, Chapter 3, CEQA Guidelines Section 15082, the City as the Lead Agency for the project, will conduct a scoping meeting for the purpose of soliciting oral and written comments from interested parties requesting notice, responsible agencies, agencies with jurisdiction by law, trustee agencies, and involved federal agencies, as to the appropriate scope and content of the DEIR. The Scoping Meeting is for information-gathering and is not a public hearing. No decisions about the project will be made at the Scoping Meeting.

Rather than conducting an in-person meeting, the Governor's Executive Order N-25-20 allows local governments to hold meetings via teleconferencing while still meeting State transparency requirements. Therefore, the project's Scoping Meeting will be held online, through a webinar type format (Zoom). The date, time, and website of the project's Scoping Meeting are as follows:

**Date and Time:** Thursday, June 23, 2022 at 6:00 p.m.

**Zoom Scoping Meeting:** Register in advance for this webinar: [toaks.co/nopscope](https://toaks.co/nopscope).

The City will consider all written comments regarding the potential environmental effects of the project received during the NOP public review period. All written comments received will be reviewed and considered by the City as part of the environmental analysis of the proposed project and will become a part of the public record for the EIR.

**Accommodations**

As a covered entity under Title II of the Americans with Disabilities Act, the City of Thousand Oaks does not discriminate. Closed captioning and translation between English and Spanish languages will be provided. Other assistive services may be provided upon request. To ensure availability of other services, please make your request no later than three working days (72 hours) prior to the meeting by contacting Iain Holt at (805) 449-2314 or [gp@toaks.org](mailto:gp@toaks.org)

**ALL INTERESTED PARTIES ARE INVITED TO ATTEND THE PUBLIC SCOPING MEETING TO ASSIST IN IDENTIFYING ISSUES TO BE ADDRESSED IN THE EIR. ATTENDEES WILL HAVE AN OPPORTUNITY TO PROVIDE INPUT TO THE CONSULTANTS PREPARING THE EIR.**



Iain Holt, AICP, Senior Planner  
Community Development Department

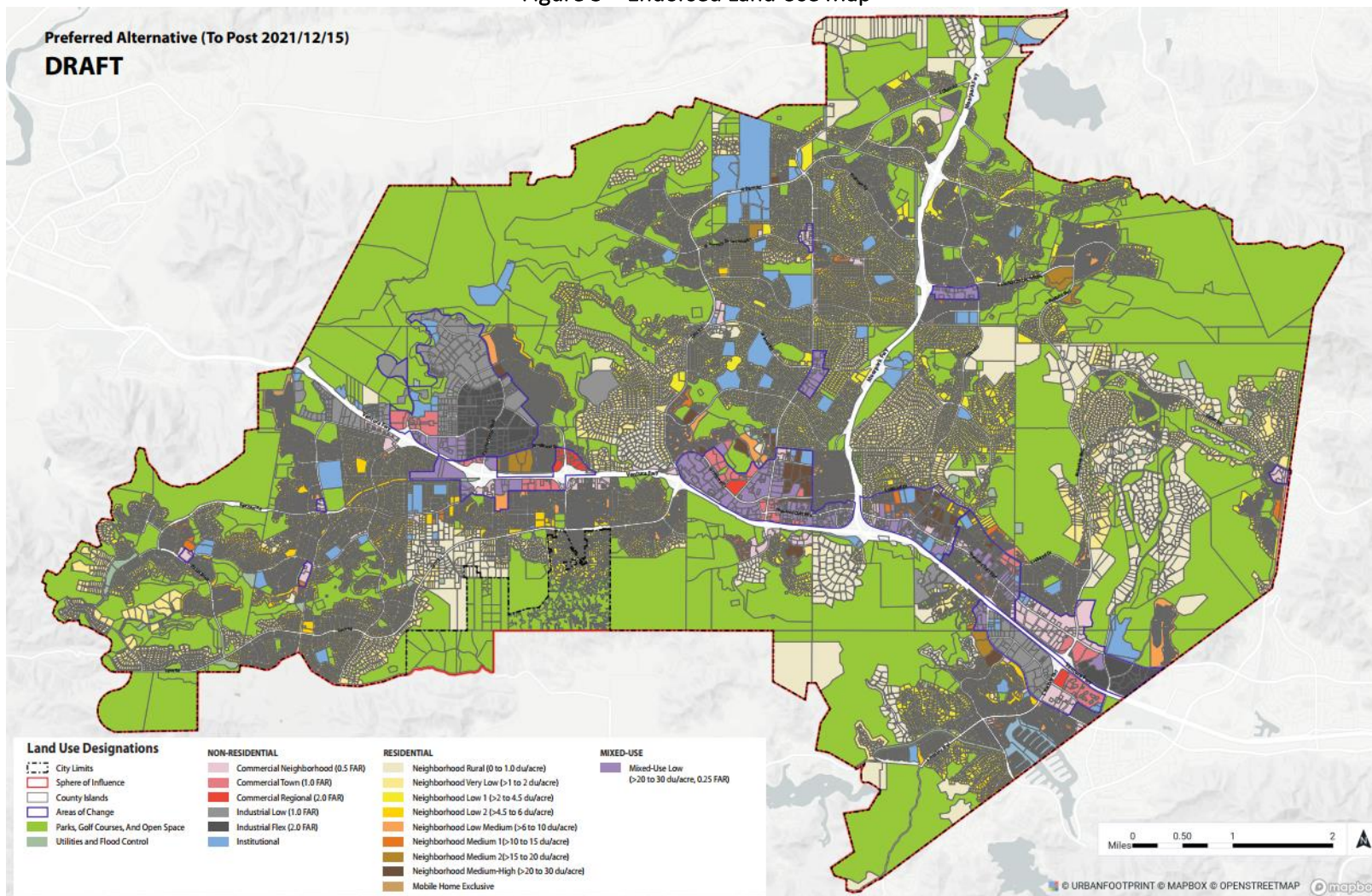








Figure 3 – Endorsed Land Use Map



## Re: Thousand Oaks 2045 General Update- Background questions

Iain Holt <IHolt@toaks.org>

Thu 6/23/2022 1:46 PM

To: Castanon, Angela@Wildlife <Angela.Castanon@Wildlife.ca.gov>

Cc: achoudhuri@rinconconsultants.com <achoudhuri@rinconconsultants.com>; General Plan <GP@toaks.org>

Hello Angela,

This is the first time Thousand Oaks has taken on comprehensively updating the General Plan in 50 years. In terms of potential changes to biological resources and land use, one thing to note that the open space designations under the current General Plan map remain protected under new proposed land use map. Also the policies that are contained in the Open Space and Conservation Elements will be used as framework to address policies towards biological resources when evaluating projects. Information on the current General Plan (including the Open Space and Conservation Elements) can be found here: <https://www.toaks.org/departments/community-development/planning/general-plan> and current land use map can be viewed here: <https://www.toaks.org/home/showpublisheddocument?id=34379>. The proposed TOAKS 2045 land use map can be found here: <https://www.toaks2045.org/landusealts> as well as background reports.

The Climate and Environmental Action Plan will be a separate policy/implementation document that for policies in the General Plan that relate to sustainability and climate change. More information can be found here: <https://www.toaks.org/departments/public-works/sustainability/climate-action-planning>. The environmental effects of the CEAP will be evaluated once the analysis of the plan is included in the EIR. Generally, Climate Action Plans function as a mitigation measure in regards to GHG emissions.

Regards,

Iain Holt

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**From:** Castanon, Angela@Wildlife <Angela.Castanon@Wildlife.ca.gov>

**Sent:** Thursday, June 23, 2022 11:15 AM

**To:** Iain Holt <IHolt@toaks.org>

**Cc:** achoudhuri@rinconconsultants.com <achoudhuri@rinconconsultants.com>

**Subject:** Thousand Oaks 2045 General Update- Background questions

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Holt,

I am the CEQA reviewer for the California Department of Fish and Wildlife for Ventura County. I was looking over the City of Thousand Oaks 2045 General Plan posting and I was hoping someone could provide me with a little more background on the plan. Could you shed some light on what prospective changes/updates are planned for the Update in regards to biological resources/land use? Additionally, would it be possible to get the current land use map for the City so that I may see it side by side to the map provided in the NOP document?

It also mentions the City will evaluate environmental effects associated with the City's Climate and Environmental Action Plan, would you be able to provide some background on this document and how it will relate to the General Plan? Thank you for any assistance, I hope this email finds you well!





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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San Diego, CA 92123  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



July 6, 2022

Iain Holt  
City of Thousand Oaks  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362  
[IHolt@toaks.org](mailto:IHolt@toaks.org)

**Subject: Thousand Oaks General Plan Update, Notice of Preparation,  
SCH No. 2022060087; City of Thousand Oaks, Ventura County**

Dear Mr. Holt:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Thousand Oaks (City) for the Thousand Oaks General Plan Update and the Climate and Environmental Action Plan (CEAP), collectively and herein referred to as the "Project." Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust for the people of the state [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, [§ 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). CDFW is also directed to provide biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). To the extent implementation of the Project as proposed may result in "take" of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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## Project Description and Summary

**Objective:** The City is preparing the DEIR to comply with California State Government Code, section 65302, which requires each city to adopt a comprehensive, long-term general plan for the physical development of their community and provide a list of topics that must be addressed. The Project's list of topics include: Land Use; Circulation; Housing; Economic Development; Open Space, Parks, and Recreation; Conservation; Safety; and Noise. As part of the DEIR, the City will also assess potential environmental impacts associated with their CEAP, including strategies to reduce greenhouse gas (GHG) emissions. The DEIR will be used as a long-term planning tool, which subsequent, future projects may tier from.

**Location:** The Project would apply to the geographic limits of the City of Thousand Oaks, which is located at the southeastern edge of Ventura County within the Conejo Valley. The City is surrounded by Mountclef Ridge to the north, Simi Hills to the east, Santa Monica Mountains to the south, and Conejo Mountain to the west. The Project area encompasses approximately 56 square miles (35,840 acres), of which 15,250 acres is protected open space. The City also contains approximately 1,900 acres of unincorporated Ventura County, which is comprised of four clusters: Casa Conejo, Lynn Road, Rolling Oaks, and Lynn Ranch.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

## COMMENTS AND RECOMMENDATIONS

### Specific Comments

1) Climate and Environmental Action Plan. The City will analyze potential environmental impacts associated with the Project as part of the DEIR. As part of this analysis, CDFW recommends the City analyze how projected climate change will affect biological resources within the Project footprint. Future proposed projects (that tier off of the Project) should consider climate variability and change throughout all phases of the project(s), from initial project design through operations and maintenance. Increased habitat and/or species vulnerability due to climate change includes (but is not limited to) the following stressors:

- a. Shifting fire frequency;
- b. Drought impacts;
- c. Shifts in vegetation types and distribution;
- d. Increased temperatures;
- e. Increased duration and frequency of heat waves;
- f. Fog reduction or marine layer coverage; and,
- g. Reduction in elevational or spatial habitat buffers from the effects of climate change.

The following are 1) examples of impacts to habitats and wildlife likely to occur as a result of climate change and 2) types of analysis CDFW recommends the City incorporate into their CEAP/DEIR to accurately capture these long-term impacts:

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- a. CDFW recommends the City analyze how projected climate conditions will affect special status plant and animal species distribution within the City (e.g., range, distribution, changes in habitat acreage, and loss of resources). These determinations should aid the City in determining and developing appropriate avoidance, minimization, and mitigation measures.
- b. CDFW suggests the City analyze shrinking wetted habitats (e.g., marshes, wetlands, and riparian areas within the City) as a result of climate change. Future climate projections indicate higher temperatures, higher evaporation rates, and less frequent but more intense rain fall events are expected (Oakley 2019). These conditions will likely be exacerbated by greater water needs, increased energy use, and slower ground water recharge. Marsh, wetland, and riparian habitats provide important food, nesting habitat, cover, and/or migration corridors for wildlife (see Specific Comments 8 & 9). The City should determine the rate at which these habitats are contracting in relation to future climate projections and resource use. Considerations should be made for surface water levels, water temperature, and shifts in vegetation types and distribution.
- c. CDFW recommends the City analyze how projected climate conditions will affect wildlife connectivity, habitat fragmentation, critical habitats, and open spaces within the City and adjacent habitats (see Specific Comment 2 & 3). Projected climate-driven faunal movement routes and changes to existing vegetation types over time should be considered. Food and water sources, migration routes, breeding, and sheltering areas that may be disconnected as a result of the Project and/or climate change should be considered when developing mitigation concepts.

Conserving habitats and maintaining linkages between habitats may facilitate geographic shifts by species to higher elevations in response to climatic and temperature changes. Regional linkages of connected, preserved lands promote habitat and species resilience and reduce stressors associated with climate change, expanding urbanization, and invasive species. Enhancing species resiliency to changing environmental stressors may aid in preventing or reducing local extirpation.

The City should also determine what species will be most affected by the loss of habitat and diminishing linkage areas associated with projected climate conditions. The DEIR should include land use strategies within the planning areas that complement existing linkages and expand native habitat abundance and diversity. Preliminary suggestions include but are not limited to: enhancing riparian areas and other open space areas; preserving, enhancing, and increasing urban habitats; and assessing culverts, bridges, underpasses, and other structures for connectivity potential/improvements.

2) Sensitive Habitats and Open Space Sites. Sensitive habitats/open space in the Project area are present in the form of parks and reserves, including, but not limited to; Banyan Park, Lynn Oaks Park, Spring Meadow Park, El Parque de la Paz, Old Meadows Park, Triunfo Park, Evenstar Park, Oak Canyon Community Park, Sunset Hills Park, Arroyo Conejo Open Space, Los Robles Open Space, Lang Ranch Open Space, North Ranch Open Space, Conejo Ridge Open Space, and all open spaces labeled *Parks, Golf Courses, and Open Space* within Figure 3 of the NOP titled *Endorsed Land Use Map*.

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- a. CDFW recommends the City analyze and discuss the Project's direct and indirect impacts on sensitive habitats/open space within the Project area. The Project (and subsequent projects) could result in loss of sensitive habitats/open space due to fuel modifications and introduction of non-native, invasive plants facilitated by the Project. The DEIR should disclose the acreage of sensitive habitats and open space that would be lost as a result of any subsequent development from the proposed Project, including all areas subject to fuel modifications and grading to accommodate development. CDFW also recommends the City analyze and discuss the Project's potential impacts on conserved lands adjacent to the Project area.
- b. CDFW recommends the Project avoid developing and encroaching onto sensitive habitats/open space. Encroachment onto sensitive habitats/open space creates an abrupt transition between two different land uses. Encroachment onto sensitive habitats/open space could affect environmental and biological conditions and increase the magnitude of edge effects on biological resources. CDFW recommends the DEIR provide alternatives to the Project that would not result in conversion of sensitive habitats/open spaces into developed areas. CDFW also recommends the DEIR provide alternatives that would not encroach onto sensitive habitats/open spaces, particularly conservation easements. Pursuant to CEQA Guidelines (CEQA Guidelines, §15126.6), a DEIR "shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasible attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives." Furthermore, a DEIR "shall include sufficient information about alternatives to allow meaningful evaluation, analysis, and comparison with the proposed project" (CEQA Guidelines, § 15126.6).
- c. If avoidance is not feasible, CDFW recommends the DEIR provide measures to mitigate for impacts to sensitive habitats/open spaces. There should be no net loss of sensitive habitats/open spaces. CDFW recommends the DEIR provide measures where any future development facilitated by the Project mitigates (if avoidance is infeasible) for Project-level impacts on sensitive habitats/open spaces not previously identified in the DEIR. CDFW recommends the DEIR provide a measure where any future development facilitated by the Project establishes unobstructed vegetated buffers and setbacks. The DEIR should provide standards for an effective buffer and setback; however, the buffer and setback distance should be increased at a project-level (as needed). The DEIR should provide justifications for the effectiveness of all proposed mitigation measures. The DEIR should provide sufficient information and disclosure to facilitate meaningful public review, analysis, and comment on the adequacy of proposed mitigation measures to offset Project-related impacts on sensitive habitats/open spaces.

