

# THE OAKS SPECIFIC PLAN

Draft Environmental Impact Report  
State Clearinghouse Number 2022010527

Prepared for  
City of Thousand Oaks  
2100 Thousand Oaks Boulevard  
Thousand Oaks, California 91362  
805.449.2317

April 2022





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# EXECUTIVE SUMMARY

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## ES.1 Introduction

One Baxter Way L.P. (Applicant) has requested entitlements from the City of Thousand Oaks (City) that would provide for development of the Gateway at the Oaks Multi-Family Residential and replacement parking structure for the existing industrial office building located at One Baxter Way (Project). The requested entitlements require discretionary approvals by the City. In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code (PRC) §§21000 et seq.), the City must conduct environmental review prior to considering approval of the requested entitlements, and the City has determined to prepare an Environmental Impact Report (EIR). This Draft EIR has been prepared to be circulated for public review and the City will prepare and consider certification of a Final EIR prior to making decisions of whether to approve the requested entitlements.

In accordance with CEQA Guidelines Section 15123, this section of this Draft Environmental Impact Report (EIR) contains a summary of the Oaks Specific Plan and the environmental effects (proposed Project or Project). More detailed information regarding the proposed Project and its potential environmental effects is provided in the following sections of this Draft EIR. The City of Thousand Oaks is the CEQA lead agency for the proposed Project. Included in this summary is an overview of the Project location and setting, Project objectives, Project characteristics, Project approvals, Project alternatives, areas of known controversy; and a summary of the Project's impacts and mitigation measures.

## ES.2 Project Location and Setting

The Project site is located in the southern portion of the City of Thousand Oaks in Ventura County. Specifically, the Project site is located north of U.S. 101 between Westlake Boulevard and Lindero Road exits. Two parcels that include Assessor Parcel Number [APN] 680-0-230-695 and APN 680-0-230-715) encompass the 42.9-acre Project. The area surrounding the Project site includes U.S. 101 located along the majority of the southern side of the Project site and a City-owned surface parking lot southwest of the site. Along the western boundary of the site is a drainage known as School House Canyon. On the northern boundary of the site is approximately 250 linear feet of Thousand Oaks Boulevard. Along the eastern boundary of the site is Lakeview Canyon Road.

The Project site is developed and has moderate topographic relief with surface elevations that range from approximately 941 feet above mean sea level (msl) in the southwestern portion of the Project site to 1,016 feet msl in the eastern portion of the Project site. One three-story industrial office building with multiple tenants encompassing approximately 416,941 gross square feet of

which 308,305 square feet is leasible and a single story, approximately 7,000 square-foot maintenance structure are located on the Project site. The 7,000 square-foot maintenance structure was previously used as a Verizon vehicle maintenance facility and is located in the middle of surface parking west of the industrial office building. Surface parking is located on the west, north and east sides of the existing industrial office building.

The Project site is surrounded by various uses. South of the site is a portion of U.S. 101 that contains five northbound lanes and five southbound lanes with a divided center median. A northbound off-ramp lane extends approximately 550 feet along the southern boundary of the site between the mainline of U.S. 101 and the Project site. South of U.S. 101 are commercial, office, and hotel uses. Southwest of the Project site boundary is an approximately 110-space surface parking lot that is owned by the City. West of the Project site is an approximately 100 to 110-foot wide unlined drainage (known as School House Canyon) that separates the Project site from the commercial shopping center known as The Promenade at Westlake Village. North of the Project site, north of Thousand Oaks Boulevard, are offices west of Lakeview Canyon Road and Westlake High School east of Lakeview Canyon Road. East of the Project site, east of Lakeview Canyon Road, are offices and a regional medical center.

## **ES.3 Background**

The Project site was initially evaluated in an EIR for the construction of the existing site development such as the industrial office building, surface parking and maintenance structure. In 1978, the EIR was prepared and certified, and the development was approved by the City of Thousand Oaks City Council. During construction, a substantial number of oak and sycamore trees were planted on the Project site. The industrial office building initially contained the western headquarters of the Prudential Insurance Company. In 2006, The Planning Commission approved multi-tenants to use the existing industrial office building as well as provided conditions related to parking.

## **ES.4 Project Objectives**

The following are the Project applicant's objectives for the proposed Project.

- Provide apartment housing in an area developed with existing uses and near existing public transportation.
- Provide apartment housing in close proximity to existing commercial shopping.
- Provide high-quality residential apartment development that includes affordable housing units and would assist in fulfilling the City's regional housing needs.
- Provide housing opportunities that provide minimal distance to active job locations.
- Retain existing trees that screen views from Thousand Oaks Boulevard and Lakeview Canyon Road into the Project site.
- Provide open space and amenities within the proposed apartment development.
- Provide adequate on-site parking to accommodate both the proposed apartments and existing on-site use.

## ES.5 Project Description

The Project includes the implementation of two Planning Areas on approximately 40.4 acres. Planning Area 1 (Multi-Family Residential) includes the construction of 264 apartment units and 274 subterranean parking spaces within four residential buildings and 161 surface parking spaces. The Project includes the construction of 34 affordable apartment units; 16 units to be designated for very low income residents and 18 units to be designated for low income residents. The proposed residential campus includes various recreational and other amenities including a Gateway Garden that links the residential buildings to the proposed parking structure, Pool Terrace, Residents' Terrace that connects the proposed fitness and lounge spaces and includes a barbeque island and seating/dining areas, a central gathering lawn to provide passive recreation and open play area (The Green), a children's play space (The Oak Yard), Watershed Garden, small gathering space around a fire pit (The Patio), Dog Park, and central hub for resident and social activities (The Courtyard).

A parking structure is proposed within Planning Area 2 to replace the surface parking that will be removed to accommodate the proposed residential apartments (Planning Area 1). The proposed parking structure will include 925 parking spaces. In addition to the structured parking spaces, the Project includes the construction of 187 new surface parking spaces for the industrial office building. In combination with the 167 existing surface parking spaces that will remain with the Project and the 1,112 new surface and structured parking spaces, there will be a total of 1,290 parking spaces that will be provided for the existing industrial office. The proposed parking areas will provide secure resident entries to limit access to the majority of the residential parking spaces. The surface parking will be dedicated to either assigned resident parking or guest parking and will be clearly marked with restriction to deter any parking overflow from uses surrounding the Project site.

The Project will provide pedestrian, bicycle, and vehicular circulation with linkages between the residential apartments, proposed parking structure and the existing industrial office building. The residential apartment will include 154 bike parking stalls for residents and 22 short-term bike parking racks for guests. The existing bridge across the drainage will continue to allow vehicular, pedestrian and bicyclist ingress and egress within an existing easement to and from Thousand Oaks Boulevard as well as provide connectivity between the Project site and the existing commercial shopping uses within the Promenade at Westlake Village.

Primary access to the Project site will remain off of Lakeview Canyon Drive at two separate entrances (Baxter Way and Via Mercado). Internal private drives are designed to accommodate daily vehicular traffic, bicycles, pedestrians and emergency access to the proposed residential apartments, proposed parking structure as well as the existing industrial office building. An existing access easement is provided between the Project site and Thousand Oaks Boulevard.

## ES.6 Analysis of Alternatives

The No Project Alternative and two alternatives to the proposed Project are described in this Draft EIR and are considered to represent a reasonable range of alternatives to the Project.

## ES.6.1 Alternative 1: No Project Alternative

The CEQA Guidelines require EIRs to evaluate the “no project” alternative to allow decision makers to compare the impacts of approving the proposed Project with the impacts of not approving the proposed Project. In accordance with CEQA Guidelines section 15126.6(e)(2), *“the ‘no project’ analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.”*

For this Draft EIR, the “no project” alternative is referred to as the “No Program/No Development”. Based on input from City staff, the existing zoning designation and the specific development conditions that exist do not permit additional structural development on the Project site without an additional approval of a discretionary action. Therefore, it is appropriate that the No Project is also considered No Development on the site. Under this alternative, the existing surface parking would remain and no additional development would occur. As stated above, this alternative was selected for evaluation because the CEQA Guidelines Section 15126.6(e) requires the evaluation of a No Project Alternative which, in this case, is the No Program/No Development Alternative.

## ES.6.2 Alternative 2: Alternative Pedestrian Pathway

Alternative 2 includes a similar development as the proposed Project; however, this alternative includes a focused design revision of the proposed pedestrian walkway between the existing industrial office building and the proposed parking structure to avoid a known prehistoric archaeological site. As with the proposed Project, this alternative would include the construction of 264 residential units within four buildings, subterranean parking with 274 parking spaces, 161 surface parking spaces, hardscape, landscape, and grading. Similar to the Project, this alternative includes the construction of a four-story parking structure that includes 925 parking spaces and the construction of 187 new surface parking spaces for the existing industrial office building.

## ES.6.3 Alternative 3: Alternative Design

Alternative 3 includes a revision to the multi-family residential apartment buildings proposed under the Project. This alternative would also retain the proposed 4-story parking structure and the proposed pedestrian walkway. The proposed revision would include the removal of residential Building B (B1 and B2) and increase the height of Building A (A1 and A2) to accommodate the same number of units as the proposed Project. This Alternative would increase the height of Building A (A1 and A2) to six floors to accommodate 264 residential units and the subterranean parking would include two subterranean levels to accommodate 274 parking spaces. Under this alternative design, a portion of the existing surface parking located within the area of Building B proposed under the Project would be retained. A portion of the existing surface parking would be utilized to accommodate recreational amenities. The area adjacent to the existing School House drainage northeast of the existing vehicular bridge would be retained so that no impacts to existing trees in this area would occur.

## ES.7 Areas of Known Controversy

Section 15123(b)(2) of the CEQA Guidelines requires that an EIR identify areas of controversy known to the lead agency, including issues raised by other agencies and the public. Significant issues of controversy have not been raised during the Draft EIR preparation process. However, the City understands that the primary issue areas include impacts on views from U.S. 101, increases in air emissions and traffic, and removal of protected trees. Environmental effects associated with each of these topics are discussed and evaluated in this EIR.

## ES.8 Environmental Impacts and Mitigation Measures

This section provides a summary of impacts, mitigation measures, and level of impact after implementation of mitigation measures associated with the proposed Project. Detailed analyses of these topics are included within Chapter 3 of this Draft EIR. The summary is provided by environmental issue area below in **Table ES-1, *Summary of Environmental Impacts and Mitigation Measures***.

**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>3.1 Aesthetics</b>			
<b>Scenic Vistas</b>			
<b>Impact 3.1-1:</b> The Project would result in a less than significant and less than cumulatively considerable adverse effect on a scenic vista.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Scenic Highway</b>			
<b>Impact 3.1-2:</b> The Project would result in less than significant and less than cumulatively considerable impacts on scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Visual Character</b>			
<b>Impact 3.1-3:</b> The Project would result in less than significant and less than cumulatively considerable impacts on the existing visual character or quality of public views of the Project site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point.) The Project would not conflict with applicable zoning and other regulations governing scenic quality.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Light and Glare</b>			
<b>Impact 3.1-4:</b> The Project would result in less than significant and less than cumulatively considerable light or glare impacts that would adversely affect day or nighttime views in the area.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>3.2 Air Quality</b>			
<b>Air Quality Plan</b>			
<b>Impact 3.2-1:</b> Implementation of the proposed Project would not conflict with or obstruct implementation of an applicable air quality plan, and therefore, the Project would have a less than significant and less than cumulatively considerable effect on the implementation of an applicable air quality plan.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant



Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>Air Quality Standards</b>			
<b>Impact 3.2-2:</b> Implementation of the proposed Project would result in a significant and cumulatively considerable air quality effects because the Project would result in a net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.			
Project	Significant	<p><b>AQ-1:</b> The applicant shall require all construction plans to include the following best management practices:</p> <ul style="list-style-type: none"> <li>• Maximize the use of chemical dust suppressants or non-potable water, if available. If water is used, all exposed surfaces shall be watered three times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.</li> <li>• Cover or maintain at least 2 feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways shall be covered.</li> <li>• Use wet power vacuum street sweepers to remove any visible track-out mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.</li> <li>• Limit vehicle speeds on unpaved roads to 15 miles per hour.</li> <li>• Pave all roadways, driveways, sidewalks, parking lots as soon as possible. In addition, building pads shall be laid immediately after grading unless seeding or soil binders are used.</li> <li>• Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, Section 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.</li> <li>• Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment shall be checked by a certified mechanic and determine to be running in proper condition before it is operated.</li> </ul> <p><b>AQ-2:</b> All diesel off-road equipment rated 50 horsepower or more shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB. This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the VCAPCD, as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.</p>	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<b>AQ-3:</b> Prior to the issuance of a building permit, the Applicant shall demonstrate that the Project's architectural coatings will be "Super-Compliant" or have a VOC standard of less than 10 grams per liter.	
<b>Cumulative</b>	Significant	Implementation of Mitigation Measures AQ-1 through AQ-3 is required.	Less than Significant
<b>Substantial Pollutant Concentrations</b>			
<b>Impact 3.2-3:</b> Implementation of the proposed Project would result in less than significant and less than cumulatively considerable effects associated with the exposure of sensitive receptors to substantial pollutant concentrations.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Other Emissions such as those Leading to Odors</b>			
<b>Impact 3.2-4:</b> The proposed Project would result in less than significant and less than cumulatively considerable effects from the creation of objectionable odors affecting a substantial number of people.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>3.3 Biological Resources</b>			
<b>Effect on Species</b>			
<b>Impact 3.3-1:</b> The Project would have a less than significant and less than cumulatively considerable effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Riparian Habitat</b>			
<b>Impact 3.3-2:</b> The Project would result in significant and cumulatively considerable effects on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.			
<b>Project</b>	Significant	<b>BIO-1:</b> Tree Protection Measures: The Project shall implement the tree protection measures presented in Appendix F of the Dudek Arborist Report dated April 2022 (see <b>Appendix D-2</b> ). These tree protection measures shall be implemented before and during all phases of construction. Example tree protection measures provided in Appendix F of the Dudek Arborist Report include the following: <ul style="list-style-type: none"> <li>Fencing and Signage: A 6-foot-high chain-link fence with tree protection signs shall be erected around all trees (or tree groups) with canopies that fall within 30 feet of construction activity. The protective fence should be installed at a distance from the trunk that is equal to the dripline radius plus 5 feet (protected tree zone). For any trees that would be encroached upon by construction activities, fencing shall be placed as far away from trunk of</li> </ul>	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>the tree as possible while still allowing the required construction activities to proceed. This fencing will delineate the tree protection zone and prevent unwanted activity in and around the trees in order to reduce soil compaction in the root zones of the trees and other damage from heavy equipment. Fences are to be mounted on 2-inch-diameter galvanized iron posts, driven into the ground to a depth of at least 2 feet at no more than 10-foot spacing. In areas where fencing is located on paving or concrete that will not be demolished, then the posts may be supported by an appropriate grade level concrete base. Tree protection signs should be attached to every fourth post. The contractor shall maintain the fence to keep it upright, taut, and aligned at all times. Fencing shall be removed only after all construction activities are complete.</p> <ul style="list-style-type: none"> <li>• Pre-Construction Meeting: A pre-construction meeting shall be held between the City, all contractors and the arborist. The arborist will instruct the contractors on tree protection practices and answer any questions. All equipment operators and spotters, assistants, or those directing operators from the ground, shall provide written acknowledgement of their receiving tree protection training. This training shall include information on the location and marking of protected trees, the necessity of preventing damage, and the discussion of work practices that will accomplish such.</li> <li>• Inspection: An ISA Certified Arborist shall inspect the trees on at least a monthly basis for the duration of construction activity. The Project arborist is responsible to report any failures by the property owner to fully comply with the conditions of the permit including all the requirements in the Oak Tree and Landmark Preservation and Protection Guidelines, and the Project-specific requirements described in the Arborist Report. Following each monitoring visit the monitoring arborist shall prepare a statement of record. The statement of record shall detail all work that occurred within the TPZ during the site visit. A summary report documenting observations and management recommendations shall be submitted to the owner following each inspection. Following Project completion, the owner's tree consultant shall provide a summary report describing the condition of the trees encroached upon and any specific measures and/or monitoring needed to ensure tree health. Photographs of representative trees are to be included in each report.</li> </ul> <p><b>BIO-2: CDFW Jurisdictional Habitat Encroachment:</b> Prior to the issuance of a grading permit or the start of construction within or beneath the canopy of CDFW jurisdictional valley oak riparian forest habitat, coordination with CDFW will be required to determine if a notification of Project activities is required. If required, the Project applicant shall submit an application for and obtain a 1602 Streambed Alteration Agreement to CDFW for vegetation thinning activities related to the fuel modification. If required, mitigation for impacts to CDFW jurisdictional habitat will consist of either the removal of non-native species within the valley oak riparian forest in order to enhance the habitat or payment of an in lieu fee to the Conejo Open Space Conservation Agency (COSCA) for the enhancement of riparian</p>	

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>resources within COSCA conservation properties. If necessary, mitigation would be at a minimum 1:1 ratio.</p> <p><b>BIO-3:</b> Sensitive Vegetation Community: During vegetation thinning in the fuel modification zone, a biologist will be present to help ensure that clearing within the understory of the valley oak forest (including disturbed) and valley oak riparian forest is limited to the removal of the deadwood and debris, and the thinning of the laddering fuels, especially removal of any invasive non-native species within the sensitive habitat. If required, the mitigation area for the fuel modification impacts to sensitive natural communities will be a minimum of a 1:1 ratio.</p>	
<b>Cumulative</b>	Significant	Implementation of Mitigation Measures BIO-1 through BIO-3 is required.	Less than Significant
<b>State or Federally Protected Wetlands</b>			
<p><b>Impact 3.3-3:</b> The Project would result in significant and cumulatively considerable effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</p>			
<b>Project</b>	Significant	Implementation of Mitigation Measures BIO-1 through BIO-3 is required.	Less than Significant
<b>Cumulative</b>	Significant	Implementation of Mitigation Measures BIO-1 through BIO-3 is required.	Less than Significant
<b>Wildlife Corridors and Nursery Sites</b>			
<p><b>Impact 3.3-4:</b> The Project could result in significant and cumulatively considerable effects on the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</p>			
<b>Project</b>	Significant	<p><b>BIO-4:</b> Construction activities (i.e., earthwork, clearing, and grubbing) shall occur outside of the general bird nesting season for migratory birds, which is February 15 through August 31 for songbirds, and January 15 to August 31 for raptors.</p> <p>If construction activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird nesting season for migratory birds and raptors, a qualified biologist shall perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the MBTA and CFG Code. The pre-construction survey shall be performed no more than 7 days prior to the commencement of construction activities. The results of the preconstruction survey shall be documented by the qualified biologist. If construction is inactive for more than 7 days, an additional survey shall be conducted.</p> <p>If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts within 300 feet (500 feet for raptors) of the active nest shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, or as determined by the qualified biologist. The biological monitor may modify the buffer or propose other recommendations in order to minimize disturbance to nesting birds.</p>	Less than Significant
<b>Cumulative</b>	Significant	Implementation of Mitigation Measure BIO-4 is required.	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>Local Policies or Ordinances Protecting Biological Resources</b>			
<b>Impact 3.3-5:</b> The Project could result in significant and cumulatively considerable impacts to local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance.			
<b>Project</b>	Significant	<p>Implementation of Mitigation Measure BIO-1 through BIO-4 is required.</p> <p><b>BIO-5:</b> Prior to removing any protected oak trees and landmark trees within the Project site, the Applicant shall agree to conditions with the City of Thousand Oaks to replace and/or pay an in-lieu fee for impacts to protected oak trees and landmark trees. The compensatory mitigation for the impacts to protected oak trees and landmark trees shall be as follow):</p> <ul style="list-style-type: none"> <li>• The replacement and planting of one 36-inch box oak tree and two 24-inch box oak trees for the removal of each on-site oak tree. Based on the current plans, the replacement would be five 36-inch box trees and ten 24-inch box trees for impacts to five protected oak trees.</li> <li>• The replacement and planting of one 36-inch box landmark tree and two 24-inch box landmark trees for the removal of each on-site landmark tree. Based on the current plans, the replacement would be twenty-six 36-inch box trees and fifty-two 24-inch box trees for impacts to twenty-six protected landmark trees.</li> </ul> <p>The current plans are to replace and install 47 of the 93 trees on the Project site and provide an in-lieu fee for the replacement and planting of the remaining 46 trees at an off-site location within the City of Thousand Oaks.</p> <p><b>BIO-6:</b> Prior to the issuance of a grading permit, the Applicant shall submit a long-term maintenance program to mitigate for encroachments into the protected zone of regulated trees and to maintain the health of the trees retained on the Project site. The Program shall include measures to implement prior to, during, and following construction. These measures shall include exclusion fencing and worker training to avoid direct impacts to trees, and measures such as irrigation and monthly inspections by an arborist to promote the long-term health of retained trees. Monitoring by an arborist shall also occur during construction when encroachments into tree protection zones occur in order to minimize root disturbance and determine the best course of actions for root pruning, supplemental irrigation, branch trimming, or other measures that would minimize the impacts from ground disturbing or other potential impactful activities. Furthermore, the 99 regulated encroachment trees shall be provided additional tree protection mitigation measures as outlined in Appendix F within Appendix D-2 of this Draft EIR due to the unique locations of the trees within the proposed demolition and construction areas.</p>	Less than Significant
<b>Cumulative</b>	Significant	Implementation of Mitigation Measures BIO-1 through BIO-6 is required.	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>3.4 Cultural Resources</b>			
<b>Historical Resources</b>			
<b>Impact 3.4-1:</b> The Project could have a significant and cumulatively considerable effects on historical resources because the Project could cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.			
Project	Significant	<p><b>CUL-1:</b> Prior to the start of any Project-related ground disturbing activities, a Qualified Archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Department of the Interior 2008) shall be retained by the Applicant to carry out all mitigation measures related to cultural resources.</p> <p><b>CUL-2:</b> Prior to the start of any Project-related ground disturbing activities, a Data Recovery Plan shall be prepared by the Qualified Archaeologist. The Data Recovery Plan shall outline the approach to data recovery excavations that would recover the scientifically consequential information contained within the portion of CA-VEN-271 that would be impacted by ground disturbing activities associated with the construction of the proposed walkway from the existing industrial office building to the parking structure. The Data Recovery Plan shall: take into account a methodology to access the deposits located beneath capped materials; outline relevant local and regional research questions to be addressed by the data recovery; include provisions for Native American monitoring; present field and laboratory methodologies and any special studies anticipated to collect important empirical information; and include a curatorial agreement that allows for the proper long-term care and storage of collected materials. Preference shall be to curate the materials at UCLA together with the materials recovered in the 1970s. However, the perspectives of consulting tribes (defined here as those California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project as defined in PRC section 21073 and who have expressed interest in the Project as a result of the AB 52 consultation process) shall be considered when determining appropriate disposition of materials. The Data Recovery Plan shall be submitted to the City for review and approval prior to the start of the data recovery excavations. . Consulting tribes shall have the opportunity to review and comment on the Data Recovery Plan prior to its implementation. Following the completion of work outlined in the Data Recovery Plan, a Data Recovery Report shall be prepared that formally presents the methods and results of the excavations, lab analysis, and special studies, and which includes a catalog of recovered materials and identifies the curation facility where the collection or other disposition of the collection. Consulting tribes shall have the opportunity to review and comment on the draft Data Recovery Report. Project-related ground disturbing activities may begin once the data recovery excavation (field component) is completed and may occur contemporary with the data recovery lab analysis and Data Recovery Report preparation. The Data Recovery Plan and Data Recovery Report shall both be placed on file at the South Central Coastal Information Center within 180 days of the completion of the data recovery excavation (field component).</p>	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p><b>CUL-3:</b> Prior to start of any ground-disturbing activities, the Qualified Archaeologist, in coordination with the Native American monitor, shall conduct cultural resources sensitivity training for all construction personnel associated with the Project. Construction personnel shall be informed of the types of cultural resources that may be encountered during construction, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The Applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.</p> <p><b>CUL-4:</b> Prior to the start of any Project-related ground disturbing activities the Qualified Archaeologist shall prepare a Cultural Resources Monitoring and Treatment Plan (CRMTP). The CRMTP shall stipulate: the location and timing of archaeological and Native American monitoring; monitoring protocols to be carried out during Project construction; allowance that the Qualified Archaeologist, based on observations of subsurface soil stratigraphy or other factors during initial grading, and in coordination with the Native American monitor(s), the City, may reduce or discontinue monitoring as warranted if it is determined that the possibility of encountering cultural materials is low; appropriate measures to be followed in the event of unanticipated discovery of cultural resources during Project implementation, including that all ground disturbance within 100 feet of an unanticipated discovery shall cease until discovery provisions of the CRMTP are implemented; and both archaeological and tribal values are considered.</p> <p>The CRMTP shall identify avoidance as the preferred manner of mitigating impacts in the case of inadvertent discoveries of cultural resources. The CRMTP shall include protocols stipulating the following: types of inadvertent discoveries that may be made during construction (e.g., historic/prehistoric archaeological site, isolate, tribal cultural resource); procedures to be implemented in the case of an inadvertent discovery; methods to assess the significance of inadvertent discoveries based on the type of discovery; and procedures to reduce impacts to inadvertent discoveries.</p> <p>The CRMTP shall be submitted to the City for review and approval prior to the start of Project-related ground disturbance. Consulting tribes shall also have the opportunity to review and comment on the CRMTP.</p> <p><b>CUL-5:</b> In the event of the unanticipated discovery of archaeological materials, all work shall immediately cease in the area (within approximately 100 feet) of the discovery until it can be evaluated by the Qualified Archaeologist. Construction shall not resume within the discovery area until the Qualified Archaeologist has conferred on the significance of the resources with the City, and Native American monitor for resources of a prehistoric nature.</p> <p>If it is determined that the unanticipated discovered archaeological resource constitutes a historical resource or a unique archaeological resource under CEQA, avoidance and preservation in place is the preferred manner of mitigation. Preservation in place of the unanticipated discovery may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that</p>	

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		preservation in place of the unanticipated discovery is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Treatment Plan shall be prepared and implemented by the Qualified Archaeologist in consultation with the City that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource. The Qualified Archaeologist and City shall consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond those that are scientifically important, are considered.	
<b>Cumulative</b>	Significant	Implementation of Mitigation Measures CUL-1 through CUL-5 is required.	Less than Significant
<b>Unique Archaeological Resources</b>			
<b>Impact 3.4-2:</b> The Project could have a significant and cumulatively considerable effects on archaeological resources because the Project could cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5.			
<b>Project</b>	Significant	Implementation of Mitigation Measures CUL-1 and CUL-3 through CUL-5 is required.	Less than Significant
<b>Cumulative</b>	Significant	Implementation of Mitigation Measures CUL-1 and CUL-3 through CUL-5 is required.	Less than Significant
<b>Human Remains</b>			
<b>Impact 3.4-3:</b> The Project could have a significant and cumulatively considerable effects on human remains.			
<b>Project</b>	Significant	<b>CUL-6:</b> In the event human remains and/or associated funerary objects are encountered during Project construction, all activity in the vicinity of the find shall cease (within 100 feet). Human remains discoveries shall be treated in accordance with and California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, requiring assessment of the discovery by the County Coroner, assignment of a Most Likely Descendant by the California Native American Heritage Commission, and consultation between the Most Likely Descendant and the landowner regarding treatment of the discovery. Until the landowner has conferred with the Most Likely Descendant, the Applicant shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity and that further activities take into account the possibility of multiple burials.	Less than Significant
<b>Cumulative</b>	Significant	Implementation of Mitigation Measure CUL-6 is required.	Less than Significant



Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>3.5 Energy</b>			
<b>Energy Resources</b>			
<b>Impact 3.5-1:</b> The Project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation, and the Project would result in less than significant and less than cumulatively considerable impacts on energy resources.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Conflict with State or Local Energy Plan</b>			
<b>Impact 3.5-2:</b> The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and therefore, the Project would result in less than significant and less than cumulatively considerable impacts on state and local energy plans.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>3.6 Geology, Soils, and Seismicity</b>			
<b>Earthquakes</b>			
<b>Impact 3.6-1a:</b> The Project would result in less than significant and less than cumulatively considerable to expose people or structures to adverse geologic effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Seismic Ground Shaking</b>			
<b>Impact 3.6-1b:</b> The Project would have a less than significant and less than cumulatively considerable potential to expose people and structures to adverse geologic effects, including the risk of loss, injury, or death involving strong seismic ground shaking.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Seismic-Related Ground Failure</b>			
<b>Impact 3.6-1c:</b> The Project would have a less than significant and less than cumulatively considerable potential to expose people and structures to adverse geologic effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>Landslides</b>			
<b>Impact 3.6-1d:</b> The Project would result in less than significant and less than cumulatively considerable impacts involving landslides.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Soil Erosion or Loss of Topsoil</b>			
<b>Impact 3.6-2:</b> The Project would have a less than significant and less than cumulatively considerable effect from soil erosion or the loss of topsoil.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Unstable Geologic Location</b>			
<b>Impact 3.6-3:</b> The Project would result in less than significant and less than cumulatively considerable instability effects because the Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Expansive Soils</b>			
<b>Impact 3.6-4:</b> The Project would result in a less than significant and less than cumulatively considerable geologic effects from expansive soil that could create substantial direct or indirect risks to life or property.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Paleontological Resources</b>			
<b>Impact 3.6-5:</b> The Project could result in significant and cumulatively considerable direct or indirect impacts to a unique paleontological resource or site or unique geologic feature.			
<b>Project</b>	Significant	<p><b>GEO-1:</b> Prior to the start of Project-related ground disturbing activities, the Applicant shall retain a Qualified Paleontologist that meets the standards of the Society of Vertebrate Paleontology (2010) to carry out all mitigation measures related to paleontological resources.</p> <p><b>GEO-2:</b> Prior to start of Project-related ground disturbing activities, the Qualified Paleontologist shall contribute to any construction worker cultural resources sensitivity training, outlined in Mitigation Measure CUL-3 presented in Section 3.4, <i>Cultural Resources</i> of this Draft EIR, either in person or via a training module provided to the Qualified Archaeologist. This training shall include information on what types of paleontological resources could be encountered during excavations, what to do in case an unanticipated discovery is made by a worker, and laws protecting paleontological resources. All construction personnel shall be informed of the possibility of encountering fossils and instructed to immediately inform the construction foreman or supervisor if any fossils are unexpectedly unearthed in an</p>	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>area where a paleontological monitor is not present. The Applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.</p> <p><b>GEO-3:</b> The Qualified Paleontologist shall supervise a paleontological monitor meeting the Society for Vertebrate Paleontology standards (2010) who shall be present during all excavations within areas mapped as the Monterey Formation as well as excavations exceeding 10 feet in depth in areas mapped as Quaternary alluvium (Qa) (see Figure 3.6-1). Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. Monitoring can be reduced to part-time inspections or ceased entirely if determined adequate by the Qualified Paleontologist in consultation with the Applicant and City. Monitoring activities shall be documented in a Paleontological Resources Monitoring Report to be prepared by the Qualified Paleontologist at the completion of construction and shall be provided to the City and filed with the Natural History Museum of Los Angeles County within six (6) months of Project completion.</p> <p><b>GEO-4:</b> If a unique geologic feature or paleontological resource is discovered during construction, the paleontological monitor shall be empowered to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation of the discovery. An appropriate buffer area shall be established by the Qualified Paleontologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. At the Qualified Paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing and evaluation of the find. All significant fossils shall be collected by the paleontological monitor and/or the Qualified Paleontologist. Collected fossils shall be prepared to the point of identification and catalogued before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Los Angeles County Natural History Museum, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school in the area for educational purposes. Accompanying notes, maps, and photographs shall also be filed at the repository and/or school.</p>	
<b>Cumulative</b>	Significant	Implementation of Mitigation Measures GEO-1 through GEO-4 is required.	Less than Significant
<b>3.7 Greenhouse Gas Emissions</b>			
<b>Generate Greenhouse Gas Emissions and Conflict with an Applicable Plan</b>			
<p><b>Impact 3.7-1 and Impact 3.7-2:</b> The Project would result in less than significant and less than cumulatively considerable effects associated with the generation of GHG emissions and consistency with applicable plans, policies or regulations adopted for the purpose of reducing the emissions of GHGs.</p>			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>3.8 Hazards and Hazardous Materials</b>			
<b>Routine Transport, Use, or Disposal of Hazardous Materials</b>			
<b>Impact 3.8-1:</b> The Project would result in a less than significant and less than cumulatively considerable hazard impact to the public or the environment through the routine transport, use, or disposal of hazardous materials.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Accident Conditions</b>			
<b>Impact 3.8-2:</b> The Project would result in less than significant and less than cumulatively considerable hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Hazardous Materials Near Schools</b>			
<b>Impact 3.8-3:</b> The Project would result in a less than significant and less than cumulatively considerable impacts from emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Hazardous Materials Site</b>			
<b>Impact 3.8-4:</b> The Project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would result in less than significant and less than cumulatively considerable hazard impacts to the public or the environment.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Emergency Plans</b>			
<b>Impact 3.8-5:</b> The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and would result in a less than significant and less than cumulatively considerable emergency impacts.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Wildland Fires</b>			
<b>Impact 3.8-6:</b> The Project would have less than significant and less than cumulatively considerable on people or structures, either directly or indirectly because it would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>3.9 Hydrology and Water Quality</b>			
<b>Water Quality Standards and Waste Discharge Requirements</b>			
<b>Impact 3.9-1:</b> The Project would have less than significant and less than cumulatively considerable water quality impacts when compared to water quality standards or waste discharge requirements and would not substantially degrade surface or groundwater quality.			
Project	Less than Significant	No mitigation measures are required.	Less than Significant
Cumulative	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Groundwater Recharge and Supplies</b>			
<b>Impact 3.9-2:</b> The Project would have less than significant and less than cumulatively considerable groundwater impacts due to decreases in groundwater supplies or interfering with groundwater recharge such that the Project may impede sustainable groundwater management of the basin.			
Project	Less than Significant	No mitigation measures are required.	Less than Significant
Cumulative	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Drainage Patterns</b>			
<b>Impact 3.9-3:</b> The Project would have a less than significant and less than cumulatively considerable drainage impacts due to potentially altering the existing drainage pattern of a site or area, including the alteration of the course of a stream or river, in a manner that would:			
<ul style="list-style-type: none"> <li>- Result in substantial erosion or siltation on- or off- site;</li> <li>- Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off- site;</li> <li>- Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;</li> <li>- Impede or redirect flood flows</li> </ul>			
Project	Less than Significant	No mitigation measures are required.	Less than Significant
Cumulative	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Groundwater Management Plan</b>			
<b>Impact 3.9-4:</b> The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and therefore, the Project's contribution to cumulative impacts would be less than significant and less than cumulatively considerable.			
Project	Less than Significant	No mitigation measures are required.	Less than Significant
Cumulative	Less than Significant	No mitigation measures are required.	Less than Significant
<b>3.10 Land Use and Planning</b>			
<b>Divide an Established Community</b>			
<b>Impact 3.10-1:</b> The Project would result in a less than significant and less than cumulatively considerable impact related to physically dividing an established community.			
Project	Less than Significant	No mitigation measures are required.	Less than Significant
Cumulative	Less than Significant	No mitigation measures are required.	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>Conflict with Applicable Plans, Policies, or Regulations</b>			
<b>Impact 3.10-2:</b> The Project would result in a less than significant and less than cumulatively considerable impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect related to the City of Thousand Oaks General Plan and Municipal Code, and the SCAG 2020–2045 RTP/SCS.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>3.11 Noise and Vibration</b>			
<b>Noise</b>			
<b>Impact 3.11-1:</b> The Project could have significant and cumulatively considerable impacts from the generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.			
<b>Project</b>	Significant	<p><b>N-1:</b> Prior to the issuance of a grading permit, the grading plans shall provide temporary construction noise barriers so that ambient noise levels at Westlake High School are not exceeded by 5 dB or more. Based on the current ambient noise levels of 68 dBA, noise levels shall not be less than 73 dBA. To achieve a construction noise levels of less than 73 dBA at Westlake High School, a temporary noise barrier with a minimum height of 8 feet above ground shall be installed along the northern Project boundary along Thousand Oaks Boulevard, and continue south along the northeastern Project boundary along Lakeview Canyon Road for 100 feet.</p> <p><b>N-2:</b> Prior to the issuance of a building permit, the building plans for the proposed residential units shall provide mechanical ventilation, such as air conditioning, so that interior noise levels do not exceed 45 dBA.</p>	Less than Significant
<b>Cumulative</b>	Significant	Implementation of Mitigation Measures N-1 and N-2 is required.	Less than Significant
<b>Vibration</b>			
<b>Impact 3.11-2:</b> The Project would have a less than significant and less than cumulatively considerable impact from the generation of groundborne vibration or groundborne noise levels.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>3.12 Population and Housing</b>			
<b>Induce Population Growth</b>			
<b>Impact 3.12-1:</b> The Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) and would result in less than significant and less than cumulatively considerable inducement impacts.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>3.13 Public Services and Recreation</b>			
<b>Fire Protection</b>			
<b>Impact 3.13-1:</b> The Project would have less than significant and less than cumulatively considerable physical environmental impacts from construction activities associated with the provision of, or the need for, new fire protection facilities in order to maintain acceptable performance objectives.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Police Protection</b>			
<b>Impact 3.13-2:</b> The Project would have less than significant and less than cumulatively considerable physical environmental impacts from construction activities associated with the provision of, or the need for, new police protection facilities in order to maintain acceptable performance objectives.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Schools</b>			
<b>Impact 3.13-3:</b> The proposed Project would result in less than significant and less than cumulatively considerable adverse physical impacts associated with the provision for, or the need for, new or physically altered school facilities.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Parks</b>			
<b>Impact 3.13-4:</b> The Project would have less than significant and less than cumulatively considerable physical environmental impacts from construction activities associated with the provision of, or the need for, new or physically altered parks in order to maintain acceptable performance objectives for parks.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Other Public Facilities - Libraries</b>			
<b>Impact 3.13-5:</b> The proposed project would result in less than significant and less than cumulatively considerable physical environmental impacts from construction activities associated with the provision for, or the need for, new or physically altered other public facilities such as libraries.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Increase Use of Recreational Facilities</b>			
<b>Impact 3.13-6:</b> The Project would have less than significant and less than cumulatively considerable impacts from the increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>Recreational Facilities Physical Effect on Environment</b>			
<b>Impact 3.13-7:</b> The Project would have less than significant and less than cumulatively considerable impacts from the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>3.14 Transportation and Traffic</b>			
<b>Circulation Programs, Plans, Ordinances, and Policies</b>			
<b>Impact 3.14-1:</b> The Project could result in significant and cumulatively considerable impacts related to a program, plan, ordinance or policy addressing the circulation system including transit, roadway, bicycle and pedestrian facilities.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Vehicle Miles Traveled</b>			
<b>Impact 3.14-2:</b> The Project would result in a less than significant and less than cumulatively considerable impact related to CEQA Guidelines Section 15064.3, Subdivision (b).			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Design Hazards</b>			
<b>Impact 3.14-3:</b> The Project would result in less than significant and less than cumulatively considerable increase in hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Emergency Access</b>			
<b>Impact 3.14-4:</b> The Project would result in less than significant and less than cumulatively considerable impacts related to emergency access.			
<b>Project</b>	Less than Significant	Implementation of Mitigation Measure TRA-1 is required.	Less than Significant
<b>Cumulative</b>	Less than Significant	Implementation of Mitigation Measure TRA-1 is required.	Less than Significant
<b>3.15 Tribal Cultural Resources</b>			
<b>Listed Tribal Cultural Resource</b>			
<b>Impact 3.15-1:</b> The Project would have no impact and no contribution to a cumulative impact on a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC subdivision 5020.1(k).			
<b>Project</b>	No Impact	No mitigation measures are required.	No Impact
<b>Cumulative</b>	No Impact	No mitigation measures are required.	No Impact



Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>Non-Listed Tribal Cultural Resource</b>			
<b>Impact 3.15-2:</b> A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC section 5024.1. In applying the criteria set forth in subdivision (c) of PRC section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			
<b>Project</b>	Significant	Implementation of Mitigation Measures CUL-1 though CUL-5 is required. <b>TCR-1:</b> Prior to the start of Project ground disturbance, the City shall coordinate with California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project as defined in PRC section 21073 and who have expressed interest in the Project as a result of the AB 52 and SB 18 consultation process (consulting tribes). Coordination shall include but not be limited to timing and locations of Project-related ground disturbance subject to Native American monitoring, protocols for the discovery of cultural materials and/or funerary remains encountered during all ground-disturbing activities, and treatment and final disposition of cultural materials and funerary remains identified. Prior to the start of ground-disturbing activities, the results of the City's coordination shall be documented in a confidential consultation summary report and agreed-upon procedures shall be included in the Cultural Resources Monitoring and Treatment Plan required under Mitigation Measure CUL-4. Following completion of construction, procedures implemented shall be documented in the Cultural Resources Monitoring Report required under Mitigation Measure CUL-4.	Less than Significant
<b>Cumulative</b>	Significant	Implementation of Mitigation Measures CUL-1 though CUL-5 and TCR-1 is required.	Less than Significant
<b>3.16 Utilities, Service Systems and Energy</b>			
<b>New or Expanded Facilities</b>			
<b>Impact 3.16-1:</b> The Project would have a less than significant and less than cumulatively considerable physical environmental impacts from construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, or telecommunications facilities in order to maintain acceptable service.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Water Supplies</b>			
<b>Impact 3.16-2:</b> The Project would have less than significant and less than cumulatively considerable environmental effects related to providing sufficient water supplies to serve the Project during normal, dry and multiple dry years.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>Water Treatment Capacity</b>			
<b>Impact 3.16-3:</b> The Project would have less than significant and less than cumulatively considerable effects on wastewater treatment capacity to serve the Project's projected demand in addition to the provider's existing commitments.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Landfill Capacity</b>			
<b>Impact 3.16-4:</b> The Project would have less than significant and less than cumulatively considerable impacts due to generation of solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or impairing attainment of solid waste reduction goals.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Compliance with Solid Waste Regulations and Statutes</b>			
<b>Impact 3.16-5:</b> The Project would have less than significant and less than cumulatively considerable effects associated with compliance to solid waste federal, State, and local management and reduction statutes and regulations.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Wildfire</b>			
<b>Emergency Plans</b>			
<b>Impact 3.17-1:</b> The Project is located in or near state responsibility areas or lands classified as very high fire hazard severity zones; however, less than significant and less than cumulatively considerable effects would be associated with the impairment of an adopted emergency response plan or emergency evacuation plan.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Exacerbate Wildfire Risk</b>			
<b>Impact 3.17-2:</b> The Project is in or near state responsibility areas or lands classified as very high fire hazard severity zones; however, due to slope, prevailing winds, and other factors, the Project would result in less than significant and less than cumulatively considerable impacts associated with wildfire risks and exposure of Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>Infrastructure</b>			
<p><b>Impact 3.17-3:</b> The Project is located in or near state responsibility areas or lands classified as very high fire hazard severity zones; however, the Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, and therefore, the Project would result in a less than significant and less than cumulatively considerable impacts related to wildfire impacts from infrastructure.</p>			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Post Fire Impacts</b>			
<p><b>Impact 3.17-4:</b> The Project is located in or near state responsibility areas or lands classified as very high fire hazard severity zones; however, the Project would result in less than significant and less than cumulatively considerable impacts from the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.</p>			
<b>Project</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>Cumulative</b>	Less than Significant	No mitigation measures are required.	Less than Significant
<b>4.1.1 Agriculture and Forestry Resources</b>			
<p><b>Issue 1:</b> Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	No Impact	No mitigation measures are required.	No Impact
<p><b>Issue 2:</b> Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	No Impact	No mitigation measures are required.	No Impact
<p><b>Issue 3:</b> Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>	No Impact	No mitigation measures are required.	No Impact
<p><b>Issue 4:</b> Would the project result in the loss of forest land or conversion of forest land to non-forest use?</p>	No Impact	No mitigation measures are required.	No Impact
<p><b>Issue 5:</b> Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p>	No Impact	No mitigation measures are required.	No Impact

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>4.1.2 Biological Resources</b>			
<b>Issue 1:</b> Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact	No mitigation measures are required.	No Impact
<b>4.1.3 Geology, Soils, and Seismicity</b>			
<b>Issue 1:</b> Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No Impact	No mitigation measures are required.	No Impact
<b>4.1.4 Hazards and Hazardous Materials</b>			
<b>Issue 1:</b> Would the Project be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?	No Impact	No mitigation measures are required.	No Impact
<b>4.1.5 Hydrology and Water Quality</b>			
<b>Issue 1:</b> In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?	Less than Significant	No mitigation measures are required.	Less than Significant
<b>4.1.6 Land Use and Planning</b>			
<b>Issue 1:</b> Would the project physically divide an established community?	Less than Significant	No mitigation measures are required,	Less than Significant
<b>4.1.7 Mineral Resources</b>			
<b>Issue 1:</b> Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No Impact	No mitigation measures are required.	No Impact
<b>Issue 2:</b> Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	No Impact	No mitigation measures are required.	No Impact

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<b>4.1.8 Noise and Vibration</b>			
<p><b>Issue 1:</b> For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</p>	No Impact	No mitigation measures are required.	No Impact
<b>4.1.9 Population and Housing</b>			
<p><b>Issue 1:</b> Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?</p>	No Impact	No mitigation measures are required.	No Impact

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# CHAPTER 1

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## Introduction

This Draft Environmental Impact Report (EIR) has been prepared by the City of Thousand Oaks, California (County), pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) and its implementing guidelines, known as the *CEQA Guidelines* (California Code of Regulations, Title 14, Chapter 3, Sections 15000–15387). The City of Thousand Oaks (City) is the Lead Agency for this EIR (State Clearinghouse No. 2022010527), which examines the potential physical impacts to the environment as a result of implementing the proposed The Oaks Specific Plan. The Oaks Specific Plan includes the construction of four multi-family residential buildings with a total of 264 apartment units, subterranean parking, surface parking spaces, one four-story parking structure, amenities, grading, hardscaping, and landscaping, including removal and encroachment into the protected zone of the various oak and landmark trees on approximately 15.6 acres. The Project includes a subdivision map (land division) to create two parcels—one parcel encompassing the 8.8-acre Gateway (Parcel 1) and the second parcel encompassing 34.1 acres (Parcel 2). Please refer to Chapter 2, *Project Description* for a more detailed discussion of the Specific Plan area and location.

This Draft EIR evaluates impacts that could result from implementation of the proposed Project as compared to existing conditions. CEQA requires that before a decision can be made to approve a project with potentially significant environmental impacts, an EIR must be prepared that fully describes the environmental impacts of the project and identifies feasible mitigation for significant impacts. The EIR is a public information document for use by governmental agencies and the public to identify and evaluate potential environmental consequences of a proposed project, to recommend mitigation measures to lessen or eliminate adverse impacts, and to examine feasible alternatives to the project. The information contained in this EIR is to be reviewed and considered by the governing agency prior to the ultimate decision to approve, disapprove, or modify the proposed Project.

This Draft EIR is a Project EIR, prepared in accordance with *CEQA Guidelines* Section 15161. The Project EIR examines the environmental impacts of a specific development project, and focuses primarily on the changes in the environment that would result from the development of the Project. This EIR examines the planning, construction, and operation activities associated with the Project.

### 1.1 Purpose of the Draft EIR

In accordance with *CEQA Guidelines* Section 15121(a), the purpose of an EIR is to serve as an informational document that will generally inform public agency decision makers and the

public of the significant environmental effects of a project, and possible ways to minimize those significant effects. *CEQA Guidelines* Section 15151 contains the following standards for EIR adequacy:

*An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.*

The purpose of this Project EIR is to provide an objective, full-disclosure document to inform agency decision makers and the general public of the direct and indirect environmental impacts of the Project. This EIR is prepared in conformance with Section 15161 of the *CEQA Guidelines*, to adequately address Project impacts.

In addition, this Project EIR also identifies and evaluates a reasonable range of alternatives to the Project that have the potential to mitigate or avoid the Project's potential significant environmental effects while feasibly accomplishing most of the Project's basic objectives.

## 1.2 The CEQA EIR Process

### 1.2.1 Notice of Preparation and Scoping Meeting

In accordance with *CEQA Guidelines* Section 15082, on January 27, 2022, the City of Thousand Oaks issued a Notice of Preparation (NOP) and Initial Study, which were sent to the State Clearinghouse, Office of Planning and Research, responsible agencies, and other interested parties. The NOP and Initial Study circulated for 30 days, until February 25, 2022. The NOP requested those agencies with regulatory authority over any aspect of the proposed Project to review the issues that would be addressed within the EIR and to identify any additional relevant environmental issues that should be addressed. During the public review period for the NOP, the City of Thousand Oaks held a public scoping meeting via Zoom on February 9, 2022, at 6:00 p.m. The City requested those who desired to attend the meeting to register for the meeting at: [https://us02web.zoom.us/webinar/register/WN\\_hE\\_\\_u9BsQoSizOI7spsXew](https://us02web.zoom.us/webinar/register/WN_hE__u9BsQoSizOI7spsXew). The intent of the scoping meeting was to provide an additional forum for public agencies and interested persons to provide written comments regarding which environmental issues should be evaluated in the EIR. No comments were provided during the scoping meeting.

The City received two comment letters in response to the NOP. The NOP, Initial Study, Comments on the NOP, and the Scoping Meeting Presentation are included in this Draft EIR as **Appendix A**. A general summary of the areas of concern raised in the comment letter that was received is provided in **Table 1-1**.



**TABLE 1-1  
SUMMARY OF NOP COMMENTS**

<b>Commenter/Date</b>	<b>Summary of Environmental Issues Raised in Comment Letter</b>	<b>Section Where Addressed</b>
<b>Notice of Preparation – January 27, 2022</b>		
California Allied for a Responsible Economy February 25, 2022	The commenter requests a complete analysis of the environmental impacts imposition of all feasible mitigation measures and an evaluation of a reasonable range of alternatives.	See Chapter 3.0, Environmental Setting, Impacts and Mitigation Measures: Sections 3.1 through 3.17; see Chapter 4, Alternatives
	The commenter requests a Health Risk Assessment to address toxic pollutants.	See Section 3.2, Air Quality
	The commenter requests effective and enforceable mitigation measures.	See Chapter ES, Executive Summary, which includes a list of all mitigation measures.
	The commenter requests a detailed project description and a discussion of baseline conditions.	See Chapter 2, Project Description; see Chapter 3.0, Environmental Setting, Impacts and Mitigation Measures: Sections 3.1 through 3.17 for environmental baseline conditions.
	The commenter requests that all sources and reference materials be identified and available.	See Chapter 3.0, Environmental Setting, Impacts and Mitigation Measures: Sections 3.1 through 3.17 for references associated with each environmental evaluation. Many of these references are available online while others can be provided upon request.
Ventura County Air Pollution Control District February 23, 2022	The commenter requests an air quality assessment that considers project consistency with the 2016 Air Quality Management Plan.	See Section 3.2, Air Quality
	The commenter requests that the Ventura County Air Quality Assessment Guidelines (AQAG) be used to evaluate all potential air quality impacts. The commenter notes that there are updated tools since the issuance of the AQAG and more innovative mitigation solutions.	See Section 3.2, Air Quality
	The commenter requests quantification of construction emissions.	See Section 3.2, Air Quality
	The commenter requests a health risk assessment to assess the toxic exposure impacts from the freeway traffic on the proposed residents. The commenter also notes that the CARB 2005 Land Use Handbook recommends not siting residential areas near freeway for at least 500 feet.	See Section 3.2, Air Quality

## 1.2.2 Draft EIR

This Draft EIR provides a description of the Project, environmental setting, Project impacts, and mitigation measures for impacts found to be significant as well as an analysis of Project alternatives. Significance criteria have been developed for each environmental resource analyzed in this Draft EIR, and are defined for each impact analysis section. Impacts are categorized as follows:

- Significant and unavoidable
- Potentially significant, but can be mitigated to less than significant
- Less than significant
- No impact

CEQA requires that EIRs evaluate ways of avoiding or minimizing identified environmental impacts, where feasible, through the application of mitigation measures or Project alternatives.

### 1.2.3 Public Review

This document is being circulated for 45 days in accordance with *CEQA Guidelines* Section 15087 and 15105. During the 45-day review period, this Draft EIR is made available to local, state, and federal agencies, and to interested organizations and individuals who may wish to review and comment on the Draft EIR. The Draft EIR is available at the City of Thousand Oaks, Community Development Department at the address below as well as at the City of Thousand Oaks website:

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

Publication of this Draft EIR marks the beginning of the public review period. Written comments should be sent to:

Carlos Contreras, Senior Planner  
City of Thousand Oaks  
Community Development Department  
2100 Thousand Oaks Boulevard  
Thousand Oaks, California 91362  
ccontreras@toaks.org  
805-499-2317

### 1.2.4 Final EIR

Written comments received during the public review period in response to the Draft EIR will be addressed in a Response to Comments document which, together with the Draft EIR, will constitute the Final EIR. The City will then consider certification of the Final EIR (*CEQA Guidelines* Section 15090). If the EIR is certified, the City may then consider approval of the Project. Prior to approving the Project, the City must make written findings with respect to each significant environmental impact that can be mitigated to less than significant as well as each environmental impacts that would be significant and unavoidable identified in the EIR in accordance with Section 15091 of the *CEQA Guidelines*.

### 1.2.5 Mitigation Monitoring and Reporting Program

CEQA requires lead agencies to adopt a reporting and mitigation monitoring program for the changes to the Project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment (*CEQA* Section 21081.6; *CEQA Guidelines* Section 15097). The mitigation monitoring program will be available to the public at the same time as the Final EIR.

# CHAPTER 2

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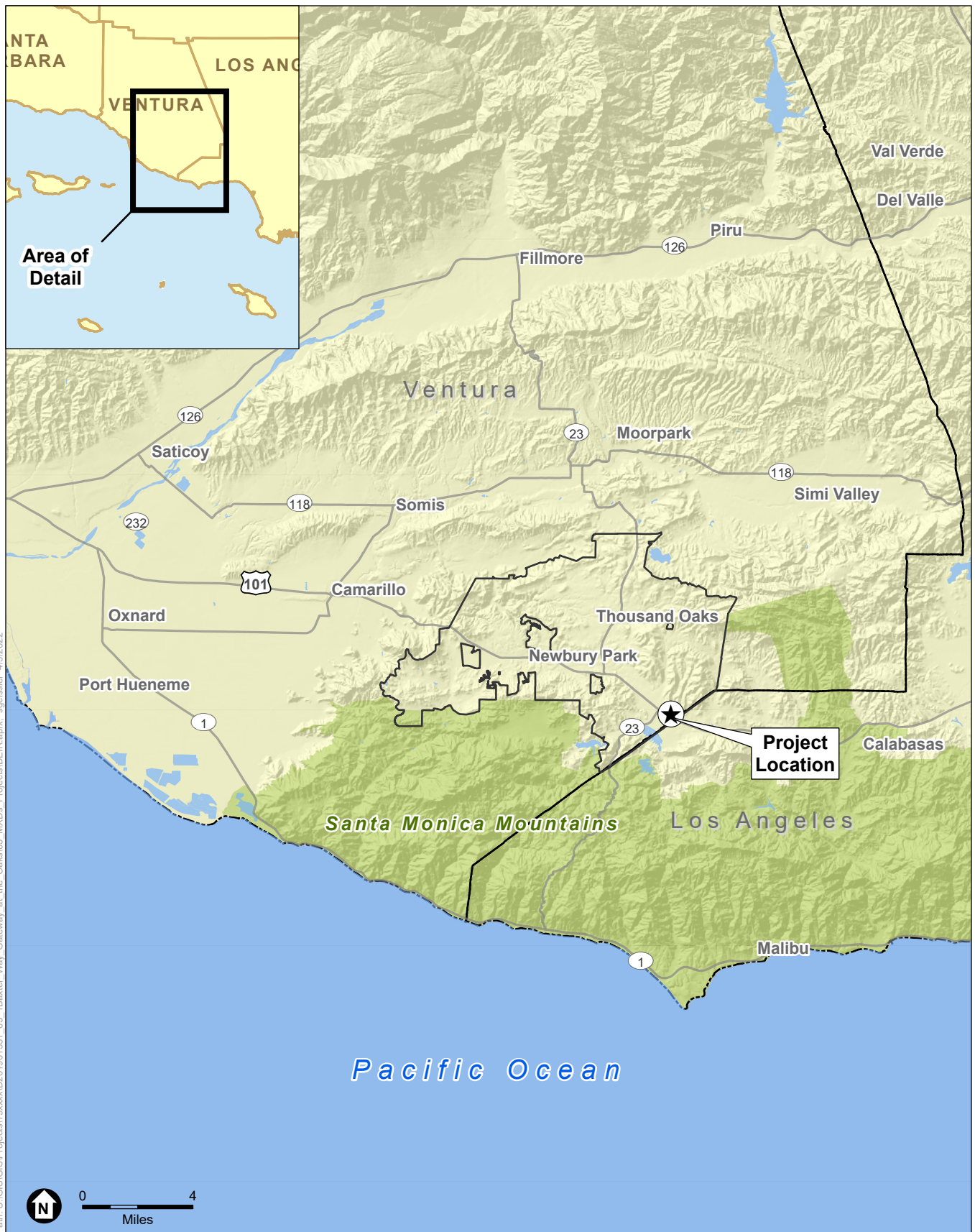
## Project Description

### 2.1 Introduction

One Baxter Way L.P. (Applicant) is proposing The Oaks Specific Plan that includes the implementation of the Gateway at the Oaks multi-family residential and a replacement parking structure on a site developed with an existing industrial office building located at One Baxter Way (Project). The Project includes the construction of four multi-family residential buildings with subterranean parking and one aboveground parking structure. The discretionary approvals required for Project implementation from the City of Thousand Oaks (City) include (1) General Plan Amendment, (2) Zone Change, (3) Specific Plan, (4) Residential Planned Development, (5) Development Permit, (6) Land Division, (7) Protected Tree Permit, (8) Development Agreement, and (9) Environmental Impact Report (EIR) Certification. In addition to the above approvals, the Project will require a demolition permit, grading permit, and building permit from the City of Thousand Oaks. The Project may require approvals from other agencies in addition to the City of Thousand Oaks discretionary approvals (see Section 2.13.2, below).

### 2.2 Project Location

The Project site is located in the southern portion of the City of Thousand Oaks in Ventura County (**Figure 2-1, Project Location**). Specifically, the Project site is located north of U.S. 101 Freeway (U.E. 101) between Westlake Boulevard (west) and Lindero Road (east) exits (**Figure 2-2, Project Vicinity**). Two parcels that include Assessor Parcel Number [APN] 680-0-230-695 and APN 680-0-230-715) encompass the 42.9-acre Project. The area surrounding the Project site includes U.S. 101 located along the majority of the southern side of the Project site and a City-owned surface parking lot southwest of the site. Along the western boundary of the site is a drainage known as School House Canyon. To the north of the Project site is Thousand Oaks Boulevard. Along the eastern boundary of the site is Lakeview Canyon Road.



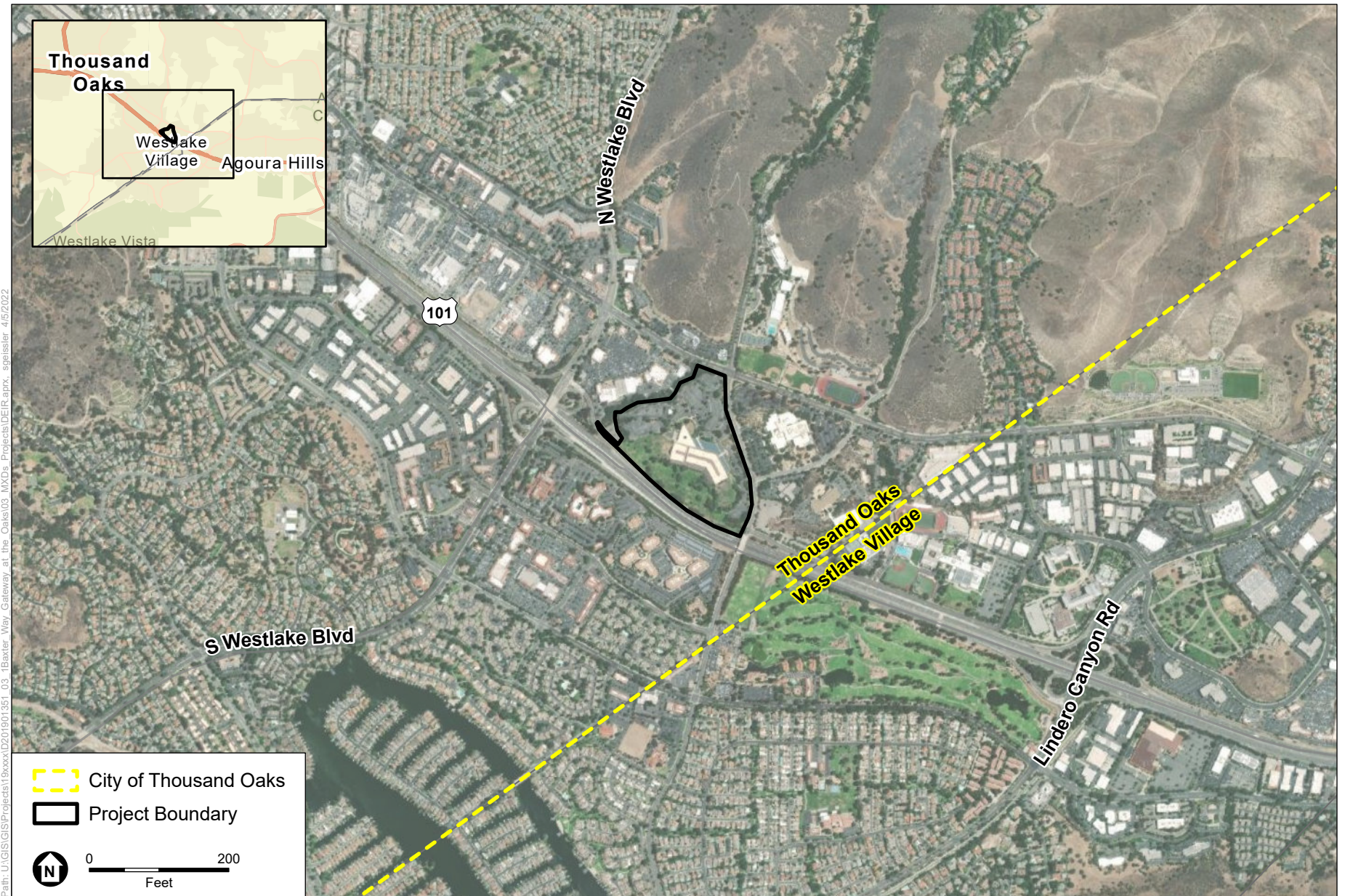
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SOURCE: ESRI; ESA, 2022

The Oaks Specific Plan

**Figure 2-1**  
Project Location





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SOURCE: ESRI, 2021; ESA, 2022

The Oaks Specific Plan  
**Figure 2-2**  
 Project Vicinity

## 2.3 Surrounding Land Uses

The Project site is surrounded by various uses (**Figure 2-3, *Surrounding Land Uses***). South of the site is a portion of U.S. 101 that contains five northbound lanes and five southbound lanes with a divided center median. A northbound off-ramp lane extends approximately 550 feet from the southwestern boundary of the site between the mainline of U.S. 101 and the Project site. South of U.S. 101 are commercial, office, and hotel uses. Southwest of the Project site boundary is an approximately 110-space surface parking lot that is owned by the City. West of the Project site is an approximately 100- to 110-foot-wide unlined drainage course that separates the Project site from the existing commercial shopping center known as The Promenade at Westlake. The commercial shopping center includes a range of entertainment, retail, restaurant, and other food service uses. The shopping center extends to Westlake Boulevard beyond. The drainage course is known as School House Canyon and includes a vegetation community of Valley Oak Riparian Forest. Also at the western boundary of the Project site is a two-lane (one lane in each direction) vehicular/pedestrian bridge that extends above the drainage. The bridge provides access to/from the commercial shopping center to/from the Project site. On the Project site side of the bridge, there is currently a wrought-iron swing gate that control vehicular access onto the Project site as well as a wrought-iron pedestrian gate. North of the Project site is Thousand Oaks Boulevard that includes four lanes (two lanes in each direction) and a raised median. North of Thousand Oaks Boulevard are offices west of Lakeview Canyon Road and Westlake High School east of Lakeview Canyon Road. West of Lakeview Canyon Road on Thousand Oaks Boulevard is a wider raise landscape median compared to the raised median closer to the intersection. North of Thousand Oaks Boulevard are offices west of Lakeview Canyon Road and Westlake High School east of Lakeview Canyon Road. East of the Project site is Lakeview Canyon Road that includes four lanes (two in each direction) and a center turn lane that provides left and right turns at Thousand Oaks Boulevard, Baxter Way, Via Merida, and La Tienda Road. East of Lakeview Canyon Road are offices and a regional medical center.

## 2.4 Existing Site Characteristics

The Project site is developed and has moderate topographic relief with surface elevations that range from approximately 941 feet above mean sea level in the southwestern portion of the Project site to 1,016 feet above mean sea level in the eastern portion of the Project site. Located on the project site are a three-story industrial office building with multiple tenants encompassing approximately 416,941 gross square feet—of which 308,305 square feet are leasable—and a single-story, approximately 7,000 square-foot maintenance structure. The 7,000 square-foot structure was previously used as a Verizon vehicle maintenance facility and is located in the middle of surface parking west of the existing industrial office building. Surface parking is located on the west, north, and east sides of the existing industrial office building. Between the existing industrial building and U.S. 101 is an existing landscape area with ornamental vegetation and trees. Along the perimeter of the Project site, there are mature trees. Access to the Project site is provided at two entrances/exists along Lakeview Canyon Road (**Figure 2-4, *On-Site Uses***).



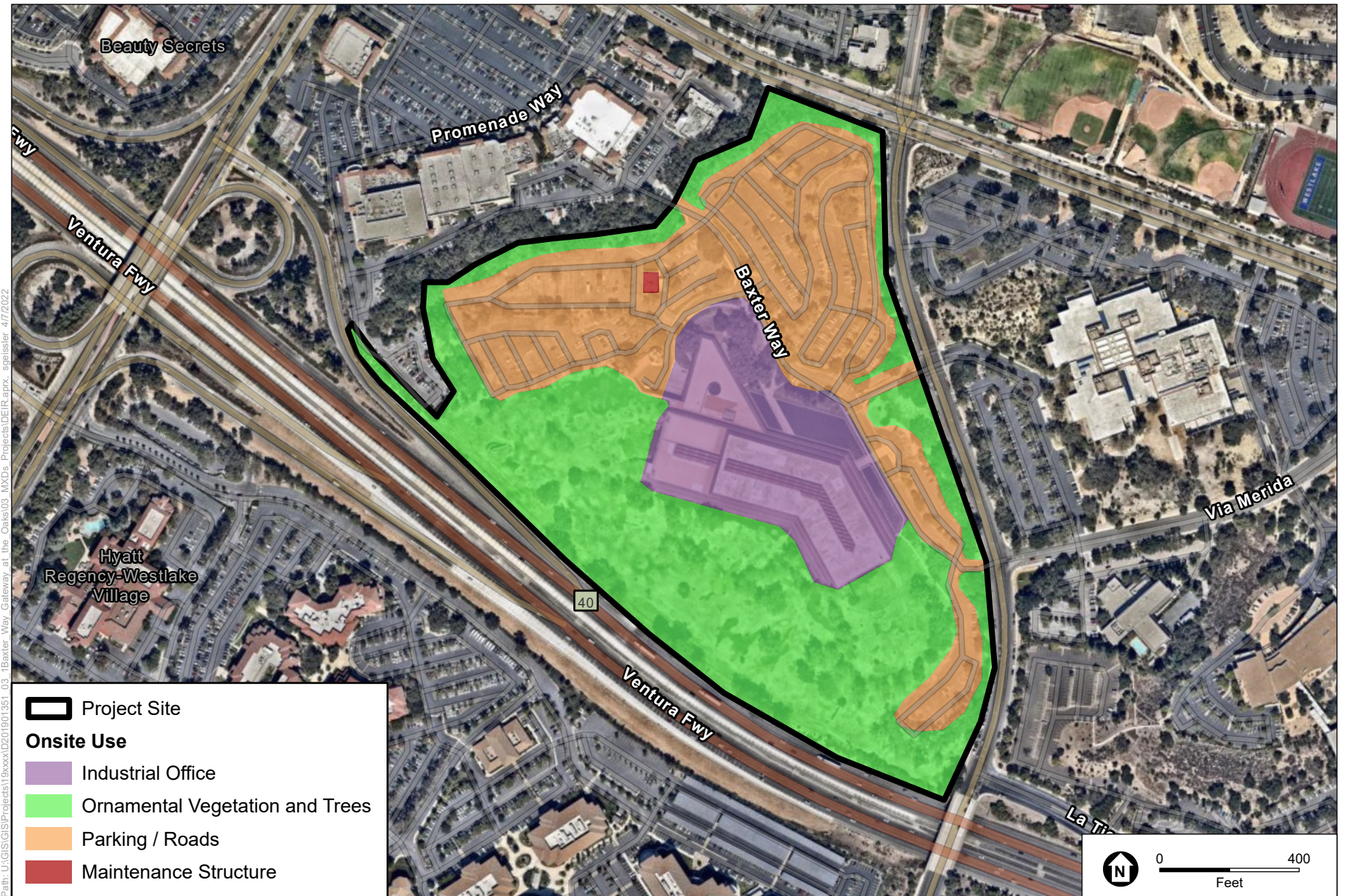
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SOURCE: KTG, 2022

The Oaks Specific Plan

**Figure 2-3**  
Surrounding Land Uses





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SOURCE: Mapbox, 2021; ESA, 2022

The Oaks Specific Plan  
**Figure 2-4**  
On-Site Uses



## 2.5 Project Site Background

The Project site was initially evaluated in an EIR for the construction of the existing site development that includes the industrial office building, surface parking, hard landscape, and maintenance structure. In 1978, the EIR was prepared and certified, and the development was approved by the City of Thousand Oaks City Council. During construction, a substantial number of oak and sycamore trees were planted on the Project site. The industrial office building initially contained the western headquarters of the Prudential Insurance Company. In 2006, The Planning Commission approved multi-tenants to use the existing industrial office building as well as approved parking conditions on the Project site.