3) Impacts on Wildlife Corridors and Habitat Connectivity. According to the California Essential Habitat Connectivity dataset available in BIOS, the Project area supports continuous natural habitat blocks along the eastern side of the City. These areas support native biodiversity and areas essential for ecological connectivity (CDFWa 2022). Additionally, according to the Ventura County's GIS viewer, sections of the Santa Monica-Sierra Madre wildlife corridor overlap with the City of Thousand Oaks along northern, eastern, and western borders (Ventura County 2022). This corridor is especially valuable because it is one of the few coastal to inland connections remaining in the South Coast ecoregion (South Coast Wildlands 2008). The Project

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could impact the ecological integrity and function of wildlife corridors and steppingstones supporting resident and transient wildlife movement. Habitat fragmentation could threaten the viability of remaining natural resources. Maintaining wildlife corridors and habitat connectivity is essential for wildlife survival and is increasingly important considering habitat loss and climate change (see Specific Comment 1).

- a. CDFW recommends the City analyze whether the Project would impact wildlife corridors (see Specific Comment 1-c & General Comment 4-b). Impacts include (but are not limited to) habitat loss and fragmentation, narrowing of a wildlife corridor, and introduction of barriers to wildlife movement. CDFW recommends such an analysis be supported by studies to document wildlife activity and movement through Project areas where development is proposed. Technical detail such as data, maps, diagrams, and similar relevant information should be provided to permit full assessment of significant environmental impacts by reviewing agencies and members of the public (CEQA Guidelines, §15147).
- b. CDFW recommends the Project avoid developing and encroaching onto wildlife corridors. A minimum half-mile buffer is recommended around wildlife corridors to maintain the integrity of these connectivity areas. If avoidance is not feasible, CDFW recommends the DEIR provide measures to mitigate for the Project's significant impacts on wildlife corridors (see General Comments 8 & 9). CDFW also recommends the DEIR provide measures where any future development facilitated by the Project mitigates (if avoidance is infeasible) for Project-level impacts on wildlife corridors not previously identified in the DEIR.

Within the City of Thousand Oaks, the 101 freeway and State Route 23 create two major impediments to wildlife movement into Simi Hills and the Santa Susana Mountains (South Coast Wildlands 2008). CDFW recommends an evaluation of crossing structures (culverts, bridges, and overpasses) which may provide habitat connectivity and wildlife passage. Evaluation criteria can include presence of vegetation, light visibility at entrances, openness ratio, and suitable habitat nearby. These evaluations and criteria have been used by the Ventura County Planning Division (along with other agencies) in an effort to delineate wildlife corridors along the South Coast. The City may consider consulting Caltrans, the Ventura County Planning Division, CDFW, South Coast Wildlands, or the National Park Service (NPS) to implement methodologies to more effectively protect wildlife corridors. Improvements to urbanized linkage structures can include cleaning tunnels and culverts of sediment build up in conjunction with installing wildlife-proof fencing with escape gates to direct wildlife towards culverts and overpasses (South Coast Wildlands 2008). Additional information regarding wildlife corridor management practices can be found at <https://vcrma.org/en/biological-resources>. Moreover, project(s) planning should incorporate wildlife passage into early design.

4) Sensitive Bird Species. A review of the California Natural Diversity Database (CNDDDB) indicates nearby occurrences of special status bird species including: coastal California gnatcatcher (*Poliophtila californica var. californica*); CESA-listed and Endangered Species Act (ESA)-listed least Bell's vireo (*Vireo bellii pusillus*); Species of Special Concern (SSC) yellow warbler (*Setophaga petechia*); ESA-listed willow flycatcher (*Empidonax traillii*); fully protected white-tailed kite (*Elanus leucurus*); CESA-listed and SSC tricolored blackbird (*Agelaius tricolor*);



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and SSC yellow warbler (*Setophaga petechia*). Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, nestlings, or nest abandonment in trees and shrubs directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.

- a. CDFW recommends that measures be taken to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).
- b. Activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season, which generally runs from February 15 through August 31 (as early as January 1 for some raptors), to avoid take of birds or their eggs.

5) Loss of Bird and Raptor Nesting Habitat. The biggest threat to birds is habitat loss and conversion of natural vegetation into another land use such as development (e.g., commercial, residential, industrial). Urban forests and street trees, both native and some non-native species, provide habitat for a high diversity of birds (Wood and Esaian 2020). Several prospective Projects within the City will result in the removal of native, protected, and non-native trees. Some species of raptors have adapted to and exploit urban areas for breeding and nesting (Cooper et al. 2020). For example, raptors (*Accipitridae*, *Falconidae*) such as red-tailed hawks (*Buteo jamaicensis*) and Cooper's hawks (*Accipiter cooperii*) can nest successfully in urban sites. Red-tailed hawks commonly nest in ornamental vegetation such as eucalyptus trees (Cooper et al. 2020). According to eBird, there are multiple observations of red-tailed hawks and Cooper's hawks throughout the City.

- a. CDFW recommends the DEIR provide measures where future development facilitated by the Project avoids removal of any native trees, large and dense-canopied native and non-native trees, and trees occurring in high density (Wood and Esaian 2020). CDFW also recommends avoiding impacts to understory vegetation (e.g., ground cover, subshrubs, shrubs, and trees).
- b. If impacts to trees cannot be avoided, trees should be replaced to compensate for the temporal and permanent loss of habitat within a Project site. Depending on the status of the species impacted, replacement habitat should increase with the occurrence of a California SSC. Replacement habitat acreage should further increase with the occurrence of a CESA-listed species.
- c. CDFW recommends planting native tree species preferred by birds. This includes coast live oak (*Quercus agrifolia*) and California sycamore (*Platanus racemosa*) (Wood and Esaian 2020). CDFW recommends Audubon Society's Plants for Birds for more information on selecting native plants and trees beneficial to birds (Audubon Society 2022).

6) Bats. Numerous bat species are known to roost in trees and structures throughout Ventura County (Remington and Cooper 2014). In urbanized areas, bats use trees and man-made

Mr. Iain Holt  
City of Thousand Oaks  
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structures for daytime and nighttime roosts. Accordingly, CDFW recommends the DEIR provide measures where future development facilitated by the Project avoids potential impacts to bats.

- a. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs., § 251.1). Project(s) construction and activities, including (but not limited to) ground disturbance, vegetation removal, and any activities leading to increased noise levels may have direct and/or indirect impacts on bats and roosts.
- b. CDFW recommends project level, biological-resource surveys provide a thorough discussion and adequate disclosure of potential impacts to bats and their roosts associated with Project construction and activities including (but not limited to) ground disturbance (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal. If necessary, to reduce impacts to less than significant, a project-level environmental document should provide bat-specific avoidance and/or mitigation measures [CEQA Guidelines, § 15126.4(a)(1)].

7) Crotch's Bumble Bee. CDFW recommends the DEIR discuss the Project's potential impacts on Crotch's bumble bee (*Bombus crotchii*). Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare. Crotch's bumble bee has a very restricted range and steep population declines make the species vulnerable to extirpation from the State. Crotch's bumble bee is listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority (CDFWb 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of Crotch's bumble bee could require a mandatory finding of significance by the City or a project proponent (CEQA Guidelines, § 15065).

8) Lake and Streambed Alteration (LSA) Agreements. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to Fish and Game Code, section 1600 *et seq.* CDFW's issuance of a Lake and Streambed Alteration (LSA) Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's Lake or Streambed Alteration Program webpage for information about LSA Notification (CDFWc 2022).

- a. The Project area supports aquatic, riparian, and wetland habitats. A preliminary delineation of the streams and their associated riparian habitats should be included in the environmental document. The delineation should be conducted pursuant to the U.S. Fish and Wildlife Service (USFWS) wetland definition adopted by CDFW (Cowardin et al. 1970). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401

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Certification.

- b. In Project areas which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes. Therefore, CDFW recommends effective setbacks be established to maintain appropriately sized vegetated buffer areas adjoining ephemeral drainages. The environmental document should provide a justification for the effectiveness of the chosen distance for the setback.
- c. Project-related changes in upstream and downstream drainage patterns, runoff, and sedimentation should be included and evaluated in the environmental document.

9) Wetlands Resources. CDFW, as described in Fish and Game Code, section 703(a), is guided by the Fish and Game Commission's policies. The Wetlands Resources policy (<http://www.fgc.ca.gov/policy/>) of the Fish and Game Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

- a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, the Project must include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to on-site and off-site wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
- b. The Fish and Game Commission's water policy guides CDFW on the quantity and quality of the waters of the State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of the State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and



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structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & Game Code, § 5650).

10) Tree Disease Management Plan. Project activities may include tree removal and new trees as a part of landscaping activities. This may have the potential to spread tree pests and diseases throughout the Project site and into adjacent habitat not currently exposed to these stressors. Pests and diseases include (but are not limited to): sudden oak death (*Phytophthora ramorum*), thousand canker fungus (*Geosmithia morbida*), Polyphagous shot hole borer (*Euwallacea* spp.), and goldspotted oak borer (*Agrilus auroguttatus*) (Phytosphere Research 2012; TCD 2020; UCANR 2020; UCIPM 2013). This could result in expediting the loss of native trees and woodlands. CDFW recommends the DEIR include an infectious tree disease management plan or a list of preventative measures, developed in consultation with an arborist, to describe how it will be implemented to avoid or reduce the spread of tree insect pests and diseases.

11) Landscaping. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the DEIR stipulate that no invasive plant material be used. Furthermore, we recommend using native, locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found at <https://www.cal-ipc.org/solutions/prevention/landscaping/>. Likewise, CDFW recommends non-hybridized varieties of native plants.

## General Comments

1) Disclosure. A DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed Project is likely to have on the environment (Public Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the appropriateness of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

2) Biological Baseline Assessment. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. The DEIR should include the following information:

- a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity.  
<https://www.wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities>;

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- b. A complete floristic assessment within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a thorough, recent, floristic-based assessment of special status plants and natural communities based on *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFWc 2018);
- c. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. The Manual of California Vegetation (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer, 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off-site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
- d. A complete, recent, assessment of the biological resources associated with each habitat type on-site and within adjacent areas that could also be affected by the Project. CDFW's CNDDDB in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>;
- e. The DEIR should provide columns for each element and approximate acres potentially impacted by critical habitat type. CDFW recommends using "None" or the number zero to indicate no impacts and, provide a brief discussion why there would be no impacts to demonstrate that impacts were evaluated;
- f. A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on-site and within the area of potential effect, including California SSC and California Fully Protected Species (Fish & Game Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the United States Fish and Wildlife Service (USFWS);
- g. A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to two years as long as there was not a prevailing drought during the time of the botanical survey. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases; and
- h. Presence/absence determinations of wildlife and rare plants in the Project area, specifically areas that would be impacted due to Project implementation (e.g., existing facilities), should be determined based on recent surveys. CDFW recommends the DEIR provide any recent survey data.

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3) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental impact report shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.

- a. Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Public Resources Code, § 21081.6(b); CEQA Guidelines, §§ 15126.4, 15041). A public agency shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures (Public Resources Code, § 21081.6). CDFW recommends that the City prepare mitigation measures that are specific, detailed (e.g., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Public Resources Code, § 21081.6). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.
- b. Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the environmental document should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the environmental document should provide an adequate, complete, and detailed disclosure about a project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

4) Biological Direct, Indirect, and Cumulative Impacts. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR:

- a. A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address Project-related changes on drainage patterns and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
- b. A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & Game Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;

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- c. An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
- d. A cumulative effects analysis, as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

5) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & Game Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project's CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

6) Moving out of Harm's Way. The proposed Project may result in impacting habitats on and/or adjacent to the Project site that may support wildlife. To avoid direct mortality, CDFW recommends that a qualified biological monitor approved by CDFW be on-site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity shall obtain all appropriate state and federal permits.

7) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from a project site and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.

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8) Compensatory Mitigation. An environmental document should include mitigation measures for adverse Project related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

9) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, an environmental document should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

10) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:

- a. A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,
- b. A range of feasible alternatives to the Project's location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. Potential impacts to wildlife movement areas should also be evaluated, avoided, or mitigated consistent with applicable requirements of the City's sub-area plan (SAP).

11) Alternative Energy. Review of future proposed large-scale wind or solar projects should consider potential harmful impacts to birds and bats that might result from a variety of causes, such as: injury and mortality from collision with wind turbines, solar panels or mirrors, guy wires, and fencing. The potential effects of project features such as roadways and fences on predator avoidance should be analyzed. Project plans should incorporate established standards for setbacks, height restrictions to minimize impacts to avian and bat species in locations in proximity to sensitive habitat lands including wildlife concentration points. Projects should consider strategies for deterrence of birds and bats from the area, such as anti-perching mechanisms, sound deterrents, and modification of night lighting to be less attractive to insects and thus foraging birds and bats. Proposed wind projects should consider the California Energy Commission and CDFW's "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development."

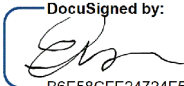


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## Conclusion

We appreciate the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Angela Castanon, Environmental Scientist, at [Angela.Castanon@wildlife.ca.gov](mailto:Angela.Castanon@wildlife.ca.gov)

Sincerely,

DocuSigned by:  
  
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Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW  
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Office of Planning and Research  
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## VENTURA LOCAL AGENCY FORMATION COMMISSION

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July 7, 2022

SENT VIA E-MAIL

Iain Holt, Senior Planner  
Community Development Department  
City of Thousand Oaks  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the City of Thousand Oaks 2045 General Plan Update (GPU)

Dear Mr. Holt:

Thank you for providing the Ventura Local Agency Formation Commission (LAFCo) the opportunity to provide comments regarding the NOP for the 2045 General Plan Update for the City of Thousand Oaks. The comments provided in this letter are solely those of LAFCo staff; they do not reflect determinations made by the Commission.

While LAFCo is not a responsible agency under the California Environmental Quality Act (CEQA) with regard to adoption of the General Plan Update, it would be a responsible agency for any future proposals that require LAFCo action (e.g., within the area covered by the General Plan). LAFCo may rely on the City's environmental document for proposed boundary changes (such as annexations to the City), amendments to the sphere of influence<sup>1</sup> for the City, and/or Out-of-Agency Service Agreements (OASAs) for the provision of new or extended municipal services such as water and sewer service; therefore, the EIR should acknowledge that future LAFCo action would be necessary in order for the City to provide new or extended services.

### Project Description

The project involves an update to the City's General Plan, described in the City's NOP as follows:

*The City of Thousand Oaks 2045 GPU articulates the long-term shared community vision for the preservation, enhancement and improvement of the city. It is a long-range plan that directs decision-making and establishes rules and standards for city improvements and new development. The Plan reflects the community's vision for the future and provides direction through the year 2045. The housing element was updated in 2022 and will be included in the GPU. The 2045 GPU will provide the context to effectively plan and manage the city's growth based on an updated set of goals, policies, and*

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<sup>1</sup> A sphere of influence is defined in Government Code § 56076 as the probable physical boundary and service area of a local agency, as determined by the Commission. Established communities that are currently located within the City's sphere of influence, but outside the City's municipal boundaries, include the areas known as Casa Conejo, Lynn Ranch, Rolling Oaks, Ventu Park, and Kelley Estates.



*implementation actions that reflect the community's values and aspirations for the future. Additionally, the update will equip the City with a policy framework to manage future projects and ensure that there is development capacity to accommodate the anticipated growth to occur in the city for the next 25 years.*

The General Plan Update is expected to include eight mandated elements: Land Use; Mobility; Parks and Open Space; Conservation; Community Facilities and Services; Arts and Culture; Safety; Noise; Governance; and Housing, all of which will direct the long-range vision for the City. The NOP includes a proposed land use map, which is identified as the "Preferred Alternative."

### Purpose of LAFCo

LAFCo's purposes are to (1) discourage urban sprawl, (2) preserve open space and prime agricultural land, (3) ensure efficient provision of government services, and (4) encourage the orderly formation and development of local agencies, such as cities (Government Code § 56301). LAFCo implements its mission in part through its actions related to local agencies' requests for boundary changes and service provision.

### Water Service

The City provides public water service within portions of its jurisdictional area, as well as within certain surrounding unincorporated areas. The City's water service area is depicted in Figure 2-1 of its 2020 Urban Water Management Plan, which includes the Ventu Park community and reflects the former service area of Ventura County Waterworks District No. 6 (VCWD 6). LAFCo recognizes that the City is authorized to provide water service in the historical service area of VCWD 6, based on documentation of the merger of the City and VCWD 6 (Chapter 434 of Statutes, July 8, 1969), and thus LAFCo is not required to take action on water service provision involving the former jurisdictional area of VCWD 6. LAFCo approval is required for any water service outside the City that is not already authorized as a result of the merger of the City and VCWD 6), pursuant to Government Code Section 56133. The utilities section of the subject EIR should include a discussion of the circumstances that allow the City to provide water service within some areas outside of its municipal boundaries.

### Wastewater Service

Unlike the historical conditions that enable specific territory outside the City to be provided water service without the requirement for approval by LAFCo, all new and extended sewer service by the City outside its jurisdictional boundaries is required to be authorized by LAFCo. In many cases, new or extended sewer service by the City may be authorized, provided that such service occurs in anticipation of a future change of organization (i.e., annexation to the City), pursuant to Government Code Section 56133.

### Thousand Oaks Area Plan

The Thousand Oaks Area Plan is a component of the Ventura County General Plan, and serves to “refine the policies of the general plan” as they apply to 12 planning sub-areas of Thousand Oaks. The Area Plan was prepared in partnership with the City, and was adopted by the Ventura County Board of Supervisors on March 24, 1992. City Planning staff should coordinate with the County to ensure that the policies of the Area Plan and the City’s updated General Plan continue to be mutually supportive. Additionally, the City should consider, as part of the GPU, initiating efforts to complete two implementation programs contained within the Area Plan that are relevant to potential LAFCo actions within the City’s sphere of influence:

*Implementation Program E – Sewer Infrastructure Master Plan Assessment District  
The County shall encourage the City of Thousand Oaks to form an assessment district to master plan and construct needed sewer infrastructure in urban and rural neighborhoods where such services are deficient (e.g., Ventu Park).*

*Implementation Program L – Water Delivery Infrastructure Planning  
The County shall encourage the City of Thousand Oaks to form an assessment district to master plan and construct needed water delivery infrastructure in urban and rural residential neighborhoods where such services are deficient (e.g., Ventu Park).*

### Guidelines for Orderly Development

Section 3.2.4.3 of the Ventura LAFCo Commissioner's Handbook states:

*LAFCo encourages proposals that involve urban development or that result in urban development to include annexation to a city wherever possible. In support of this policy LAFCo has adopted Guidelines for Orderly Development, the policies of which are incorporated by reference.*

The Guidelines for Orderly Development (Guidelines) have been adopted by LAFCo, the County, and all Ventura County cities. The Guidelines are intended to facilitate the orderly planning and development of Ventura County, in part, by: “Promoting efficient and effective delivery of community services for existing and future residents.” One of the General Policies of the Guidelines provides: “Urban development should occur, whenever and wherever practical, within incorporated cities which exist to provide a full range of municipal services and are responsible for urban land use planning.” The Guidelines contain policies that are specific to land within city spheres of influence, which: (1) establish the City as the primary land use authority and municipal service provider, and (2) identify that land should be annexed to the City prior to it being developed for urban purposes or receiving municipal services.

LAFCo has historically accommodated development of land within the Ventu Park area through approval of OASAs for water and/or sewer service. These OASAs have supported development of single-family residential development within the City’s sphere of influence in cases where

annexation to the City was infeasible due to lack of contiguity, but in anticipation of annexation, consistent with the provisions of Government Code Section 56133.

Plan for Annexation of Ventu Park Community to the City of Thousand Oaks

The City's "Preferred Alternative" map establishes land uses for all areas within the City's jurisdictional area and sphere of influence. As discussed above, LAFCo routinely processes OASA applications submitted by the City to accommodate water and/or sewer service provision to properties for new residential development within unincorporated communities surrounding the City, primarily within Ventu Park.<sup>2</sup> OASAs within the City's sphere can only be approved by LAFCo "in anticipation of a later change of organization" (e.g., annexation to the City), pursuant to the provisions of Government Code Section 56133. Therefore, as part of the GPU, the City should develop a plan for eventual annexation of the unincorporated Ventu Park community to the City.

Request for Notice of Availability of Draft EIR

LAFCo staff requests to be notified when the draft EIR is available for review, and will provide further comments at that time, if necessary.

Thank you again for the opportunity to comment. Please contact me if you have any questions.

Sincerely,



Andrea Ozdy  
Deputy Executive Officer

c: Kelvin Parker, City of Thousand Oaks Community Development Department

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<sup>2</sup> Twelve of the 13 LAFCo-approved OASAs within the Ventu Park area have been authorized since 2015. At least two dozen additional water and/or sewer connections for development have been granted by the City since 2001, but without the necessary authorization by LAFCo pursuant to Government Code Section 56133.

General Plan Update EIR Scoping Meeting  
Chuck Cohen <ccohen@cohenlanduselaw.com>  
Thu 6/23/2022 6:38 PM  
To:

- General Plan <GP@toaks.org>

Cc:

- Thomas Cohen <tcohen@cohenlanduselaw.com>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Iain,

Had you folks on my screen, but unable to navigate audibly from there. That's on me.

Presentation was well produced and appeared comprehensive and competent.

Two points:

1. Didn't see an Economic Impact element
2. Many property owners throughout the City, but mostly along the Freeway corridor, have interest in integration of their land among the sites identified for revised land use designation. As a result, the earlier the FEIR becomes ready for certification, the better---hopefully within the next 12 months.

Best,

Chuck

## more homes & businesses

Christine Cyran <christad3@verizon.net>

Tue 6/7/2022 10:57 AM

To: General Plan <GP@toaks.org>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I did not move out of Los Angeles to once again be faced with building after building after building. I moved here for the open space. We have enough shopping centers, stores and office buildings, many of them sitting vacant. Reuse those. We have limited water supply yet every time I turn around there is some kind of new construction going on.

Christine Cyran  
91362

## General Plan Amendment

Christina Duffy <cduffydesigns@gmail.com>

Tue 6/7/2022 8:47 AM

To: General Plan <GP@toaks.org>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am all for high density mixed use in our little town. Here are my concerns:

Without the proper transportation infrastructure, these high density units add more cars on our local streets/roads and city commuters on the 101, both of which are already crowded.

Where are the plans to make the city truly bike and pedestrian friendly? What is the "city center"? If 51% of our current residents already work here in the area, where is the plan to get them on city transit and bikes to work? I wish this was something you would look at seriously. There are many places that have accomplished this (Culver City comes to mind) and I believe this is the future.

I am a recreational bike rider and I do not feel safe on the 3 foot wide bike lanes in our city. I don't even feel safe trying to actually measure them to show you they are too narrow in most places or I will be hit by a car flying by. I would love to be able to walk or bike to the grocery store safely or run errands. I believe there IS a way and I wish the City would at least make a real effort.

Please work closely with the transportation planning department when amending our general plan to make this required density a model for other cities to emulate.

Thank you.

P.S....where are the truly affordable units. That's another conversation.

Christina Duffy  
TO since 1992

Sent from my iPhone

To: Iain Holt, Senior Planner, AICP  
Community Development Department, Planning Division  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362

From: Mic Farris

Date: July 3, 2022

Subject: Comments regarding the Notice of Preparation of the City of Thousand Oaks 2045 General Plan Update Draft Environmental Impact Report

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## Overview

Below are comments to be addressed in the preparation of the Draft Environmental Impact Report (DEIR). Main topic areas include:

- Evaluation of a Reduced Scope Alternative
  - Sufficient Impact Analysis and Disclosure to the Public
  - Voter Approval Requirements of Amendments to the Land Use Element
  - Additional Environmental Topics
- 
- 

## Evaluation of a Reduced Scope Alternative

According to CEQA Guidelines, an Environmental Impact Report (EIR) "shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation."<sup>1</sup>

As noted in the Notice of Preparation, "the City conducted an extensive research and community engagement process that included an advisory committee, workshops, online surveys, educational forums and stakeholder meetings."<sup>2</sup>

In early 2021, a Land Use Alternatives Briefing Book ("Briefing Book") was presented comprising "a summary of and background for three land use alternatives" which "were

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<sup>1</sup> CEQA Guidelines § 15126.6(a).

<sup>2</sup> Memo to State Clearinghouse, Responsible Agencies, Trustee Agencies, Interested Parties, "Subject: Notice of Preparation and Public Scoping Meeting for the City of Thousand Oaks 2045 General Plan Update Draft Environmental Impact Report," June 7, 2022, p 2.

developed after a robust community engagement effort that involved many conversations with the public and the General Plan Advisory Committee (GPAC)...”<sup>3</sup>

Based on the alternatives presented in the Briefing Book, the number of mixed-use acres designated at various residential densities and the min-max ranges for these designations, each of the alternatives would add between 15,000–26,000 additional residential units.<sup>4</sup> There was no discussion nor consideration of a reduced scope alternative that would meet the needs of the community; only these three alternatives recommending significant increases in our General Plan residential buildout projections were presented or discussed during GPAC meetings.

I have served on GPAC since 2019 and when these alternatives were first presented to the GPAC and to the public, I expressed these concerns at the April GPAC meeting, immediately prior to Planning Commission and City Council consideration of the land use alternatives:<sup>5</sup>

“Coming from a historical perspective, where we’ve come from as a city, and in my view, being part of some of these city decisions, as well as to bring in some additional information for context of thinking about the plan.

“In general, my main concern is about the scope of the change. It is incredibly large; it is probably the largest for the plan for the change of increased development in sixty years - especially since the General Plan was enacted fifty years ago.

“The disappointment I have in this is that the choices we have are more about ‘given the size of it, where would you like the changes?’ as opposed to ‘in the alternatives, the scope of such change.’

“Does it have to be as big as it being presented, or are there options for the Commission and the Council to entertain and address things that are of real concern with the City, such as meeting the RHNA allocation numbers to meet our fair share of the housing crisis needs, as well as some items such as ensuring zoning is consistent with general plan designations - there could be some real penalties for the City and for some neighborhoods if they are not addressed properly.

“Does that require such a full scope and sizable change in order to do that?”

To illustrate the background, Thousand Oaks currently has 48,081 residential units,<sup>6</sup> which is close to the historically understood figure that over decades has been

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<sup>3</sup> Land Use Alternatives Briefing Book, City of Thousand Oaks General Plan Update, January 2021, p 2.

<sup>4</sup> Land Use Alternatives Briefing Book, City of Thousand Oaks General Plan Update, January 2021, p 21-28, 56.

<sup>5</sup> General Plan Advisory Committee Presentation, Meeting #15, April 21, 2021, <https://www.toaks2045.org/gpac/landusealtsurveyreview-erz7s>, 1:26:02.

<sup>6</sup> General Plan Advisory Committee Presentation, Meeting #3, November 14, 2019, p 13.



described as “buildout” of roughly 50,000 residential units. One example of this historical understanding comes from the Thousand Oaks Planning Area Buildout Projections table in the EIR certified by the City in 2011 for the Thousand Oaks Boulevard Specific Plan; this table “provides the amount of residential and non-residential development projected at full development of the uses allowed by the City of Thousand Oaks General Plan.”<sup>7</sup>

The following shows the table in terms of number and types of residential units allowed under projected buildout of the General Plan; note the projected buildout under the General Plan of 49,695 residential units:<sup>8</sup>

**Table 4.0-1  
Thousand Oaks Planning Area Buildout Projections**

Use Type	Projected Buildout (Units)
<b>Residential</b>	
Single Family Detached	34,210
Single Family Attached	2,396
Multiple Family	13,089
<b>Total</b>	<b>49,695</b>

One item for consideration for the City’s General Plan update is the City’s Regional Housing Needs Assessment (RHNA) allocation to accommodate our fair share of housing needs within the region.

Given the current residential units in the City relative to the projected buildout numbers (approximately 1,700 units using the numbers above), there is little room to meet the City’s RHNA allocation (which is 2,621 units over the next eight years<sup>9</sup>) without increasing the number of residential units allowed under the General Plan.

However, the Briefing Book alternatives and the map attached to the Notice of Preparation (“NOP Map”), which is derived from these alternatives, far exceeds the City’s identified regional housing needs and represents a significant change from what residents have historically considered buildout.

Failure to evaluate a reduced scope alternative would be a considerable oversight, given the City’s decades-long history of a carefully and well-planned community. This is evidenced from the most recent community attitude survey conducted by the City, where “[n]early all residents in 2020 (94%) of respondents shared favorable opinions of

<sup>7</sup> Thousand Oaks Boulevard Specific Plan, Final Environmental Impact Report EIR No. 327, dated September 2011, certified October 25, 2011, Volume I, p. 4.0-3.

<sup>8</sup> Ibid., “Table 4.0-1, Thousand Oaks Planning Area Buildout Projections,” Volume I, p. 4.0-3.