## 2.6 Existing General Plan/Zoning Designations

The Project site includes a General Plan Land Use designation of Industrial and a Zoning designation of Industrial Park Zone (M-1 Zone). Currently, the permitted uses allowed within the existing industrial office building are those identified in Section 9-4.2105, Article 21 of Title 9 (Planning and Zoning) of the City of Thousand Oaks Municipal Code subject to a list of uses that are considered conditional uses with previous Project site approvals (SUP 2006-70210). No changes to the permitted uses for the existing industrial office building are proposed.

## 2.7 Project Objectives

The following are the Project Applicant's objectives for the proposed Project.

- Provide apartment housing in an area developed with existing uses and near existing public transportation.
- Provide apartment housing in close proximity to existing commercial shopping.
- Provide high-quality residential apartment development that includes affordable housing units and would assist in fulfilling the City's regional housing needs.
- Provide housing opportunities that provide minimal distance to active job locations.
- Retain existing trees that screen views from Thousand Oaks Boulevard and Lakeview Canyon Road into the Project site.
- Provide open space and amenities within the proposed apartment development.
- Provide adequate on-site parking to accommodate both the proposed apartments and existing on-site use.

## 2.8 Project Characteristics

The Project site consists of two existing parcels totaling 42.9 acres. These two existing parcels consists of approximately 2.5 acres and approximately 40.4 acres. The Project includes a land division to create two parcels: one encompassing 8.8 acres (Parcel 1) and the second parcel encompassing 34.1 acres (Parcel 2). Parcel 1 is proposed for the multi-family residential development and associated subterranean parking structures, Parcel 2 is proposed for the four-story parking structure and existing industrial office building. The Project includes the implementation of two Planning Areas. Planning Area 1 (Multi-Family Residential) is proposed

to be located within Parcel 1 and encompasses 8.8 acres. Planning Area 2 (Existing Industrial Park) is proposed to encompass the remaining 34.1 acres (**Figure 2-5, Project Planning Areas**).

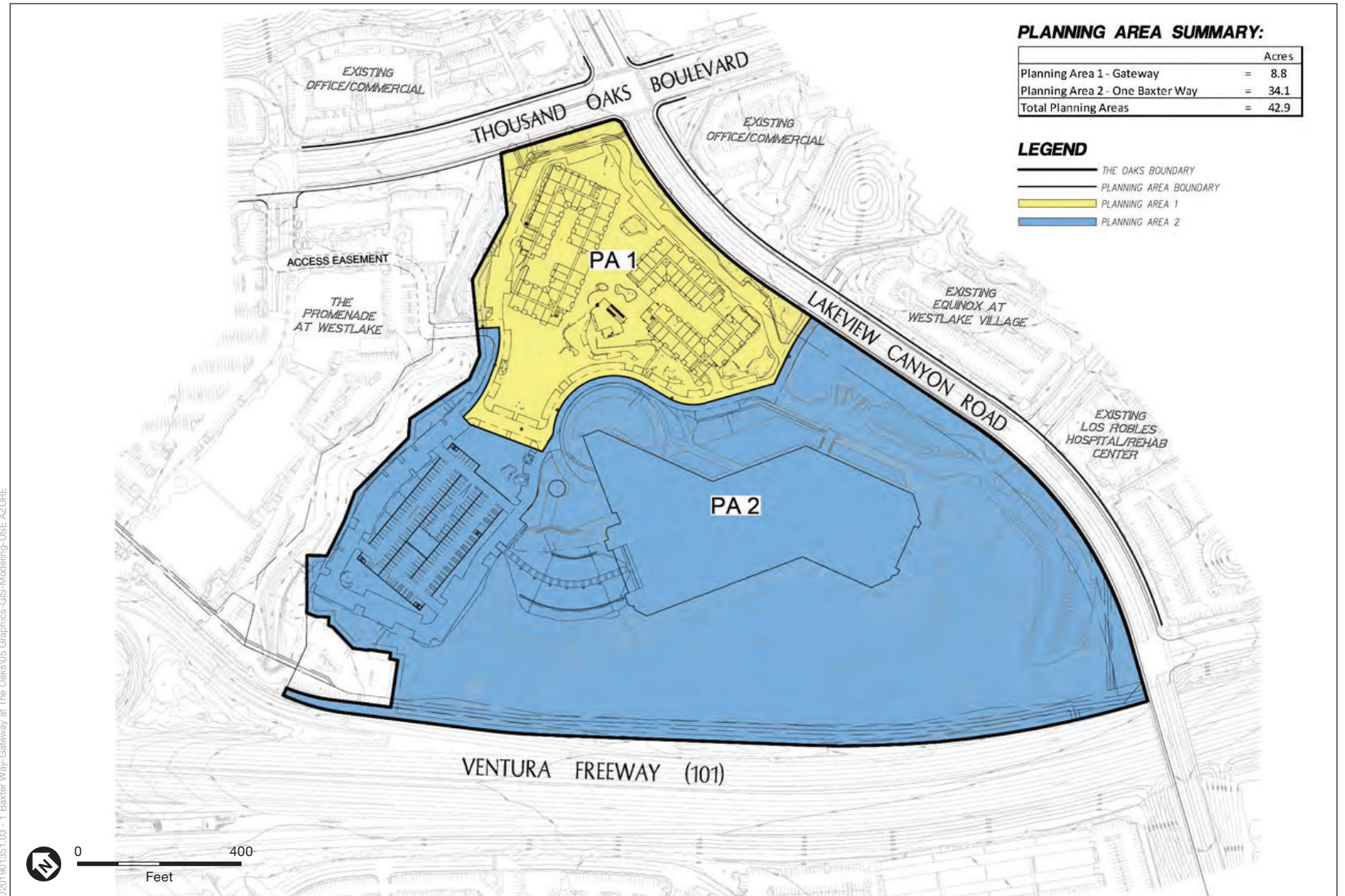
## 2.8.1 Residential Component

Planning Area 1 includes the construction of 264 apartment units within four residential buildings, subterranean parking structure with 274 parking spaces, 161 surface parking spaces, hardscape, landscape, and grading (**Figure 2-6, Proposed Residential Apartments**). The residential buildings would include three floor levels of residences and one subterranean level for parking. The proposed multi-family residential apartments include approximately 286,119 square feet (sf). Building A, which includes two individual buildings (A1 and A2), contains approximately 146,820 square feet. Building B, which includes two individual buildings (B1 and B2), contains approximately 139,299 sf. The approximate average building height of Building A (A1 and A2) is 35 feet with a maximum height of approximately 41 feet. The approximate average building height of Building B (B1 and B2) is 36 feet with a maximum height of approximately 47 feet.

The proposed multi-family residential apartment development will increase the residential population. Based on an approximate, average, persons per household of 2.6, the Project would generate 687 residents. The Project includes the construction of 34 affordable apartment units; 16 units to be designated for very low income residents and 18 units to be designated for low income residents.

The proposed multi-family residential apartment development will include a total of 435 parking spaces. Subterranean parking will be provided for residents of the multi-family residential apartment buildings. Building A, which includes two individual buildings (A1 and A2), will provide 150 parking spaces for residents. Building B, which includes two individual buildings (B1 and B2), will provide 124 parking spaces. An additional 29 surface parking spaces will also be provided for residents' use. In addition, 132 surface parking spaces will be dedicated for guest parking. Ten percent of the parking spaces within the residential apartment garages are proposed to be pre-plumbed (or pre-wired) to accommodate electric vehicle charging.

The proposed residential apartment development includes various recreational and other amenities (**Figure 2.7, Recreational and Other Amenities**). Meandering pathways will be provided within the Project site for pedestrian use. The Gateway Garden immediately southwest of the residential apartment buildings will be provided linking the residential apartment buildings to the proposed parking structure. Additionally, other amenities with The Gateway Garden include the Pool Terrace that is proposed between the residential apartments, Residents' Terrace is an elevated perch connected to the proposed fitness and lounge spaces. The terrace includes a barbecue island and seating/dining areas. The Green is a central gathering lawn to provide a passive recreation and an open play area for residents. The Oak Yard is a children's play space. The Watershed Garden is a residential garden that provides an opportunity for native plant education located adjacent to the proposed parking structure. The Patio is a small gathering space organized around a fire pit on the south side of the southern residential apartment building. The Dog Park located immediately north of the proposed residential apartment buildings is a landscaped area that would be dedicated for residents' dogs and offer an additional meeting place for people. The Courtyards form the central spaces between the residential apartment buildings that will function as a hub for resident and social activities.



**PLANNING AREA SUMMARY:**

	Acres
Planning Area 1 - Gateway	= 8.8
Planning Area 2 - One Baxter Way	= 34.1
<b>Total Planning Areas</b>	<b>= 42.9</b>

**LEGEND**

- THE OAKS BOUNDARY
- PLANNING AREA BOUNDARY
- PLANNING AREA 1
- PLANNING AREA 2

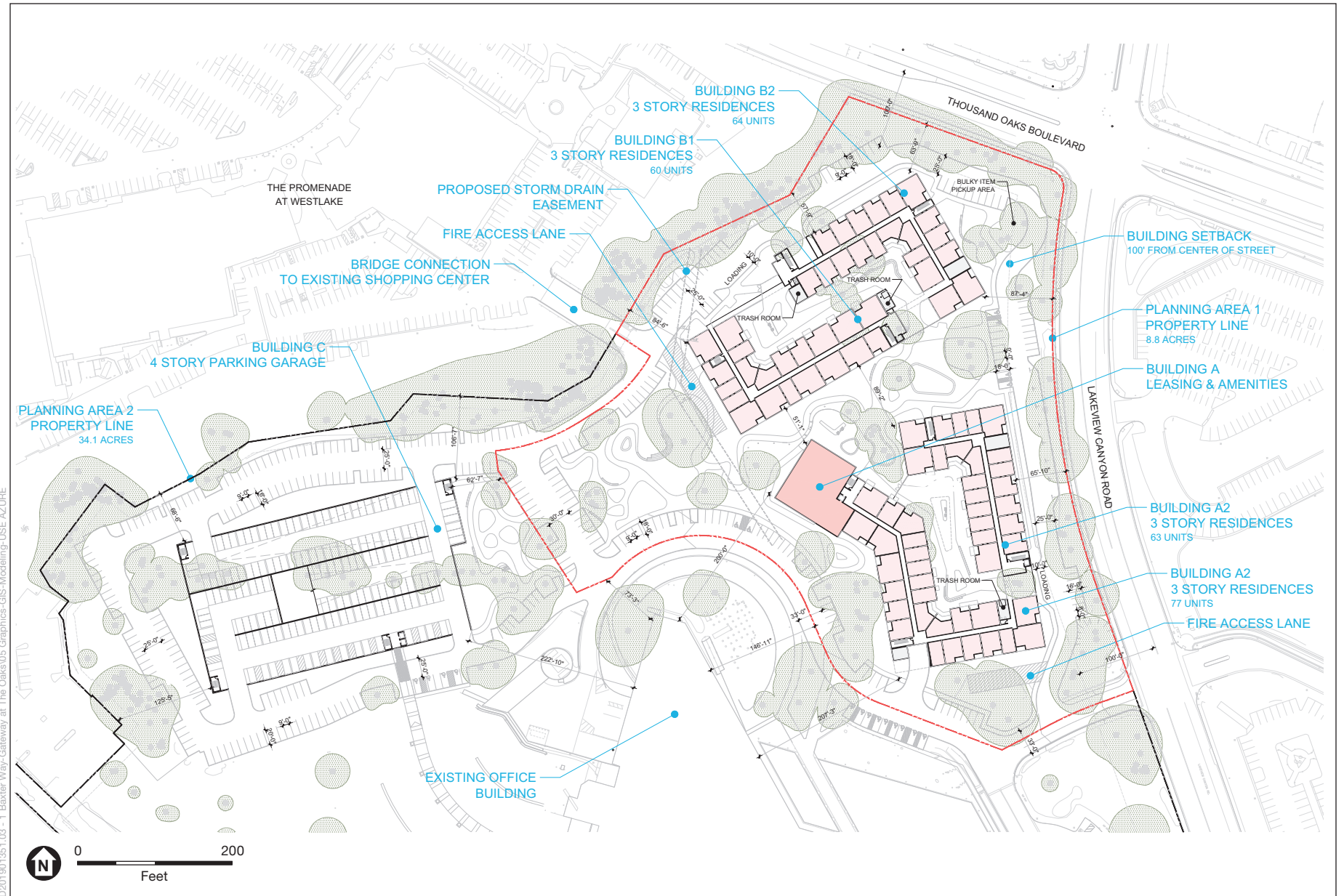
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SOURCE: H&A, 2022

The Oaks Specific Plan

**Figure 2-5**  
Project Planning Areas





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SOURCE: H&A, 2022

The Oaks Specific Plan

**Figure 2-6**  
Proposed Residential Apartments





SOURCE: RELM, 2022

The Oaks Specific Plan

**Figure 2-7**  
Recreational and Other Amenities

To enhance security for the proposed residential apartments, a 5-foot-high fence is proposed along the back of the sidewalk along Thousand Oaks Boulevard and Lakeview Canyon Road. The fence is proposed to maintain visual transparency of views toward the Project site from outside the Project site.

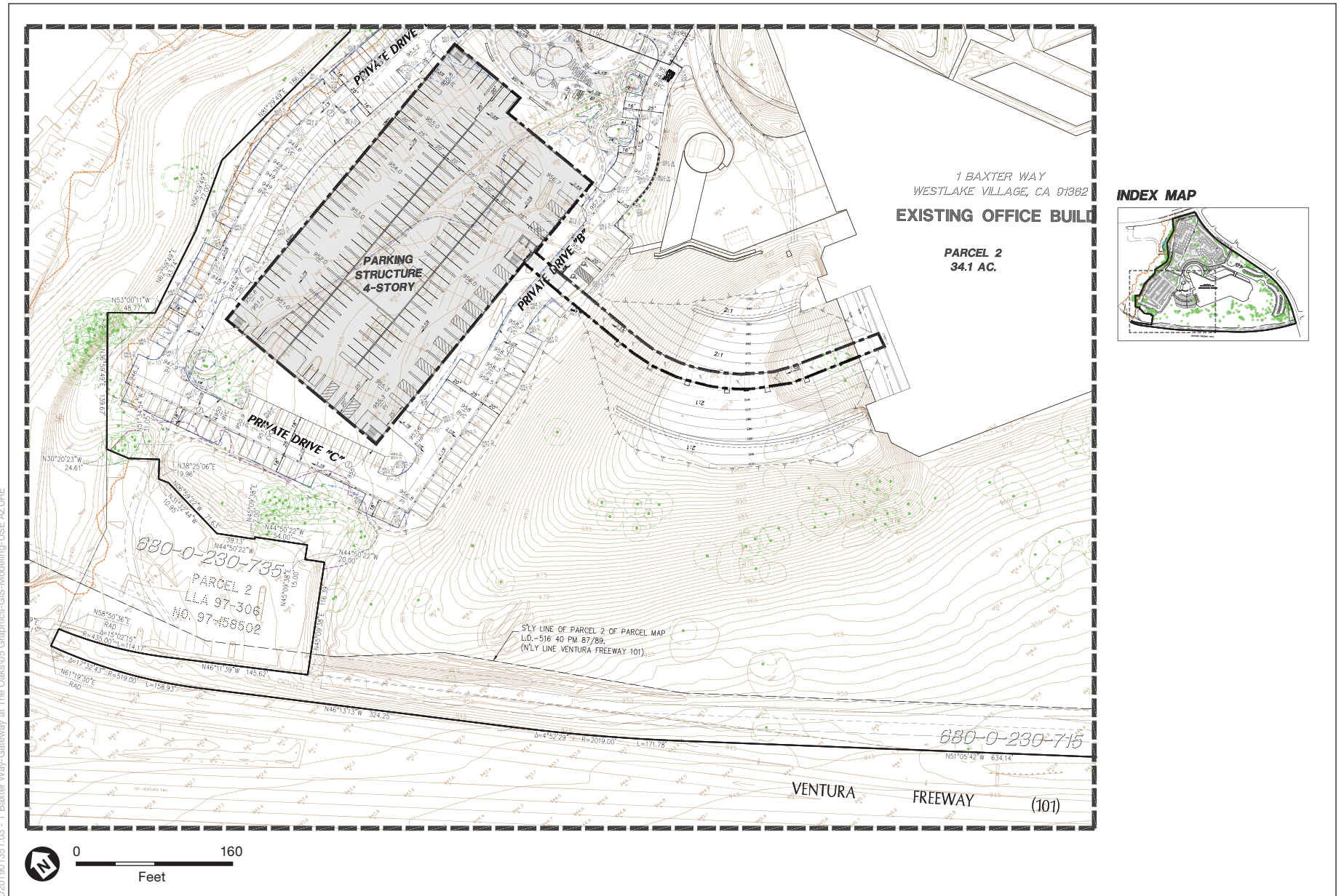
## 2.8.2 Parking Structure

A parking structure is proposed within Planning Area 2 to replace the surface parking that will be removed to accommodate the proposed parking structure and residential apartment development. The proposed parking structure will include 925 parking spaces that will be exclusively for the existing industrial office uses and not for use by the residential apartment use (**Figure 2-8, Proposed Parking Structure and Pedestrian Walkway**). The approximate average building height of the parking structure is 47 feet with a maximum height of approximately 57 feet. Access from the ground level of the parking structure to the ground level of the existing industrial office building is proposed, with an at-grade crossing of its vehicular access. The proposed direct connection will enable employees and guests to conveniently access the existing industrial office building from the parking structure. In addition to the structured parking spaces, the Project includes the construction of 187 new surface parking spaces for the industrial office building. In combination with the 167 existing surface parking spaces that will remain with the Project and the 1,112 new surface and structured parking spaces, there will be a total of 1,290 parking spaces that will be provided for the existing industrial office. The proposed parking areas will provide secure resident entries to limit access to the majority of the residential parking spaces. The surface parking will be dedicated to either assigned resident parking or guest parking and will be clearly marked with restriction to deter any parking overflow from uses surrounding the Project site.

## 2.8.3 Circulation and Facilities

The Project will provide pedestrian, bicycle, and vehicular circulation with linkages between the residential apartment buildings, proposed parking structure, and the existing industrial office building (**Figure 2-9, Vehicular and Pedestrian Circulation**). The residential apartment will include 154 bike parking stalls for residents and 22 short-term bike parking racks for guests. These bike parking locations will be provided within 200 feet of the proposed residential apartment buildings. The existing bridge across the drainage course will continue to allow vehicular, pedestrian and bicyclist ingress and egress within an existing easement to and from Thousand Oaks Boulevard as well as provide connectivity between the Project site and the existing commercial uses within the Promenade at Westlake. The existing gate access will continue to be closed from dusk to dawn for security at the proposed residential apartment development.

Primary access to the Project site will remain as currently provided from Lakeview Canyon Road at two separate entrances (Baxter Way and Via Mercado). Internal private drives are designed to accommodate daily vehicular traffic, bicycles, pedestrians and emergency access to the proposed residential apartment buildings, proposed parking structure as well as the existing industrial office building. An existing access easement is provided between the Project site and Thousand Oaks Boulevard.



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SOURCE: H&A, 2022

The Oaks Specific Plan

**Figure 2-8**  
Proposed Parking Structure and Pedestrian Walkway





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SOURCE: RELM, 2022

The Oaks Specific Plan

**Figure 2-9**  
Vehicular and Pedestrian Circulation





## 2.8.4 Landscape Plan

The proposed landscape plan for the Project is illustrated in **Figure 2-10**. The Project site includes 578 trees, of which 327 are currently designated as protected oak trees and 93 protected landmark trees (92 western sycamore trees and one California black walnut tree). The proposed Project includes removal and encroachment into the protected zone of various oak and landmark trees, resulting in the removal of 5 protected oak trees and 26 western sycamore trees that are considered protected landmark trees (**Figure 2-10, Existing Tree Removal Plan**). The Project includes the provision of replacement trees at a 3:1 ratio in accordance with City of Thousand Oaks Municipal Code Sections 15-4 and 5-24, which would result in the installation of 93 replacement trees. Given existing constraints on the Project site, 47 of the 93 replacement trees would be provided within Planning Area 1, as well as within Planning Area 2 adjacent to the proposed parking structure (**Figure 2-11, Proposed Tree Replacement Plan**). The Project also includes coordinating with the Conejo Recreation and Parks District (CRPD) to identify locations within their jurisdiction to install the remaining 46 replacement trees. The CRPD currently encompasses over 1,000 acres of parkland.

The proposed landscape plan that includes trees, shrubs and ground cover for the Project is illustrated in **Figure 2-12, Proposed Landscape Plan**. The proposed planting plan for the Project includes both native and climate-adapted shrubs and groundcover. The proposed plant species will minimize water consumption and require modest maintenance to ensure success. Shrubs and groundcover will be planted to ensure they share similar water requirements and common hydrozones with the existing and replanted trees. Because native oak trees are sensitive to water, shrubs requiring very low water volumes, or inert materials such as mulch or cobble, will be installed within the drip line.

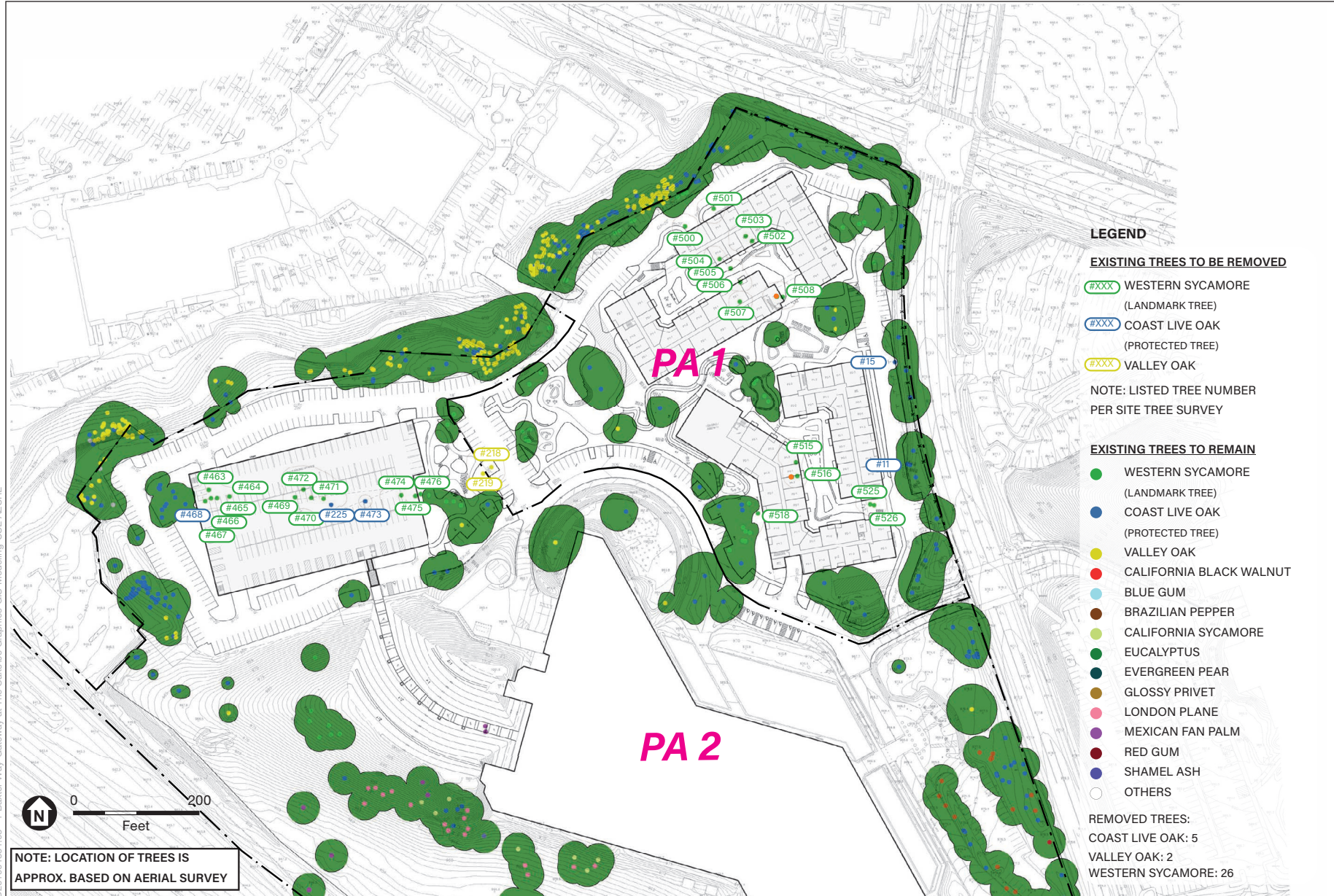
All landscaping will be watered with an automatic, high-efficiency irrigation system that includes weather and flow sensors. Drip tubing and/or micro spray will be used to minimize over spray and evaporation. All landscaping and irrigation improvements for the Project will be designed and installed in accordance with the City of Thousand Oaks' Guidelines and Standards for Landscape Planting and Irrigation (Resolution No. 2007-116). All landscape plans for the Project will demonstrate compliance with the State of California Model Water Efficiency Landscape Ordinance.

## 2.9 Utilities/Infrastructure Improvements

Implementation of the proposed Project would require the construction of public facilities and services to serve the Project. Services include water, sewer, drainage, electricity, natural gas, solid waste, communications, and cable.

### 2.9.1 Water Plan

California Water Service provides water service to the Project site. Water facilities will be provided from the existing backbone infrastructure (8-inch and 10-inch lines) that serve the existing industrial office building via its connection to the 12-inch water main in Lakeview Canyon Road (**Figure 2-13, Project Water Plan**). The Project includes 8-inch water lines that will loop the proposed residential apartments buildings and the proposed parking structure within the surrounding access drives and extend from the existing on-site facilities. Fire hydrants will be located along the on-site access drives per Ventura County Fire Department requirements for spacing, access, and fire flow for emergency services.



SOURCE: RELM, 2022

The Oaks Specific Plan

**Figure 2-10**  
Existing Tree Removal Plan





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SOURCE: RELM, 2022

The Oaks Specific Plan

**Figure 2-11**  
Proposed Tree Replacement Plan



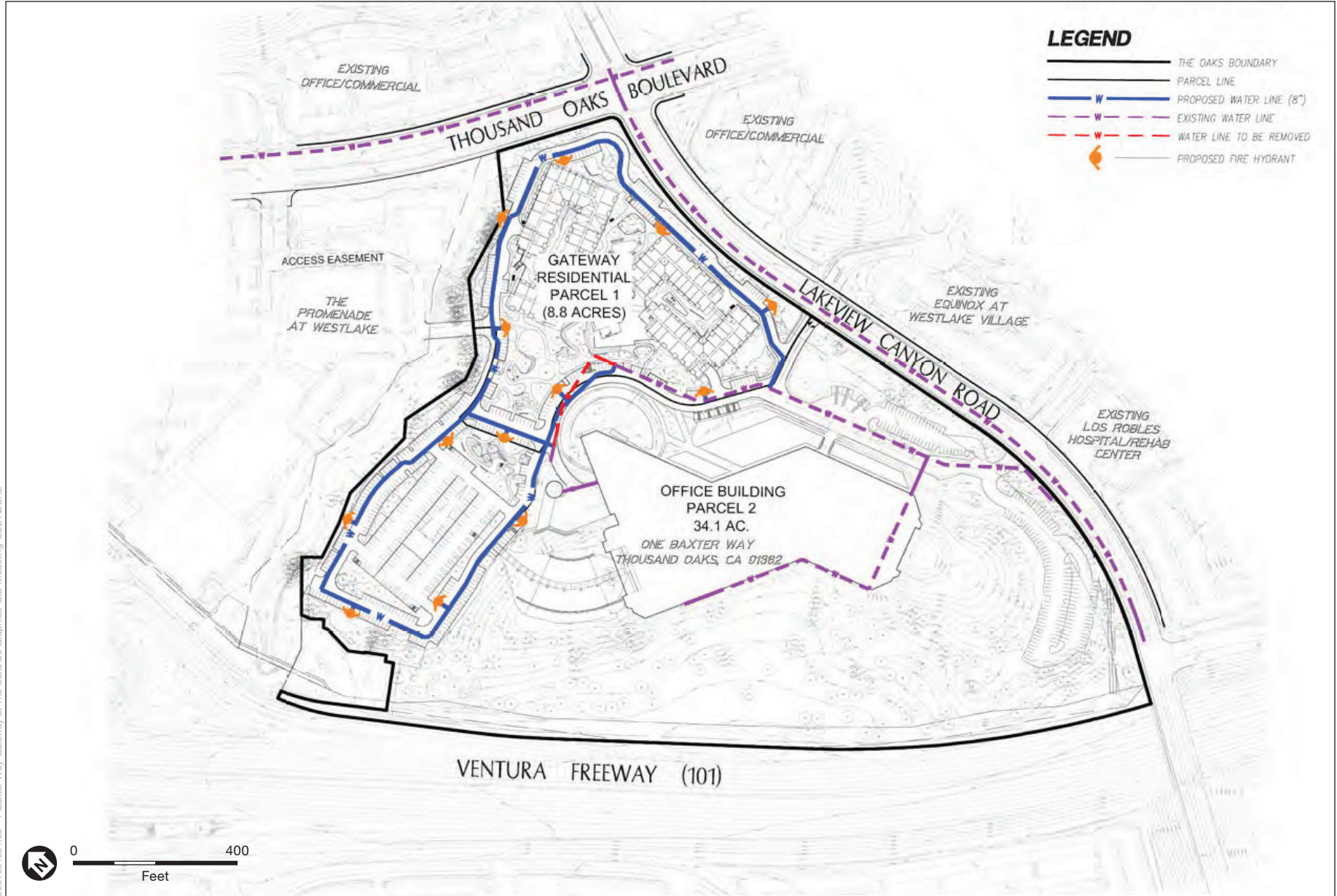


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SOURCE: RELM, 2022

The Oaks Specific Plan

**Figure 2-12**  
Proposed Landscape Plan



SOURCE: H&A, 2022

The Oaks Specific Plan

**Figure 2-13**  
Project Water Plan



## 2.9.2 Sewer Plan

The City of Thousand Oaks provides wastewater service to the Project site. Wastewater service will be provided by connecting into the 15-inch sewer main that runs along the northwest boundary of the Project site (**Figure 2-14, *Project Sewer Plan***). Sewer connections from the proposed residential apartments will be routed in the access drives to the existing sewer main. Provision of the proposed parking structure will require relocation of a segment of the existing sewer line that currently serves the site.

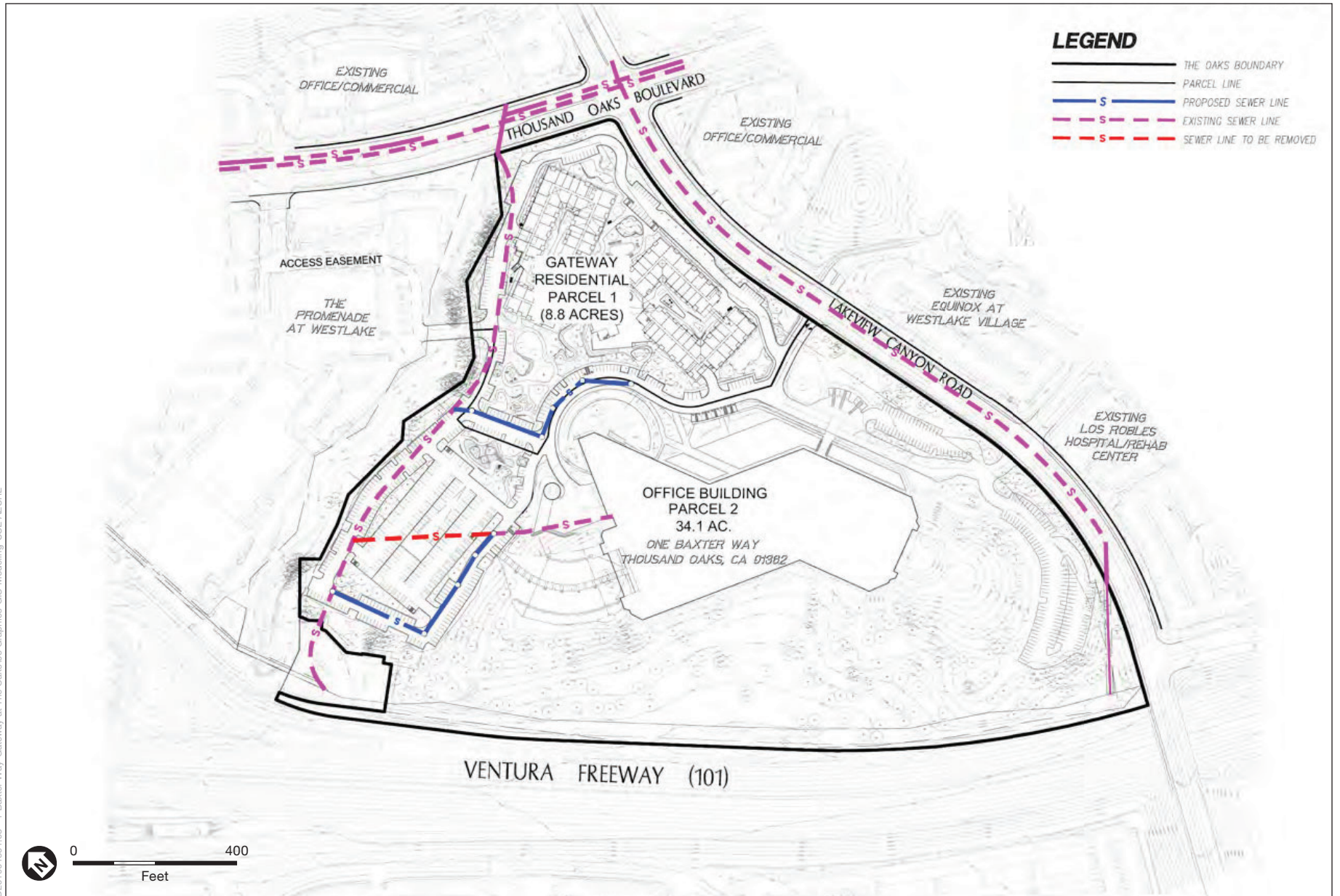
## 2.9.3 Drainage Plan

Surface water from the Project site is conveyed to the School House Canyon drainage located immediately west of the Project site. The drainage conveys stormwater downstream to Westlake Lake. As shown on **Figure 2-15, *Project Drainage Plan***, the Project site includes three drainage areas—the eastern, northwest, and southern drainage areas. The eastern drainage area is the northern portion of the Project site, encompasses 13.8 acres, and conveys stormwater into the School House Canyon drainage. The northwest drainage area is located in the southwestern portion of the Project site, encompasses 8.7 acres, and conveys stormwater into the School House Canyon drainage. The southern drainage area is located in the southern portion of the site, encompasses 18.7 acres and conveys stormwater to an existing inlet that connects into the U.S. 101 Freeway’s storm drain system. The portions of the drainage system that currently run through the proposed locations of the residential apartment buildings and parking structure will be realigned so that they convey around the proposed buildings. The existing two outlets that currently discharge into the School House Canyon drainage are not proposed to change.

Currently, stormwater runoff from the existing surface parking on the Project site is conveyed and discharged into the School House Canyon drainage along the western edge of the Project site without any stormwater treatment. With the development of the Project, the amount of impervious surfaces would be reduced, and thereby, reduce the total stormwater drainage that is conveyed to the School House Canyon drainage. The Drainage Plan for the Project will capture the stormwater with on-site design features that allow runoff to enter into proposed biofiltration/planter areas that are equipped with media for water quality treatment. The proposed biofiltration/planter areas are designed to treat 150 percent of the first flush per the Municipal Separate Storm Sewer System (MS4) regulations.

## 2.9.4 Electricity

Southern California Edison (SCE) currently provides electrical infrastructure to the Project site. Electrical service will be fed off of the primary SCE Distribution Vault located at the northwest corner of Thousand Oaks Boulevard and Lakeview Canyon Road, via a main line extension in Lakeview Canyon Road, which currently connects to the existing industrial office building. The existing on-site facilities are proposed to be relocated within the internal access drives to avoid conflict with the proposed residential apartment buildings.



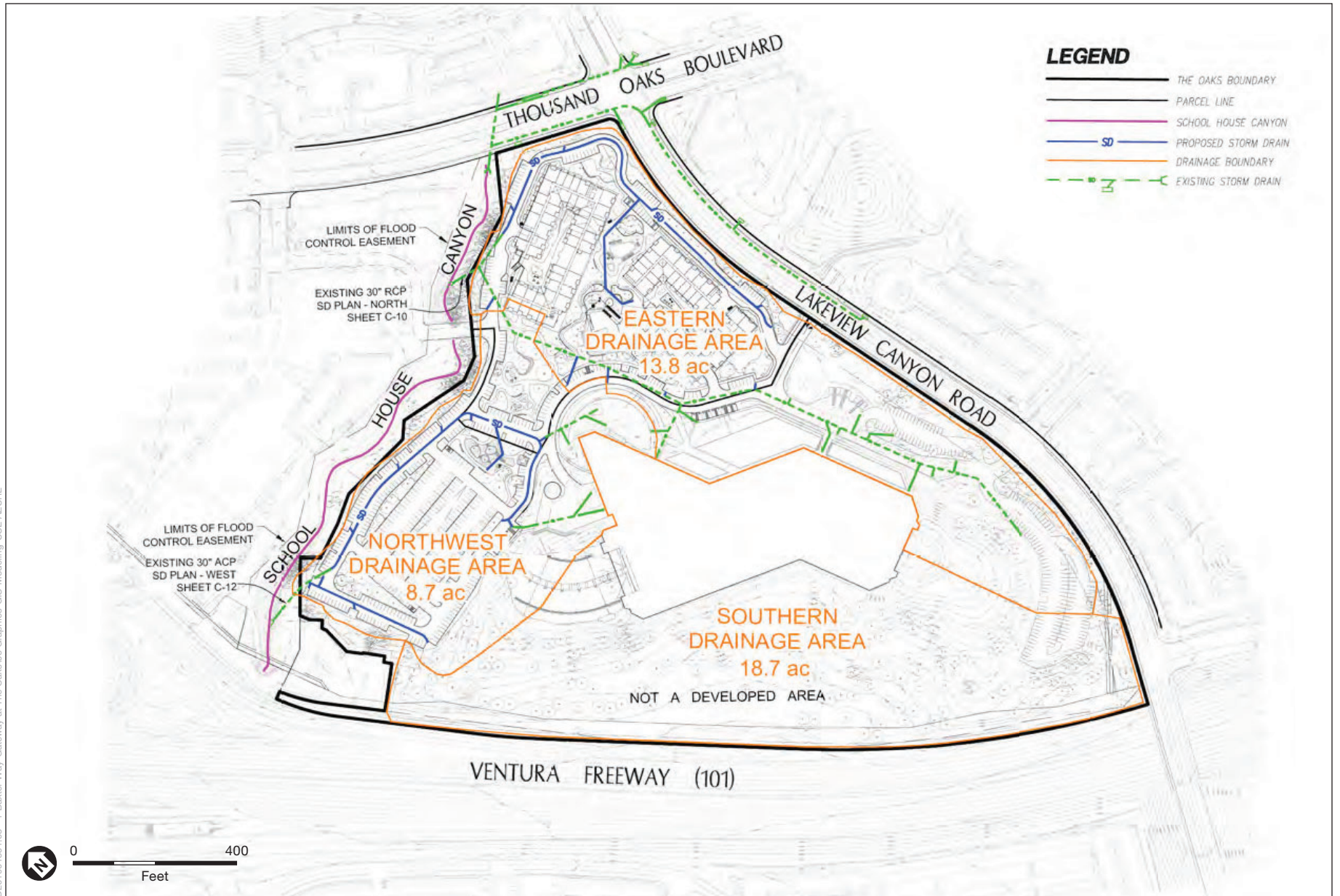
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SOURCE: H&A, 2022

The Oaks Specific Plan

**Figure 2-14**  
Project Sewer Plan





SOURCE: H&A, 2022

The Oaks Specific Plan

**Figure 2-15**  
Project Drainage Plan





## 2.9.5 Natural Gas

The Southern California Gas Company (SoCalGas) provides natural gas infrastructure to the Project site. Natural gas infrastructure will be provided to the proposed residential apartments by extending a main line from the north side of Thousand Oaks to Lakeview Canyon Road and lateral connections into the proposed residential apartment buildings. Although the natural gas infrastructure is proposed, the residential apartment uses will not be connected to natural gas and therefore, no gas will be used by the proposed residential apartment development. The natural gas infrastructure is being provided to provide a potential alternative energy source for the proposed residential apartment development in the future.

## 2.9.6 Solid Waste

Refuse and recycling collection is currently provided to the Project site by Athens. Waste collection areas within the Project site will contain separate bins for recycling and trash. Given that landscaped areas will be maintained by a common association or a management company, landscape contractors will haul green waste or will dispose of it in a dedicated green waste bin on-site. Organic waste will be served consistent with the requirements of Assembly Bill 1826.

## 2.9.7 Communications

Communications services to the Project site will be provided by Frontier via existing facilities located in the northeastern corner of the Project site, which are fed off Lakeview Canyon Road. Conduit for the Project services will follow the electrical alignment in the on-site access roads.

## 2.9.8 Cable

Cable services by Spectrum will be provided to the Project site via existing facilities located in the northeast corner of the Project site, which are fed off Thousand Oaks Boulevard. Conduit for the Project services will follow the electrical alignment in the on-site access roads.

## 2.10 Energy Conservation/Efficiency Strategies

The following energy conservation and efficiency strategies are proposed to be incorporated into the Project.

- Non-residential parking for industrial park uses will reserve six percent (6%) of the parking spaces for EV vehicles, with installed and operating EV charging facilities.
- Ten percent (10%) of the parking spaces within the proposed residential apartment garages will be pre-plumbed (or pre-wired) to accommodate electric vehicle charging.
- All new buildings will include solar panels to reduce the energy demand on the power grid. The roofs of the buildings shall include flat or low-sloping roofs to allow for the greatest solar orientation possible. The minimum amount of energy produced by said solar panels shall meet all applicable requirements. Roof equipment not associated with solar shall also be installed in areas that minimize their intrusion into prime solar equipment areas.
- Incorporate the use of Low-E windows or use Energy Star windows. Each dwelling unit will have operable windows.

- Install high-efficiency lighting (e.g., LED lighting).
- Utilize passive sustainable design strategies to minimize overall energy consumption needed to heat and cool the building. These strategies include daylighting, natural sources of heating and cooling, operable windows, shading on south facing windows, ceiling fans, well-designed building envelopes with high-U values (insulation rating).
- All new appliances will be electric.

## 2.11 Water Conservation/Efficiency Strategies

The proposed Project will incorporate the following water conservation/efficiency strategies.

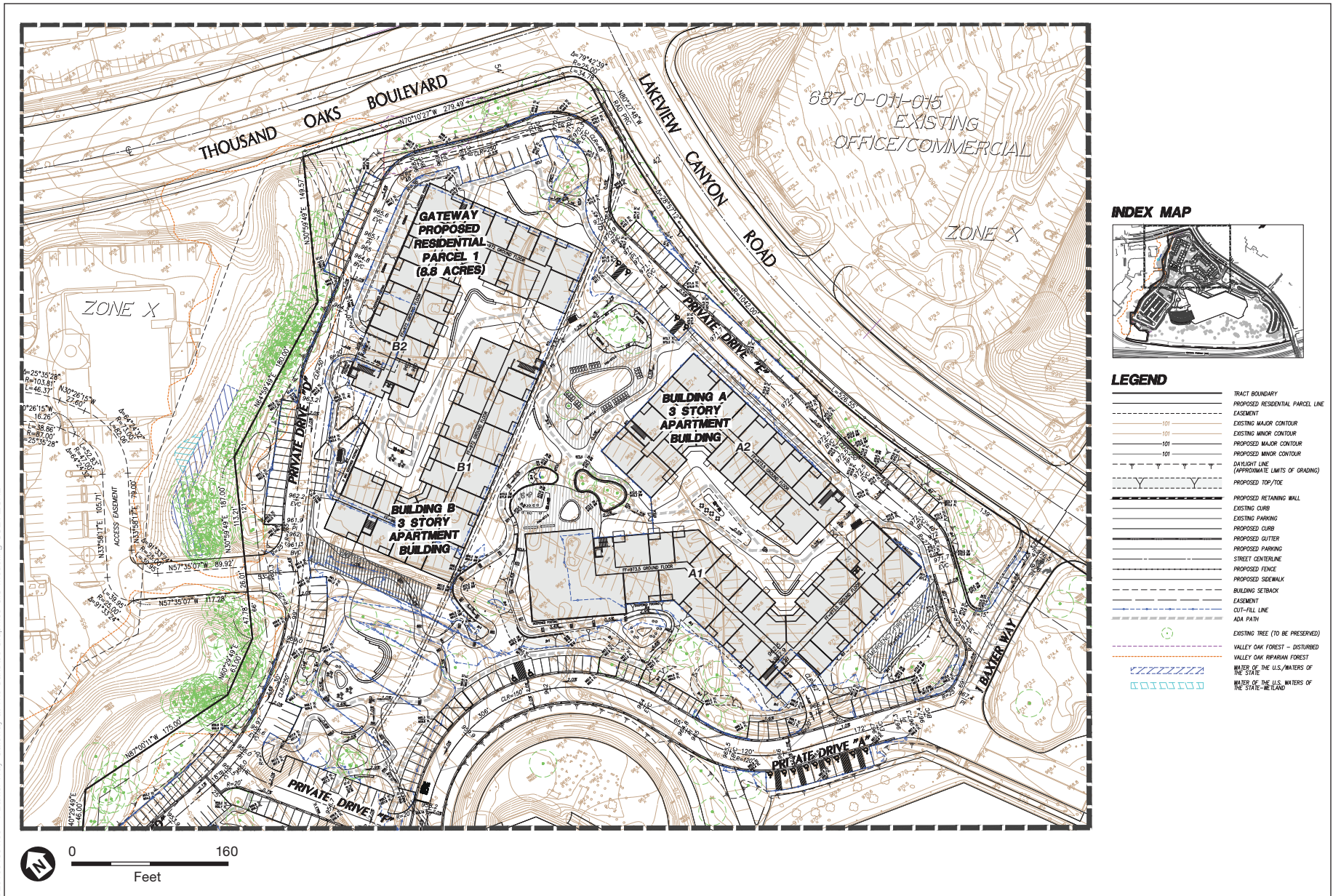
- Use low-flush toilets, low-flow shower heads and other water conserving fixtures and appliances.
- Implement a landscaping plan with a plant palette that includes trees and major landscaping that will require minimal watering within 3 to 5 years of maturity.
- Plants with high water demands shall not be permitted (except for lawn areas that facilitate recreation).
- A weather-based irrigation controller shall be used to limit unnecessary watering.
- Drip tubing, micro sprays and tree bubblers shall be used, as practicable. Rotor spray heads are discouraged to avoid overspray and waste to evaporation.

## 2.12 Construction Activities/Schedule

Construction activities associated with the Project will occur in two separate construction phases so that adequate parking is retained for the tenants and visitors of the existing on-site industrial office building. Construction activities associated with the proposed parking structure will be completed prior to construction of the residential apartment buildings.

Phase 1 will include construction of the proposed parking structure within an approximately 6.8-acre area. The conceptual grading for the Phase 1 area is illustrated in **Figure 2-16a**. The anticipated amount of demolished materials associated with the 6.8-acre area is approximately 7,100 cubic yards (cy). The total amount of earthwork includes 75,844 cy of cut, 24,964 cy of fill and a total soil export of 50,880 cy. Phase 1 is anticipated to begin in 2023 and be completed in approximately 16 months.

Phase 2 will include the construction of the proposed residential apartment buildings within an approximately 8.8-acre area. The conceptual grading for the Phase 2 area is illustrated in **Figure 2-16b**. The anticipated amount of demolished materials associated with the 8.8-acre areas is approximately 5,500 cy. The total amount of earthwork includes 49,520 cy of cut, 15,919 cy of fill and a total soil export of 33,601 cy. Phase 2 is anticipated to begin in 2024 and be completed in approximately 24 months in 2026.



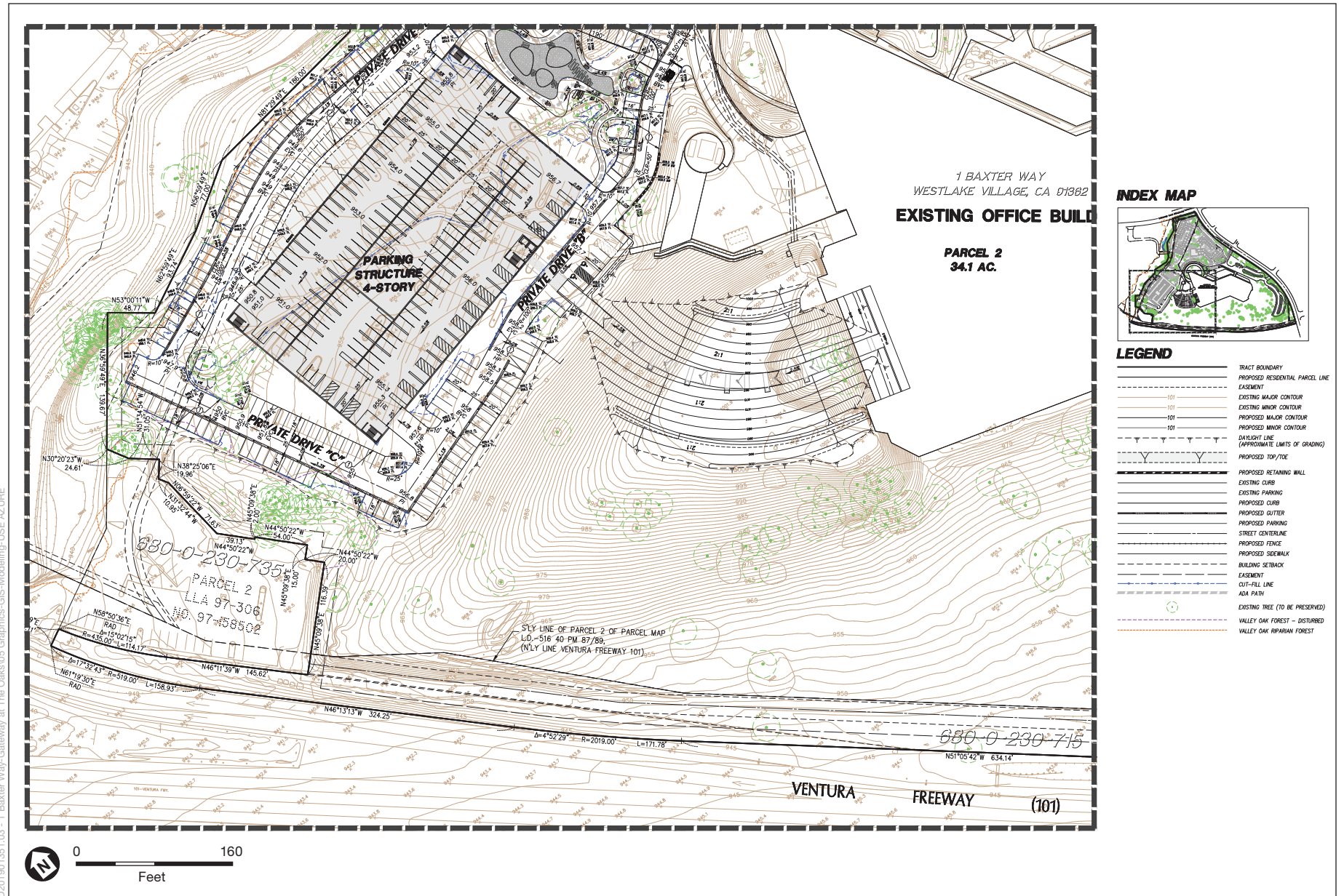
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SOURCE: H&A, 2022

The Oaks Specific Plan

**Figure 2-16a**  
Conceptual Grading Northern Portion of Project Site





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SOURCE: H&A, 2022

The Oaks Specific Plan

**Figure 2-16b**  
Conceptual Grading Southern Portion of Project Site



## 2.13 Review and Approvals

### 2.13.1 City of Thousand Oaks

The Project would require the following discretionary approvals from the City of Thousand Oaks.

**General Plan Amendment (LU) 2019-70563.** A general plan amendment is required to change the land use designation of the 8.8-acre residential portion (Planning Area 1) from Industrial to High Density Residential 15-30 dwelling units per net acre.

**Zone Change (Z) 2021-70556.** A zone change is required to revise the zoning of the Project site from Industrial Park (M-1) to Specific Plan to accommodate horizontal mixed-use development with multi-family residential development and Industrial Park (M-1) uses.

**Specific Plan (SP) 2021-71106.** A Specific Plan is required to provide a site-specific zoning document to implement the goals and policies of the General Plan and guide the orderly development of the Project, including regulations for land use, circulation, infrastructure, development standards, design guidelines and implementation measures for the proposed development and existing industrial office development.

**Residential Planned Development (RPD) 2021-70558.** A residential planned development approval is required for the redevelopment of surface parking areas to accommodate the development of Planning Area 1 (Multi-Family Residential) with 264 dwelling units within four multi-family residential buildings, subterranean parking structures, and associated amenity spaces.

**Development Permit (DP) 2022-70098.** For construction of a four-story parking structure and associated development to serve the existing industrial office use.

**Land Division (LD) 2021-70557.** A land division is required to subdivide the Project site into two parcels: one 8.8-acre parcel for the new multi-family residential buildings and one 34.1-acre parcel for the existing industrial office building and its replacement parking structure.

**Protected Tree Permit (PTP) 2021-70559.** A protected tree permit is required for the removal and encroachment into the protected zone of various existing Oak and Landmark Trees affected by the proposed development and implementation of The Oaks Specific Plan.

**Development Agreement (DAGR) 2022-70052.** A development agreement is required to memorialize the terms, conditions and obligations of the Project and provide vesting development rights for all components, land uses, public improvements and associated benefits to the City of Thousand Oaks and the property owner.

**Environmental Impact Report (EIR) 2021-71100.** The City is required to certify the EIR for The Oaks Specific Plan prior to Project approval.

In addition to the above approvals, the Project will require a demolition permit, grading permit, and building permit from the City of Thousand Oaks.

## 2.13.2 Other Agencies Whose Approval May Be Required

The following governmental agencies may have some level of approval for one or more aspects of the Project:

- **U.S. Army Corps of Engineers.** The U.S. Army Corps of Engineers may require approval of a Section 404 permit under the Clean Water Act related to the School House Canyon drainage.
- **California Department of Fish and Wildlife.** The California Department of Fish and Wildlife may require approval of a Lake or Streambed Alteration Agreement under Section 1600 of the California Department of Fish and Game Code related to the School House Canyon drainage.
- **Regional Water Quality Control Board.** The Regional Water Quality Control Board may require approval under Section 401 of the Clean Water Act related to the School House Canyon drainage.

# CHAPTER 3

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## Environmental Setting, Impacts, and Mitigation Measures

### 3.0 Introduction to the Analysis

This Draft Environmental Impact Report (EIR) has been prepared in accordance with CEQA (California Public Resources Code, Section 21000 et seq.), the *CEQA Guidelines* (California Code of Regulations, Title 14, Section 15000 et seq.), and the applicable rules and regulations of regional and local entities. This Draft EIR evaluates the potential environmental impacts associated with the construction and operation of the proposed Project. This Draft EIR is intended to serve as an informational document for the public agency decision-makers and the public regarding the proposed Project.

#### 3.0.1 Scope of the Environmental Impact Analysis

In accordance with Section 15126 of the *CEQA Guidelines*, Chapter 3 provides an analysis of the direct and indirect, project and cumulative, environmental effects of the proposed Project with respect to existing conditions at the time the Notice of Preparation (NOP) was published (Appendix A) on January 27, 2022. The determination of whether an impact is significant has been made based on the physical conditions established at the time the NOP was published (*CEQA Guidelines*, Section 15125(a)).

The following environmental resources are assessed in this chapter in accordance with Appendix G of the *CEQA Guidelines*:

- Aesthetics
- 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 and Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

Although the above environmental resources are assessed in this chapter, there are specific sub-issues of some of the above resources as well as two additional environmental resources—Agriculture and Forestry Resources and Mineral Resources—that were found to be not significant and are addressed in Chapter 5, *Other CEQA Considerations*, Section 5.1 of the EIR. The environmental resources that included sub-issues found not significant are included within the following environmental resources: Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, and Population and Housing.

### 3.0.2 Approach to Environmental Analysis

Sections 3.1 through 3.17 of this Draft EIR contain discussions of the environmental setting, regulatory framework, and potential impacts related to construction and operation of the proposed Project. The sections will evaluate the potential environmental effects of the Project. The project and cumulative analyses will estimate the impacts to each resource category before the implementation of mitigation measures. The analyses will then estimate the impacts to each resource category after the implementation of mitigation measures.

The cumulative analyses were prepared in accordance with Section 15130 of the State CEQA Guidelines that requires an EIR to discuss cumulative impacts of a project when the incremental effects of a project are cumulatively considerable. “Cumulative impacts” are defined as two or more individual effects which, when considered together, are considerable or which compound or increase environmental impacts (*CEQA Guidelines* § 15355). “Cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (*CEQA Guidelines* § 15065). According to Section 15130(b) of the CEQA Guidelines, elements considered necessary to provide an adequate discussion of cumulative impacts of a project include either: (1) list of past, present, and probable future projects producing related or cumulative impacts; or (2) a summary of projections contained in an adopted local, regional or statewide plan, or related planning document which is designed to evaluate regional or area-wide conditions.

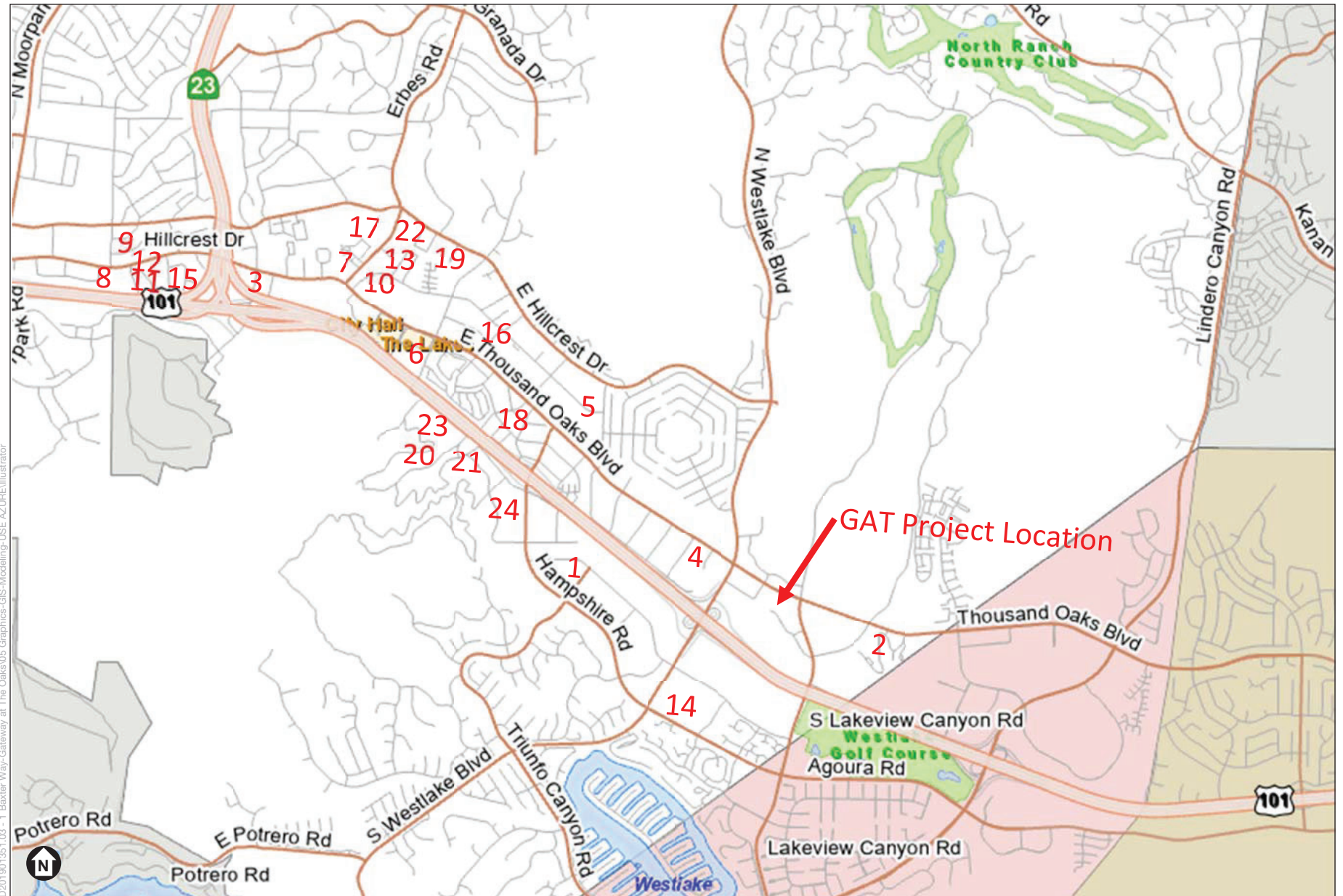
The cumulative analyses for this Draft EIR includes a list of cumulative projects that is provided in **Table 3-1** and illustrated in **Figure 3-1**, *Cumulative Projects Locations*.



**TABLE 3-1  
 CUMULATIVE PROJECTS LIST**

<b>No.</b>	<b>Project Name/Location</b>	<b>Description</b>	<b>Non-Residential (sf)</b>	<b>Residential (du)</b>
1.	2382 Townsgate Road	Sports Training Facility	10,900	—
2.	4500 E. Thousand Oaks Boulevard	General Office	10,000	—
3.	1140 E. Thousand Oaks Boulevard	Drive-Thru Restaurant	153	—
4.	3839 Auto Mall Drive	Automobile Sales	120,217	—
5.	95 Duesenberg Drive	Assisted Living	77,096	—
6.	2200 E. Thousand Oaks Boulevard	Multifamily Mid-Rise		165
7.	1816 & 1818 Los Feliz Drive	Multifamily Low-Rise	29,410	16
8.	500 E. Thousand Oaks Boulevard	Mixed-Use Residential/Commercial	24,000	300
9.	515 E. Thousand Oaks Boulevard	Mixed-Use Residential/Commercial	4,000	36
10.	1735 Los Feliz Drive	Multifamily Low-Rise		22
11.	88 Long Court	Multifamily Mid-Rise		75
12.	59 Moody Court	Multifamily Low-Rise		4
13.	APN 670-0-250-230	Multifamily Low-Rise		39
14.	974 Westlake Boulevard	Two-Story Building for Bank		—
15.	111 Jenson Court	Multifamily Low-Rise		5
16.	95 N. Oakview Drive	General Light Industrial	4,676	—
17.	269-271 Erbes Road	Multifamily Mid-Rise		81
18.	2821 Los Robles Road	Multifamily Low-Rise		4
19.	2080 E. Hillcrest Drive	Single Family Detached		10
20.	North Side of Skyline Drive	Single Family Detached		5
21.	Willow Lane & Skyline Drive	Single Family Detached		3
22.	384 Erbes Road	Multifamily Mid-Rise		70
23.	2650 Willow Lane	Storage Facility	100,138	—
24.	325 Hampshire Road	Mixed-Use Residential/Commercial	15,000	420
<b>Total</b>			<b>395,590</b>	<b>1,255</b>

NOTES: du = dwelling units; sf = square feet.



D:\2019\1351\_03 - 1 Baxter Way-Gateway at The Oaks\05 Graphics-GIS-Modeling-USE AZURE\Illustrator

SOURCE: W.G. Zimmerman Engineering, Inc., 2022

The Oaks Specific Plan

**Figure 3-1**  
Cumulative Projects Locations



### 3.0.3 Organization of Environmental Issue Area

Implementation of the proposed Project would result in construction and operational activities. The potential environmental issues associated with each environmental analysis that are addressed in Chapter 3 contain the following components.

#### Environmental Setting

This section identifies and describes the existing physical environmental conditions of the Project area and vicinity associated with each of the impact sections. According to Section 15125(a) of the *CEQA Guidelines*, an EIR must include a description of the existing physical environmental conditions in the vicinity of the proposed Project to provide the “baseline condition” against which Project-related impacts are compared. Normally, the baseline condition is the physical condition that exists when the NOP is published.

#### Regulatory Framework

The Regulatory Framework provides an understanding of the regulatory environment that exists prior to the implementation of the proposed Project. The regulatory framework that was used in this EIR included federal, state, regional, and local regulations and policies applicable to the Project area.

#### Impacts and Mitigation Measures

This section describes environmental changes to the existing physical conditions that may occur if the proposed Project is implemented, and evaluates these changes with respect to the significance criteria. This section also includes a Project impact analysis and corresponding cumulative impact analysis. Mitigation measures are identified, if determined feasible, for significant Project impacts and cumulative impacts where the Project’s contribution was determined to be cumulatively considerable. The mitigation measures are those measures that could avoid, minimize, or reduce an environmental impact. This section also includes a significance determination after mitigation that describes the level of impact significance remaining after mitigation measures are implemented.

#### Significance Criteria

Significance criteria have been developed for each environmental resource in accordance with Appendix G of the *CEQA Guidelines*. Impacts are categorized as follows:

- **Significant:** Mitigation measures, if feasible, shall be recommended to reduce potential impacts
- **Less than Significant:** Mitigation measures are not required under CEQA but may be recommended
- **No Impact:** Mitigation measures are not required

#### References

Sources relied upon for each environmental topic analyzed in this document are provided at the end of each section.

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## 3.1 Aesthetics

This section addresses the potential impacts to aesthetics and visual resources associated with implementation of the Project. The section includes a description of the environmental setting to establish baseline conditions for aesthetic resources; a summary of the regulations related to aesthetic resources; and an evaluation of the Project's potential effects on scenic vistas, scenic resources, and visual character.

### 3.1.1 Environmental Setting

#### Definitions Related to Visual Resources

Visual or aesthetic resources are generally defined as both the natural and built features of the landscape that contribute to the public viewer's experience and appreciation of the environment.<sup>1</sup> Depending on the extent to which a project's presence would alter the perceived visual character and quality of the environment, a visual or aesthetic impact may occur. Key terms that are used to describe aesthetic views include:

**Visual character** is a general description of the visual attributes of a particular land use setting as defined by local municipalities and other land use agencies. The purpose of defining the visual character of an area is to provide the context within which the visual quality of a particular site or locale is most likely to be perceived by the viewing public. For urban areas, visual character is typically described on the neighborhood level or in terms of areas with common land use, intensity of development, socioeconomic conditions, and/or landscaping and urban design features. For natural and open space settings, visual character is most commonly described in terms of areas with common landscape attributes (e.g., landform, vegetation, water features).