<sup>9</sup> Memo to Andrew P. Powers, City Manager, from Kelvin Parker, Community Development Director, “Subject: 2021-2029 Housing Element,” January 25, 2022, p 4.

the quality of life in Thousand Oaks, with 54% reporting it is excellent and 40% stating it is good.”<sup>10</sup>

Additionally, it would be counter to CEQA guidelines requiring evaluation of a "range of reasonable alternatives" that "would feasibly attain most of the basic objectives of the project."<sup>11</sup> Given the size and scope of the alternatives presented to date, it seems that such a reduced scope alternative would indeed feasibly attain the objectives of the General Plan update. The absence of a reduced scope alternative in the CEQA review would be a glaring omission in the environmental review process.

### **Sufficient Impact Analysis and Disclosure to the Public**

To date, the evolving nature of the recommended changes to the General Plan Land Use Element map (“LU Map”) makes it difficult for the public to ascertain the impacts of the proposed changes, especially on important areas such as noise, water, traffic, and burdens on infrastructure.

Though final numbers have not been presented, using the estimates provided in the May 18, 2021, staff report<sup>12</sup> and accounting for subsequent direction provided by Council (e.g., reducing Mixed-Use Medium to Mixed-Use Low),<sup>13</sup> it is estimated that the additional residential capacity resulting from the NOP Map would be between 12,000-20,000 residential units within the areas identified as “Areas of Change.” As noted above, these changes alone result in a significant increase in residential buildout projections.

However, additional residential areas outside the “Areas of Change” (labeled as “Areas of Stability”) will also be changed, and no analysis has been presented to date as to these impacts. This “stability” labelling and lack of public review prior to Council endorsement presents the impression that there will be no changes of significance. As noted in the staff report:<sup>14</sup>

“As part of the redistribution of residential units to the areas of change, the areas of stability will be assigned land use designations that reflect the densities on the ground for those established neighborhoods. Subcategories for the Neighborhood Low through Neighborhood Medium categories will be calibrated to reflect the existing density for tracts of land that are occupied by subdivisions and condominiums that have limited to no potential for further development. The purpose behind this concept is to allow unused residential capacity under Measure E to be allocated to the

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<sup>10</sup> Community Opinion Survey: Summary Research Report, prepared for the City of Thousand Oaks, June 16, 2020. p. 4.

<sup>11</sup> CEQA Guidelines § 15126.6(a).

<sup>12</sup> Memo to City Council from Kelvin Parker, Community Development Director, “Subject: General Plan Update – Consideration of Draft Preferred Land Use Map (GPA 2019-70760) LOCATION: Citywide,” May 18, 2021, Attachment #8.

<sup>13</sup> Minutes of the Thousand Oaks City Council, May 25, 2021.

<sup>14</sup> Memo to City Council from Kelvin Parker, Community Development Director, “Subject: General Plan Update – Consideration of Draft Preferred Land Use Map (GPA 2019-70760) LOCATION: Citywide,” May 18, 2021, p 13.

proposed areas of change and preserve the character of existing neighborhoods.”

The description above implies that any changes within the “Areas of Stability” would be to match existing conditions and thereby reduce the maximum residential densities in these neighborhoods, “allow[ing] unused residential capacity under Measure E to be allocated to the proposed areas of change...” However, a detailed comparison of the NOP Map and the current General Plan LU Map<sup>15</sup> shows otherwise.

The NOP Map affects nearly every property in the City,<sup>16</sup> both in the “Areas of Change” and the “Areas of Stability.” While the intent of the proposed designations in the NOP Map is to “maintain the character of existing residential neighborhoods,”<sup>17</sup> numerous residential neighborhoods will see an increase in maximum allowable residential density, many by 33% (e.g., from Low Density Residential (max 4.5 du/ac) to Neighborhood Low 2 (max 6 du/ac)).

In comparing the NOP Map with the current land use designations, examples of residential neighborhoods that are recommended to have an increase in allowable residential density, include, but are not limited to:

- Treasures and others in Dos Vientos
- Most of Newbury Park south of Borchard Road
- Westlake Hills
- Some neighborhoods near Westlake Lake
- Central Thousand Oaks bordered by Avenida de las Arboles and Avenida de las Flores

Given the state of analysis to date, key questions arise:

- How do the citywide density reallocation numbers work out if, within the “Areas of Stability,” there are many acres adding 1.5 du/ac in residential density?
- Do the residents in these neighborhoods know that the densities will increase under the proposed General Plan?

The changes contemplated by the NOP Map are more significant in some existing residential neighborhoods than has been implied to date. A detailed analysis of the citywide impacts of land use designation changes should be conducted as part of the environmental review, and it cannot be assumed that the effects of citywide land use changes can be limited to their analysis only to within certain areas designated “Areas of Change.”

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<sup>15</sup> Retrieved from the City’s website, updated through April 24, 2018, via approval of Resolution 2018-017

<sup>16</sup> With the exception of most (though not all) lands currently designated “parks, golf courses, open space.”

<sup>17</sup> Memo to City Council from Kelvin Parker, Community Development Director, “Subject: General Plan Update – Consideration of Draft Preferred Land Use Map (GPA 2019-70760) LOCATION: Citywide,” May 18, 2021, p 3.

## Voter Approval Requirements of Amendments to the Land Use Element

In 1996, 1998, and 2016, the voters of Thousand Oaks initiated and approved their involvement in key decisions regarding amendments to the General Plan. With the passage of these measures, the voters' intentions were clear: legislative acts of the City to approve certain types of amendments to the LU Map specified by these ordinances do not become effective unless they also receive approval by City voters.

Given the importance to the voters of Thousand Oaks of their involvement and approval of certain General Plan amendments, critical items missing from the current General Plan and the proposed NOP Map should be included in the update. Specifically, these include:

- Incorporation of the city's Planning Area boundary and the City Urban Restriction Boundary (CURB) lines, as they are critical references for proper management of the City's General Plan.
  - The NOP Map currently only identifies the city limits and the Sphere of Influence lines, excluding the Planning Area and CURB lines on the current LU map.
- An addendum to the Land Use Element setting the policy for reviewing any recommended changes to the Land Use Element in context of the voter approval ordinances in place.

### *Incorporation of the Planning Area and CURB lines*

References to the City's Planning Area and CURB lines are key to interpreting the City's Land Use Element, especially in relation to voter approval requirements. Incorporating these boundaries on the LU Map will alleviate confusion for future City decision makers and the public regarding the allowed uses of various lands and when or whether voter approval is required for any changes.

Unfortunately, errors have already occurred in the General Plan update process with respect these critical planning boundaries. In describing the existing conditions of the General Plan, the CURB line was described below:

“In addition, Measure W prohibits the City of Thousand Oaks from approving urbanized land uses and extending urban services outside of the City Urban Boundary (CURB), **which is coterminous with the City's Sphere of Influence.**”<sup>18</sup> [emphasis added]

This is, however, not true and presents an incorrect understanding of the history of City decision making and the allowable uses of these properties. In 1998, Thousand Oaks voters approved Measure P, which established the CURB line and prevented any “urbanized uses of land”<sup>19</sup> to be allowed outside the CURB line without approval by a

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<sup>18</sup> Thousand Oaks Land Use & Community Design, Existing Conditions, March 2020, p 19.

<sup>19</sup> Thousand Oaks Municipal Code, Section 9.2-502 – 3(a).

majority of Thousand Oaks voters. The voter approval aspects of this measure were extended to apply through 2050 via passage of Measure W in 2016.

As indicated in Measure W, since the time of the original establishment of the CURB line via Measure P, the current Sphere of Influence line and the CURB line are no longer coterminous:

“Although the Sphere of Influence has since been expanded to include the Broome Ranch, the CURB line shall continue to be in its current location, coterminous with the Sphere of Influence line applicable to the City of Thousand Oaks **in existence on January 1, 1998**, approved by the Local Agency Formation Commission.”<sup>20</sup> [emphasis added]

Without proper understanding of the relationships between the CURB line and the Sphere of Influence line, some may conclude that the 326 acres of Broome Ranch may have been approved for urbanized uses, even though the property has always lied outside the CURB line before and after City annexation proceedings commenced in 2010.<sup>21</sup>

Additionally, first approved via the Parks Initiative in 1996, Measure W extended the protections for lands within the City’s Planning Area designated “Existing Parks, Golf Courses, Open Space” through 2050. Critical to understanding which lands are protected is whether those lands lie within the City’s Planning Area boundary, as noted in the measure’s purpose:

“The unique character of the City of Thousand Oaks and quality of life of City residents depend on the protection of a substantial amount of open space, rural and agricultural lands both within and without its City limits. Part of that unique character requiring protection is the land use designations of Existing Parks, Golf Courses, Open Space **within the City’s planning area.**”<sup>22</sup> [emphasis added]

Absence of the Planning Area and CURB lines on the LU Map can lead to incorrect conclusions by City decision makers and the public about the allowable uses of various lands and the requirements for approval for any such changes to these lands. For these reasons, they should be incorporated as part of any update to the General Plan LU map.

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<sup>20</sup> Thousand Oaks Municipal Code, Section 9.2-501(b)(5).

<sup>21</sup> Minutes of the Thousand Oaks City Council, April 27, 2010.

<sup>22</sup> Thousand Oaks Municipal Code, Section 9.2-501(a)(5).

## *Addendum to Reviewing any Land Use Element Amendments in Context of Voter Approval Ordinances*

Since certain amendments to the General Plan Land Use Element would require voter approval, a question arises: If an amendment to the LU Map is approved by the Council, how does the public know whether voter approval is required to become effective?

Said another way, it is not the voters' burden to prove that an amendment requires voter approval; it is the City's burden to prove that an amendment does not require such voter approval, and the City should demonstrate sufficiently either that the proposed amendment is not one of the types covered by the ordinances or that voter approval of the amendment is not required to become effective.

A detailed analysis of the NOP Map indicates that key areas of analysis against voter approval ordinances have been missing in its preparation, and additionally, if the NOP Map were to be adopted unchanged from its current form, the amendment to the General Plan Land Use Element would require voter approval to become effective.

It should be noted that the voter approval requirements under Measure W (Parks Initiative and SOAR) are part of the General Plan itself, including in its title that it is a "Land Use Voter Participation General Plan Amendment."<sup>23</sup> Specifically, Measure W requires that "...the Existing Parks, Golf Courses, Open Space land use designations, as identified herein, may not be amended, altered, revoked or otherwise changed prior to December 31, 2050, except by vote of the people or by the City Council pursuant to the procedures set forth in Section 4 of this General Plan amendment."<sup>24</sup>

However, the NOP Map proposes to change the land use of properties currently designated as Existing Parks, Golf Courses, Open Space to other designations, thus requiring voter approval under Measure W. Specific examples include, but are not limited to:

- The 20 acres on the north end of Conejo Creek Park South
- The northern 4.5 acres of the Sycamore Canyon School site

Additionally, with the current General Plan update, much of the focus has been on residential density calculations and requirements under Measure E to approve any changes without voter approval. However, there has been little if any consideration to the other Measure E requirement – maintaining the baseline of commercial acreage resulting from any amendment unless voters approve.

Inconsistency in analysis for critical voter approval requirements, even within this comprehensive update, demonstrates the need for a more consistent process of analysis that provide greater clarity and transparency. Incorporating a consistent review policy for any amendments to the General Plan Land Use Element, as proscribed by the City's voter approval ordinances, would catch these identified inconsistencies and

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<sup>23</sup> Ordinance 1268-NS, City of Thousand Oaks, effective December 23, 2016.

<sup>24</sup> Thousand Oaks Municipal Code, Section 9.2-502 – 3(e).



remove concerns the public may have about adhering to these voter protection ordinances. Since Measure W requires such voter approval for at least the next 28 years (through 2050), it seems prudent for the Council to incorporate a policy of requiring analysis of any amendment to the LU Map against the voter approval ordinances in place.

Such a policy can be described as a series of tests, where an example can be described as follows:

For the proposed amendment to the General Plan Land Use Element, some preliminary questions are presented:

(A1) Are any lands affected by the amendment currently in a land use designation of "Existing Parks, Golf Courses, Open Space"?

(A2) Would the amendment expand the CURB line outward from its current boundaries?

(A3) Do the lands affected by the amendment, when considered cumulatively, result in a net increase in the maximum number of residential dwelling units which could be permitted under the proposed land use designation(s)?

(A4) Do the lands affected by the amendment, when considered cumulatively, result in a net increase in the amount of acreage designated "commercial"?

For this General Plan Land Use Element amendment:

(A) Are any of the answers to A1 through A4 "YES"?

AND

(B) Do the lands affected by the amendment fall outside of the specific exemptions within these ordinances?

If the answer to both (A) and (B) is "YES," then the General Plan Land Use Element amendment requires voter approval to become effective.

If the answers to either (A) or (B) are "NO," then the General Plan Land Use Element amendment does not require voter approval to become effective.

Questions A1, A2, and B must be part of the test through 2050 per Measure W (unless extended). Questions A3 and A4 must be part of the test through 2026 per Measure E (unless extended).

For completeness, any policy requiring evaluation of an amendment to the General Plan against voter approval requirements should also add a test for amendments to the Open Space Element. Measure W incorporates and amends Chapter 8 of the Open Space Element and states that the measure “may be amended or repealed only by the voters of the City of Thousand Oaks at an election held in accordance with state law.”<sup>25</sup>

Given the importance of voter approval ordinances to the voters’ involvement in the decisionmaking process regarding changes to the City’s General Plan Land Use Element, a consistent review policy can provide greater clarity and transparency in cases voter approval may be required. Additionally, such a policy will ensure that no aspects of analyzing any proposed amendment against voter approval ordinances are overlooked.

Lastly, with the comprehensive nature of the Land Use Element revisions, it is expected that a detailed citywide analysis of parks/open space designations, residential densities, and commercial acreages of every property affected will be conducted to demonstrate sufficiently whether or not voter approval is required under Measure W and Measure E.

### **Additional Environmental Topics**

In addition to the important scope and voter protection items relating to the Land Use Element, the following are additional topics for consideration in the CEQA review for the General Plan update.

- Evaluation of wildlife corridor protections should be considered, where an example of a pinch point includes Mount Clef Ridge. The county has established clear measures that should be emulated.
- Coordination with the Conejo Recreation and Park District is of importance before establishing new densities and land uses. General Plan policies for new development should require dedication of sufficient park lands and conversion of commercial lots to residential without such dedication could stray from the acknowledged quality of life benefits achieved from incorporating residential with neighborhood parks.
- Given the drought conditions within California, increased intensities of land use will lead to increases in the demand for water. How will these demands be addressed? Should the use of recycled or grey water for landscaping be considered?
- With eliminating the use of gas, are there ways to encourage battery storage to enhance solar energy?

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<sup>25</sup> Ordinance 1268-NS, City of Thousand Oaks, Section 7 of Measure W, effective December 23, 2016.