**Visual quality** is defined as the overall visual impression or attractiveness of a site or locale as determined by its aesthetic qualities (such as color, variety, vividness, coherence, uniqueness, harmony, and pattern). For the aesthetic analysis, the visual quality of a site or locale is defined according to three levels:

- **Low.** The location is lacking in natural or cultural visual resource amenities typical of the region. A site with low visual quality will have aesthetic elements that are perceptibly uncharacteristic of the surrounding area.
- **Moderate.** The location is typical or characteristic of the region's natural or cultural visual amenities. A site with moderate visual quality maintains the visual character of the surrounding area, with aesthetic elements that do not stand out as either contributing to or detracting from the visual character of an area.
- **High.** The location has visual resources that are unique or exemplary of the region's natural or cultural scenic amenities. A site with high visual quality is likely to stand out as particularly appealing and makes a notable positive contribution to the visual character of an area.

<sup>1</sup> CEQA Guidelines, Appendix G, Environmental Checklist Form defines public views as those that are experienced from a publicly accessible vantage point.

**Viewer Exposure** addresses the variables that affect the viewing conditions of a site. Viewer exposure considers some or all of the following factors: landscape visibility (the ability to see the landscape); viewing distance (i.e., the proximity of viewers to the project); viewing angle (whether the project would be viewed from a superior, inferior, or level line of sight); extent of visibility (whether the line of sight is open and panoramic to the project area or restricted by terrain, vegetation, and/or structures); and duration of view.

**Visual Sensitivity** is the overall measure of a site's susceptibility to adverse visual changes. Visual sensitivity is rated as high, moderate, or low and is determined based on the combined factors of visual quality, viewer types, how many viewers, and viewer exposure to the project. Higher visual sensitivity is associated with sites with a higher visual quality and with a greater potential for changes to degrade or detract from the visual character of a public view.

**Light** originates from human activity from the following two primary sources): light emanating from building interiors that passes through windows, and light originating from exterior sources (e.g., street lighting, building illumination, security lighting, parking lot lighting, landscape lighting, and signage). These sources of light can be a nuisance to adjacent residential areas, diminish the view of the clear night sky, and if uncontrolled, can cause disturbances for motorists traveling in the area. Land uses such as residences and hotels are considered light sensitive, since occupants have expectations of privacy during evening hours and may be subject to disturbances by bright light sources. Light spill is typically defined as the presence of unwanted light on properties adjacent to the property being illuminated.

**Glare** is caused by the reflection of sunlight or artificial light by highly polished surfaces such as window glass or reflective materials and, to a lesser degree, from broad expanses of light-colored surfaces or vehicle headlights. Perceived glare is the unwanted and potentially objectionable sensation as observed by a person as they look directly into the light source of a luminaire. Daytime glare generation in urban areas is typically associated with buildings with exterior facades largely or entirely consist of highly reflective glass. Glare can also be produced during evening and nighttime hours by the reflection of artificial light sources, such as automobile headlights. Glare generation is typically related to either moving vehicles or sun angles, although glare resulting from reflected sunlight can occur regularly at certain times of the year. Glare-sensitive uses include residences and transportation corridors.

## Regional Setting

Visual resources within Ventura County consist of natural landscapes and scenic views, including landforms, vegetation, and water features, as well as unique elements of the built environment. The proposed projects would be located in Ventura County, which is situated along the Pacific Ocean south of Santa Barbara County and north of Los Angeles County. The county contains varied topography, exposed geological formations, vegetation, built communities, beaches, and waterways. Scenic resources within the county include lakes, beaches, dunes, rivers, creeks, bluffs, mountains, ridgelines, hillsides, native habitat (e.g., wetlands, oak woodlands, and coastal sage chaparral habitat), and rock outcroppings. Further, scenic resources along designated and Eligible State and County Scenic Highways and the coastline are highly valued within the county.

The U.S. 101 Freeway (U.S. 101 or freeway) and State Route-23 (SR-23) are both eligible County Scenic Highways in the vicinity of the Project site (Ventura County General Plan 2019).

## Project Area Setting

The proposed Project encompasses approximately 42.9 acres of developed land located in the southern portion of the City of Thousand Oaks in Ventura County. The City of Thousand Oaks is located approximately 12 miles east of the Pacific Ocean and 39 miles west of Los Angeles. Specifically, the Project site is located north of U.S. 101 between the Westlake Boulevard (west) and Lindero Canyon Road (east) exits. The existing uses surrounding the Project site include the U.S. 101 to the south, the Westlake Promenade shopping center to the west beyond a drainage course. Thousand Oaks Boulevard to the north, and Lakeview Canyon Road to the east.

The Project site is currently developed with an existing industrial office building with associated access roads, paved surface parking, slopes and landscape improvements. There is an existing three-story main industrial office building that is approximately 416,941 square feet and includes a single story maintenance structure (former Verizon vehicle maintenance facility) that is approximately 7,000 square feet. The site contains hundreds of mature oak and sycamore trees that scene the site from the surrounding areas including the U.S. 101. Thousand Oaks Boulevard and Lakeview Canyon Road. The adjacent Westlake Promenade is also screened due to the density of the existing trees with in the School House Canyon drainage. Further, along the southern boundary of Project is a large, landscaped berm that partially screens views from the U.S. 101 into the Project site.

### ***Views of the Project Site***

Existing views of the Project site are predominately screened by mature trees and a landscaped berm. The site is not clearly visible from Thousand Oaks Boulevard or Lakeview Canyon Road due to the mature trees screening the site. However, the site is partially visible from the U.S. 101. **Figure 3.1-1, Key Map**, depicts an aerial photograph of the Project and identifies views of the Project from the U.S. 101. The following are descriptions of the views:

- View 1 is looking north from the northbound lane of the U.S. 101. The current view is of the landscaped berm, mature trees and a decorative City of Thousand Oaks sign. Views from this vantage point would be partially obstructed to the Project site (see **Figure 3.1-2, Existing Views of Project Site**).
- View 2 is looking northeast from the southbound lane of U.S. 101. The current view is of the landscaped berm and mature trees. Views of the Project site from this vantage point would be partially obstructed by the topography (see Figure 3.1-2).



\projects\19xxxx\1201901351\_03\_1Baxter\_VWay\_Gateway\_at\_the\_Oaks\03\_MXD\Projects\DEIR\aprx\_spraster\_4/7/2022

SOURCE: Mapbox, 2021; ESA, 2022

The Oaks Specific Plan

**Figure 3.1-1**  
Key Map







VIEW NORTH: View looking north from the northbound lane of the 101 Freeway towards the approximate location of the parking structure.



VIEW SOUTH: View looking northeast from the south bound lane of the 101 Freeway toward the approximate location of the parking structure.

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SOURCE: ESA, 2022

The Oaks Specific Plan

**Figure 3.1.2**  
Existing View of Project Site

## 3.1.2 Regulatory Setting

### State

#### ***California Environmental Quality Act***

CEQA is the principal statute governing environmental review of projects occurring in the state and is codified at *Public Resources Code (PRC) Section 21000 et seq.* CEQA requires lead agencies to determine if a proposed project would have a significant effect on the environment.

#### **State Scenic Highway Program**

The State Scenic Highway Program, created by the California Legislature in 1963, was established to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. A scenic highway is designated under this program when a local jurisdiction adopts a scenic corridor protection program, applies to Caltrans for scenic highway approval, and receives notification from Caltrans that the highway has been designated as a Scenic Highway. When a city or county nominates an eligible scenic highway for official designation, it defines the scenic corridor, which is land generally adjacent and visible to a motorist on the highway.

### Local

#### ***City of Thousand Oaks General Plan***

The Thousand Oaks General Plan provides a long-range comprehensive guide for the physical development of the City's Planning Area. The General Plan comprises a statement of goals and policies related to the community's development, and various elements that provide more detailed policies and standard in certain topic areas. Together, these serve as the foundation for guiding public and private activities related to the City's development. The following are relevant policies in respect to aesthetic resources.

#### **General Development Policies:**

***Policy 3:*** Through good design and the implementation of appropriate development tools, a freeway corridor image will be created making Thousand Oaks visually distinct from surrounding communities, retaining the special qualities of the landscape, viewshed and open space which originally attracted people to the area.

***Policy 4:*** Major City gateways, where the Route 101 and 23 Freeways enter the City and streets interchange with the freeways, shall receive special aesthetic enhancement.

#### **Additional Policies**

***Policy 2:*** As the City ages, it is important to maintain, improve and enhance the City's aesthetic appearance.

***Policy 8:*** Gateways should present open, low-keyed, attractively landscaped entrances to the community.

## **Conservation Element**

### **Scenic Resources**

**Policy-CO-1:** Future development and redevelopment of the existing built environment within Thousand Oaks should reflect sensitivity to its physical setting and natural scenic resources.

#### *Implementation Measures*

- Ensure that development occurring within the view corridors of the Route 101 and 23 Freeways conform to the Freeway Corridor Design Guidelines (Res. 91-172).
- Ensure that development adjacent to designated scenic highways is consistent with the Scenic Highways Element of the General Plan.
- Ensure that development proposed within defined gateway areas (Res. 93-152), conforms with the City's planning policies and guidelines for City Gateways.
- Continue to implement the City's Architectural Design Review Guidelines to ensure that the special scenic resources and identity of Thousand Oaks are retained and enhanced.

### **Scenic Highway Element**

**Policy 7:** Provide for architectural and design review of proposed development projects and adjoining yard walls within the corridor to insure that they are compatible with existing urban and natural surroundings, and enhance the scenic character and quality of the highway corridor.

### **City of Thousand Oaks Municipal Code**

*Sec. 8-1.19. Addition: Chapter 41: Building Security Provisions.*

MINIMUM MAINTAINED FOOT-CANDLES OF LIGHT" is the amount of light falling on that point of a surface with the least illumination, calculated through application of a maintenance factor, which is a multiplier applied to account for aging of the lamp and for dirt build-up on the luminaire during the period for which a lamp is in place

4107.5.2 All exterior common area pedestrian walkways and recreation areas shall be illuminated with a minimum maintained one-quarter (0.25) foot-candle of light at ground level during the hours of darkness.

4108.26.1 All parking, driving, and walking surfaces, except stairways, shall be illuminated at all times with a minimum maintained one and one-quarter (1.25) foot-candles of light. Exception: Parking facilities which have physically precluded pedestrian and vehicle access during non-business hours may provide a minimum maintained one-quarter (0.25) foot-candles minimum of light on the parking, walking and driving surfaces.

*Sec. 9-4.2405. General design standards of parking areas.*

(b) Lighting.

- (1) All on-site parking areas, maneuvering areas, and turnaround areas shall comply with the following provisions:
  - (i) Parking lot lights shall be designed and arranged in such a manner so that light is reflected away from adjoining residential properties and streets.
  - (ii) All light poles, standards and fixtures shall be of a low-profile decorative variety and shall be compatible with the architectural theme of the building and/or facility they intend to service.
  - (iii) All light poles, standards and fixtures shall not exceed a height of twenty (20') feet above grade level. Light poles, standards and fixtures determined by the Community Development Director to be illuminating parking areas which abut residential properties and streets shall observe a maximum height of fourteen (14') feet above grade level.
  - (iv) All light sources used to illuminate parking areas shall achieve a color rendition which is compatible and in harmony with the existing development pattern of the surrounding area.
  - (v) All levels of illumination shall comply with the Building Security Ordinance.
  - (vi) All parking lot lighting installations shall comply with applicable Uniform Building Code requirements.

***Guidelines for Development within the Corridors of the Route 101 and Route 23 Freeways***

In July 1991, the City of Thousand Oaks adopted Resolution No. 91-172, “A Resolution of the City Council of Thousand Oaks Establishing Guidelines for Development within the Corridors of the Route 101 and 23 Freeways”. In the recitals of the Resolution, the need for the Guidelines is stated as:

*...through good urban design, there can be created an overall freeway corridor image which will make Thousand Oaks visually distinct from surrounding communities, retaining the special qualities of the landscape which attracted people to the area originally, and generally improve the aesthetic conditions along the freeway corridors by providing a sequence of attractive views for visitors and residents alike...*

The Guidelines for Development within the Corridors of the U.S. 101 and State Route 23 (“Guidelines”) apply “to all property which is located wholly or partially within 1,000 feet of the centerlines of the 101 and 23 Freeways”. The Guidelines pertain to the Project site, as a portion of the Project site is within 1,000 feet of the centerline of the U.S. 101.

***Architectural Design Review Guidelines for Commercial Projects***

On January 25, 2005, the City Council adopted Resolution No. 2005-011, “A Resolution of the City Council of Thousand Oaks Revising the Architectural Review Design Guidelines and Standards for Evaluating the Construction and Modification of Commercial Development

Projects within the City of Thousand Oaks”. These guidelines have been prepared to assist applicants in understanding the objectives of the City and in upholding the intent and purpose of the Architectural Design Review Ordinance. Specifically, the guidelines focus on designing projects that create and “shape” exterior space in the form of squares, arcades, courtyards, etc., to encourage community participation, pedestrian orientation, and to foster commercial success.

### 3.1.3 Thresholds of Significance

According to CEQA Guidelines Appendix G, the proposed Project could have a potentially significant impact with respect to aesthetics if it would:

- Have a substantial adverse effect on a scenic vista (see Impact 3.1-1, below).
- Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway (see Impact 3.1-2, below).
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point.) If in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality (see Impact 3.1-3, below).
- Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area (see Impact 3.1-4, below).

### 3.1.4 Methodology

#### ***Visual Quality***

Impacts to visual quality in non-urbanized areas such as the area in the vicinity of a project site are generally assessed by estimating the amount of visual change introduced by project components, the degree to which visual changes may be visible to surrounding viewer groups, and the general sensitivity of viewer groups to landscape alterations. Visual changes are usually measured by three factors: (1) the amount of visual contrast that project components create (changes to form, line, color, texture, and scale in the landscape), (2) the amount of view obstruction that occurs (loss of view, duration/timing), and (3) the degradation of specific natural resources (e.g., removal of scenic trees):

- (1) Visual contrast could be significant if project activities involve regraded landforms, alteration or elimination of ridgelines, and changes introduced by the project that result in landscape colors, textures, and scale of visual components that are inconsistent with a project site’s surroundings.
- (2) View obstruction could be considered significant if the project would obstruct foreground (0 to 0.25 mile) or mid-ground (0.25 to 3 miles) views of the viewed area as seen from sensitive public viewpoints<sup>2</sup>. View obstruction is contextualized in the temporal framework, for instance how long the view of the development would be visible by motorists, pedestrians and bicyclists traveling on the surrounding public roadways.

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<sup>2</sup> Public views are those that are experienced from publicly accessible vantage points.

- (3) The project's impacts could be considered significant if the project severely alters or displaces specific natural resources composed of striking landform features, aesthetic water bodies, mature stands of native/cultural trees, or historic structures.

Visual impacts would be considered significant overall if any one of the three measures of significance is identified. These criteria were used to assist in estimating the extent and scale of landscape alterations due to project implementation.

### ***Visual Assessment***

This visual assessment is based on field observations of the Project site and surroundings in addition to a review of topographic maps, aerial, and ground-level photographs of the Project area. Additionally, visual simulations were prepared for the Project that document the “before and after” visual conditions of implementing the Project.

## **3.1.5 Impact Analysis**

### **Scenic Vistas**

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**Impact 3.1-1: The Project would result in a less than significant and less than cumulatively considerable adverse effect on a scenic vista.**

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### ***Project Impact Analysis***

The Project site is located within an urban area that is primarily developed with retail, commercial, office, and industrial uses. The Thousand Oaks General Plan Conservation Element and Open Space Element considers views of open space, steep hillsides, ridgelines and natural communities as scenic resources. To the west of the Project the Conejo Ridge and Santa Monica Mountains, which would be considered scenic vistas. Further, the Scenic Highway Element of the General Plan identifies Thousand Oaks Boulevard, Westlake Boulevard and U.S. 101 as scenic highways in the vicinity of the Project.

Development of the Project would include construction and operation of four residential buildings with a four-story parking structure. Implementation of the Project would involve the removal of the existing parking lot, excavation and grading of the Project site, as described in Chapter 2, *Project Description*. Grading would be followed by construction of residential buildings and parking structure, and landscaping. The presence of construction equipment and materials could be visible from public viewing areas, but would be short term and would not permanently affect views of the Conejo Ridge, Santa Monica Mountains or from the surrounding scenic roadways. Given the short-term and temporary presence of construction equipment and materials, impacts to scenic vistas would be less than significant.

Once constructed, the proposed Project would introduce new structures to an area that is currently a surface parking lot. These new structures could have the potential to impact scenic vistas in the area. However, once constructed the proposed residential apartment buildings would have an approximate average height of 36 feet with a maximum height of approximately 47 feet. The proposed parking structure would have an approximate average height of 47 feet with a maximum

height of approximately 57 feet. These proposed structures would be similar in scale and mass as the existing adjacent industrial office building and surrounding development. Further, the site contains hundreds of mature oak and sycamore trees that screen the site from the surrounding areas including Thousand Oaks Boulevard. Views from Westlake Boulevard and the adjacent Westlake Promenade into the Project site would also be screened by the existing trees within the School House Canyon drainage. Along the southern boundary of the Project site is a large, landscaped berm that mostly obstructs views from the U.S. 101 into the Project site. In areas where the berm doesn't block views into the Project, there is dense landscaping that partially screens views from the U.S. 101. Photographic simulations were prepared to depict the views of the Project site from the U.S. 101. These visual simulations show the Project site—with and without the development of the parking garage structure—that a motorist would observe traveling on the U.S. 101. The proposed residential apartment buildings would not be visible due to the site's topography.

From View 1 (**Figure 3.1-3**, *Photo Simulation from Northbound 101 Freeway*), the view from the U.S. 101 northbound lane shows the freeway lanes and vegetated berm in the foreground, the City of Thousand Oaks sign and the vegetated berm in the mid-ground and a portion of the proposed parking garage and mature trees in the background. The visual sensitivity of this view is considered low to moderate since the parking garage use earth tone colors to blend into the surroundings and is partially screened by trees and landscaped berm. The Project from this vantage point would only be visible for several second before the motorist would pass the site as they continue traveling northbound on the U.S. 101. The Project from this vantage point would not alter the visual character of the U.S. 101 corridor. Further, views of the parking garage structure would be similar in color, mass and architecture as the existing surrounding buildings. As a result, the Project would not impact scenic vistas from this vantage point.

From View 2 (**Figure 3.1-4**, *Photo Simulation from Southbound 101 Freeway*), the view from U.S. 101 southbound lane shows the freeway median and northbound lanes in the foreground, mature trees and the vegetated berm in the mid-ground and the parking garage in the background. The visual sensitivity of this view is considered low to moderate since the new parking garage would be partially screened by a mixture of landscaping and mature trees. The Project from this vantage point would only be visible for several second before the motorist would pass the site as they continue traveling southbound on the U.S. 101. The Project from this vantage point would not alter the visual character of U.S. 101 corridor. Further, views of the parking garage structure would be similar in color, mass and architecture as the existing surrounding buildings. As a result, the Project would not impact scenic vistas from this vantage point.

**Significance Determination before Mitigation:** Less than Significant.



VIEW NORTH

D201901351.03

SOURCE: KTG, 2022

The Oaks Specific Plan

**Figure 3.1.3**  
Photo Simulation from Northbound 101 Freeway







VIEW SOUTH

D201901351\_03

SOURCE: KTG, 2022

The Oaks Specific Plan

**Figure 3.1.4**  
Photo Simulation from Southbound 101 Freeway



### ***Cumulative Impact Analysis***

The cumulative projects to be considered in the analysis of cumulative impacts are listed in Table 3-1, Cumulative Projects List, and illustrated on Figure 3-1, in Section 3.0, of this Draft EIR. The only cumulative projects located within the same viewshed as the Project are projects 2, 4, and 14, which consists of automobile sales, a general office, and a two-story building for a bank.

Construction equipment associated with the cumulative projects would be similar to the equipment on-site at the Project site. Similar to the Project, the presence of construction equipment and materials on each site would be short-term and temporary in nature, and thus would not permanently affect a scenic vista or the visual character and/or quality of the area. Therefore, cumulative development, including the Project, would have a less than significant temporary cumulative impact on scenic vistas during construction.

Once constructed the Project would be screened by existing mature trees. Further, each of the cumulative projects would be located more than a half of a mile away from the Project and would be located within sites that are of similar land use. The cumulative projects like the proposed Project, would include buildings that are consistent in bulk and mass as the surrounding buildings and would avoid impacts to scenic vistas. Therefore, because the proposed Project would result in less than significant impacts on scenic vistas, the Project would result in a less than cumulatively considerable contribution to cumulative impact to scenic vistas.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## **Scenic Highway**

**Impact 3.1-2: The Project would result in less than significant and less than cumulatively considerable impacts on scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.**

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### ***Project Impact Analysis***

There are no officially designated state scenic highways within the vicinity of the proposed Project site (Caltrans 2019). However, the U.S. 101 is identified as an eligible scenic highway,

per Caltrans California State Scenic Highway System Map. Although the U.S. 101 is not an officially state designated scenic highway, the City of Thousand Oaks has developed guidelines for development within the corridor of the U.S. 101. The Guidelines for Development within the Corridors of the Route 101 and Route 23 Freeways (Guidelines) apply “to all property which is located wholly or partially within 1,000 feet of the centerlines of the 101 and 23 Freeways”. The Guidelines pertain to the Project, as a portion of the proposed Project is within 1,000 feet of the centerline of the U.S. 101 (parking structure). As a result, the Project has been evaluated for, and designed in compliance with, all four sections identified in the Guidelines. The Project was analyzed and found to be consistent with Section A- Site Planning, Section B- Architectural Design, Section C-Walls, Barriers, Berms, and Section D-Landscape Planting of the Guidelines. The consistency evaluation is discussed further in Impact 3.1-3, below. As a result of the consistency with the Guidelines, the proposed Project would not substantially damage views within the U.S. 101 corridor or designated state scenic highway. Impacts would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

As discussed above, there are no officially designated state scenic highways within the vicinity of the proposed Project site. As a result, because the proposed Project would result in less than significant impacts on scenic resources, the Project would result in a less than cumulatively considerable contribution to cumulative scenic resource impacts.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

## Visual Character

**Impact 3.1-3: The Project would result in less than significant and less than cumulatively considerable impacts on the existing visual character or quality of public views of the Project site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point.) The Project would not conflict with applicable zoning and other regulations governing scenic quality.**

### *Project Impact Analysis*

The Project site is located within an urban area that is primarily developed with retail, commercial, office, and industrial uses and no designated public views occur within the immediate area. Development of the Project would include construction and operation of four residential apartment buildings and a four-story parking structure. Implementation of the Project would involve the removal of the existing parking lot, excavation and grading of the Project site. Grading would be followed by construction of residential buildings and parking structure, and landscaping. As discussed in Impact 3.1-2 above, the U.S. 101 is identified as an eligible scenic highway and Thousand Oaks Boulevard and Westlake Boulevard is part of scenic highway system as identified in the Scenic Highway Element of the General Plan. As discussed in Impact 3.1.1 above, views to the Project site are completely screened by mature trees and vegetation from Thousand Oaks Boulevard and Westlake Boulevard but is partially visible from the U.S. 101. The City of Thousand Oaks has developed guidelines for development within the corridor of the U.S. 101. The Guidelines apply “to all property which is located wholly or partially within 1,000 feet of the centerlines of the 101 and 23 Freeways”. The Guidelines pertain to the Project, as a portion of the proposed Project is within 1,000 feet of the centerline of the U.S. 101 (parking structure). As a result, the Project has been evaluated for, and designed in compliance with, all four sections identified in the Guidelines. **Table 3.1.1** below evaluates the Project consistency with the Guidelines.

**TABLE 3.1.1  
 CONSISTENCY WITH THE THOUSAND OAKS GUIDELINES FOR DEVELOPMENT WITHIN THE CORRIDORS OF  
 ROUTE 101 AND 23 FREEWAYS**

<b>Section A-Site Planning</b>	
<b>Guideline-1</b>	<b>Project Compliance</b>
Buildings should be located on relatively level land between knolls or on moderate slopes. They should not be placed on ridgelines conspicuous hilltops or steep hillsides where potential silhouetting and extensive grading impacts could result. The plotting of any structures shall consider adequate backdrop to blend into the natural surroundings with a minimum of visual impact.	The new 4-story parking structure would be placed on an existing parking lot site at a lower elevation that has a moderate slope; it is centrally located in a manner that allows the natural landscape to surround the structure. Residential apartment buildings are proposed on the northern portion of the Project site, which also has a moderate slope. These proposed residential apartment buildings are 2-3 stories and would blend into the natural surroundings and would have a minimal visual impact.

<b>Guideline-2</b>	<b>Project Compliance</b>
Building footprints shall reflect an integration of design that joins the buildings with the natural terrain. Extensive grading shall be avoided. The site's topography shall determine the form of architectural design.	Refer to Site Planning Guideline 1 compliance. Excavation would be needed to beneath the residential apartment buildings to provide subterranean parking. This would allow the Project to have a lower massing, which is appropriate for the natural environment. The grade adjacent to the parking structure walls would vary, and, as such, would provide an opportunity for visual screening with planting and other enhanced materials to further unify the relationship between the natural terrain and the new architecture.
<b>Guideline-3</b>	<b>Project Compliance</b>
All structures shall avoid large straight, blank facades; visual interest in design shall be provided by stepping the buildings back and creating more open space between the buildings and the roadway in both horizontal and vertical directions.	The parking structure is designed with low 3'6" walls painted to match the color of the existing industrial office building that would give it a similar horizontal massing. Vertical massing elements will be used to break up the massing into an appropriate composition of horizontal and vertical elements that would avoid a long, linear façade. To keep the parking structure screened from U.S. 101, it would set back approximately 450' from the centerline of U.S. 101. The residential apartment buildings have numerous plane changes and articulation within the massing of the exterior to ensure that there are no areas of blank facades. Variations in building materials would also be utilized.
<b>Guideline-4</b>	<b>Project Compliance</b>
Building setbacks from the freeways and open spaces between buildings adjacent to the freeways shall be increased to allow for landscaping and reduced visual impact. Distances shall be determined by viewshed, site topography and configuration, and architectural design of the proposed buildings.	The parking structure is set back approximately 450' from the centerline of U.S. 101. It would be substantially screened from motorist traveling along U.S. 101, so it would not affect the overall freeway corridor image. Residential apartment buildings are set back more than 1,000 feet from the centerline of U.S. 101. As these buildings will be substantially screened from U.S. 101 by topography and landscaping, they would not affect the overall freeway corridor visual character. The existing visual character, which contains a rolling hill and dense trees, would remain as the view from the freeway.
<b>Guideline-5</b>	<b>Project Compliance</b>
Buildings shall be oriented at angles to the freeways to reduce the exposed facades visible from the roadway. This shall also provide additional open space for innovative landscape designs and open up views to distant features.	Refer to Site Planning Guideline 4 compliance.
<b>Guideline-6</b>	<b>Project Compliance</b>
Vehicle parking lots within the freeway view corridors shall be screened by utilizing combinations of earthen berms, landscaping (predominantly evergreen), and innovative decorative wall designs to reduce the visual impact of rows of glittering automobiles. Building placement can also serve as a method of screening parking lots.	The Project is substantially screened from U.S. 101, so it would not affect the overall freeway corridor image.
<b>Guideline-7</b>	<b>Project Compliance</b>
Exterior lighting fixtures shall be designed and placed in such a manner as to prevent spillage of illumination beyond the boundaries of the project site.	Project lighting would be designed to include outdoor lighting levels that would be no more than 2.0 foot-candle at the boundary of the Project site. This design would prevent substantial light spillage beyond the Project boundaries.

<b>Section B – Architectural Design</b>	
<b>Guideline-1</b>	<b>Project Compliance</b>
Building architecture shall make creative and innovative statements yet not appear as an imposition on the landscape. Buildings must be designed at a scale and manner that is sensitive to the terrain, reflecting an integration of architecture and topography.	The design goal of the parking structure is to maintain a similar design as the existing industrial office building by creating elements of similar horizontal proportion, while adding a significant amount of landscape elements surrounding it to screen it and help it to integrate within its surrounding environment. The residential apartment buildings are designed with two- and three-story elements, situated over one level of underground parking to serve the residents. The goal of Gateway is to provide an experience that marries the existing landscape (together with substantial augmentations to the landscape) with the buildings. As one navigates the meandering pathways, there is a sense of discovery as each outdoor space provides an opportunity with different amenities for use by the Gateway residents and guests. The vision for the Project emphasizes articulation, shadowed exterior features, exterior cement plaster and other high-quality materials, with balconies, patios and roof terraces that lower the sense of height and massing.
<b>Guideline-2</b>	<b>Project Compliance</b>
Building architecture shall incorporate the use of design articulation to break up building mass into smaller components. The use of angled building corners, sloping facades, projecting and recessing of walls, opening sections of the buildings and the integration of landscape elements will help to reduce a bulky appearance.	The new residential apartment buildings that compose Gateway include many design features that work to enhance the building articulation and massing, including plan notching, massing step-downs, angled or saw-toothed façade elements, building cornices, and material differentiation to help convey a more human-scaled architecture. Refer also to Site Planning Guideline 3 compliance.
<b>Guideline-3</b>	<b>Project Compliance</b>
Proper siting of buildings, allowing open sections within buildings or among groups of buildings, shall provide some form of visual relief and maintain views of distant features.	Refer to Site Planning Guideline 4 compliance.
<b>Guideline-4</b>	<b>Project Compliance</b>
Building roof architecture shall be designed in a manner that is sensitive to both building and terrain. Exposure of large expansive roof areas shall be avoided.	There is no roof on the parking structure, just the top level of parking. Residential apartment buildings would have flat roofs that would be primarily filled with mechanical units and water heaters (and possibly solar panels). These would be screened by parapets that would have variations in the height to create visual interest. The amenity areas in Building A2 and B1 would each have a roof terrace at the second floor as an amenity for residents and visitors.
<b>Guideline-5</b>	<b>Project Compliance</b>
Roof designs shall maintain a proportional relationship to the scale and shape of the building walls. Sloped roofs are encouraged and will depend upon the site's topography, to avoid creating an imposing structure. The use of roof overhangs in proportion to wall heights is encouraged to integrate the building with the terrain by providing a lower perceived horizontal structure. Such designs are necessary to achieve greater effective shadow treatment to enhance the building's architectural facade and provide a perceived depth to the design.	The residential buildings provide a variety of different measures to break down the scale of the structures. In addition to the plane articulation, the roofline is broken up with a combination of sawtooth planes, horizontal eave elements, and vertical parapets to create visual interest and variation across the various building façades.

<b>Guideline-6</b>	<b>Project Compliance</b>
Exposure of roof mounted mechanical equipment will not be permitted. Protective screening shall be integrated into the building's overall design of wall and roof components. The use of nonconforming separate roof screening attachments shall be avoided.	Refer to Architectural Design Guideline 4 compliance.
<b>Guideline-7</b>	<b>Project Compliance</b>
Upper floor levels on multi-story buildings should be stepped back from their base to open up the view corridor both horizontally and vertically.	Refer to Site Planning Guideline 3 compliance.
<b>Guideline-8</b>	<b>Project Compliance</b>
The roofs of buildings which are constructed on land sloping up or down from the freeway shall be parallel to the natural topography in order to protect the line-of-sight within the view corridor. Projecting elements above roof lines shall be minimized and shall be integrated into the buildings' overall design.	The parking structure does not have sloped roofs or projections. Residential apartment buildings do not have sloped roofs or projections. The two-story amenity volume at Building A2 and at Building B1 are design features providing visual interest adjacent to the main entry and central courtyard. They would also each have a roof terrace on the second floor that would be used by residents and visitors. This is integrated into the overall design, and it would not be in the line-of-sight within the view corridor.
<b>Guideline-9</b>	<b>Project Compliance</b>
Selective use of taller buildings (height overlays) will be considered only where there is sufficient visual backdrop and where important open views are not blocked.	All buildings are significantly distanced from U.S. 101 and are not visible due to the site topography. The maximum height of the residential apartments is 47 feet while the maximum height of the proposed parking structure is 57 feet.
<b>Guideline-10</b>	<b>Project Compliance</b>
Building designs, exterior colors and materials shall be selected so that they blend and integrate with the surrounding natural and manmade setting, consistent with the City's image.	Refer to Architectural Design Guideline 1 compliance.
<b>Guideline-11</b>	<b>Project Compliance</b>
Exterior surface materials shall be of a non-glare finish, pursuant to the Precise Plan of Design. Windows shall be designed and oriented to minimize the reflective characteristics of the glass onto the freeway.	There are no windows on the parking structure. Residential apartment buildings are designed with no glare finishes, and the materials and windows would be substantially screened from the freeway.
<b>Guideline-12</b>	<b>Project Compliance</b>
Where development is proposed in areas adjacent to existing land uses, building design, scale, use of material, color and landscaping characteristics shall complement the existing uses.	Refer to Architectural Design Guideline 1 compliance.
<b>Guideline-13</b>	<b>Project Compliance</b>
Building identification (signs) shall be selected in compliance with the City's Municipal Sign Ordinances, in particular that which pertain to the freeway corridor. Signs shall be designed to complement the building's architecture and not impose a visual impact. Criteria for signage shall include: letter design, color, overall sign area in proportion to setback distances, illumination, sign area ratio to wall or fascia surfaces, and consistency in size and location with existing signs in the area.	The signage design would be developed during or after the construction documentation phase of the Project and would be designed to comply with this guideline.

## 3.1 Aesthetics

<b>Guideline-14</b>	<b>Project Compliance</b>
Site planning and architectural treatment of buildings shall be employed to prevent the visual exposure of service bays, storage material, trash enclosures and loading and unloading activities from the freeway corridors.	Refer to Site Planning Guideline 6 compliance.
<b>Guideline-15</b>	<b>Project Compliance</b>
Exterior illumination of structures shall be kept to a minimum and located primarily at building entrances and landscape features. Lighting should be indirect and recessed.	Exterior Project lighting would be designed to include outdoor lighting levels that would be no more than 2.0 foot-candle at the boundary of the Project site. Outdoor lighting will be shielded to prevent a direct line to the proposed residential apartment buildings.
<b>Guideline-16</b>	<b>Project Compliance</b>
Illumination from within buildings should be controlled by window design, location, and tinting. Window glass should be designed to control spillage of light from interior spaces.	Refer to Architectural Design Guideline 15 compliance.
<b>Section C – Walls, Barriers, Berms</b>	
<b>Guideline-1</b>	<b>Project Compliance</b>
Where barrier screening for visual or noise mitigation is necessary, such treatment shall consist of a combination of decorative walls, undulating berms of various heights and innovative use of combined evergreen and deciduous landscape plant materials.	The Project design provides barriers in the form of the setback distances from U.S. 101, as well as the landscape berm adjacent to the Project and the dense landscaping surrounding the Project.
<b>Guideline-2</b>	<b>Project Compliance</b>
Long and linear wall sections shall be avoided. These elements should be staggered by methods that provide both horizontal and vertical relief and landscaped with clusters of native plant materials. Use of various combinations of wall material is encouraged to achieve a greater aesthetic effect.	Large vertical massing elements are provided as part of the parking structure design to break the horizontality of the parking structure, and a substantial amount of landscape is provided around the structure. Refer also to Architectural Design Guideline 1 compliance.
<b>Guideline-3</b>	<b>Project Compliance</b>
Vines and/or other clinging plant material shall be used to visually accent walls where space may preclude the use of other larger plants.	A substantial amount of landscape around the Project is being provided, including large trees.
<b>Guideline-4</b>	<b>Project Compliance</b>
Planted earthen berms shall take precedence over construction of walls, to emphasize the natural setting.	There is an existing landscape berm that screens views into the proposed development area of the Project site, which emphasizes its natural setting. The existing image, which contains a rolling hill and dense trees, will be what is seen from U.S. 101.
<b>Guideline-5</b>	<b>Project Compliance</b>
Screen walls shall consist of decorative materials that integrate and compliment the building's architecture.	Refer to Walls, Barriers, Berms Design Guideline 2 compliance.
<b>Guideline-6</b>	<b>Project Compliance</b>
All manufactured berms shall incorporate grading techniques which emphasize a natural condition. Manufactured slopes shall consist of undulating contours of various slope ratios. Use of boulders and other natural native rock material is encouraged.	Refer to Walls, Barriers, Berms Design Guideline 4 compliance.