- Will there be evaluations of policies to reduce the urban heat effects with any increases in land use intensity? Are there ways to require drought tolerant trees like oaks in new developments specifically to shade streets, sidewalks, buildings, and open space? Can policies be recommended to reduce heat islands and requiring white rooftops?
- Evaluation of separated bike lanes should be considered as part of this General Plan update. I believe there was a previous recommendation for a bike lane from Willow to Rancho. With more people riding electric bikes it's a good opportunity to provide them safe separated lanes that will greatly increase the number of riders.
- For consideration within the update of the Safety Element, our County's Emergency Management Services provides CERT trailers outfitted with emergency and medical supplies at various fire stations and schools. The unincorporated areas have these, but it could be good to have redundancy in the cities, so there is power at major intersections to better ensure traffic signals will work during evacuations.
- The Woolsey Fire After Action Reports recommended removing non-native fast burning vegetation and restoring those areas with vegetation specifically to create more soil moisture; it would be good to have the same wording in the General Plan.
- Within the Thousand Oaks Boulevard Specific Plan area, there is undersized flood control infrastructure like box culverts that can only handle 20-year events. Extreme weather events could place many areas of focused development intensity at risk without appropriate policies and investment in infrastructure. The risk of ignoring these needs means properties may very well be flooded and damaged with the possibility of people being potentially injured.



June 27, 2022

Direct Dial: 805.418.1914  
Email: msellers@jacksontidus.law  
Reply to: Westlake Office  
File No: 108647

**VIA OVERNIGHT MAIL**

City Of Thousand Oaks  
Community Development Department  
Attention: Iain Holt, AICP Senior Planner  
Planning Division  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362

**Re: Comments on Preparation of the Thousand Oaks 2045 General Plan Update EIR.**

Dear Mr. Holt:

Based on our observations of the prior public participation process, my clients and I hope this EIR will not become indefinite or controversial by overly focusing on what we feel may be a considerable number of statements from “No Growth” advocates insisting the City should adopt less or minimal new mixed use housing designations.

We feel a logical, common sense and all-embracing approach that evaluates the environmental benefits of new mixed use development with a multi-family residential component is the best approach. We accept the fact that one cannot turn back the clock to the days when the City was basically single-detached homes with yards to water and with just one or two traffic signals. This CEQA analysis should be realistic and thorough, and not become a document where mixed use new development is discouraged. It is important to consider the big picture by looking at the resulting adverse environmental and the harmful financial impacts if the City does not update the General Plan to allow the contemplated mixed use development, with the needed more affordable housing types of apartments, anticipated for commercial retail or office properties. The City is faced with RHNA mandates for years 2021-2029 of finding and allowing at least 2,615 new dwelling units, and the higher state mandated number of new housing units that are likely to be imposed on the City in the future.

A. *Economic Reality*

Since the EIR should contain a “sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of

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[www.jacksontidus.law](http://www.jacksontidus.law)

environmental consequences” (Cal. Code Regs., tit. 14, §15151), we ask the City’s EIR preparation firm to be aware of the following factors and consequences:

1. The increasing difficulties with renting traditional office space in the post Covid-19 and post lockdown marketplace of shrinking demand for office space that results in vacant buildings and a negative economic impact on these office properties. COVID-19 has demonstrated that a considerable amount of the in-office work can be carried on more productively at home, where employees enjoy a more relaxed schedule and avoid their morning and evening commutes. We fear many companies could also see this as an opportunity to downsize, to reduce rental or operating costs and invest more in technology like Zoom meetings; thus, there will be a substantial reduction in the demand for renting office space.

2. In addition to adverse effects of the pandemic and its lockdowns, the internet e-commerce and purchasing practice has grown at an amazing pace and adversely impact the demand for retail space in our community’s retail centers. We have read in the US alone, we’re expecting to have 300 million online shoppers in 2023. That’s 91% of the country’s current population. So far, 69% of Americans have shopped online, and 25% of Americans shop online at least once per month. As a result, we see retail business bankruptcies and have read some analysts estimate that 20–25% of shopping malls will close by 2023-24. We note retail center restructurings are becoming more common and are undergoing a transformation to restaurants and food courts or for non-profit space or uses as traditional retail stores close, and such uses may not sustain adequate rent the center’s continued operation, or avoidance of increasing vacancies.

Due to the above factors, the residential mixed use alternative has become a logical option for property owners in receiving a reasonable return from, or in justifying any future investment in upgrading, their properties. Increasing the number of vacant buildings is basically a blighting influence that is a form of urban decay<sup>1</sup> and such is not a good environmental goal or a beneficial situation for this community, which unattractive condition should be avoided.

#### B. *Additional Benefits*

The more urban style of clustering or attached dwelling units in mixed use projects near Thousand Oaks Boulevard or the central area of the City fosters a concept of our City having a Downtown and is the desired “infill” type of development avoiding urban sprawl and also

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<sup>1</sup> A City possesses discretion to consider in an environmental study the weighing of the projects’ benefits versus its economic and social costs (“ . . . experts are now warning about land use decisions that cause a chain reaction of store closures and long-term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake.”). *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1204; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1182.

helps preserve the existing lower density development or environmentally sensitive land uses elsewhere in the community. At the same time, residential mixed use is at a similar density, at the low or medium range, compatible with existing central Thousand Oaks neighboring densities help meets the City's RHNA mandates. With an attached dwelling unit arrangement, mixed use projects avoid having yards to water, in a state where future water supplies are likely to be reduced.

Mixed use projects are especially beneficial near public transportation corridors like Thousand Oaks, Moorpark and Hillcrest Boulevards. Benefits include the opportunities for more different housing types, promoting bicycling and pedestrian-friendly activities, and an enhanced sense of place or sense of community. Such development promotes a pleasant village-style design with a mix of small retail, restaurants, and attractive plazas, combined with the needed multi-family housing.

We are aware that the City is essentially already built out with single family detached housing developments. As a result, with a four year university and numerous employers, there may be no new essential affordable housing for students, faculty and local entry level employees without adding the contemplated mixed use areas as proposed in the General Plan update, so those students and employees would be forced to find housing elsewhere and may have to travel long distances to classes or jobs in Thousand Oaks, generating the harmful unwanted greenhouse gases. Mixed Use also reduces the residential carbon footprint by enhancing walkability, or non-vehicle use having new residential housing within a short-walking distance to the nearby concentrations of shopping/dining/entertainment commercial establishments.

We merely seek a good faith effort at full disclosure (Cal. Code Regs., tit. 14, §15151) and a common sense and comprehensive approach for preparing this EIR that also evaluates the environmental benefits of encouraging new residential mixed use projects and the adverse indirect environmental effects of urban decay if the proposed mixed use areas are deleted or reduced.

Sincerely,



Mark G. Sellers

MGS/dp

cc: Thousand Oaks Boulevard Association  
Greater Conejo Valley Chamber of Commerce  
California Lutheran University  
Conejo Simi Moorpark Association of Realtors





## NATIVE AMERICAN HERITAGE COMMISSION

June 9, 2022

Iain Holt  
City of Thousand Oaks  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362

**Re: 2022060087, City of Thousand Oaks 2045 General Plan Update Project, Ventura County**

CHAIRPERSON  
**Laura Miranda**  
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**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
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California 95691  
(916) 373-3710  
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Dear Mr. Holt:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

[AB 52](#)

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)



## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Cody.Campagne@nahc.ca.gov](mailto:Cody.Campagne@nahc.ca.gov).

Sincerely,

*Cody Campagne*

Cody Campagne  
Cultural Resources Analyst


cc: State Clearinghouse



**VENTURA COUNTY  
AIR POLLUTION CONTROL DISTRICT**  
Memorandum

TO: Iain Holt, Senior Planner, City of Thousand Oaks

DATE: June 24, 2022

FROM: Nicole Collazo, Air Quality Specialist, VCAPCD Planning Division 

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report for the City of Thousand Oaks General Plan Update

Air Pollution Control District (APCD) staff has reviewed the subject Notice of Preparation (NOP) for the draft environmental impact report (EIR) of the 2045 General Plan Update (GPU), which will set forth the City of Thousand Oaks' (City) vision of its developmental future and express the goals, policies, and implementation programs as it pertains to land use, health and safety, housing, and resource conservation. All General Plan elements will be updated in addition to adopting a Climate and Environmental Action Plan. The project location encompasses the City of Thousand Oaks city limits. The Lead Agency for the project is the City of Thousand Oaks.

**General Comments**

The General Plan Update will address topics and issues pursuant to state requirements adopted since the existing General Plan was last updated. Of these topics listed in the NOP, the Air Quality and Climate Change sections of the PEIR will be reviewed by the Ventura County APCD as well as the Conservation Element of the GPU addressing air pollution.

Regarding the EIR,

*Air Quality Section-*

1) The air quality assessment should consider project consistency with the 2016 Air Quality Management Plan (AQMP). The 2016 AQMP presents Ventura County's strategy (including related mandated elements) to attain the 2008 federal 8-hour ozone standard by 2020, as required by the federal Clean Air Act Amendments of 1990 and applicable U.S. EPA clean air regulations. The 2016 AQMP uses an updated 2012 emissions inventory as baseline for forecasting data, SCAG RTP 2016 data, and CARB's EMFAC2014 emission factors for mobile sources. The AQMP can be downloaded from our website at <http://www.vcapcd.org/AQMP-2016.htm>.

2) The Ventura County Air Quality Assessment Guidelines (AQAG) is recommended to evaluate all potential air quality impacts. The AQAG are also downloadable from our website here: <http://www.vcapcd.org/environmental-review.htm>. Specifically, the air quality assessment should



consider reactive organic compound, nitrogen oxide emissions, and toxics from all project-related motor vehicles, sources not permitted with APCD, and construction equipment that may result from potential buildout, as appropriate to future development policies and implementation measures. We note that the AQAG has not been updated since 2003 and newer emission reduction measures have been recommended by APCD and implemented in other jurisdictions. For example, the County of Ventura recently updated a new policy in its 2040 GPU to always require Tier 3 and Tier 4 diesel construction off-road equipment (New Policy HAZ-10.13).

*GHG Section-* Neither APCD nor the County has adopted a threshold of significance applicable to Greenhouse Gas (GHG) emissions from discretionary projects. On November 8, 2011, APCD published a report at the request of the Ventura County Air Pollution Control Board to report back on possible GHG thresholds options. The District will be looking into what GHG threshold is best suitable for Ventura County in the near future which will undergo a public review process.

1) The following are recommended guidance documents that could be used to address the impacts of climate change and greenhouse gases in Ventura County.

On May 2016, the CARB published a Mobile Source Strategy. In this report, ARB staff is outlining a mobile source strategy that simultaneously meets air quality standards, achieves GHG emission reduction targets, decreases toxics health risk, and reduces petroleum consumption from transportation emissions over the next fifteen years. These goals and targets include These include

- 1) Attaining federal health-based air quality standards for ozone in 2023 and 2031 in the South Coast and San Joaquin Valley, and fine particulate matter (PM2.5) standards in the next decade;
- 2) Achieving greenhouse gas (GHG) emission reduction targets of 40 percent below 1990 levels by 2030, with continued progress towards an 80 percent reduction by 2050;
- 3) Minimizing health risk from exposure to toxic air contaminants;
- 4) Reducing our petroleum use by up to 50 percent by 2030; and
- 5) Increasing energy efficiency and deriving 50 percent of our electricity from renewable sources by 2030.

The report can be found here: <https://www.arb.ca.gov/planning/sip/2016sip/2016mobsr.htm>.

On November 2017, the California Air Resources Board published its latest Climate Change Scoping Plan. The Scoping Plan lays out a strategy for achieving California's 2030 Greenhouse Gas target and builds on the state's successes to date, proposing to strengthen major programs that have been a hallmark of success, while further integrating efforts to reduce both GHGs and air pollution. California's climate efforts will

- 1) Lower GHG emissions on a trajectory to avoid the worst impacts of climate change;
- 2) Support a clean energy economy which provides more opportunities for all Californians;
- 3) Provide a more equitable future with good jobs and less pollution for all communities;
- 4) Improve the health of all Californians by reducing air and water pollution and making it easier to bike and walk; and
- 5) Make California an even better place to live, work, and play by improving our natural and working lands.

The 2017 Climate Change Scoping Plan can be accessed here [https://www.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf).

Finally, on December 2018, the Governor's Office of Planning and Research (OPR) published a Draft Technical Advisory. This document incorporates developments since the June 2008 Technical Advisory publication, including regulatory changes made to the regulations that implement CEQA, commonly known as the "CEQA Guidelines" in late 2018 by the California Natural Resources Agency. Although this document largely focuses on project-level analyses of greenhouse gas impacts, Section IV briefly addresses community-scale greenhouse gas reduction plans as one pathway to streamline CEQA analyses. This discussion draft is intended to address some common issues and topics that arise in greenhouse gas emissions analyses under CEQA but is not intended to address every single issue and topic. More information on the OPR's Technical Advisory can be found here <http://opr.ca.gov/ceqa/technical-advisories.html>.

*Environmental Justice*- The AB 617 legislation sets out an ambitious implementation schedule for APCD. The California Air Resources Board (CARB) must set the overall direction of the program by October 1, 2018. This includes identifying impacted communities, establishing the criteria for air monitoring and local emissions reduction programs, and developing statewide strategies for reducing emissions. The local air districts also have specific roles and responsibilities. On April 27, 2018, the VCAPCD submitted to CARB a technical assessment to develop an initial list of candidate communities for Ventura County.

On July 31, 2018 the Ventura County Air Pollution Control Board approved the District staff's recommendation that the greater Oxnard/Port Hueneme area be the highest priority region in Ventura County for inclusion in CARB's Community Air Protection Program. District staff's recommendation is based on our assessment that we have not identified a single or multiple sources of significant air emissions that would lead us to identify a smaller region adjacent to these source(s). This is in part based on our review of our permitted sources in the area. The greater Oxnard/Port Hueneme area is also home to several agricultural operations and these operations generally utilize pesticides and diesel equipment. In addition, the Port of Hueneme and several warehouse type distribution centers are located in the area. Heavy-duty trucks associated with these goods movement facilities move throughout the area. In summary, we are looking at a diffuse inventory of air pollution sources in this area. This will likely require additional research including community level air monitoring in several locations to identify any sources of concern. In addition, by having a larger area, the VCAPCD will have flexibility to target our incentive funds within the area as we learn more about potential issues with air pollutant sources in and adjacent to the area.

As amended by Assembly Bill 617 (C. Garcia, Chapter 136, Statutes of 2017), Health and Safety Code section 40920.6(c) requires that on or before January 1, 2019, each local air district that is a nonattainment area for one or more air pollutants must adopt an expedited schedule for the implementation of BARCT by the earliest feasible date, but in any event not later than December 31, 2023.

District staff has created a BARCT rule development schedule to comply with this statutory requirement. CARB has identified four affected facilities that are subject to AB 617 BARCT requirements; the facilities are operated by Procter and Gamble, New Indy Container, California Resources (Santa Clara Valley Gas Plant), and Trinity ESC. District staff then evaluated which District rules are applicable to these facilities that may not meet BARCT requirements including

Rule 74.23, *Stationary Gas Turbines*; Rule 74.15, *Boilers, Steam Generators and Process Heaters*; Rule 71.3, *Transfer of Reactive Organic Compound Liquids*; and Rule 74.10, *Components at Crude Oil and Natural Gas Production and Processing Facilities*. In addition, District development of a new rule is proposed to regulate the ozone precursor emissions from oilfield flares to address emissions from a nonemergency flare at the Santa Clara Valley Gas Plant.