<b>Section D – Landscape Planting</b>	
<b>Guideline-1</b>	<b>Project Compliance</b>
Landscaping shall be used to complement and enhance building architecture, not to camouflage poor building design.	Refer to Architectural Design Guideline 1 compliance.
<b>Guideline-2</b>	<b>Project Compliance</b>
Landscaping shall be used to soften the visual impact of buildings, walls, grading and other site improvements.	The planting concept builds on the plant material on the Project site. The plantings maintain a 'California Friendly' drought tolerant characteristic, with numerous oak and sycamore trees planted in groves, not via row style planting. This style of planting allows for framing and preserving of distant views.
<b>Guideline-3</b>	<b>Project Compliance</b>
The type of plant material, height and massing of vegetation	The Project's plant palette is diverse in tree and planting shapes and sizes, foliage, and flower color, including both evergreen and deciduous tree species. This approach is used to enhance and complement the architectural facades.
<b>Guideline-4</b>	<b>Project Compliance</b>
Plants shall be used which offer variety of color, shape and species with an emphasis on drought tolerant native plant materials. Plant selection shall also include an appropriate ratio of evergreen to deciduous for interest.	The Project's plant palette is diverse in tree and planting shapes and sizes, foliage, and flower color, including both evergreen and deciduous tree species. The proposed native and climate-adapted plant palette is in alignment with water conservation strategies and the evolution to a more resilient landscape in the long term. Refer also to Landscape Planting Guideline 2 compliance.
<b>Guideline-5</b>	<b>Project Compliance</b>
The planting of oak trees should be implemented wherever possible to aid in the establishment and reinforcement of the City's image. This image can be further enhanced by the selective night-time lighting of signature oak trees.	The Project contains hundreds of oak and sycamore trees, the density of which screen views into the Project from Thousand Oaks Boulevard and Lakeview Canyon Road. Selective lighting of specimen trees will further distinguish the City's signature character. Refer also to Landscape Planting Guideline 2 compliance.
<b>Guideline-6</b>	<b>Project Compliance</b>
Height of landscape planting should be controlled to maintain views of ridgelines and other scenic features from the freeways.	The Project maintains the current views of hillsides. Refer to Site Planning Guideline 4 compliance. Refer also to Landscape Planting Guideline 2 compliance.
<b>Guideline-7</b>	<b>Project Compliance</b>
Solid rows of landscaped screening along continuous sections of the roadway should be avoided. Designs of plant materials should vary to provide interest, avoiding straight rows of trees or other vegetation.	Refer to Site Planning Guideline 4 compliance. Refer also to Landscape Planting Guideline 2 compliance.
<b>Guideline-8</b>	<b>Project Compliance</b>
Alternate groupings of plants and open spaces to frame and preserve distant views.	Project plantings are of a natural character to maintain a more rural feel to the landscape and allow clusters of trees to frame vistas. Refer also to Site Planning Guideline 4 compliance.
<b>Guideline-9</b>	<b>Project Compliance</b>
Monotonous repetitions in plant spacing should be avoided; the number and distance between adjoining plants should be varied.	The Project's plant palette is diverse in tree and planting shapes and sizes, foliage, and flower color, including both evergreen and deciduous tree species. Groupings of plants in a more natural layout, as opposed to rows, would maintain the Project site's existing character.

<b>Guideline-10</b>	<b>Project Compliance</b>
Vegetation shall be planted behind and in front of buildings to soften hard edges of architectural design.	Plantings of varying species and sizes throughout the proposed development portion of the Project site would assure four-sided coverage, helping to accentuate and complement the architecture.
<b>Guideline-11</b>	<b>Project Compliance</b>
For infill projects, the selection of landscape material shall match or be compatible with established roadside and/or surrounding vegetation.	The Oaks is heavily wooded with oak and sycamore trees. The plant palette for the Project relies heavily on reinforcing that image with many of the same species. The added planting would increase the existing roadside and surrounding buffer, minimizing the visual impacts, while increasing ecological biodiversity. Refer also to Landscape Planting Guideline 4 compliance.

As described in Table 3.1.1, the proposed Project would be consistent with Guidelines for development within the 101 corridor. As a result, the implementation of the Project would not sustainably degrade the visual character or conflict with applicable zoning governing scenic quality. Impacts to visual character during operation would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

***Cumulative Impact Analysis***

The cumulative projects identified in Table 3-1 are largely separated by intervening existing development, major roadways and have differing visual characters. Even though the related projects are located within the vicinity of the Project site, they may not have the same visual characters and are distinct from one another; therefore, it is speculative to consider its visual character in conjunction with the Project and other related projects. Further, any cumulative project visible from the U.S. 101 corridor would be required to comply with the Guidelines similar to the Project. As a result, the cumulative projects, when considered together, would not substantially change the visual character of their respective existing conditions. The Project site’s visual character would be entirely internal and would not affect the visual character of any off-site related projects. As a result, the proposed Project would result in less than significant impacts on scenic resources. Therefore, the Project’s contribution to scenic resource impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

***Mitigation Measures***

**Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

**Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## Light and Glare

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**Impact 3.1-4: The Project would result in less than significant and less than cumulatively considerable light or glare impacts that would adversely affect day or nighttime views in the area.**

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### ***Project Impact Analysis***

The Project site is currently developed with an existing industrial office building and surface parking lots. The addition of the proposed residential apartment buildings, parking structure, and associated surface parking would introduce light and glare sources to the Project area, including lighting to illuminate parking areas, driveways, doorways, walkways, and signs, as well as light and glare emitted from windows and vehicle headlights.

All light sources associated with the Project would be shielded and/or aimed so that no illumination would be seen outside of the Project site boundary. Lighting would be designed to improve safety and to add visual interest to the Project site, including accentuating key landscape and architectural features. Additionally, all lighting within the Project site would comply with TOMC and Title 24 of the California Code of Regulations. The street lighting would be shielded to illuminate the streets, promote dark skies, and inhibit any unnecessary nighttime lighting or glare.

Windows on the proposed residences and buildings, and associated cars, have the potential to create new sources of glare. However, these uses and glare sources would be consistent with the surrounding land uses, as the Project site is entirely surrounded by existing urban development. Also, the proposed Project would not use highly reflective building materials. The proposed buildings would use neutral tones, and non-reflective materials, such as wood, stucco and concrete. Therefore, compliance with applicable lighting regulations and visual consistency with surrounding development would ensure that impacts due to new sources of light and glare would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

The area surrounding the Project site and related projects is urbanized and generates ambient light. Similar to the Project, the related projects would be required to minimize excessive light and glare that would be inappropriate for the setting. Each related projects would respectively be required to reduce light or glare generated by each project. Light sources would be required to be shielded and/or aimed downwards to minimize direct illumination and to preclude light pollution or trespass onto adjacent properties. Materials would also be required to include low-reflectivity glass and/or materials with low-reflective coating to reduce impacts from glare onto surrounding areas. Due to the distance and topography, any potential light and glare associated with any cumulative project would not result in considerable cumulative impacts in conjunction with the proposed Project. As a result, the proposed Project would result in less than significant impacts on light and glare. Therefore, the Project's contribution to cumulative light and glare impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

***Mitigation Measures***

**Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

**Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

### 3.1.6 References

California Department of Transportation (Caltrans). 2019. Scenic Highways. Available at: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>.

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City of Thousand Oaks. 2013. General Plan Open Space Element. October 2013. Available at: <https://www.toaks.org/home/showpublisheddocument?id=342>. Accessed on March 15, 2022.

## 3.2 Air Quality

This section evaluates the potential for air quality impacts to result from the implementation of the overall construction and operation of- the proposed multi-family residential and parking structure at One Baxter Way. The existing air quality setting is described along with the relevant regulatory background. Project impacts and mitigation measures, as necessary, are presented.

### 3.2.1 Environmental Setting

The Project site is located in the South Central Coast Air Basin (SCCAB), which comprises Ventura County, Santa Barbara County, and San Luis Obispo County. The Project site is under the jurisdiction of the Ventura County Air Pollution Control District (VCAPCD). The ambient concentrations of air pollutants are determined by the amount of emissions released by sources and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the amount of emissions released by existing air pollutant sources.

### Regional Climate and Meteorological Conditions

#### *South Central Coast Air Basin*

The topography and climate of Southern California combine to make the SCCAB an area of high air pollution potential. Limited dispersion of emissions and increases in ambient air pollution levels result from the weak vertical and horizontal dispersion characteristics within Ventura County. Temperature inversions persist and prevent pollutants from rising and dispersing. The mountain ranges within Southern California inhibit horizontal dispersion of pollutants. Air is recirculated in Ventura County as a result of the diurnal land and sea breeze pattern. In the early mornings, the land breeze pushes air pollutants toward the ocean, and in the afternoon, pollutants are pushed east by the sea breeze. This causes pollutants to remain in the SCCAB for several days. Ambient air pollution levels of ozone (a secondary pollutant formed in the atmosphere when oxides of nitrogen and reactive organic gases react in the presence of sunlight) increase due to emissions from the previous days reacting with new emissions and in the presence of sunlight. This effect is mostly observed from May through October, when air temperatures are higher and sunlight is more intense. Most of Ventura County's ozone standard exceedances occur during this 6-month period (VCAPCD 2003).

#### *Project Vicinity*

Data from the Western Regional Climate Center's Thousand Oaks 1 SW California Station (048904) was used to characterize climate conditions in the Project vicinity. Over the period of record (2004–2010), the average annual temperatures in the study area range from a low of 50.5°F to a high of 73.7°F. Summer (August) high and low temperatures were 84.5°F and 58.9°F, respectively. The average winter (February) high and low temperatures were 65.0°F and 45.0°F, respectively, while temperatures rarely drop below 32.0°F. Rainfall varies widely from year to year, with an annual average of 10.5 inches (WRCC 2010).

Wind patterns in the study area arise primarily from the west, with seasonal and diurnal variations (WRCC 2002). Over the period of record (1996–2006), winds at the Oxnard Airport station averaged a speed of 7.2 miles per hour (WRCC 2006).

## **Criteria Air Pollutants**

To protect human health and the environment, the USEPA has set “primary” and “secondary” maximum ambient limits for each of the criteria pollutants. Primary standards were set to protect human health, particularly with sensitive population, such as children, the elderly, and individuals suffering from chronic lung conditions, such as asthma and emphysema. Secondary standards were set to protect the natural environment and prevent damage to animals, crops, vegetation, and buildings. Ozone (O<sub>3</sub>) and nitrogen dioxide (NO<sub>2</sub>) are considered regional pollutants because they (and their precursors) affect air quality on a regional scale. Pollutants such as carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), and lead (Pb) are considered local pollutants that tend to accumulate in the air locally. Particulate matter (PM) is both a local and regional pollutant (USEPA 2016).

The pollutants of concern within the SCCAB, including the Project area, are O<sub>3</sub> (including oxides of nitrogen [NO<sub>x</sub>] and reactive organic gases [ROG]), and particulate matter. The VCAPCD has not established quantitative thresholds for particulate matter for either construction or operations. However, VCAPCD indicates that a project that may be reasonably expected to generate fugitive dust emissions in such quantities as to cause injury, detriment, nuisance, or annoyance to any considerable number of people or to the public, or that may endanger the comfort, repose, health, or safety of any such person or the public, or which may cause, or have a natural tendency to cause, injury or damage to business or property, would have a significant adverse air quality impact (VCAPCD 2003). Therefore, particulate matter is considered a pollutant of concern for the proposed Project. In the analysis, ROGs are used as a surrogate for reactive organic compounds (ROCs) regulated by VCAPCD. Principal characteristics surrounding these pollutants are discussed below. Toxic air contaminants (TACs) are also discussed, although no air quality standards exist for these pollutants.

### **Ozone**

Ozone, or smog, is photochemical oxidant that is formed when ROG and NO<sub>x</sub> (both by-products of the internal combustion engine) react with sunlight. Ozone is a health threat and has been tied to crop damage, typically in the form of stunted growth and premature death. Ozone also can act as a corrosive, resulting in property damage such as the degradation of rubber products and is a respiratory irritant that can cause severe ear, nose, and throat irritation and increased susceptibility to respiratory infections. It is also an oxidant that causes extensive damage to plants through leaf discoloration and cell damage (CDC 2021). Those who are most susceptible to the harmful effects of ozone are children, the elderly, and people of all ages who have respiratory issues such as asthma (USEPA 2021a).

### **Reactive Organic Gases**

ROG are organic chemical compounds of carbon and are not “criteria” pollutants themselves; however, ROG are a prime component (along with NO<sub>x</sub>) of the photochemical processes by which such criteria pollutants as O<sub>3</sub>, NO<sub>2</sub>, and certain fine particles are formed. ROG are

compounds made up primarily of hydrogen and carbon atoms. Internal combustion associated with motor vehicle usage is the major source of hydrocarbons. Other sources of ROG are emissions associated with the use of paints and solvents, the application of asphalt paving, and the use of household consumer products such as aerosols. Adverse effects on human health are not caused directly by ROG but rather by reactions of ROG that form secondary pollutants such as ozone (CDC 2021).

### ***Nitrogen Oxides***

Nitrogen oxides are a family of highly reactive gases that are a primary precursor to the formation of ground-level ozone and react in the atmosphere to form acid rain. The two major forms of  $\text{NO}_x$  are nitric oxide (NO) and  $\text{NO}_2$ . NO is a colorless, odorless gas formed from atmospheric nitrogen and oxygen when combustion takes place under high temperature and/or high pressure. Health-based ambient air quality standards have been promulgated for  $\text{NO}_2$ , which is a reddish-brown gas formed by the combination of NO and oxygen.  $\text{NO}_x$  acts as an acute respiratory irritant and increases susceptibility to respiratory pathogens (CDC 2021).  $\text{NO}_2$  can potentially irritate the nose and throat, aggravate lung and heart problems, and may increase susceptibility to respiratory infections, especially in people with asthma.

### ***Carbon Monoxide***

Carbon monoxide is a colorless, odorless, toxic gas produced by incomplete combustion of carbon substances, such as gasoline or diesel fuel. In the study area, high CO levels are of greatest concern during the winter, when periods of light winds combine with the formation of ground-level temperature inversions from evening through early morning. These conditions trap pollutants near the ground, reducing the dispersion of vehicle emissions. Moreover, motor vehicles exhibit increased CO emission rates at low air temperatures. The primary adverse health effect associated with CO is interference with normal oxygen transfer to the blood, which may result in tissue oxygen deprivation (CDC 2021).

### ***Sulfur Dioxide***

Sulfur oxides ( $\text{SO}_x$ ) are compounds of sulfur and oxygen molecules.  $\text{SO}_2$  is the predominant form found in the lower atmosphere and is a product of burning sulfur or burning materials that contain sulfur. Major sources of  $\text{SO}_2$  include power plants, large industrial facilities, diesel vehicles, and oil-burning residential heaters. Generally, the highest levels of  $\text{SO}_2$  are found near large industrial complexes. In recent years,  $\text{SO}_2$  concentrations have been reduced by the increasingly stringent controls placed on stationary source emissions of  $\text{SO}_2$  and limits on the sulfur content of fuels. Emissions of  $\text{SO}_2$  aggravate lung diseases, especially bronchitis. It also constricts the breathing passages, especially in asthmatics and people involved in moderate to heavy exercise.  $\text{SO}_2$  potentially causes wheezing, shortness of breath, and coughing. High levels of particulates appear to worsen the effect of  $\text{SO}_2$ , and long-term exposures to both pollutants leads to higher rates of respiratory illness.

### ***Particulate Matter***

Particulate matter consists of finely divided solids or liquids such as soot, dust, aerosols, fumes, and mists. Two forms of fine particulates now are recognized: inhalable course particles of

10 microns or smaller (PM<sub>10</sub>), and inhalable fine particles of 2.5 microns or less (PM<sub>2.5</sub>). Particulate discharge into the atmosphere results primarily from industrial, agricultural, construction, and transportation activities. However, wind on arid landscapes also contributes substantially to local particulate loading. Activities such as crushing or grinding operations and driving vehicles on paved and unpaved roads result in fugitive dust, including PM<sub>10</sub>, pollen and mold. As described above, fine particles, PM<sub>2.5</sub>, are produced from all types of combustion, including motor vehicles, power plants, wood burning, agricultural burning and some industrial processes. Both PM<sub>10</sub> and PM<sub>2.5</sub> may adversely affect the human respiratory system, especially in people who are naturally sensitive or susceptible to breathing problems (CDC 2021).

### **Lead**

Lead is a metal found naturally in the environment as well as in manufactured products. The highest levels of lead in air are usually found near lead smelters. The major sources of lead emissions to the air are ore and metals processing and piston-engine aircraft operating on leaded aviation gasoline. Lead is also emitted from the sanding or removal of old lead-based paint. Lead emissions are primarily a regional pollutant. Lead affects the brain and other parts of the body's nervous system. Exposure to lead in very young children impairs the development of the nervous system, kidneys, and blood forming processes in the body.

### **Additional Criteria Pollutants (California Only)**

In addition to the national standards, the State of California regulates State-identified criteria pollutants, including sulfates (SO<sub>4</sub><sup>2-</sup>), hydrogen sulfide (H<sub>2</sub>S), visibility-reducing particles, and vinyl chloride. With respect to the State-identified criteria pollutants, most land use development projects either do not emit them (i.e., H<sub>2</sub>S [nuisance odor] and vinyl chloride), or otherwise account for these pollutants (i.e., SO<sub>4</sub><sup>2-</sup> and visibility reducing particles) through other criteria pollutants. For example, SO<sub>4</sub><sup>2-</sup> are associated with SO<sub>x</sub> emissions, and visibility-reducing particles are associated with particulate matter emissions. A description of the health effects of the State-identified criteria air pollutants is provided below.

#### **Sulfates**

SO<sub>4</sub><sup>2-</sup> are the fully oxidized ionic form of sulfur. SO<sub>4</sub><sup>2-</sup> occur in combination with metal and/or hydrogen ions. In California, emissions of sulfur compounds occur primarily from the combustion of petroleum-derived fuels (e.g., gasoline and diesel fuel) that contain sulfur. This sulfur is oxidized during the combustion process and subsequently converted to SO<sub>4</sub><sup>2-</sup> in the atmosphere. Effects of sulfate exposure at levels above the standard include a decrease in ventilatory function, aggravation of asthmatic symptoms, and an increased risk of cardio-pulmonary disease. SO<sub>4</sub><sup>2-</sup> are particularly effective in degrading visibility, and, due to the fact that they are usually acidic, can harm ecosystems and damage materials and property (CARB 2022a).

#### **Hydrogen Sulfide**

H<sub>2</sub>S is a colorless gas with the odor of rotten eggs. The most common sources of H<sub>2</sub>S emissions are oil and natural gas extraction and processing, and natural emissions from geothermal fields. Industrial sources of H<sub>2</sub>S include petrochemical plants and kraft paper mills. H<sub>2</sub>S is also formed during bacterial decomposition of human and animal wastes, and is present in emissions from



sewage treatment facilities and landfills. Exposure to H<sub>2</sub>S can induce tearing of the eyes and symptoms related to overstimulation of the sense of smell, including headache, nausea, or vomiting; additional health effects of eye irritation have only been reported with exposures greater than 50 parts per million (ppm), which is considerably higher than the odor threshold. H<sub>2</sub>S is regulated as a nuisance based on its odor detection level; if the standard were based on adverse health effects, it would be set at a much higher level (CARB 2022b).

### ***Visibility-Reducing Particles***

Visibility-reducing particles come from a variety of natural and manufactured sources and can vary greatly in shape, size and chemical composition. Visibility reduction is caused by the absorption and scattering of light by the particles in the atmosphere before it reaches the observer. Certain visibility-reducing particles are directly emitted to the air, such as windblown dust and soot, while others are formed in the atmosphere through chemical transformations of gaseous pollutants (e.g., SO<sub>4</sub><sup>2-</sup>, nitrates, organic carbon particles) which are the major constituents of particulate matter. As the number of visibility-reducing particles increases, more light is absorbed and scattered, resulting in less clarity, color, and visual range. Exposure to some haze-causing pollutants have been linked to adverse health impacts similar to PM<sub>10</sub> and PM<sub>2.5</sub>, as discussed above (CARB 2022c).

### ***Vinyl Chloride***

Vinyl chloride is a colorless gas with a mild, sweet odor. Most vinyl chloride is used to make polyvinyl chloride (PVC) plastic and vinyl products and is generally emitted from industrial processes. Other major sources of vinyl chloride have been detected near landfills, sewage plants, and hazardous waste sites, due to microbial breakdown of chlorinated solvents. Short-term health effects of exposure to high levels of vinyl chloride in the air include central nervous system effects, such as dizziness, drowsiness, and headaches while long-term exposure to vinyl chloride through inhalation and oral exposure causes liver damage and has been shown to increase the risk of angiosarcoma, a rare form of liver cancer in humans. Most health data on vinyl chloride relate to carcinogenicity; thus, the people most at risk are those who have long-term exposure to elevated levels, which is more likely to occur in occupational or industrial settings; however, control methodologies applied to industrial facilities generally prevent emissions to the ambient air (CARB 2022d).

### **Toxic Air Contaminants**

In addition to criteria air pollutants, plans and individual projects may directly or indirectly emit toxic air contaminants (TACs). TACs are airborne substances that can cause short-term (acute) and/or long-term (chronic and/or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). Human health effects of TACs can include birth defects, neurological damage, cancer, and death. There are hundreds of different types of TACs with varying degrees of toxicity that may be emitted from a variety of common sources including gasoline stations, automobiles, diesel engines, dry cleaners, industrial operations, and painting operations. Thus, individual TACs vary greatly in the health risk they present; and at a given level of exposure, one TAC may pose a hazard that is many times greater than another.

Unlike criteria air pollutants, TACs do not have ambient air quality standards but instead are regulated by the air district using a risk-based approach to determine which sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated and considered together with information regarding the toxic potency of the substances to provide quantitative estimates of the risks. In general, a health risk assessment is required if the air district concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggest a potential public health risk. The applicant of a project that would emit TACs is required to conduct a health risk assessment for the source in question. Such an assessment generally evaluates chronic, long-term effects, estimating the increased risk of cancer as a result of exposure to one or more TACs.

Diesel particulate matter (DPM) is also a pollutant of concern. CARB identified DPM as a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans (CARB 1998). The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

Despite notable emission reductions since CARB's 2000 Diesel Risk Reduction Plan (CARB 2000), CARB recommends that proximity to sources of DPM emissions (e.g., a freeway) be considered in the siting of new sensitive land uses. CARB notes that these recommendations are advisory and should not be interpreted as defined "buffer zones," and that local agencies must balance other considerations, including transportation needs, the benefits of urban infill, community economic development priorities, and other quality of life issues. With careful evaluation of exposure, health risks, and affirmative steps to reduce risk where necessary, CARB's position is that infill development, mixed use, higher density, transit-oriented development, and other concepts that benefit regional air quality can be compatible with protecting the health of individuals at the neighborhood level (CARB 2005).

## Existing Conditions

Current operations on-site include an existing industrial office building and surface parking spaces. The existing uses surrounding the Project site include U.S. 101 to the south, the Promenade shopping center to the west, Thousand Oaks Boulevard to the north, and Lakeview Canyon Road to the east.

### ***Ambient Air Quality***

The VCAPCD currently operates six monitoring stations throughout the SCCAB. The closest monitoring station to the Project is the Thousand Oaks Monitoring Station located at 2323 Moorpark Road in Thousand Oaks, California, approximately 6.6 miles north of the Project site. The Thousand Oaks Monitoring Station only monitors ozone and PM<sub>2.5</sub>. Another monitoring station close to the Project site is the Simi Valley Monitoring Station located at 5400 Cochran Street in Simi Valley, California, approximately 11 miles northeast of the Project site. This station provides data on PM<sub>10</sub> and NO<sub>2</sub>. Currently, CO, SO<sub>2</sub>, and lead are not monitored in Ventura County. The ambient air data for monitored criteria pollutants from this vicinity is shown in **Table 3.2-1, VCAPCD Air Quality Data Summary**, for the five most recent years (2016

through 2020). Pollutant concentrations vary from year to year based on weather conditions and the changes to land use patterns.

**TABLE 3.2-1  
VCAPCD AIR QUALITY DATA SUMMARY**

Pollutant	Standard <sup>a</sup>	Monitoring Data by Year				
		2016	2017	2018	2019	2020
<b>Ozone – Thousand Oaks Monitoring Station</b>						
Highest 1-Hour Average (ppm) <sup>b</sup>		0.080	0.090	0.080	0.82	0.097
Days over State Standard	0.09 ppm	0	0	0	0	1
Highest 8-Hour Average (ppm) <sup>b</sup>		0.076	0.073	0.073	0.074	0.084
Days over National Standard	0.070 ppm	1	6	1	1	7
Days over State Standard	0.070 ppm	1	6	1	2	7
<b>Nitrogen Dioxide – Simi Valley Monitoring Station</b>						
Highest 1-Hour Average (ppm) <sup>b</sup>		39.0	46.0	43.0	45.0	42.0
Days over National Standard	0.10 ppm	0	0	0	0	0
Days over State Standard	0.18 ppm	0	0	0	0	0
Annual Average (ppm) <sup>b</sup>		8	8	8	7	7
Days over National Standard	0.053 ppm	0	0	0	0	0
Days over State Standard	0.03 ppm	0	0	0	0	0
<b>Particulate Matter (PM<sub>10</sub>) – Simi Valley Monitoring Station</b>						
Highest 24-Hour Average (µg/m <sup>3</sup> ) <sup>c</sup>		166.1	154.3	110.5	127.9	90.5
Days over National Standard (measured)	150 µg/m <sup>3</sup>	1	0	0	0	0
Days over State Standard (measured)	50 µg/m <sup>3</sup>	4	9	6	4	6
Annual Average (µg/m <sup>3</sup> )	20 µg/m <sup>3</sup>	22.9	24.0	23.5	19.5	*
<b>Particulate Matter (PM<sub>2.5</sub>) – Thousand Oaks Monitoring Station</b>						
Highest 24-Hour Average (µg/m <sup>3</sup> ) <sup>d</sup>		35.2	32.0	41.5	24.5	36.3
Days over National Standard (measured)	35 µg/m <sup>3</sup>	0	0	1	0	1
Annual Average (µg/m <sup>3</sup> )	12 µg/m <sup>3</sup>	9.6	8.9	9.2	7.2	7.5

NOTES: ppm = parts per million; µg/m<sup>3</sup> = micrograms per cubic meter.

\* Data is not available for that year.

<sup>a</sup> Generally, state standards and national standards are not to be exceeded more than once per year.

<sup>b</sup> The highest average reported is the 1<sup>st</sup> highest average for State and National. The days over standard for national and state are based on different criteria and therefore may be different even though the standards are the same.

<sup>c</sup> Concentrations and averages represent federal statistics. State and federal statistics may differ because of different sampling methods.

<sup>d</sup> Concentrations and averages represent state statistics. State and federal statistics may differ because of different sampling methods.

SOURCE: CARB 2022e.

Both CARB and USEPA use this type of monitoring data to designate areas according to their attainment status for criteria air pollutants. The purpose of these designations is to identify the areas with air quality problems and thereby initiate planning efforts for improvement. The three

basic designation categories are nonattainment, attainment, and unclassified. Nonattainment designation refers to an area considered to have concentration of one or more criteria pollutants that exceed the National Ambient Air Quality Standards (NAAQS) and/or the California Ambient Air Quality Standards (CAAQS). The attainment designation refers to an area with concentrations of criteria pollutants that are below the levels established by the NAAQS and/or CAAQS. Unclassified is used in an area that cannot be classified on the basis of available information as meeting or not meeting the standards. In addition, the California designations include a subcategory of nonattainment-transitional, which is given to nonattainment areas that are progressing and nearing attainment. The SCCAB (Ventura County) is currently classified as a federal nonattainment area for ozone and currently classified as a state nonattainment area for ozone and PM<sub>10</sub>. The SCCAB is in attainment for all other criteria pollutants. The current attainment status for the SCCAB is provided in **Table 3.2-2, Air Basin Attainment Status**.

**TABLE 3.2-2  
 AIR BASIN ATTAINMENT STATUS**

Pollutant	Attainment Status	
	California Standards	Federal Standards
<b>SCCAB (Ventura County)</b>		
Ozone	Nonattainment	Serious Nonattainment
NO <sub>2</sub>	Attainment	Attainment/Unclassifiable
CO	Attainment	Attainment/Unclassifiable
SO <sub>2</sub>	Attainment	Attainment/Unclassifiable
PM <sub>10</sub>	Nonattainment	Unclassifiable
PM <sub>2.5</sub>	Attainment	Attainment/Unclassifiable
Lead	Attainment	Attainment/Unclassifiable
SO <sub>4</sub> <sup>2-</sup>	Attainment	Not Applicable
H <sub>2</sub> S	Unclassified	Not Applicable
Visibility Reducing Particles	Unclassified	Not Applicable
Vinyl Chloride <sup>a</sup>	Not Applicable	Not Applicable

NOTES:  
<sup>a</sup> In 1990, the California Air Resources Board identified vinyl chloride as a toxic air contaminant and determined that it does not have an identifiable threshold. Therefore, the California Air Resources Board does not monitor or make status designations for this pollutant.

SOURCES: CARB 2020; USEPA 2021b.

***Sensitive Land Uses***

Individuals present at land uses such as schools, children’s daycare centers, hospitals, and convalescent homes are considered to be more sensitive to poor air quality than the general public because they have increased susceptibility to respiratory distress. In addition, residential uses are considered more sensitive to air quality conditions than commercial and industrial uses because people generally spend longer periods of time at their residences, resulting in greater exposure to ambient air quality conditions. Recreational land uses are considered moderately sensitive to air

pollution. Exercise places a high demand on respiratory functions, which can be impaired by air pollution, even though exposure periods during exercise are generally short. In addition, noticeable air pollution can detract from the enjoyment of recreation (CARB 2005).

Sensitive receptors in the Project vicinity include the Los Robles Rehabilitation Hospital located approximately 0.2 miles to the southeast of the Project site and two neighboring schools. The nearest schools are Westlake High School and Oaks Christian School located approximately 0.4 miles and 0.5 miles from the Project site, respectively.

## 3.2.2 Regulatory Setting

### Federal

#### *Clean Air Act*

The Federal Clean Air Act (CAA) was enacted in 1955 and has been amended numerous times in subsequent years, with the most recent amendments occurring in 1990 (42 U.S.C. 7401 et seq.). The CAA is the comprehensive federal law that regulates air emissions in order to protect public health and welfare. The CAA establishes NAAQS and specifies future dates for achieving compliance. The CAA also mandates that the state submit and implement a State Implementation Plan (SIP) for local areas not meeting those standards. The plans must include pollution control measures that demonstrate how the standards would be met.

The 1990 amendments to the CAA identify specific emission-reduction goals for areas not meeting the NAAQS. These amendments require both a demonstration of reasonable further progress toward attainment and incorporation of additional sanctions for failure to attain or meet interim milestones. Title I provisions were established with the goal of attaining the NAAQS for criteria pollutants. **Table 3.2-3** shows the NAAQS currently in effect for each criteria pollutant. The CAAQS (discussed in the following pages) also are provided for reference.

**TABLE 3.2-3  
AMBIENT AIR QUALITY STANDARDS FOR CRITERIA POLLUTANTS**

Pollutant	Averaging Time <sup>a</sup>	State Standard	National Standard	Pollutant Health and Atmospheric Effects	Major Pollutant Sources
<b>Ozone</b>	1 hour	0.09 ppm	---	High concentrations can directly affect lungs, causing irritation. Long-term exposure may cause damage to lung tissue.	Formed when ROG and NO <sub>x</sub> react in the presence of sunlight. Major sources include on-road motor vehicles, solvent evaporation, and commercial/industrial mobile equipment.
	8 hours	0.07 ppm	0.070 ppm		
<b>Nitrogen Dioxide (NO<sub>2</sub>)<sup>b</sup></b>	1 hour	0.18 ppm	0.100 ppm	Irritating to eyes and respiratory tract. Colors atmosphere reddish-brown.	Motor vehicles, petroleum refining operations, industrial sources, aircraft, ships, and railroads.
	Annual Arithmetic Mean	0.030 ppm	0.053 ppm		
<b>Carbon Monoxide (CO)</b>	1 hour	20 ppm	35 ppm	Classified as a chemical asphyxiant, carbon monoxide interferes with the transfer of fresh oxygen to the blood and deprives sensitive tissues of oxygen.	Internal combustion engines, primarily gasoline-powered motor vehicles.
	8 hours	9.0 ppm	9.0 ppm		

Pollutant	Averaging Time <sup>a</sup>	State Standard	National Standard	Pollutant Health and Atmospheric Effects	Major Pollutant Sources
<b>Sulfur Dioxide (SO<sub>2</sub>)</b>	1 hour	0.25 ppm	75 ppb	Irritates upper respiratory tract; injurious to lung tissue. Can yellow the leaves of plants, destructive to marble, iron, and steel. Limits visibility and reduces sunlight.	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing.
	3 hours	---	0.50 ppm		
	24 hours	0.04 ppm	0.14 ppm		
	Annual Arithmetic Mean	---	0.03 ppm		
<b>Respirable Particulate Matter (PM<sub>10</sub>)</b>	24 hours	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	May irritate eyes and respiratory tract, decreases in lung capacity, cancer and increased mortality. Produces haze and limits visibility.	Dust and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>	---		
<b>Fine Particulate Matter (PM<sub>2.5</sub>)</b>	24 hours	---	35 µg/m <sup>3</sup>	Increases respiratory disease, lung damage, cancer, and premature death. Reduces visibility and results in surface soiling.	Fuel combustion in motor vehicles, equipment, and industrial sources; residential and agricultural burning; Also, formed from photochemical reactions of other pollutants, including NO <sub>x</sub> , sulfur oxides, and organics.
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	12 µg/m <sup>3</sup>		
<b>Lead (Pb)</b>	30 Day Average	1.5 µg/m <sup>3</sup>	---	Disturbs gastrointestinal system, and causes anemia, kidney disease, and neuromuscular and neurological dysfunction (in severe cases).	<i>Present source:</i> lead smelters, battery manufacturing and recycling facilities. <i>Past source:</i> combustion of leaded gasoline.
	Rolling 3-Month Average	---	0.15 µg/m <sup>3</sup>		
<b>Sulfates (SO<sub>4</sub><sup>2-</sup>)</b>	24 hour	25 µg/m <sup>3</sup>	No National Standard	Decrease in ventilatory functions; aggravation of asthmatic symptoms; aggravation of cardio-pulmonary disease; vegetation damage; degradation of visibility; property damage.	Industrial processes.
<b>Hydrogen Sulfide</b>	1 hour	0.03 ppm	No National Standard	Nuisance odor (rotten egg smell), headache and breathing difficulties (higher concentrations)	Geothermal power plants, petroleum production and refining
<b>Visibility Reducing Particles</b>	8 hour	Extinction of 0.23/km; visibility of 10 miles or more	No National Standard	Reduces visibility, reduced airport safety, lower real estate value, and discourages tourism.	See PM <sub>10</sub> and PM <sub>2.5</sub> .
<b>Vinyl Chloride <sup>c</sup></b>	24 hour	0.01 ppm	No National Standard	Short-term exposure to high levels of vinyl chloride in the air can cause dizziness, drowsiness, and headaches. Long-term exposure through inhalation and oral exposure can cause liver damage. Cancer is a major concern from exposure to vinyl chloride via inhalation. Vinyl chloride exposure has been shown to increase the risk of angiosarcoma, a rare form of liver cancer in humans.	Polyvinyl chloride (PVC) plastic and vinyl products.

NOTES: ppm = parts per million; ppb = parts per billion; µg/m<sup>3</sup> = micrograms per cubic meter.

<sup>a</sup> The averaging time is the interval of time over which the sample results are reported.

<sup>b</sup> To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.

<sup>c</sup> The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

SOURCE: CARB 2016.

## State

### **California Air Resources Board**

The California Clean Air Act (CCAA), signed into law in 1988, requires all areas of California to achieve and maintain the CAAQS. CARB, a board under the California Environmental Protection Agency, oversees air quality planning and control throughout California. CARB is responsible for coordination and oversight of state and local air pollution control programs in California and for implementation of the CCAA. CARB has established CAAQS for the above-mentioned criteria air pollutants. Applicable CAAQS are shown in Table 3.2-3.

CARB's other responsibilities include overseeing compliance by local air districts with California and federal laws; approving local air quality plans; submitting SIPs to USEPA; monitoring air quality; determining and updating area designations and maps; adopting measures and regulations for control of emissions of toxic air contaminants and portable equipment operated within the state, and setting emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels. CARB is also responsible for implementation of AB 32 *California Global Warming Solutions Act of 2006* and for state emissions reductions. See Section 3.7 *Greenhouse Gas*, for more information regarding CARB's responsibility with respect to climate change and greenhouse gas emissions.

### **California Clean Air Act**

The CCAA requires all air districts in the state to endeavor to meet the CAAQS by the earliest practical date. Unlike the federal CAA, the CCAA does not set precise attainment deadlines. Instead, the CCAA establishes increasingly stringent requirements for areas that will require more time to achieve the standards. CAAQS are generally more stringent than the NAAQS and are listed together in Table 3.2-3.

CARB and local air districts are responsible for achieving California's air quality standards, which are to be achieved through district-level air quality management plans that would be incorporated into the SIP. In California, USEPA has delegated authority to prepare SIPs to CARB, which in turn has delegated that authority to individual air districts. CARB traditionally has established state air quality standards, maintaining oversight authority in air quality planning, developing programs for reducing emissions from motor vehicles and toxic sources, developing air emission inventories, collecting air quality and meteorological data, and approving SIPs.

The CCAA substantially adds to the authority and responsibilities of air districts. The CCAA designates air districts as lead air quality planning agencies, requires air districts to prepare air quality plans, and grants air districts authority to implement transportation control measures. The CCAA also emphasizes the control of "indirect and area-wide sources" of air pollutant emissions. The CCAA gives local air pollution control districts explicit authority to regulate indirect sources of air pollution and to establish traffic control measures (TCMs).

### ***Light-Duty Vehicle Greenhouse Gas and Corporate Average Fuel Economy Standards***

Because the transportation sector accounts for a large percentage of California’s CO<sub>2</sub> emissions, Assembly Bill (AB) 1493 (Health and Safety Code Sections 42823 and 43018.5) (also referred to as the “Pavley standards”), enacted on July 22, 2002, required CARB to set GHG emissions standards for passenger vehicles, light-duty trucks, and other vehicles manufactured in and after 2009 whose primary use is non-commercial personal transportation. These standards also affect criteria pollutant emissions. The federal CAA ordinarily preempts state regulation of motor vehicle emissions standards; however, California is allowed to set its own standards with a federal CAA waiver from the USEPA. In June 2009, the USEPA granted California the waiver.

The USEPA and the U.S. Department of Transportation adopted federal standards for model year 2012–2016 light-duty vehicles, which corresponds to the vehicle model years regulated under the state’s Pavley Phase I standards. The USEPA also sets nationwide fuel standards, such as the Corporate Average Fuel Economy (CAFE) standards (adopted in 2010) that require improved fuel economy and lower pollutant emissions.

In August 2012, the USEPA and the U.S. Department of Transportation adopted GHG emissions standards for model year 2017–2025 vehicles; however, these standards were rescinded and replaced under the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule as discussed below.

In 2018, the USEPA and the U.S. Department of Transportation’s National Highway Traffic Safety Administration (NHTSA) proposed the SAFE Vehicles Rule Part One and Part Two. Part One revoked California’s authority to set its own fuel economy standards and zero-emission vehicle mandate, and Part Two increased the fuel economy standards (84 Federal Register 51,310 for Part One and 85 Federal Register 24, 173 for Part Two).

On April 22, 2021, NHTSA proposed to formally roll back portions of the SAFE Rule, thereby restoring California’s right to set more stringent fuel efficiency standards. NHTSA is also planning to issue a new rule to increase the national fuel economy standard for light-duty vehicles beyond those in Part Two of the SAFE Vehicles Rule (Federal Register 2021). As of March 15, 2022, the USEPA published its Notice of Decision to restore California’s waiver, thereby ending the SAFE rule (87 Fed. Reg. 14,332).

### ***Toxic Air Containments***

The Health and Safety Code defines TACs as air pollutants that may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. The State Air Toxics Program was established in 1983 under AB 1807 (Tanner). A total of 243 substances have been designated TACs under California law, including the 189 (federal) Hazardous Air Pollutants.

The greatest potential for TAC emissions during construction would be related to DPM emissions associated with heavy-duty equipment during demolition, excavation and grading activities. Construction activities associated with the proposed Project would be sporadic, transitory, and short term in nature. The OEHHA is responsible for developing and revising guidelines for



performing health risk assessments (HRAs) under the State’s Air Toxics “Hot Spots” Program Risk Assessment regulation. In March 2015, OEHHA adopted revised guidelines that update the previous guidance by incorporating advances in risk assessment with consideration of infants and children using age-sensitivity factors (ASF) (OEHHA 2015). The analysis of potential construction TAC impacts considers the OEHHA revised guidelines as well as the duration of construction, level of construction activity, scale of the proposed Project, and compliance with regulations that would minimize construction TAC emissions. In the risk management step, CARB reviews emission sources of an identified TAC to determine whether regulatory action is needed to reduce risk. Based on the results of that review, CARB has promulgated a number of ATCMs, both for mobile and stationary sources (see discussion of On-road and Off-Road Vehicle Rules, above).

The AB 1807 program is supplemented by the AB 2588 Air Toxics “Hot Spots” program, which was established by the California Legislature in 1987. Under this program, facilities are required to report their air toxics emissions, assess health risks, and notify nearby residents and workers of significant risks if present. In 1992, the AB 2588 program was amended by Senate Bill (SB) 1731 to require facilities that pose a significant health risk to the community to reduce their risk through implementation of a risk management plan.

### ***California Green Building Standard Code***

Part 11 of the Title 24 Building Energy Efficiency Standards is referred to as the California Green Building Standards (CALGreen) Code. The CALGreen Code is intended to encourage more sustainable and environmentally friendly building practices, require low-pollution emitting substances that cause less harm to the environment, conserve natural resources, and promote the use of energy-efficient materials and equipment.

Since 2011, the CALGreen Code has been mandatory for all new residential and non-residential buildings constructed in the state. Such mandatory measures include energy efficiency, water conservation, material conservation, planning and design, and overall environmental quality. The CALGreen Code was most recently updated in 2019 to include new mandatory measures for residential and non-residential uses; the new measures took effect on January 1, 2020.

### ***On-Road Heavy-Duty Diesel Vehicles (In Use) Regulation***

On December 12, 2008, CARB approved the on-road heavy-duty diesel vehicle (in use) regulation to significantly reduce particulate matter and NO<sub>x</sub> emissions from existing diesel vehicles operating in California. The regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. The regulation applies to nearly all diesel-fueled trucks and buses with a gross vehicle weight rating (GVWR) greater than 14,000 pounds that are privately or federally owned and for privately and publicly owned school buses. Other public fleets, solid-waste collection trucks, and transit buses are already subject to other regulations and are not part of the truck and bus regulation.

On January 1, 2012, the regulation implemented phase-in requirements for heavier trucks to reduce particulate matter emissions with exhaust retrofit filters that capture pollutants before they are emitted to the air or by replacing vehicles with newer vehicles that are originally equipped

with PM filters. Starting on January 1, 2015, lighter trucks with a GVWR of 14,001 to 26,000 pounds with engines that are 20 years or older would need to be replaced with newer trucks. Starting January 1, 2020, all remaining trucks and buses would need to be replaced so that they would all have 2010 model year engines or equivalent emissions by 2023.

### ***Off-Road Diesel Fleet Regulation***

On July 26, 2007, CARB adopted this regulation to reduce diesel particulate matter and NO<sub>x</sub> emissions from existing off-road heavy-duty diesel vehicles in California that are used in construction, mining, and industrial operations. The Off-Road Diesel Fleet Regulation does the following:

- Imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles.
- Requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled.
- Restricts the adding of older vehicles into fleets.
- Requires fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits).

The Off-Road Diesel Fleet Regulation applies to all self-propelled off-road diesel vehicles over 25 horsepower (hp) used in California and most two-engine vehicles (except on-road two-engine sweepers). The regulation does not apply to stationary equipment or portable equipment, such as generators.

The off-road performance requirements are applied to a fleet as a whole and not to individual vehicles and are based on a fleet's average NO<sub>x</sub> emissions. The goal of the regulation is to encourage fleet owners to replace a certain percentage of their diesel fleet over time with cleaner-emitting vehicles in order to meet the lower annual NO<sub>x</sub> limits.

The regulation was amended in December 2010 to provide a 4-year delay from the original compliance timeline for all fleets. By January of each year, starting in 2014, each fleet must meet the fleet average NO<sub>x</sub> requirements or, as an alternative, a specified percentage of the fleet must be replaced with newer engines.

## **Regional**

### ***Ventura County Air Pollution Control District***

VCAPCD attains and maintains air quality conditions in the SCCAB through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of VCAPCD includes preparation of plans for attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, and issuance of permits for stationary sources of air pollution. VCAPCD also inspects stationary sources of air pollution and responds to citizen complaints; monitors ambient air quality and meteorological conditions; and implements

programs and regulations required by the CAA, Clean Air Act Amendments (CAAA), and CCAA. Air quality plans applicable to the proposed Project are discussed below.

### **Air Quality Management Plan**

The VCAPCD and Southern California Association of Governments (SCAG) are responsible for preparing the air quality management plan (AQMP), which addresses federal and state CAA requirements. The AQMP details goals, policies, and programs for improving air quality in the SCCAB. The VCAPCD prepared its first AQMP in 1982 in response to the CCAA, and the AQMP has been updated regularly since.

The VCAPCD released the Final 2007 AQMP, which was adopted in May 2008 and approved by CARB and submitted to the USEPA as part of the amendment to the SIP in June of 2008. Based on the 2007 AQMP, Ventura County was anticipated to meet the federal 8-hour attainment standards by 2013; however, as of 2022, Ventura County is listed as being in Serious Nonattainment for part of Ventura County, excluding the Channel Islands of Anacapa and San Nicholas Islands (USEPA 2022). Additionally, the federal standard was changed in 2015 to make it more stringent and therefore additional reductions would need to occur within Ventura County to not only meet the previous 2008 standard, but also the revised 2015 federal standard.

The VCAPCD adopted the 2016 Ventura County Air Quality Management Plan on February 14, 2017, which is the most recent 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 USEPA clean air regulations. Ventura County is anticipated to attain the 2008 federal 8-hour ozone standard, using local, state, and federal clean air programs.

### **VCAPCD Rules and Regulations**

**Rule 50 – Opacity:** Originally adopted in 1968 and revised most recently in April of 2005, Rule 50 prohibits the discharge into the atmosphere from a single source any air contaminants for a period or periods aggregating more than 3 minutes in 1 hour: (1) as dark or darker in shades as that is designated as No.1 on the Ringelmann Chart, as published by the United States Bureau of Mines; or (2) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke as described previously in requirement 1 (VCAPCD 2004a).

**Rule 51 – Nuisance:** Originally adopted in 1968 and revised most recently in April 2004, Rule 51 prohibits the discharge of air contaminants from any source in quantities that could cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; or that endangers the comfort, repose, health or safety of any such persons or the public; or that cause or have a natural tendency to cause injury or damage to business or property (VCAPCD 2004b).

**Rule 55 – Fugitive Dust:** Adopted on June 10, 2008, Rule 55 applies to any operation, disturbed surface area, or manufactured condition capable of generating fugitive dust, including demolition, construction, storage piles, unpaved roads, track-out, and earth-moving. The key provisions of Rule 55 include: (1) visible dust from an applicable source is prohibited or limited; (2) measures must be taken to reduce or prevent track-out onto paved public roadways from an applicable

source; (3) track-out must be removed from roadways; (4) visible dust exceeding 100 feet in length from earth-moving activities is prohibited; (5) bulk material handling facilities with a monthly import or export of 2,150 cubic yards or more of bulk materials must take measures to reduce or prevent track-out onto a paved public road: and (6) outbound trucks with bulk materials or soil must either be tarped, have a 6-inch freeboard below the rim of the truck bed, or be wetted or treated to minimize the loss of materials to wind or spillage (VCAPCD 2008). The following fugitive dust reduction measures are required for all construction projects (VCAPCD 2003):

- The area disturbed by clearing, grading, earth-moving, or excavation operations shall be minimized to prevent excessive amounts of dust.
- Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities.
- Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:
  - All trucks shall be required to cover their loads as required by California Vehicle Code Section 23114
  - All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.
  - Graded and/or excavated inactive areas of the construction site shall be monitored by the construction manager at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally-safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over 4 days. If no further grading or excavation operations are planned for the area, the area should be seeded and watered until grass growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.
  - Signs shall be posted on-site to limit traffic to 15 miles per hour or less.
  - During periods of high winds (i.e., wind speeds sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on-site activities and operations from being a nuisance or hazard, either off-site or on-site. The site superintendent/supervisor shall use his/her discretion in conjunction with the APCD in determining when winds are excessive.
  - Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.
  - Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Safety and Health regulations.

***ROG and NO<sub>x</sub> Construction Reduction Measures:*** Ozone precursor emissions from construction vehicles can be substantial. However, there are few feasible measures available to reduce these emissions. VCAPCD requires the following measures to mitigate ozone precursor emissions from construction motor vehicles when emissions exceed 25 pounds per day (VCAPCD 2003):

- Minimize equipment idling time.
- Maintain equipment engines in good condition and in proper tune as per manufacturer's specifications.
- Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time.
- Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible.

## Local

The Project site is located within the City of Ventura. Accordingly, the plans, policies, and standards from the City have also been taken into consideration in this analysis.

### ***City of Thousand Oaks General Plan***

The City of Thousand adopted the Thousand Oaks General Plan (General Plan) on December 22, 1970. The General Plan has been amended several times with the last amendment adopted in 2017. The General Plan provides a long-range guide for the physical development of the City's planning area. It comprises of statement goals and policies related to the community's development, and various elements which provide more detailed policies and standard in certain topic areas. Chapter 7, of the City's Conservation Element addresses the impacts of global climate change in relation to the City of Thousand Oaks. Although the policies within the Conservation Element are primarily directed towards GHG emission-reductions, as are discussed in further detail in **Section 3.7, *Greenhouse Gas Emissions***, the measures would also achieve co-benefits of reducing air pollutants. The General Plan does not have an Air Quality Element. However, the City does have a general policy to place a high priority on maintaining and improving local and regional air quality.

## 3.2.3 Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to air quality if it would:

- Conflict with or obstruct implementation of an applicable air quality plan (see Impact 3.2-1, below).
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (see Impact 3.2-2, below).
- Expose sensitive receptors to substantial pollutant concentrations (see Impact 3.2-3, below).

- Result in other emissions (such as those leading odors) adversely affecting a substantial number of people (see Impact 3.2-4, below).

The VCAPCD has developed significance thresholds to help lead agencies determine whether a project may have a significant air quality impact. Projects whose emissions are expected to produce or exceed the emissions amounts of the recommended significance criteria would have a potentially significant adverse impact on air quality. **Table 3.2-4, VCAPCD Thresholds of Significance**, presents the applicable VCAPCD thresholds of significance.

**TABLE 3.2-4  
VCAPCD THRESHOLDS OF SIGNIFICANCE**

<b>Pollutant</b>	<b>Construction Phase</b>	<b>Operational Phase</b>
Oxides of nitrogen (NO <sub>x</sub> )	25 lbs/day	25 lbs/day
ROG (VOC)	25 lbs/day	25 lbs/day

SOURCE: VCAPCD 2003.

Specifically, the proposed Project would have a potentially significant adverse impact on air quality if emissions:

- Result in maximum daily NO<sub>x</sub> or ROG emissions above 25 pounds per day; or
- Create objectionable odors affecting a substantial number of people.

The emissions thresholds above are not applicable to equipment or operations required to have VCAPCD permits (Authority to Construct or Permit to Operate) that are generally required for stationary and portable (non-vehicular) equipment or operations that may emit air pollutants (VCAPCD 2003). The VCAPCD permit system is separate from CEQA and involves reviewing equipment design, followed by inspections, to ensure that the equipment will be built and operated in compliance with applicable VCAPCD regulations.

VCAPCD has not established quantitative thresholds for particulate matter for either operation or construction. However, VCAPCD indicates that a project that may generate fugitive dust emissions in such quantities as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons, or which may endanger the comfort, repose, health, or safety of any such person, or which may cause or have a natural tendency to cause injury or damage to business or property, would have a significant air quality impact. The VCAPCD Guidelines recommends minimizing fugitive dust rather than quantifying fugitive dust emissions for all dust-generating activities. Such measures include minimizing the project disturbance area, watering the site prior to commencement of ground-disturbing activities, covering all truck loads, and limiting on-site vehicle speeds to 15 miles per hour or less. Additionally, the proposed Project would be required to comply with VCAPCD Rule 55. Although, the VCAPCD does not require quantifying fugitive dust emissions, particulate matter emissions will be calculated during construction and all earth moving activities and presented for disclosure purposes only. Neither

CO or SO<sub>x</sub> have established quantitative thresholds but will also be presented for disclosure purposes only.

### 3.2.4 Methodology

Project-related air quality impacts fall into two categories: short-term impacts due to construction, and long-term impacts due to project operation. First, during project construction (short-term), the proposed Project would generate ozone precursors and affect local particulate concentrations primarily due to fugitive dust sources and diesel exhaust. Under operations (long-term), the proposed Project would result in an increase in emissions primarily due to motor vehicle trips and on-site stationary sources (such as the emergency backup generators). Other sources include minor area sources such as use of landscaping equipment and use of consumer products.

#### Construction Emissions

Construction emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0. CalEEMod calculates the construction equipment exhaust emissions based on CARB's OFFROAD2011 model emission and load factors, and calculates fugitive dust, including from ground disturbance and vehicle travel, using factors from the USEPA's AP-42, *Compilation of Air Emissions Factors*. Inputs to the model include square footage of the buildings and parking on-site, and the estimated project schedule. Reasonable project assumptions obtained from the Applicant and CalEEMod default settings were used to estimate criteria air pollutant and ozone precursor emissions, which can be found in **Appendix C, Air Quality Assumptions and Modeling Data**. On-road mobile exhaust emissions were estimated outside of CalEEMod using emissions factors obtained from the latest version of the CARB on-road emission model, EMFAC, released in 2021. The emissions generated from construction activities include:

- Exhaust emissions from fuel combustion for mobile heavy-duty diesel and gasoline-powered equipment (including construction equipment and employee vehicles);
- Particulate matter from soil disturbance and site preparation and grading activity (also known as fugitive dust); and
- Evaporative emissions of ROG from paving activity and the application of architectural coatings.

#### Operational Emissions

Operation of the proposed Project would increase emissions of ozone precursors (ROG and NO<sub>x</sub>), PM<sub>10</sub>, and PM<sub>2.5</sub> from vehicle trips and area sources (e.g., landscape maintenance and consumer products such as cleaning products). Additional operational emissions include electricity usage for water heating as well as propane combustion in up to three fire pits. Operational emissions for project buildout were also estimated using CalEEMod version 2020.4.0 based on the proposed land uses (for area and stationary source emissions), with default trip generation rates provided by CalEEMod. Similar to construction, on-road, mobile source emissions were calculated outside of CalEEMod using EMFAC2021.

The land use designations selected in the model were apartments mid-rise to represent the proposed residential units, and enclosed parking structure with elevator to represent the construction of the underground parking and stand-alone parking garage.

### **Toxic Air Contaminants**

The primary TAC emitted during construction of the proposed Project would be DPM from construction equipment exhaust. DPM exhaust is a complex mixture of gases and fine particles and is considered a carcinogen. The health risk resulting from exposure to DPM emissions from construction equipment was evaluated qualitatively and further described below under Impact 3.2-3.

The proposed Project would generate passenger vehicle trips, which are the main source of emissions from operation. Most of these vehicles are gasoline-fueled, which is not a substantial source of TACs. In addition, there would be no Project-related stationary sources of TACs on-site that would warrant preparation of an HRA for operations.

### **Siting New Sensitive Receptors Health Risk**

Siting new receptors where they would be exposed to an existing TAC source, while not a CEQA impact, is a potential health risk consideration that should be generally addressed in the conditional use permitting for the proposed Project. By incorporating residential units, the proposed Project is siting new sensitive receptors near a high-volume roadway (i.e., U.S. 101) that is an existing TAC source.

The Building Code Standards for Residential and Nonresidential Buildings specified in Title 24, Part 6 of the California Code of Regulations would require the proposed Project to comply with 2019 energy efficiency standards. As part of these standards, all new residential construction would be required to install filters with a minimum efficiency reporting value (MERV) of 13 to reduce particulate impacts to indoor air quality, which would further reduce the potential for air pollution exposure. MERV 13 filters reduce particulate matter pollution ranging in size from 0.3 to 1.0 micrometers by 50 percent, 1.0 to 3.0 micrometers by 85 percent, and 3.0 to 10 micrometers by 90 percent (ASHRAE 2017).

### **Cumulative Emissions**

The 2016 Ventura County Air Quality Management Plan (AQMP) was prepared to accommodate growth, reduce the high levels of pollutants within the areas under the jurisdiction of VCAPCD, return clean air to the region, and minimize the impact on the economy. To that end, VCAPCD has developed significance thresholds for projects that, when included in the regional emissions profile, is not anticipated to increase emission levels within the SCCAB to exceed or exacerbate, State and Federal AAQS. The SCCAB is the boundary for cumulative emissions, therefore, if a project is less than significant with respect to project-level impacts, it would not be anticipated to result in a cumulatively significant impact when added to the SCCAB's existing or future emissions profile.



## Odors

Potential odor impacts are evaluated by conducting a screening-level analysis followed by a more detailed analysis, as necessary. The screening-level analysis consists of reviewing the proposed project's site plan and project description to identify new or modified odor sources. If it is determined that the proposed project would introduce a potentially significant new odor source, or modify an existing odor source, then downwind sensitive receptor locations are identified and a site-specific analysis is conducted to determine project impacts. For this Draft EIR, a qualitative discussion of potential odor impacts is provided because there are no substantive objectionable odor sources of concern related to construction and operational activities.

### 3.2.5 Impact Analysis

#### Air Quality Plan

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**Impact 3.2-1: Implementation of the proposed Project would not conflict with or obstruct implementation of an applicable air quality plan, and therefore, the Project would have a less than significant and less than cumulatively considerable effect on the implementation of an applicable air quality plan.**

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#### *Project Impact Analysis*

The most recent Clean Air Plan for the SCCAB is the 2016 Ventura County Air Quality Management Plan (AQMP), adopted February 2017. A significant air quality impact may occur if a project is not consistent with the applicable AQMP adopted by the VCAPCD, or would in some way represent a substantial hindrance to employing the policies, or obtaining the goals, of that plan. The primary objective of the AQMP is to provide continuous air pollutant emission reductions over time, with the goal of attaining the federal and state standards. The VCAPCD's AQMP establishes a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the Basin, which is in non-attainment for ozone (O<sub>3</sub>) and particulate matter (PM<sub>10</sub>). The AQMP also addresses the requirements set forth in the state and federal Clean Air Acts.

The AQMP relies primarily on the land use and population projections provided by the Southern California Association of Governments (SCAG) and the CARB on-road emissions forecast as a basis for vehicle emission forecasting. The current zoning for the site is Industrial Park Zone but 8.8 acres of the 42.9-acre Project site is proposed to include high-density residential as part of this Project's entitlement. The 2016 AQMP relied upon growth projections within SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) (SCAG 2016). In 2012, SCAG estimated that the City had 45,900 housing units and in 2040 would have 47,200 units. The Project would provide 264 units, or 0.6 percent of the growth projection. The 2016 RTP/SCS also showed that the 2012 population of the City was 127,800 and the 2040 projection is 131,700 persons (SCAG 2016). As discussed in Section 3.12, Population and Housing, the Project would house up to 687 persons, which would result in 0.5 percent of the City's 2040 projected population and 17.6 percent of the City's projected increase in population between 2012 and 2040. Therefore, the Project is within the growth assumptions that underlie the emissions

forecasts in the 2016 AQMP. As a result, the Project would not conflict with or obstruct implementation of the AQMP, and impacts would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

As discussed above under Section 3.2.4, Methodology, significance thresholds for addressing cumulative air quality impacts (i.e., consistency with the applicable air quality plan) for a project under CEQA are the same as the project-level significance thresholds. Because consistency with the air quality plan is evaluated, the cumulative projects include anticipated growth within the Basin. Although not quantified, it is reasonable to assume that there are cumulative development projects within the Basin that are not consistent with general plan projections, are not consistent with the 2016 AQMP, and would result in greater emissions than identified within the 2016 AQMP. Therefore, cumulative projects are expected to be in conflict with or potentially obstruct implementation of the 2016 AQMP, and thereby result in a significant cumulative air quality impact related to the 2016 AQMP. Because the Project's growth would not conflict with or obstruct implementation of the applicable air quality plan, the Project's operational contribution to potential significant cumulative air quality impacts related to the 2016 AQMP would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## **Air Quality Standards**

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**Impact 3.2-2: Implementation of the proposed Project would result in a significant and cumulatively considerable air quality effects because the Project would result in a net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.**

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### ***Project Impact Analysis***

This impact analysis takes into consideration both short-term construction and long-term operational emissions of criteria pollutants for which the Project region is non-attainment under

an applicable federal or state ambient air quality standard. The focus of this analysis is related to the ground-level ozone precursors NO<sub>x</sub> and ROG since the VCAPCD has established numerical thresholds for these pollutants. As previously stated, particulate matter, CO, and SO<sub>x</sub> emissions will be presented for disclosure purposes only.

### Construction

Construction-related emissions are considered short-term in duration, but nevertheless can represent a significant, adverse impact on air quality. Construction-related emissions arise from a variety of activities, including operation of heavy equipment, employee vehicles, excavation for infrastructure and building foundations, architectural coatings and paving.

Construction of the proposed Project would begin with site clearing, followed by excavation and grading. There would be some balancing of the earthwork on-site between cut and fill, however, approximately 84,481 cubic yards of soil would be hauled off-site. Project construction of the main building is anticipated to begin in 2023 and is anticipated to occur over a period of approximately 16 months with completion by 2024. Construction of the parking garage is anticipated to begin in 2024 and be complete in 2026. Project construction may commence at a later date due to unforeseen delays in approvals or other circumstances. If this occurs, construction emissions would be lower than those analyzed herein due to the use of a more energy-efficient and cleaner burning construction vehicle fleet mix, pursuant to State regulations that require vehicle fleet operators to phase-in less polluting heavy-duty equipment. As a result, should project construction commence at a later date than analyzed in this Draft EIR, air quality emissions would be lower than the emission levels disclosed herein.

Emissions of ozone precursors (ROG and NO<sub>x</sub>) are generated primarily by mobile sources and largely vary as a function of vehicle trips per day and the type, quantity, intensity, and frequency of heavy-duty, off-road equipment used. Typically, a large portion of construction-related ROG emissions results from the application of asphalt on to roads and parking areas, and the application of architectural coatings.

Construction-related fugitive dust emissions of particulate matter would vary from day to day, depending on the level and type of activity, silt content of the soil, and the weather. Project construction activities could result in dust adversely affecting local visibility and PM<sub>10</sub> concentrations on a temporary and intermittent basis, and these are readily minimized by dust control practices.

CalEEMod was used to quantify construction emissions from off-road equipment, haul trucks associated with imported and exported soils, on-road worker vehicle emissions, and vendor delivery trips. The unmitigated and mitigated construction emissions for the worst-case day for each construction year can be found in **Tables 3.2-5, *Unmitigated Project Construction Emissions for PA1 and PA2.***

As shown in Table 3.2-5, maximum daily unmitigated construction emissions would exceed the VCAPCD significance thresholds during the first year of construction activity for NO<sub>x</sub> and the second year of construction activity for ROG and NO<sub>x</sub>. The predominant construction sources

associated with these emissions would be off-road diesel equipment and on-road haul trucks during construction of the Project. Overall, the proposed Project would have a significant impact because the Project would result in a net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.

**TABLE 3.2-5  
 UNMITIGATED PROJECT CONSTRUCTION EMISSIONS FOR PA1 AND PA2 <sup>1,2</sup>**

<b>Construction Period</b>	<b>ROG (ppd)</b>	<b>NO<sub>x</sub> (ppd)</b>	<b>CO (ppd)<sup>c</sup></b>	<b>SO<sub>x</sub> (ppd)<sup>c</sup></b>	<b>PM<sub>10</sub> (ppd)<sup>c</sup></b>	<b>PM<sub>2.5</sub> (ppd)<sup>c</sup></b>
Year 1 <sup>a</sup>	2.4	34.2	26.4	0.1	5.1	0.3
Year 2 <sup>a,b</sup>	40.5	39.0	31.2	0.1	2.6	1.1
Year 3 <sup>b</sup>	1.6	16.6	23.0	0.1	1.7	0.7
Year 4 <sup>b</sup>	1.8	16.6	23.0	0.1	1.7	0.7
VCAPCD Thresholds	25	25	—	—	—	—
Maximum Emissions	40.5	39.0				
<b>Significant (Yes or No)?</b>	<b>Yes</b>	<b>Yes</b>	—	—	—	—

NOTES: ppd = pounds per day.

<sup>a</sup> Construction activities associated with Planning Area 1 (PA1).

<sup>b</sup> Construction activities associated with Planning Area 2 (PA2).

<sup>c</sup> A VCAPCD threshold has not been determined for this pollutant but are included for disclosure purposes only.

<sup>1</sup> Project construction emissions estimates were made using CalEEMod version 2020.4.0. See Appendix C for model outputs and more detailed assumptions.

<sup>2</sup> Values in bold are in excess of the applicable VCAPCD significance threshold.

SOURCE: ESA 2022.

### Health-Based Effects of Ozone

ROG and NO<sub>x</sub> are ozone precursors, and the main health concern of exposure to ground-level ozone is effects on the respiratory system, especially on lung function. However, several factors influence these health impacts. Given these various factors, it is difficult to predict the magnitude of health effects from the proposed Project’s NO<sub>x</sub> emissions, especially since the emissions exceeding NO<sub>x</sub> thresholds from the proposed Project are from temporary, construction impacts.

Additionally, ozone is a regional pollutant for which project-specific concentration modeling is not reliable given current modeling limitations. Meteorology, the presence of sunlight, seasonal impacts, and other complex chemical factors all combine to determine the ultimate concentration and location of ozone (USEPA 2021a). Furthermore, available models are designed to determine regional, population-wide health impacts, and are not designed to accurately quantify ozone-related health impacts caused by NO<sub>x</sub> or ROG emissions from the local level, and in particular not at the level of an individual project. Consequently, given these current modeling limitations, there is not a reliable way to connect the proposed Project’s exceedances of NO<sub>x</sub> emissions to increases in ozone concentrations to meaningfully determine specific human health impacts related to increases in ozone concentrations.

Nevertheless, the proposed Project's NO<sub>x</sub> emissions that exceed thresholds could contribute to new or exacerbated air quality violations in the air basin by contributing to more days of ozone exceedance or result in air quality index values that are unhealthy for sensitive groups and other populations. However, the proposed Project would be temporary in nature, emitting ozone precursors only during the construction period.

### Operations

The proposed Project would increase long-term operational emissions from motor vehicle trips and on-site area and energy sources. CalEEMod was used to estimate operational emissions of ROG and NO<sub>x</sub>; the results of this analysis are summarized in **Table 3.2-6, Project Operational Emissions**. Estimated emissions are compared to the VCAPCD significance thresholds.