A public meeting was held on October 30, 2018 by the District to provide the participants with the list of affected facilities and rules, rule adoption schedules and deadline to submit the written comments. No significant concerns with the proposed rule schedules were expressed by the meeting participants. On December 11, 2018, the Ventura County Air Pollution Control Board will consider approval of District staff's proposed schedule for implementation of Best Available Retrofit Technology (BARCT) to fulfill this mandate under AB 617.

2) The APCD would like to make the City aware of its Incentive Programs that are directed at reducing emissions of criteria pollutants by reducing the amount of NO<sub>x</sub> generated from mobile sources. NO<sub>x</sub> when combined with ROC (VOCs) can react with sunlight to create ground-level smog. The two types of programs, Incentive Programs and Transportation Outreach Program, have a co-benefit in indirectly reducing GHG emissions as older, dirtier equipment and vehicles are traded in for newer engines that have stricter air quality emission standards or as Vehicle Miles Travelled (VMT) are reduced due to an increase in alternative modes of transportation. More information can be found [here](#) on our District Incentive Programs Website Page and [here](#) on the Transportation Outreach Program. These existing programs may be included in the City's General Plan Update in the implementation programs discussion if the City should qualify for funding. Some of these programs include Lower Emission School Bus Program, EV Charging Stations Funding and Funding Agricultural Replacement Measures for Emission Reductions (FARMER).

3) APCD would also like to encourage additional Programs and Implementation Measures that will further reduce the generation of mobile emissions in your jurisdiction. Many of the specific mitigation measures at the project level can be promoted at the plan level through zoning ordinances, parking standards, and design guidelines. These measures are discussed in Section 7.3, *Plan Level Mitigation* and 7.5.2 *Operational Mitigation Measures* of the APCD Air Quality Assessment Guidelines and can include the increased use of bicycle lanes, park-and-ride lots, establishing an employee rideshare program, and supporting a multi-modal transportation system in conjunction with mixed-land use practices.

Regarding the GPU and Conservation Element,

1) The existing GPU does not appear to have a resource for Air Quality. We have skimmed all documents found in the project website under Elements of the Thousand Oaks General Plan in the General Plan website, with particular emphasis of the Conservation Element. We have only been able to find one existing policy related to air quality under the Goals and Policies section of said webpage ("Air Quality: The City shall place high priority on maintaining and improving local and regional air quality.") but cannot trace back where this policy is located in the GPU. We recommend the GPU include an element dedicated to Air Quality.

2) Please consider adopting new policies and procedures in line with that APCD currently recommends, such as using cleanest diesel technology available, Tier 4, for construction and conducting a Health Risk Assessment for analyzing toxic impacts of siting residential projects within 500 feet of SR-118 (which may be considered a freeway of 10,000 vehicles/day, source: [Caltrans](#)) during environmental review of the project. In addition to the respiratory health effects in children, proximity to freeways increases potential cancer risk and contributes to total particulate matter exposure. There are three carcinogenic toxic air contaminants that constitute the majority of the known health risk from motor vehicle traffic – diesel particulate matter (diesel PM) from trucks, and benzene and 1,3-butadiene from passenger vehicles. On a typical urban freeway (truck traffic of 10,000-20,000/day), diesel PM represents about 70 percent of the potential cancer risk from the vehicle traffic. Diesel particulate emissions are also of special concern because health studies show an association between particulate matter and premature mortality in those with existing cardiovascular disease. The County of Ventura recently adopted a similar policy in its 2040 General Plan Update. You may find it [here](#) under New Policy HAZ-10.15 “*Health Risk Assessments for Sensitive Land Uses Near Heavily Traveled Transportation Corridors*”.

3) APCD may also be reviewing the waste section of the GPU to ensure organic waste diversion policies per SB 1383 are designed in way that will reduce odors from organic waste to avoid potential nuisance issues to the general public.

Thank you for the opportunity to comment on the project. If you have any questions, you may contact me at [nicole@vcapcd.org](mailto:nicole@vcapcd.org).



July 6, 2022

Iain Holt  
Community Development Department, Planning Division  
City of Thousand Oaks  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 93162

**SUBJECT: Response to Notice of Preparation and Scoping for the Thousand Oaks General Plan Update 2050 Draft Environmental Impact Report**

Dear Iain Holt,

Thank you for providing the Ventura County Planning Division (Planning Division) with the opportunity to comment regarding the City of Thousand Oaks (City) Notice of Preparation (NOP) of a Program Environmental Impact Report (PEIR) for the 2045 General Plan Update project. The City's General Plan Update represents a roadmap for long-term goals and policies that will guide development and City actions in the future. The Planning Division coordinates with neighboring jurisdictions during general plan updates and provides review and comment on environmental documents prepared for projects that could affect the unincorporated area.

### **Recommended Inclusion - 2040 General Plan Goals and Policies**

On September 15, 2020, the Ventura County Board of Supervisors adopted the 2040 General Plan following five years of community engagement and planning. The General Plan Update includes new state laws and additional focus on healthy communities, environmental justice, climate resilience and climate action planning. The City may consider incorporating the below 2040 General Plan goals, policies and programs for inclusion in the General Plan Update and the impacts of these goals, policies and programs could be evaluated in the PEIR which is the subject of this NOP. For the complete 2040 General Plan, please visit the Planning Division website at <https://vcrma.org/en/ventura-county-general-plan> to view this Plan.

### **Land Use**

The County's General Plan Land Use and Community Character Element contains Policy LU 1.1 Guidelines for Orderly Development that states the County shall work with cities in Ventura County and the Ventura Local Agency Formation Commission (LAFCO) to promote and maintain responsible city boundaries and Spheres of Influence to prevent growth-inducing urban development in unincorporated areas. While the Preferred Land Use Plan map does not show any changes to the City boundary, if the



city plans to annex any lands in the foreseeable future, these areas should be identified in the General Plan, and the PEIR should evaluate potential impacts to the unincorporated area from intensification of lands planned for annexation.

### **Wildlife Corridors**

The California Environmental Quality Act requires protecting wildlife corridors/movement areas and the City's General Plan and PEIR should consider measures to conserve the habitat wildlife corridors that ensure species can move throughout the region. When the County adopted the Habitat Connectivity and Wildlife Corridor overlay zone in 2019, the City of Thousand Oaks supported these amendments and the City's existing General Plan includes a Recreational, Parks and Natural Open Space policy that states that wildlife corridors and sensitive ecological systems within the City's Planning Area, should be protected.

Wildlife corridors through Thousand Oaks are necessary to connect the Sierra Madre and Santa Susana Mountains with the Santa Monica Mountains. The Olsen Road and SR-23 interchange area, (circled in red on the map shown in Attachment 1), was identified as a wildlife crossing structure area critical for wildlife movement<sup>1</sup>. However, the wildlife crossing structures are only functional if development is sited and designed to funnel wildlife through adjacent properties to reach the protected open space areas that are located to the north and south of the City. Thus, future improvements should be studied that could further facilitate wildlife movement over the SR-23 freeway in this area and others shown on the maps.

Wildlife movement studies indicate that wildlife is successfully traversing critical roadway crossings. Important wetland/creek/riparian corridors for wildlife are also located throughout the Simi Hills open space area to the northeast, Newbury Park to the south, and Arroyo Conejo to the northwest. However, wildlife movement from north to south is constrained due to urban development on both sides of the SR-101 and is a restrictive barrier to the Santa Monica mountains, where numerous state and federally listed species have been found in and nearby the undeveloped areas (e.g., least bell's vireo (*Vireo bellii pusillus*), mesa horkelia (*Horkelia cuneata*), California legless lizard (*Anniella pulchra*), Lyon's pentachaeta (*Pentachaeta lyonia*), and coastal California gnatcatcher (*Polioptila californica californica*)).

The City General Plan Update should identify and protect these wildlife corridors and key crossing structures through policies and standards that ensure development is safe for wildlife passage and protects wildlife corridor movement. Please see Attachment 1 for maps of the Habitat Connectivity and Wildlife Corridors in the South Coast Ventura County region.

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<sup>1</sup> For the location of key wildlife crossings identified within the Thousand Oaks area, please visit <https://maps.ventura.org/countyview/> and turn on the layers under: PlanningGIS/Habitat Connectivity and Wildlife Corridors

Please consider the following County Conservation and Open Space Element policies for the City's General Plan Update:

General Plan Policy COS-1.1 - Protection of Sensitive Biological Resources: The County shall ensure that discretionary development that could potentially impact sensitive biological resources be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures that fully account for the impacted resource. When feasible, mitigation measures should adhere to the following priority: avoid impacts, minimize impacts, and compensate for impacts. If the impacts cannot be reduced to a less than significant level, findings of overriding considerations must be made by the decision-making body.

General Plan Policy COS-1.2 - Consideration of Sensitive Biological Resources: The county shall identify sensitive biological resources as part of any land use designation change to the General Plan Land Use Diagram or zone designation change to the Zoning Ordinance that would intensify the uses in a given area. The County shall prioritize conservation of areas with sensitive biological resources.

General Plan Policy COS-1.3 - Wildlife Corridor Crossing Structures: Based on the review and recommendation of a qualified biologist, the design and maintenance of road and floodplain improvements, including culverts and bridges, shall incorporate all feasible measures to accommodate wildlife passage.

General Plan Policy COS-1.4 - Consideration of Impacts to Wildlife Movement: When considering proposed discretionary development. County decision makers shall consider the development's potential project-specific and cumulative impacts on the movement of wildlife at range of special scales (e.g., hundreds of feet) and regional scales (e.g., tens of miles).

General Plan Policy COS-1.8 - Bridge Crossing Design: The County shall require discretionary development that includes new or modified road crossings over streams, wetlands and riparian habitats to include bridging design features with bridge columns located outside the riparian habitat areas, when feasible.

General Plan Policy COS-1.13 - Partnerships for Protection of Natural and Biological Resources: The County shall continue to work in partnership with agencies, organizations, and entities responsible for the protection, management, and enhancement of the county's biological resources.

## **Climate Change**

In accordance with the requirements of SB 379 (2015), codified in Government Code section 65302(g)(4), climate change adaptation and resilience must be addressed in the safety element of all general plans in California. Policies that support tree planting could be useful to mitigate climate change emissions through additional carbon sequestration,



provide cooling effects to the surrounding community, and can aid in the reduction of pollution to help achieve goals in climate action plans and the PEIR.

The City of Thousand Oaks would be able assist the County of Ventura's tree planting goal of two million trees by 2040 by coordinating with the County on the number of trees planted in development projects and City operations so that these targets can be quantified (also see General Plan Policy COS-1.15 below). Collaborating with other jurisdictions and supporting policies akin to the climate change policies below, could support progress towards the target of 2 million planted trees throughout the county. The Ventura County and Cities Planning Association recently discussed how to achieve this goal.

Please consider the following climate change policies for the City's General Plan Update:

General Plan Policy COS-8.3 – Coordinate Climate Action Plan with Cities and Organizations: The County shall facilitate the coordination of its Climate Action Plan implementation and maintenance with the cities in the county, the Air Pollution Control District, and other organizations to promote countywide collaboration on addressing climate change.

General Plan Policy COS-1.15- Countywide Tree Planting: The County shall establish and support a countywide target for the County, cities in Ventura County, agencies, organizations, businesses, and citizens to plant two million trees throughout the county by 2040.

General Plan Policy COS-3.2- Tree Canopy: The County shall encourage the planting of trees and the protection of existing urban forests and native woodlands, savannahs, and tree canopy throughout the county, including along State or County designated scenic roadways and in residential and commercial zones throughout the county, especially those located within designated disadvantaged communities.

### **Inter-Jurisdictional Coordination**

The County's General Plan recognizes that there are many local, regional, state, and federal agencies that have land use planning, permitting, or development review authority in Ventura County, and it contains goals and policies to enhance inter-agency coordination and relationships that could avoid environmental impacts.

Please consider the following coordination goal and policy for the City's General Plan Update:

General Plan Goal LU-19 – To enhance inter-agency coordination to achieve mutually beneficial land use conservation and development.

General Plan Policy LU-19.1 – County and City Cooperation: The County shall work cooperatively with all cities in the county to enhance consistency among planning

processes and to ensure that each jurisdiction's general plan is compatible with the Ventura County General Plan, the Guidelines for Orderly Development, and adopted greenbelt agreements.

### **Tribal Coordination**

California law recognizes the unique relationship of California's local governments and public agencies with California Native American tribal governments and aims to create an effective collaboration and informed decision-making process. The Legislature has also recognized that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated.

Please consider the following coordination policy for the City's General Plan Update:

#### General Plan Policy COS-4.2 -

- A. Cooperation for Cultural, Historical, Paleontological, and Archaeological Resource Preservation: The County shall cooperate with cities, special districts, appropriate organizations and private landowners to identify known cultural, archaeological, historical, and paleontological resources to preserve identified resources within the county.
- B. Cooperation for Tribal Cultural Resource Preservation: For discretionary projects, the County shall request local tribes contact information from Native American Heritage Commission, to identify known tribal cultural resources. If requested by one or more of the identified local tribes, the County shall engage in consultation with each local tribe to preserve, and determine appropriate handling of, identified resources within the county.

Thank you again for the opportunity to comment on this NOP. If you have any questions about this letter, please contact Joel Hayes at [Joel.Hayes@ventura.org](mailto:Joel.Hayes@ventura.org) or 805.654.2834

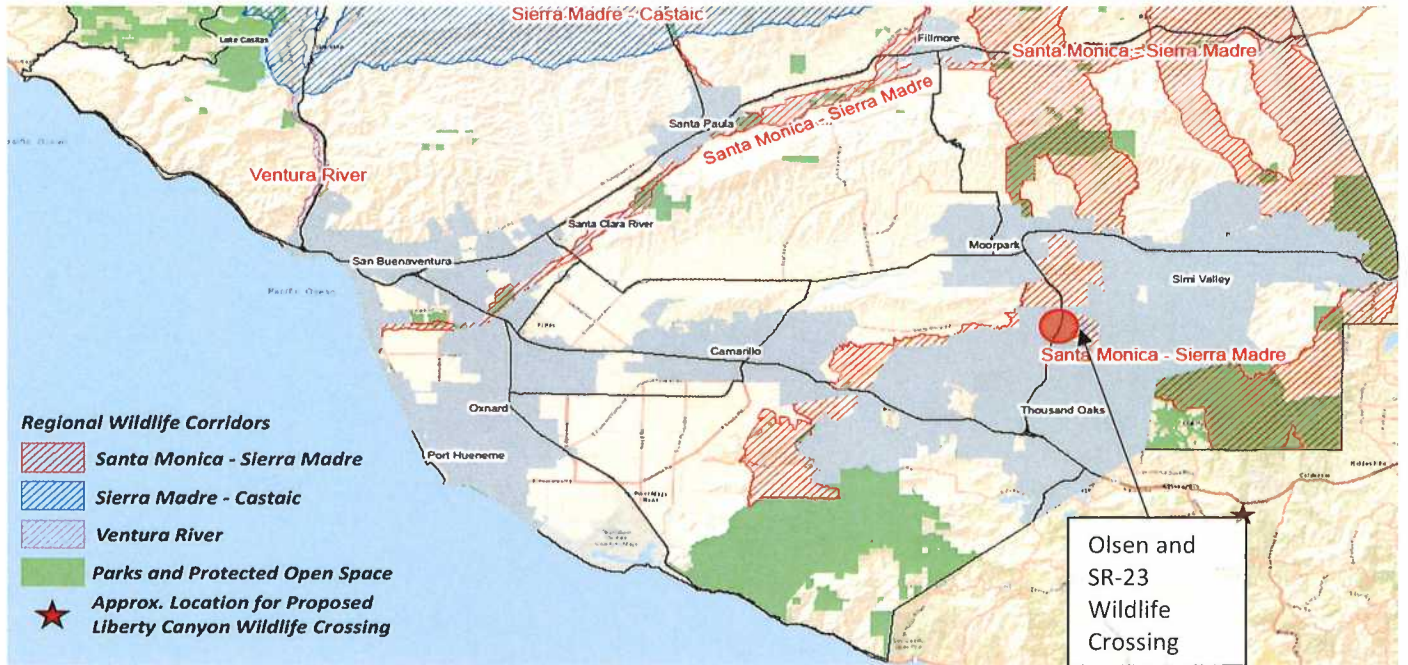
Sincerely,



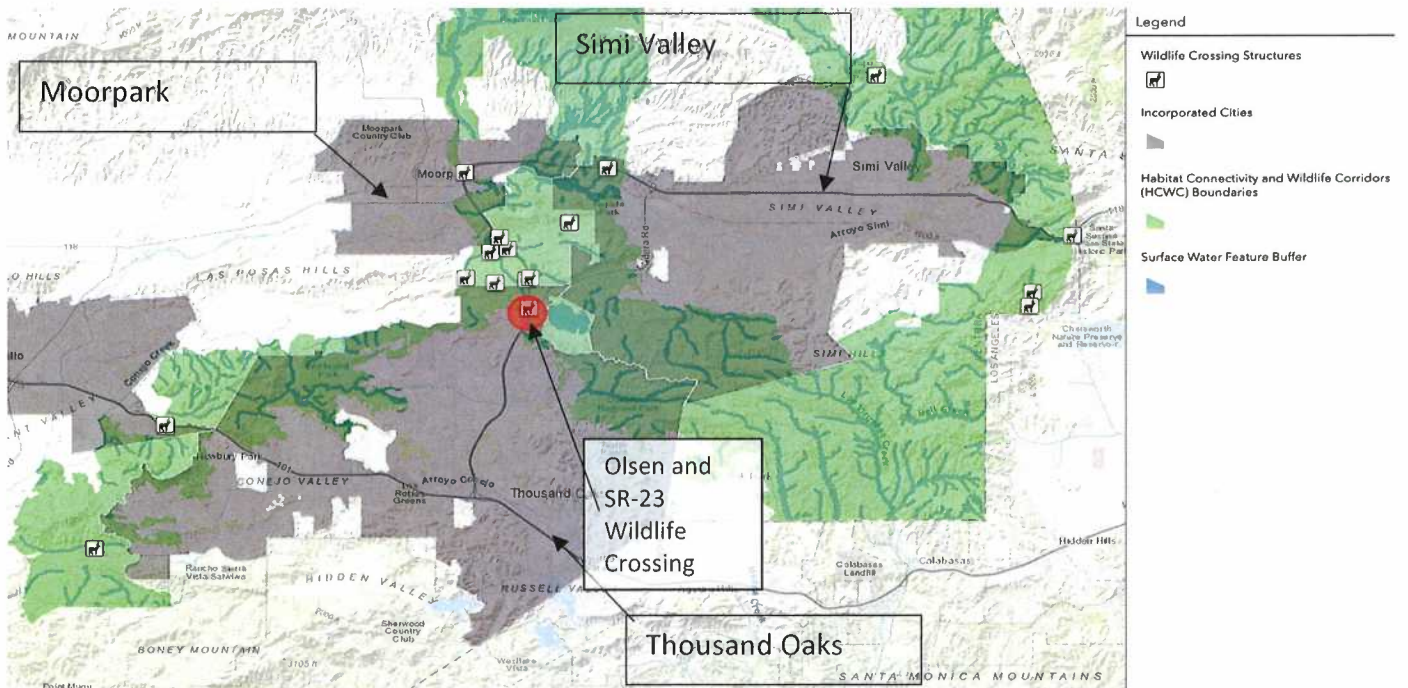
Dave Ward, AICP | Planning Director  
County of Ventura, Planning Division

Attachment 1

Geographic Maps Showing the Habitat Connectivity and Wildlife Corridors for the South County



Habitat Connectivity and Wildlife Corridor boundaries and Wildlife Crossing Structures





# Craig Lawson & Co., LLC

## Land Use Consultants

July 7, 2022

Mr. Iain Holt, AICP, Senior Planner  
City of Thousand Oaks Planning Division  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362

Sent via e-mail to: gp@toaks.org

**RE: Thousand Oaks 2045 (“TO 2045”) General Plan Update  
Notice of Preparation (“NOP”) for Environmental Impact Report (“EIR”)**

Dear Mr. Holt:

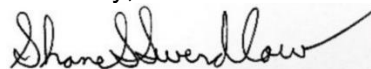
On behalf of GJS, LLC (“GJS”), owner of the commercial property at 550 N. Moorpark Road (southeast corner of Moorpark and Wilbur Roads) in the City of Thousand Oaks (“City”) since 2005, we appreciate this opportunity to comment on the NOP for the TO 2045 EIR. Originally a bank, the existing building on GJS’ property has been vacant for four years. This long vacancy period reflects a citywide trend where attractively located commercial properties remain vacant or underutilized, due to evolving economic conditions, as well as zoning regulations that make it very challenging to secure new tenants (namely, the City’s high vehicular parking requirements).

**GJS continues to support the Mixed-Use Low land use designation proposed for their property and other sites along Moorpark Road, between Hillcrest Drive and Wilbur Road**, as shown in the Draft Preferred Land Use Map endorsed by City Council on May 25, 2021. This segment of Moorpark Road is the perfect location for mixed-use development because it is adjacent to multi-family neighborhoods and within walking distance of offices and major retail destinations, including Janss Marketplace, The Oaks, and Village at Moorpark. The Mixed-Use Low designation would help achieve TO 2045 and associated Climate & Environmental Action Plan (“CEAP”) goals to provide more housing opportunities in a manner that complements the scale and character of the surrounding neighborhood, and to reduce climate change impacts and improve quality of life by contributing to a more walkable neighborhood where residents can live, work, shop, and play.

GJS shares the City’s goal to create a vibrant new vision for under-performing commercial areas. **In addition to using mixed-use development as a revitalization tool, GJS urges the City to reevaluate and reduce vehicular parking requirements as zoning regulations are updated.** Existing parking requirements generally exceed actual parking demand and are higher than what other jurisdictions require. This is particularly true for restaurants and medical offices, which are the types of businesses that have been most interested in occupying GJS’ vacant bank building, but have ultimately passed on the opportunity because the site cannot accommodate the high parking requirements. Reevaluating and reducing vehicular parking requirements to align with actual demand would help revitalize commercial corridors by allowing underutilized properties to be repositioned for new uses. Doing this in conjunction with transportation demand management strategies that encourage alternative modes of transportation would also support TO 2045 and CEAP goals to reduce greenhouse gas emissions, improve air quality, and enhance quality of life.

Thank you for your consideration. If you have any questions, please contact me at shane@craiglawson.com or (310) 838-2400 x110.

Sincerely,



Shane Stuart Swerdlow, Senior Project Manager

## FW: Notice of Preparation for City of Thousand Oaks 2045 General Plan Update and DEIR

Tom Hare <thare@crpd.org>

Wed 6/8/2022 11:24 AM

To: Iain Holt <IHolt@toaks.org>; Krystin Rice <KRice@toaks.org>; Kari Finley <kfinley@toaks.org>

Cc: Kelvin Parker <KParker@toaks.org>; Andrew Mooney <amooney@crpd.org>; James Friedl <jfriedl@crpd.org>; Tom Hare <thare@crpd.org>; Lance Wierschem (ldwierschem@rrmdesign.com) <ldwierschem@rrmdesign.com>

 2 attachments (1 MB)

Re: GP Discussion; General Plan - Parks Review;

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Planning Staff

Thanks for the opportunity to comment on the NOP for the upcoming General Plan EIR.

As we have previously discussed, CRPD needs the growth projections and maps so we can work with our consultant (RRM) to properly prepare and intelligently comment on the General Plan EIR.

At our Zoom meeting on January 18<sup>th</sup> with City Planning staff and your consultant (Raimi), the data and information was promised within the next week.

Andrew sent a follow up email (attached) on February 3<sup>rd</sup> and Krystin replied the information would be provided by next week.

Our consultant subsequently followed up with an email but to date we have not been provided the information necessary to prepare and comment on the General Plan EIR.

Furthermore, on May 16<sup>th</sup> (email attached) we provided our comments regarding the City's Draft Parks Goals and Policies and City's Draft Parks Context. As noted in the documents and the email, we requested further discussion on some items; to date we have not received any further communication from your staff.

Can you please provide and update on the above information? More than happy to discuss.

Thanks

**Tom Hare**

**Administrator, Parks and Planning**

**Conejo Recreation & Park District**

403 W Hillcrest Drive, Thousand Oaks, CA 91360

Phone: 805-381-1230 | Fax: 805-497-3199



**From:** Adrienne Sosner <[ASosner@toaks.org](mailto:ASosner@toaks.org)>

**Sent:** Tuesday, June 7, 2022 12:26 PM

**To:** Andrew Mooney <[amooney@crpd.org](mailto:amooney@crpd.org)>; City of Camarillo (Director of CDD) <[jvacca@cityofcamarillo.org](mailto:jvacca@cityofcamarillo.org)>; City of Moorpark (Doug Spondello) <[dspondello@moorparkca.gov](mailto:dspondello@moorparkca.gov)>; City of Simi Valley (Dir of Env. Services) <[sperros@simivalley.org](mailto:sperros@simivalley.org)>; City of Westlake Village (Planning Div) ([michael@wlv.org](mailto:michael@wlv.org)) <[michael@wlv.org](mailto:michael@wlv.org)>; Williams, Larry <[larry.williams@ventura.org](mailto:larry.williams@ventura.org)>; Nicole Collazo ([nicole@vcapcd.org](mailto:nicole@vcapcd.org)) <[nicole@vcapcd.org](mailto:nicole@vcapcd.org)>

**Cc:** General Plan <[GP@toaks.org](mailto:GP@toaks.org)>

**Subject:** Notice of Preparation for City of Thousand Oaks 2045 General Plan Update and DEIR

To whom it may concern,

The City of Thousand Oaks is preparing a comprehensive update to the General Plan. Please see the attached Notice of Preparation (NOP) and Scoping Meeting for the Thousand Oaks 2045 General Plan Update and Program Environmental Impact Report (PEIR). The general public and all responsible and trustee agencies, and other interested entities are encouraged to review the NOP and to submit comments via email at [gp@toaks.org](mailto:gp@toaks.org) or mail (instructions can be found in the NOP) on the scope of the PEIR relative to the General Plan update and the Climate and Environmental Action Plan. The City will hold a virtual scoping meeting in conjunction with this NOP to present information about the General Plan update and PEIR process. Please register in advance for the scoping meeting (link can be found in NOP).

**Written comments will be accepted from June 7, 2022 to July 7, 2022, and a public Scoping Meeting will be held on June 23, 2022.**

A copy of the NOP can be viewed electronically on the City's web page at:

<https://www.toaks.org/departments/community-development/planning/environmental-impact>.

For more information about the General Plan Update and PEIR, please visit <https://www.toaks2045.org/>.

Thank you

**Adrienne Sosner**

Community Development Department

2100 East Thousand Oaks Boulevard

Thousand Oaks, CA 91362

Email: [asosner@toaks.org](mailto:asosner@toaks.org)

Office: (805) 449-2536

[City of Thousand Oaks](http://www.toaks.org)

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For information on services available at City Hall, visit [www.toaks.org/cdd](http://www.toaks.org/cdd)

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 7  
100 S. MAIN STREET, MS 16  
LOS ANGELES, CA 90012  
PHONE (213) 269-1124  
FAX (213) 897-1337  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life*

July 1, 2022

Iain Holt, AICP Senior Planner  
Community Development Department  
Planning Division  
City of Thousand Oaks  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362

RE: City of Thousand Oaks 2045 General Plan  
Update  
SCH # 2022060087  
Vic. LA-Citywide  
GTS # VEN-2022-00493-NOP-AL

Dear Iain Holt

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced NOP. The City of Thousand Oaks General Plan articulates the long-term shared community vision for the preservation, enhancement and improvement of the city. It is a long-range plan that directs decision making and establishes rules and standards for city improvements and new development. The Plan reflects the community's vision for the future and is intended to provide direction through the year 2045. The last comprehensive General Plan was completed in 1970. The housing element was updated in 2022 and will be included in the GPU. The 2045 General Plan Update will provide the context to effectively plan and manage the City of Thousand Oaks based on an updated set of goals, policies, and implementation actions that reflect the values and aspirations for the future expressed by the community. Additionally, the update will equip the City of Thousand Oaks with a policy framework to responsibly manage future projects and have the capacity to accommodate the growth and development anticipated to occur in the city for the next 25 years.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:

<http://opr.ca.gov/ceqa/updates/guidelines/>



As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, all developments in the General Plan should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing. Overall, the environmental report should ensure all modes are served well by planning and development activities. This includes reducing single occupancy vehicle trips, ensuring safety, reducing vehicle miles traveled, supporting accessibility, and reducing greenhouse gas emissions.

We encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications for this General Plan in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements. For any TDM options as a consideration, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). This reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

You can also refer to the 2010 *Quantifying Greenhouse Gas Mitigation Measures* report by the California Air Pollution Control Officers Association (CAPCOA), which is available online at:

<http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Also, Caltrans has published the VMT-focused Transportation Impact Study Guide (TISG), dated May 20, 2020 and the Caltrans Interim Land Development and Intergovernmental Review (LD-IGR) Safety Review Practitioners Guidance, prepared in On December 18, 2020. You can review these resources at the following links:

<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>

<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-12-22-updated-interim-ldigr-safety-review-guidance-a11y.pdf>

Caltrans encourages lead agencies to prepare traffic safety impact analysis for this General Plan in the California Environmental Quality Act (CEQA) review process using Caltrans guidelines above on the State facilities so that, through partnerships and collaboration, California can reach zero fatalities and serious injuries by 2050.

We would like the Lead Agency to consider a post-development VMT analysis policy for monitoring and validation purpose and for future project thresholds in the area. A post-development VMT analysis should include actual VMT survey and interview with real drivers. This VMT analysis would produce more accurate outcome in the area for the Lead Agency. Additional mitigation measure should be implemented when the post-development VMT analysis discloses any traffic significant impact.

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # VEN-2022-00493-NOP-AL.

Sincerely,

*Miya Edmonson*

MIYA EDMONSON  
LDR/CEQA Branch Chief

email: State Clearinghouse

## Comments for NOP for draft EIR

karen wilburn <karenwilburn32@outlook.com>

Wed 6/15/2022 1:09 PM

To: General Plan <GP@toaks.org>

 1 attachments (4 MB)

April 2020 email between Shawn & Forbes.pdf;

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to ask that the draft EIR explore the following issues with respect to the Borchard lot. Based on the attached 4/20/20 email obtained via a PRA between the parcel owner & city staff this property is not included on the General Plan housing sites inventory submitted to the state due to it's unique challenges. I realize no actual application has been filed with the city, but it is widely known that the property owner has been presenting "his vision" for the property if the General Plan land use is changed to Mixed Use low. Based on this I feel it is only fair that the EIR should take into consideration the proposal he has shared with local residents as well as City Council members prior to finalizing the General Plan. I can provide you with the proposal he has put forth during his Zoom meetings with the public. These are the items I would like addressed during the draft EIR.

1. Environmental impact of flora & fauna at the 5 acres of the Borchard property which have been determined to be a seasonable wetland by the Federal Dept of Fish & Wildlife.
2. Flood impact of any development at the Borchard site due to the 100 yr flood zone.
3. The Borchard property should be reviewed to see if it contains the fungus coccidioides. This is a fungus which causes Valley Fever when spores are released into the air & could create health hazards to the surrounding residents. In the aftermath of EQs & fires, cases of this disease in Ventura county have soared & statewide have tripled since 2014. As the wife of someone infected in 2001 while working near an agricultural site, I can attest that this can be a serious lifelong health issue. Although he almost died in 2001, he recovered & was fine for 17 years. In 2018 treatments for another medical condition allowed the dormant disease to resurface. He was hospitalized & is still being treated for Valley Fever to this day, over 20 years later. Due to the significant property size & the amount of soil which would be disturbed this should be considered.

4. Traffic impact needs to be addressed. Currently the only access points are on the Wendy side of the property at the end of Alice Dr & Denise St. These are 2 lane residential streets. This property is completely landlocked so unless houses are torn down there is no way that additional access points can be provided. Not only will traffic on these 2 streets be affected but Bella & Shirley will see additional traffic as people seek other means to get to Alice & Denise St. A bridge across the flood channel will have to be built for access on the Borchard side.

As this is such a unique property with unique conditions it would be negligent in my opinion to move forward with an EIR & final General Plan designation without considering these issues. It is unfair to the local residents as well as the parcel owner to continue to hold out hope that this parcel can meet the environmental standards needed for mixed use development.

Karen Wilburn  
213-216-1937

**Cc:** Andrew Powers[APowers@toaks.org]; Cliff Finley[CFinley@toaks.org]  
**To:** Haider Alawami[HALawami@toaks.org]  
**Cc:** Iain Holt[IHolt@toaks.org]; Mark Towne[MTowne@toaks.org]; Nader Heydari[NHeydari@toaks.org]  
**To:** Shawn D. Moradian[Third-Party Privacy]  
**From:** Michael Forbes  
**Sent:** Fri 4/24/2020 1:29:33 AM  
**Subject:** Re: Army Corps of Engineers - Official Approved Jurisdictional Determination Letter(s) - Moradian Property  
[wetlands map.png](#)

Shawn,

Please know that we absolutely see ourselves as partners with you and other property owners that are striving to improve the quality of life and economic sustainability of Thousand Oaks. I am sorry if I gave you the impression when we met that we believed your property could not or should not be developed. When looking at any property, one of our responsibilities is to identify any potential issues that could affect the development of the property. Our goal is not to be obstructionist but rather to identify issues as early as possible so that the owner or other responsible parties have ample time to address them as appropriate.

The letters that you have from the Army Corps are important and address one aspect of the water issues on the property. The letters however only pertain to the Army Corps' jurisdiction over the property and do not address the other issues we discussed. The property is designated as being in a 100-year flood plain on the FEMA flood insurance map, and the property is included in the U.S. Fish and Wildlife Service's National Wetlands Inventory. Attached is a screen shot of the National Wetlands Inventory map showing this designation. Again, we are not saying that this means the property cannot be developed. We have identified these as issues that, if not addressed sooner, will need to be addressed when development of the property is considered, including through the CEQA environmental review process.

In our prior conversations, you have inquired about the site being included in the General Plan housing sites inventory and analyzed in the General Plan EIR. As we evaluate properties to include in the General Plan housing sites inventory, one of the key factors we have to consider is whether there are any issues on the property that might delay or constrain development of housing on the site. The State Department of Housing and Community Development will carefully review our proposed inventory and will remove any sites that have conditions they believe would delay or constrain development of housing on the site. For that reason, we do not anticipate including your property in the housing sites inventory.

However, whether or not a property is included in the sites inventory in no way affects the ability to develop the site. A property's development potential is dictated by the General Plan land use designation and zoning. Not including a property in the inventory does not mean it cannot or will not be developed; it just means the City is not highlighting it as a development opportunity for housing purposes.

Even if we were to include it in the site inventory, the EIR being prepared for the General Plan update would not environmentally clear the property for development. The General Plan EIR is a program EIR that looks at Citywide environmental impacts on a broad scale. Individual development projects are still required to have their own CEQA analysis to study site-specific issues.

I hope that this email clears up any misunderstanding. As I said, we consider ourselves your partner in improving the community and look forward to continuing to work with you. Thank you for reaching out.

Best,  
Michael

**Michael D. Forbes, AICP**  
Deputy Director  
Community Development Department  
City of Thousand Oaks  
805.449.2311  
[toaks.org/cdd](http://toaks.org/cdd)  
[toaks2045.org](http://toaks2045.org)

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**From:** "Shawn D. Moradian" **Third-Party Privacy**

**Date:** Wednesday, April 22, 2020 at 1:08 PM

**To:** Haider Alawami <HALawami@toaks.org>, Michael Forbes <MForbes@toaks.org>

**Cc:** Nader Heydari <NHeydari@toaks.org>, Andrew Powers <APowers@toaks.org>, Cliff Finley <CFinley@toaks.org>

**Subject:** Army Corps of Engineers - Official Approved Jurisdictional Determination Letter(s) - Moradian Property

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**RE: Army Corps of Engineers Approved Jurisdictional Determination Letter(s) for Moradian Property @ HWY 101 & Borchard Rd. ("Property")**

Dear Haider and Mike:

It has come to our attention that there is **still a question as to whether or not there are "wetlands"** on the above-referenced Property. It's difficult to believe after years of discussion, and the multiple meetings, study sessions, and presentations made alongside former Public Works Director - Jay Spurgin we're still having to dispute these erroneous and unfounded rumors.

Attached, please find two (2), official approved Jurisdictional Determination's (JD) from the United States Army Corps of Engineers (US Army Corps) – dated September 2014 and October 2019. The US Army Corps **IS** the federal agency with regulatory authority and oversight on "waters of the United States" aka "wetlands."

Both JD conclude, without ambiguity that our entire site is **not** considered "waters of the US", nor "wetlands", and therefore they have no regulatory authority nor are we required to obtain a Section 404 permit under the Clean Water Act.

Each JD is valid for five (5) years and continue to be renewed since the Property is not a "wetlands". Our current JD expires in October 2024.

**We kindly ask that these defamatory rumors cease once and for all.** We're working together, as partners, for solutions to improve the quality of life and economic health of our City. Having to defend unnecessary claims: only sets us back, is grossly counterproductive, and shows a lack of mutual respect.

**We respectfully ask that you circulate a public memo to all City staff and departments clarifying this rumor once and for all.**



Thank you,

---

Shawn D. Moradian

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# National Wetlands Inventory

surface waters and wetlands

GET DATA

PRINT

FIND LOCATION

ABOUT



USDA FSA | Esri, HERE, Garmin, iPC | U.S. Fish and Wildlife Service, ...



**To:** Shawn D. Moradian [Third-Party Privacy]  
**From:** Haider Alawami  
**Sent:** Fri 4/24/2020 7:41:38 PM  
**Subject:** Re: Wetland referral

Shawn:

Go ahead and share this information with Michael. I will be on 3 consecutive conference call starting at 1 pm.

Haider


Sent from my iPad

On Apr 24, 2020, at 11:25 AM, Shawn D. Moradian <shawndmoradian@gmail.com> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Haider:

Below is a copy of the email sent to the City, c/o Jay, Mohammad, and yourself dated April 14, 2018, dealing with the US Fish and Game Wetland Mapper. We already talk about this and Ms. Elaine F. Blok clearly states " The Corp of Engineers is the regulatory agency in charge of these determinations." That regulatory agency, through their official Jurisdictional Determination evaluation, has determined property has NO WETLANDS. Those "maps" if you click on them are from ariel observations from 2002, when the City was doing the Borchard offramp project. They've never been updated since. Ironically, exactly 2 years later, the same conversation again. Please call me to discuss this after your review. Thank you

from: Shawn D. Moradian [Third-Party Privacy]  
to: Mohammad Fatemi <MFatemi@toaks.org>  
cc: Jay Spurgin <jspurgin@toaks.org>  
bcc: Haider Alawami <HALawami@toaks.org>  
date: Apr 14, 2018, 9:47 AM  
subject: Fwd: Wetland referral  
mailed- [gmail.com](mailto:shawndmoradian@gmail.com)  
by:  
 Important according to Google magic.

The ONLY parcel in GREEN in the entire City of Thousand Oaks, or the region for that matter.

<image.png>

Data from 2002

<image.png>

<image.png>

Here's their Data Limitation Disclosure:

## Data Limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

***Wetlands or other mapped features may have changed since the date of the imagery and/or field work.*** There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

**Exclusions** - Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

By policy, the Service also excludes certain types of "farmed wetlands" as may be defined by the Food Security Act or that do not coincide with the Cowardin et al. definition. Contact the Service's Regional Wetland Coordinator for additional information on what types of farmed wetlands are included on wetland maps.

***Precautions - Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.***

---

Shawn D. Moradian

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----- Forwarded message -----

From: **Shawn D. Moradian** **Third-Party Privacy**

Date: Sat, Apr 14, 2018 at 9:47 AM

Subject: Fwd: Wetland referral

To: Mohammad Fatemi <MFatemi@toaks.org>

Cc: Jay Spurgin <jspurgin@toaks.org>

Gentlemen:

Below, please find confirmation email from US Fish and Game that their website and its Wetland Mapper "are not jurisdictional" and the Corp of Engineers is the regulatory agency in charge...

Please confirm receipt?

Thank you,

---

Shawn D. Moradian

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----- Forwarded message -----  
From: **Blok, Elaine** <elaine\_blok@fws.gov>  
Date: Thu, Nov 17, 2016 at 5:21 PM  
Subject: Re: Wetland referral  
To: "Shawn D. Moradian" **Third-Party Privacy**  
Cc: "McKinney, Tony" <tony\_mckinney@fws.gov>

Dear Mr. Moradian,

The National Wetlands Inventory designation should not have any adverse effect on the sale of the property given that the Corp of Engineers has already given the permit to develop. The Corp of Engineers is the regulatory agency in charge of these determinations. The designation of wetlands on the Wetlands Mapper is not a jurisdictional delineation. In order to better understand the NWI product please read the Data Limitations, Exclusions, and Precautions section found here on the NWI website:  
<https://www.fws.gov/wetlands/Data/Limitations.html>

I have done a review of the property in question using a number of sources and believe that the property is a wetland by the USFWS definition of wetlands found in our National Standards. I do not plan to remove this designation from the mapper. In recent images the area reflects the fact that there has been a drought in the area. It also looks like the property may have been altered. In most other images, found on google earth timeline, there are ponded areas on the property in many years. There are also quite a few photos, labeled Newberry Park wetlands and Newberry Lake, on google earth that show standing water, wetlands vegetation, and water birds using the area.

I hope this gives you a better understanding of the NWI program and what the designation on the mapper represents.

Sincerely,

Elaine

--

Elaine F. Blok



Regional Wetlands Coordinator - R8  
National Wetlands Inventory  
911 NE 11th Ave  
Portland, OR 97232  
503-231-2192

On Wed, Nov 16, 2016 at 12:04 PM, Shawn D. Moradian **Third-Party Privacy**  
wrote:

Hi Elaine:

I was provided your contact information from Tony McKinney from the Carlsbad, CA office. Below, you'll find a snapshot of our Property in "green" off your Wetlands Mapper, this however is incorrect and misleading. Our Property is located in Thousand Oaks, CA and is not a wetlands. We are in the process of selling the Property and this designation on your website is creating confusion and interfering in our sale. We have official correspondence from the US Army Corps of Engineers refuting the depictions on your website. Please contact me immediately to remove this defamatory content.

My contact information is below.

Please confirm receipt?

Thank you,

---

Shawn D. Moradian

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Karen Wilburn PRA - Request 1-000106

The screenshot displays the National Wetlands Inventory web application interface. The main map shows an aerial view of a residential neighborhood with a wetland area highlighted in a light blue color. A popup window is open over the wetland area, providing details about the habitat. The popup has tabs for 'General', 'Description', 'Reports', and 'About'. The 'General' tab is active, showing the following text:

This 18.79 acre **Freshwater Emergent Wetland** habitat is classified as a **PEM1C**. For a complete code description, click [here](#).

The wetlands and deepwater habitats in this area were photo interpreted using **1 meter (or less) digital, color infrared** imagery from **2002**. Click [here](#) for project specific mapping conventions and information.

Below the text are two links: [Zoom to wetland](#) and [Zoom to project area](#).

The application interface includes a left sidebar with 'MAP LAYERS' and 'BASEMAPS' sections. The 'MAP LAYERS' section has several checkboxes: 'Wetlands' (checked), 'Riparian', 'Riparian Mapping Areas', 'Data Source' (checked), 'Source Type', 'Image Scale', 'Image Year', 'Areas of Interest', 'FWS Managed Lands', and 'Historic Wetland Data'. The 'BASEMAPS' section has a '+' icon. At the top right, there are buttons for 'About', 'GET DATA', 'PRINT', and 'FIND LOCATION'. A 'LEGEND' button is also visible. The bottom left corner shows coordinates: 1:5,028 and 34,180 | -118,921. The bottom right corner features the 'esri' logo and copyright information: '© 2017, 2018 Esri. All rights reserved. ArcGIS Online: National Wetlands Inventory and Support Tools. Additional content may be provided by third parties. All other trademarks are the property of their respective owners.'

**National Wetlands Inventory**  
surface waters and wetlands

BASEMAPS > MAP LAYERS >

- Wetlands
- Riparian
- Riparian Mapping Areas
- Data Source
  - Source Type
  - Image Scale
  - Image Year
- Areas of Interest
- FWS Managed Lands
- Historic Wetland Data

Measure

Legend

General Description Reports About

This 14.96 acre **Freshwater Emergent Wetland** habitat is classified as a **PEM1A**. For a complete code description, click [here](#).

The wetlands and deepwater habitats in this area were photo interpreted using 1 meter (or less) digital, color infrared imagery from 2002. Click [here](#) for project specific mapping conventions and information.

[Zoom to wetland](#)

[Zoom to project area](#)

1:9,028  
4,152 -118,948

esri