**TABLE 3.2-6  
PROJECT OPERATIONAL EMISSIONS<sup>1</sup>**

Source	ROG (ppd)	NO <sub>x</sub> (ppd)	CO (ppd) <sup>a</sup>	SO <sub>x</sub> (ppd) <sup>a</sup>	PM <sub>10</sub> (ppd) <sup>a</sup>	PM <sub>2.5</sub> (ppd) <sup>a</sup>
Area	7.7	0.3	21.8	0.0	0.1	0.1
Energy	0.1	0.7	0.3	0.0	0.1	0.1
Mobile	3.1	4.7	26.0	0.1	2.8	0.5
Total Emissions	10.9	5.7	48.1	0.1	3.0	0.7
VCAPCD Thresholds	25	25	—	—	—	—
Significant (Yes or No)?	No	No	—	—	—	—

NOTES: ppd = pounds per day.

<sup>a</sup> VCAPCD threshold has not been determined for this pollutant but are included for disclosure purposes only.

<sup>1</sup> Project operational emissions estimates were made using CalEEMod version 2020.4.0. See Appendix C for model outputs and more detailed assumptions.

SOURCE: ESA 2022.

As shown in Table 3.2-6, emissions of ROG and NO<sub>x</sub> would not exceed VCAPCD's significance thresholds, and therefore, Project operational emissions of criteria pollutants would result in less than significant air quality impacts.

### Summary

#### Construction

With regard to ozone precursors, construction of the proposed Project would generate unmitigated ROG and NO<sub>x</sub> emissions that would exceed the VCAPCD threshold during the first and second construction years, resulting in a significant impact.

#### Operations

As shown in Table 3.2-6, emissions of ROG and NO<sub>x</sub> would not exceed VCAPCD's significance thresholds, and thus impacts associated with Project operations would be less than significant.

**Significance Determination before Mitigation: Significant.**

### ***Cumulative Impact Analysis***

Regional air pollution is largely a cumulative impact in that no single project is sufficient in size, by itself, to cause nonattainment of air quality standards. The contribution of a project's air emissions to regional air quality impacts is, by its nature, a cumulative effect. Emissions from cumulative projects in the vicinity also have or will contribute to adverse regional air quality impacts. There are 24 cumulative projects in the vicinity of the proposed Project, but only four are within one mile of the Project Site; the remaining 20 projects are located at a greater distance than one mile.

No single project by itself would be sufficient in size to result in nonattainment of ambient air quality standards in the air basin. Instead, a project's individual emissions contribute to existing cumulative air quality conditions. As described above, the project-level thresholds for criteria air pollutants are based on levels by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. Therefore, if a project's emissions are below the project-level thresholds, the project would not result in a considerable contribution to cumulative regional air quality impacts. Conversely, if a project's emissions are above the project-level thresholds, the project would contribute a cumulatively considerable amount to the cumulative air quality impact. The long-term, operational emissions from the proposed Project would not be cumulatively considerable, as they would be less than the significance thresholds.

#### **Construction**

The short-term, ROG and NO<sub>x</sub> construction emissions from the Project would contribute to the cumulative impact in amount that is considerable, since they are greater than the VCAPCD threshold. However, this impact would be temporary.

Construction of the proposed Project and other construction activities elsewhere in the SCCAB could also contribute construction-related ROG and NO<sub>x</sub> emissions that could be cumulatively significant. Because the Project would exceed ROG and NO<sub>x</sub> significance thresholds during construction activities, the Project's contribution to cumulative air quality impacts would be cumulatively considerable.

#### **Operations**

All other mobile, area, and energy sources in the SCCAB that would operate concurrently with the proposed Project would contribute to cumulative operational-related NO<sub>x</sub> and ROG emissions that could be cumulatively significant. Because the proposed Project's operational NO<sub>x</sub> and ROG emissions would be less than VCAPCD significance thresholds, the Project's contribution to cumulative air quality emissions would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

As previously discussed, the VCAPCD Guidelines do not provide a quantitative threshold for fugitive dust but recommends minimizing fugitive dust for all dust-generating activities. As such,

implementation of Mitigation Measure AQ-1 would reduce fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>), which is considered a less than significant impact prior to mitigation and includes individual measures to minimize fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) during construction activities.

**Mitigation Measure AQ-1:** The applicant shall require all construction plans to include the following best management practices:

- Maximize the use of chemical dust suppressants or non-potable water, if available. If water is used, all exposed surfaces shall be watered three times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
- Cover or maintain at least 2 feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways shall be covered.
- Use wet power vacuum street sweepers to remove any visible track-out mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.
- Limit vehicle speeds on unpaved roads to 15 miles per hour.
- Pave all roadways, driveways, sidewalks, parking lots as soon as possible. In addition, building pads shall be laid immediately after grading unless seeding or soil binders are used.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, Section 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.
- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment shall be checked by a certified mechanic and determine to be running in proper condition before it is operated.

**Mitigation Measure AQ-2:** All diesel off-road equipment rated 50 horsepower or more shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB. This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the VCAPCD, as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.

**Mitigation Measure AQ-3:** Prior to the issuance of a building permit, the Applicant shall demonstrate that the Project's architectural coatings will be "Super-Compliant" or have a VOC standard of less than 10 grams per liter.

**Significance Determination after Mitigation:** Less than Significant

Implementation of Mitigation Measures AQ-1, AQ-2, and AQ-3 are required to reduce the Project’s construction air emissions. Implementation of Mitigation Measure AQ-1 would require the Applicant to incorporate best management practices, including fugitive dust controls. Implementation of Mitigation Measure AQ-2 would require the Applicant and/or construction contractor(s) to use off-road construction equipment that are 50 HP or greater at the Project site that meet USEPA Tier 4 Final emissions standards. Implementation of Mitigation Measure AQ-3 would require the Applicant to use architectural coatings that would have VOC emissions of less than 10 grams per liter. **Table 3.2-7, Mitigated Project Construction Emissions for PA1 and PA2**, shows the maximum mitigated daily construction emissions associated with the Project after the implementation of Mitigation Measures AQ-1, AQ-2, and AQ-3.

**TABLE 3.2-7  
 MITIGATED PROJECT CONSTRUCTION EMISSIONS FOR PLANNING AREA 1 AND PLANNING AREA 2 <sup>1</sup>**

Construction Year	ROG (ppd)	NO <sub>x</sub> (ppd)	CO (ppd)	SO <sub>x</sub> (ppd)	PM <sub>10</sub> (ppd)	PM <sub>2.5</sub> (ppd)
Year 1 <sup>a</sup>	0.7	14.8	29.1	0.1	4.3	0.3
Year 2 <sup>a,b</sup>	5.3	20.2	32.9	0.2	5.0	2.0
Year 3 <sup>b</sup>	0.5	5.6	24.5	0.1	1.1	0.3
Year 4 <sup>b</sup>	0.5	5.6	24.5	0.1	1.1	0.3
VCAPCD Thresholds	25	25	—	—	—	—
Maximum Emissions	5.3	20.2				
Significant (Yes or No)?	<b>No</b>	<b>No</b>	—	—	—	—

NOTES: ppd = pounds per day.

<sup>a</sup> Construction activities associated with Planning Area 1 (PA1).

<sup>b</sup> Construction activities associated with Planning Area 2 (PA2).

<sup>1</sup> Project construction emissions estimates were made using CalEEMod version 2020.4.0. See Appendix C for model outputs and more detailed assumptions.

<sup>2</sup> Tier 4 Final engines would reduce on-site NO<sub>x</sub> and PM emissions by approximately 90 percent as required by CFR Title 40, Section 1039.101, and standard dust control measures would reduce fugitive dust emissions by approximately 55 percent.

SOURCE: ESA 2022.

As shown in Table 3.2-7, maximum mitigated daily construction emissions of ROG and NO<sub>x</sub> would be reduced to less than the VCAPCD significance threshold. Therefore, with the implementation of Mitigation Measures AQ-1 through AQ-3, the Project’s construction activities would result in less than significant impacts.

**Significance Determination after Mitigation:** Less than Significant.

**Cumulative Mitigation Measures**

Implementation of Mitigation Measure AQ-1, AQ-2, and AQ-3 is required.

**Significance Determination after Mitigation:** Less than Significant



As stated above under the Project's significance determination, maximum mitigated daily construction emissions of ROG and NOx would be reduced to less than the VCAPCD significance threshold. Therefore, the Project's air quality impact from construction activities would be less than cumulatively considerable.

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## Substantial Pollutant Concentrations

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**Impact 3.2-3: Implementation of the proposed Project would result in less than significant and less than cumulatively considerable effects associated with the exposure of sensitive receptors to substantial pollutant concentrations.**

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### *Project Impact Analysis*

#### **Construction**

Project construction would result in emissions of diesel particulate matter from heavy construction equipment and trucks accessing the site. DPM is characterized as a TAC by the State of California. The Office of Environmental Health Hazard Assessment (OEHHA) has identified carcinogenic effects from long-term exposure but has not identified health effects due to short-term exposure to diesel exhaust. According to OEHHA, health risk assessments, which determine the exposure of sensitive receptors to TAC emissions, should be based on a 30-year exposure period for the maximally exposed individual resident that is in proximity to the activity generating TAC emissions. However, such assessments should be limited to the period/duration of activities associated with the Project.

Construction would take place over a 4-year period and thus would represent a small fraction of the recommended exposure duration and not all months during construction would involve heavy equipment. Due to this relatively short period of exposure, TACs generated during construction would not be expected to result in concentrations causing significant health risks.

Cancer risks from DPM are also dependent on the proximity of sensitive receptors. The closest sensitive receptors to the proposed Project construction area are the classrooms at the Westlake High School and the Los Robles Rehabilitation Hospital. The classroom buildings at Westlake High School are approximately 800 feet from the closest point of the Project site. CARB recommends a distance of 500 feet or greater when siting sensitive land uses near sources of TACs such as freeways, distribution centers, and large gas dispensing facilities (CARB 2005) in order to avoid substantial exposure to receptors. Therefore, DPM emissions from the Project construction activities would occur at an even greater distance. In addition, construction emissions on the Project site would not be concentrated in the northernmost area of the property, but would occur at various areas throughout the Project site during the construction period where DPM is being generated.

The Los Robles Rehabilitation Hospital is located approximately 380 feet from the Project site, but patients at this facility would not be present for extended periods of time, decreasing the amount of exposure to DPM emissions.

As a result, construction activities associated with the proposed Project would not result in substantial pollutant concentrations, and therefore, less than significant health risk impacts would occur. Construction activities would also have potential to release the spores that cause Valley Fever. However, increases in Valley Fever tend to occur only after major ground-disturbing events. Other factors include disturbance of topsoil of undeveloped land (to a depth of 12 inches); dry, alkaline, sandy soils; virgin, undisturbed, non-urban areas; and special events (fairs, concerts, motocross track) on unvegetated soil (VCAPCD 2003). The VCAPCD has no recommended threshold for a significant Valley Fever impact. However, because the proposed Project would not involve the above factors, and fugitive dust would be minimized with the implementation of Mitigation Measure AQ-1 and compliance with VCAPCD Rule 55, the impact would be less than significant.

### **Operations**

Operation of the proposed Project would mainly involve passenger vehicles, which are not a substantial source of TACs. Sources of TACs include industrial manufacturing process and automotive repair facilities. The Project would not include any of these potential sources, although minimal emissions may result from the use of consumer products (e.g., aerosol sprays). With respect to the use of consumer products and architectural coatings, the residential uses associated with the Project would be expected to generate minimal emissions from this source. The Project is not expected to operate any permitted direct emissions (e.g., those from a point source such as diesel generators). As a result, toxic or carcinogenic air pollutants are not expected to occur in any substantial amounts in conjunction with operation of the proposed land use within the Project site. Based on the uses expected on the Project site, potential long-term operational impacts associated with the release of TACs would be minimal and would not be expected to exceed the VCAPCD numerical indicator of significance. In addition, the proposed Project would not result in substantial diesel vehicle trips (i.e., delivery trucks). Therefore, the proposed Project would not result in exposure of sensitive receptors in the vicinity of the Project site to substantial TAC concentrations due to operational activities, and impacts would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

#### **Construction**

As discussed above, there are 24 other cumulative projects in various stages of development and planning in the Project area that would be constructed and operational in the foreseeable future. However, 20 of the projects would be located over a mile from the Project site, and would not result in TAC emissions that would combine with the proposed Project's TAC emissions to result in a cumulative health risk effect. The evaluation of health risks from TACs represents a local rather than a regional analysis, and short-term, construction period TAC emissions from the proposed Project would be less than significant, as discussed above.

Three of these projects are greater than 1,400 feet from the Project site and would not combine with the proposed Project to result in a significant cumulative health effect. One project, which is an automobile sales development, would be approximately 350 feet west of the Project site. This type of project is not anticipated to generate substantial construction-related TAC emissions that would lead to a significant health risk at a nearby sensitive receptor because there are no sensitive

receptors located between the proposed Project and the automobile sales project. Therefore, there would not be the potential for the proposed Project, in conjunction with other planned projects, to cumulatively expose sensitive receptors to substantial pollutant concentrations, and the Project's impact would be less than cumulatively considerable.

### **Operation**

As discussed previously, the proposed Project would result in limited operational activities that would generate TAC emissions, including operation of any resident-owned diesel-fueled and gasoline vehicles. These activities would not result in the emissions of substantive TACs, and therefore, would have negligible associated cumulative health risks to existing sensitive receptors in the area. As a result, the Project operational activities would have a less than cumulatively considerable impact.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required; however, the required implementation of Mitigation Measures AQ-1 and AQ-2, as discussed above in Impact 3.2-2, would further reduce concentrations of TAC in the Project vicinity from the generation of diesel particulate matter from construction equipment.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

Similar to the Project mitigation measures discussed above, the implementation of Mitigation Measures AQ-1 and AQ-2 would further reduce less than significant concentrations of TACs in the Project vicinity from the generation of diesel particulate matter from construction equipment.

**Significance Determination after Mitigation:** Less than Significant.

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## **Other Emissions such as those Leading to Odors**

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**Impact 3.2-4:** The proposed Project would result in less than significant and less than cumulatively considerable effects from the creation of objectionable odors affecting a substantial number of people.

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### ***Project Impact Analysis***

#### **Construction**

Potential activities that may emit odors during construction include the use of architectural coatings and solvents, as well as the combustion of diesel fuel in on-and off-road equipment. The proposed Project would comply with applicable VCAPCD rules and regulations. Additionally, the Project would comply with the applicable provisions of the CARB Air Toxics Control

Measure regarding idling limitations for diesel trucks. Diesel particulate matter poses a carcinogenic health risk that is generally measured using an exposure period of 30 years for sensitive residential receptors, according to the California Environmental Protection Agency, Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments, which was updated in 2015 with new exposure parameters including age sensitivity factors. Through mandatory compliance with VCAPCD rules, construction activities or materials associated with the Project would result in a less than significant objectionable odor impact in the Project vicinity.

### **Operations**

Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, rendering plants, and coffee roasting facilities. There would be no sources of these types associated with the proposed Project. Therefore, the operational activities associated with the Project would result in less than significant objectionable odor impact in the Project vicinity.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Cumulative development in the Project vicinity could result in the generation of odors during construction and operational activities. This generation of odors from cumulative project could be significant. However, as stated above, the nearest cumulative project is approximately 350 feet west of the Project site and the next closest cumulative project is approximately 1,400 feet from the Project site. Because the Project would result in less than significant objectionable odor impacts and due to the distances of the nearest cumulative projects, the Project's contribution to potential cumulative objectionable odor impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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### 3.3 Biological Resources

This section addresses the potential impacts to biological resources associated with the construction and implementation of the proposed Project. The entire Project site encompasses two existing parcels totaling 42.9 acres. These existing parcels include Assessor Parcel Number (APN) 680-0-230-715, which consists of approximately 2.5 acres, and APN 680-0-230-695, which consists of approximately 40.4 acres. The proposed Project includes the construction of four multi-family residential buildings with a total of 264 apartment units, subterranean parking, surface parking spaces, one four-story parking structure, amenities, grading, hardscaping, and landscaping, including removal and encroachment into the protected zone of the various oak and landmark trees on 15.6 acres. The existing development on the remaining 27.3 acres of the entire Project site will continue with the current land uses, to which new impacts to biological resources will not occur. Consequently, this Biological Resources section addresses the potential biological resource impacts on the proposed disturbance area which encompasses 15.6 acres of the Project site.

Existing biological conditions within the Project site, applicable policies, ordinances, regulations, potential environmental impacts, and mitigation measures, where appropriate, are described. The section includes a description of the existing environmental setting to establish baseline conditions for biological resources; a summary of the regulations related to biological resources; and an evaluation of the proposed Project's potential effects on biological resources. The biological resources described in this section are based on a review of existing literature. *The Oaks Biological Technical Report (BTR)* prepared by HELIX Environmental Planning, Inc. (HELIX) on March 25, 2022 (Helix 2022) see **Appendix D-1**, of this Draft EIR, served as a primary reference for this analysis. Additionally, the findings of the BTR were supplemented by the *Arborist Report for the Oaks, City of Thousand Oaks, California* prepared by Dudek in March 2022 (**Appendix D-2** of this Draft EIR). The *Thousand Oaks Background Environmental Report –Existing Conditions* prepared by the City in January 2020 was also reviewed.

#### 3.3.1 Environmental Setting

##### Regional Setting

The Project site is located in southeastern Ventura County, within a valley in-between the Simi Hills to the north and the Santa Monica Mountains to the south. Climate conditions in the region vary considerably, and are representative of the California Mediterranean climate. Average temperatures during the winter range from 35°F to 70°F. Average temperatures during the hottest summer months range from 50°F to 91°F. Average precipitation is 17.35 inches per year (Weatherbase 2022).

##### Project Location

The proposed disturbance area of the Project site encompasses approximately 15.6 acres situated in the northern portion of a 42.9-acre Project site. The BTR analyzes the potential Project impacts from the proposed development within the 15.6-acre disturbance area. The proposed disturbance area is currently developed, primarily consisting of a large parking lot and associated infrastructure. This parking lot serves a large existing industrial office building on the Project site.

Currently, ornamental plantings of native trees dominate the parking area. Along the western to northern perimeter of the proposed disturbance area, there are native oak primarily situated along the School House Canyon drainage that is outside of the proposed disturbance area and adjacent to the Project site limits. The topography of the Project site is relatively flat. Elevation on the site ranges from approximately 955 feet above mean sea level on the western boundary to 975 feet above mean sea level on the northeastern boundary. The Project site is surrounded by urban development to the north, east, and west, and U.S. 101 to the south.

The Natural Resources Conservation Service Web Soil Survey mapped soils on the Project site include Copley clay and Linne silty clay loam. These soils are classified as well drained and are alluvium derived from parent materials consisting of sandstone and shale. Due to existing development, the natural soil profile generally no longer exists within the Project site, and was visibly inaccessible because of the parking lot paving.

The BTR provides a summary of multiple tree surveys conducted by Dudek with the most recent updated arborist report written in April 2022 (**Appendix D-2**). The summary includes the results of these multiple tree surveys conducted from 2014 through 2020. Furthermore, the BTR summary includes a tree impact analysis and required mitigation.

## **General Biological Resources**

The regional and local settings for terrestrial biological resources were developed from existing documentation for the Project site and adjacent parcels, as well as various biological surveys conducted to determine the general habitat on-site as well as the presence of any sensitive biological resources. Existing literature reviewed to assist in determining baseline conditions on the site included a search of potentially occurring special-status species in the California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS) rare plant database inventory. CNDDDB and CNPS database searches were conducted.

## **Biological Survey**

A general biological survey of the proposed disturbance area of the Project site was conducted on December 20, 2021 (HELIX 2022). The following discussion provides information on existing plant communities and wildlife.

### ***Vegetation and Habitat***

Plant communities are generally described by the assemblages of plant species that occur together in the same area forming habitat types. Descriptions of vegetation were generally characterized based on dominant species, according to *A Manual of California Vegetation* (Sawyer et al. 2009) with additional vegetation community and land use information from the Draft Vegetation Communities of San Diego County (Oberbauer 2008). Details of each vegetation type and land use observed within the proposed disturbance area of the Project site are described below. Plant names follow the Jepson Manual (Baldwin et al. 2012). A total of four vegetation communities and land uses were mapped within the proposed disturbance area. The majority of the proposed disturbance area of the Project site is mapped as developed. A brief description of each vegetation community and land use mapped is provided below. Vegetation descriptions provided below are



summaries of those presented in the BTR. Figures displaying the extents and locations of the mapped vegetation are presented within **Appendix D-1** of this Draft EIR. **Table 3.3-1** shows the acreage by habitat type.

**TABLE 3.3-1  
 VEGETATION COMMUNITIES AND LAND USE TYPES ON PROJECT SITE**

<b>Vegetation Communities/Land Cover Type</b>	<b>Project Site</b>
Valley Oak Riparian Forest	0.37
Valley Oak Forest	0.46
Disturbed Valley Oak Forest	0.19
Urban/Developed	14.55
<b>Total</b>	<b>15.57<sup>1</sup></b>

<sup>1</sup> Vegetation calculations have been rounded to the hundredth.

SOURCE: HELIX, 2022.

### **Valley Oak Riparian Forest**

Valley oak riparian forest has valley oaks (*Quercus lobata*) as the dominant species. It is typically found on deep, well-drained alluvial soils in association with drainages. Valley oak riparian forest may reach heights above 100 feet and typically has a closed canopy. The canopy is generally monodominant with additional winter deciduous broad-leafed species, such as California sycamore (*Platanus racemosa*), contributing small amounts of cover. The understory is usually sparse and could include poison oak (*Toxicodendron diversilobum*), coffeeberry (*Fragula californica*), or non-native grasses.

Valley oak riparian forest is located along the northern boundary of the Project site, totaling 0.37 acres. The tree canopy consists of valley oaks as the primary dominant species. Other native tree species observed within the canopy include California sycamore and coast live oak (*Quercus agrifolia*). Non-native invasive tree species observed in this community include Peruvian pepper tree (*Schinus molle*) and Mexican fan palm (*Washingtonia robusta*). The understory was relatively sparse, with scattered arroyo willows (*Salix lasiolepis*) and smilo grass (*Stipa miliacea*) in the understory. Portions of the valley oak riparian forest overhang the existing paved parking lot surface for approximately 0.03 acres.

### **Valley Oak Forest**

Valley oak forest is typically located in upland habitat on various soil types, including loams and clays. The canopy is generally monodominant with additional species, such as coast live oak, contributing small amounts of canopy cover. The understory is usually sparse and could be comprised of poison oak and non-native grasses.

A total of 0.46 acres of valley oak forest is present within the Project site along the northern boundary just upslope of valley oak riparian forest. The understory is vegetatively sparse and mainly comprised of leaf litter or non-native ornamental shrubs. Portion of the valley oak forest overhang the existing paved parking lot surface for approximately 0.14 acres.

### **Disturbed Valley Oak Forest**

Disturbed valley oak woodland forest habitat has valley oak as the dominant species. However, the community is disturbed, primarily by ornamentals or ruderal exotic species that take advantage of the disturbance. The species that support valley oak forest co-occur with the ornamental/ruderal exotic species.

A total of 0.19-acre of disturbed valley oak forest habitat was observed along the northern and western portions of the Project site near existing landscaped and parking areas. Disturbed valley oak forest habitat within the Project site consists of a mix of valley oaks, non-native invasive species, and ornamental landscape species. In addition to valley oak species, shamel ash (*Fraxinus uhdei*), eucalyptus (*Eucalyptus* sp.), and Peruvian pepper were observed.

### **Urban/Developed**

Urban/developed land are areas that have been constructed on or otherwise physically altered to an extent that native vegetation is no longer supported. Developed land is characterized by permanent or semi-permanent structures, pavement or hardscape, and landscaped areas that often require irrigation. Urban/developed land is usually unvegetated or landscaped with a variety of ornamental non-native plants.

The majority of the proposed disturbance area of the Project site is comprised of developed areas, totaling 14.55 acres. The urban/developed land consisted of the existing business structures, parking lot, and paved roads. Additionally, many of the protected trees surveyed in the Dudek report are located within this land area as planted trees in the parking lot medians.

### **Wildlife**

The Project site is characterized by a developed area with a multitude of mature trees surrounded by development that provides suitable habitat to support common wildlife species known to occur in urban environments. Wildlife species observed or detected during the habitat assessment survey include common avian species typical of urban environments. Avian species observed or detected included: mallard (*Anas platyrhynchos*), Canada goose (*Branta canadensis*), northern flicker (*Colaptes auratus*), American crow (*Corvus brachyrhynchos*), song sparrow (*Melospiza melodia*), northern mockingbird (*Mimus polyglottos*), American robin (*Turdus migratorius*), lesser goldfinch (*Spinus psaltria*), and mourning dove (*Zenaida macroura*). No amphibian, mammal, or reptile species were observed during the survey.

### **Sensitive Biological Resources**

Special-status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) under the federal Endangered Species Act (FESA); those considered “species of concern” by the USFWS; those listed or proposed for listing as rare, threatened, or endangered by the California Department of Fish and Wildlife (CDFW) under the California Endangered Species Act (CESA); animals designated as “Species of Special Concern” by the CDFW; and plants occurring on the California Native Plant Society (CNPS) Inventory of Rare and Endangered Vascular Plants of California (CNPS 2019). Natural Communities of Special Concern are habitat types considered rare and worthy of tracking in the California Natural

Diversity Database (CNDDDB) by the CDFW because of their limited distribution or historic loss over time. For a full summary of the sensitive biological resources recorded and their potential to occur within the Project site see the full BTR presented in **Appendix D-1** of this Draft EIR.

### ***Sensitive Natural Communities***

The CNDDDB tracks some occurrences of what the CDFW terms “Terrestrial Natural Communities” that are “considered rare and worthy of consideration by CNDDDB.” The CDFW defines a sensitive natural community as a community with a state rank (S) of S1 to S3. These state ranks have values that range from S1 considered to be critically imperiled to S3 as vulnerable to extirpation to extinction. The CNDDDB search for the Project site recorded a single sensitive natural community within the Project site consisting of valley oak riparian woodland. Two CDFW sensitive vegetation communities are present within the Project site: valley oak riparian forest and valley oak forest (including the disturbed form). These sensitive vegetation communities are rated as S3.

**Valley Oak Riparian Forest.** Valley oak riparian forest within the Project site has valley oaks as the dominant species with scattered California sycamores, coast live oaks, Peruvian pepper trees, and Mexican fan palm. The understory is sparse and includes a patchwork of arroyo willow and smilo grass. Approximately 0.37 acres of valley oak riparian forest was mapped within the Project site.

**Valley Oak Forest (including Disturbed).** Valley oak forest within the Project site has valley oaks as the dominant species with scattered California sycamores, coast live oaks, shamel ash, eucalyptus, Peruvian pepper trees, and Mexican fan palm. The understory is sparse and includes a patchwork of arroyo willow and smilo grass. Approximately 0.46 acres of valley oak forest was mapped within the Project site. Disturbed valley oak forest included a higher cover of non-native and ornamental tree species. Approximately 0.19 acres of disturbed valley oak forest was mapped within the Project site.

### ***Special-Status Plants***

A total of 13 special-status species of plants were recorded in the CNDDDB search and evaluated for potential occurrence on the Project site based on elevations, and the type and quality of soils and habitats present at the Project site. All 13 special-status species in the search results were considered to have no potential to occur within the Project site based on criteria noted above. However, one special-status species not identified in the CNDDDB search, Southern California black walnut (*Juglans californica*; California Rare Plant Rank [CRPR] 4), was observed on the Project site. Although the species is special-status, Southern California black walnut is not a federally or state listed species. The single special-status plant species observed within the proposed disturbance area of the Project site is described below.

**Southern California Black Walnut.** Southern California black walnut is considered a special-status species with a limited distribution by CDFW and CNPS (CRPR 4.2). Two Southern California black walnut trees were observed on the Project site. Southern California black walnut is a tree that usually grows in non-wetlands areas and within oak woodlands.

### **Special-Status Wildlife**

A total of 11 special-status wildlife species were recorded in the CNDDDB search and evaluated for potential occurrence on the Project site based on the type and quality of habitat present at the Project site. Of the 11 special-status species recorded within the vicinity of the Project site, ten species were considered to have no potential to occur based on the lack of suitable habitat. One special-status species, western mastiff bat (*Eumops perotis californicus*) which is a CDFW Species of Special Concern (SSC), was determined to have a low potential on the Project site based on the presence of low quality and limited habitat potentially suitable for foraging. The suitability was assessed as a low potential because the habitat is isolated and limited in acreage, surrounded by development, and lacked recent observations within the immediate vicinity of the Project site.

**Western Mastiff Bat** The western mastiff bat is on the CDFW SSC. The western mastiff bat roosts under exfoliating rock slabs on cliff faces and occasionally in large boulder crevices and building cracks. Forages in a variety of open areas, including washes, floodplains, chaparral, coastal sage scrub, woodlands, ponderosa pine forests, grassland, and agricultural areas. The Project site only provides foraging habitat and not roosting habitat for the western mastiff bat.

### **Wildlife Corridors**

The Project site is not located within any wildlife corridors or linkages identified by the South Coast Missing Linkages Project (South Coast Wildlands 2008). The nearest wildlife movement corridor identified by the South Coast Missing Linkages Project is the Santa Monica-Sierra Madre Connection, located approximately 5 miles to the east. While the Project site is not considered a regional wildlife movement corridor, the area does provide habitat suitable for local wildlife movement. Common mammals that are adapted to human disturbance may use the Project site for local movement within the area. Bird species may fly over surrounding development to nest and/or forage adjacent the Project site. The Project site does support opportunities for local wildlife movement but does not function as a regional wildlife corridor.

### **Critical Habitat**

The Project site is not located within critical habitat for any FESA-listed species. The nearest critical habitat is for Lyon's pentachaeta (*Pentachaeta lyonii*), which is approximately 2 miles west of the Project site (USFWS 2022). There is no suitable habitat for this species on the Project site.

### **Protected Trees**

There is a total of 578 trees located within the 42.9-acre Project site (Dudek 2022). Of the 578 trees 430 are subject to regulation under the Thousand Oaks Municipal Code (Code), as protected trees (as defined below in Section 3.3.3). Of the 430 protected trees, 325 were oak trees (238 coast live oaks and 87 valley oaks) and 105 were landmark trees meeting the City's standards defined in the City's Municipal Code. The remaining 148 trees are not subject to regulation under the Municipal Code.

### ***Aquatic Resources***

Based on the general site assessment and review of aerial imagery, the Project site does not contain jurisdictional waters or wetlands. There is an existing perennial drainage course (School House Canyon drainage) immediately off-site and west of the Project site; however, Project activities are not proposed to impact the drainage. Indicators of wetland hydrology and streambed field indicators, such as ordinary high water mark (OHWM) or the presence of a defined bed and bank, were not observed within the Project site. Therefore, the Project does not support any waters of the U.S. under USACE jurisdiction or waters of the State under RWQCB jurisdiction. The Project site supports 0.37 acres of CDFW jurisdictional riparian habitat in the form of valley oak riparian forest. This onsite habitat is associated with the existing off-site perennial drainage west of the Project site.

### ***Migratory Birds and Raptors***

Migratory birds and raptors were observed in the area and have the potential to occur within the Project site. These birds and raptors are protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (3503, 3503.5, 3513, and 3800).

### **Habitat Conservation Plan**

The Project site is not located within any habitat conservation plans.

## **3.3.2 Regulatory Setting**

The following provides a general description of the applicable regulatory requirements for the Project, including federal, state, and local policies and guidelines.

### **Federal**

#### ***Migratory Bird Treaty Act***

The MBTA of 1918, as amended, is designed to protect birds that migrate and cross state lines to provide management of migratory birds at a federal level. The MBTA prohibits the kill or transport of native migratory birds, or any part, nest, or egg of such bird unless allowed by another regulation adopted in accordance with the MBTA.

#### ***Federal Endangered Species Act***

The FESA was established to protect wildlife species and habitats from extinction and diminishment. The FESA is administered by the USFWS and applies to federally listed species and habitat occupied by the federally listed species. FESA Section 9 forbids acts that directly or indirectly harm listed species. Specifically, Section 9 identified prohibited acts related to endangered species, and all persons, including federal, state, and local governments, from taking listed fish and wildlife species, except as specified under the provisions for exceptions (16 U.S.C. 1539). The term ‘take’ is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such activity (16 U.S.C. 1532[18]).

### ***Clean Water Act***

In 1948, Congress passed the Federal Water Pollution Control Act. The Act was later amended in 1972 and became known as the Clean Water Act (CWA). The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States. The act specifies a variety of regulatory and non-regulatory tools to sharply reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff:

- Sections 303 and 304 provide for water quality standards, criteria, and guidelines.
- Section 401 requires every applicant for a federal permit or license for any activity that may result in a discharge to a water body to obtain a water quality certification that the proposed activity will comply with applicable water quality standards. Under Section 401 of the CWA, the State Water Resources Control Board (SWRCB) must certify that actions receiving authorization under Section 404 of the CWA also meet state water quality standards.
- Section 402 regulates point- and nonpoint-source discharges to surface waters through the National Pollutant Discharge Elimination System (NPDES) program. In California, the SWRCB oversees the NPDES program, which is administered by the Regional Water Quality Control Boards. The NPDES program provides for both general permits (those that cover a number of similar or related activities) and individual permits. Anti-backsliding requirements provided for under CWA Sections 402(o)(2) and 303(d)(4) prohibit slackening of discharge requirements and regulations under revised NPDES permits. With isolated/limited exceptions, these regulations require effluent limitations in a reissued permit to be at least as stringent as those contained in the previous permit.
- Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged and fill material into waters of the U.S., including some wetlands. Activities in waters of the U.S. that are regulated under this program include fills for development, water resource projects (e.g., dams and levees), infrastructure development (e.g., highways and airports), and conversion of wetlands to uplands for farming and forestry. This program is administered by the U.S. Army Corps of Engineers.

### **State**

#### ***California Endangered Species Act***

The CESA is similar in many ways to the FESA. CESA is administered by the CDFW. CESA provides a process for CDFW to list species as threatened or endangered in response to a citizen petition or by its own initiative (Fish and Game Code § 2070 et seq.). Section 2080 of CESA prohibits the take of species listed as threatened or endangered pursuant to the Act (Fish and Game Code § 2080). Section 2081 allows CDFW to authorize take prohibited under Section 2080 provided that: (1) the taking is incidental to an otherwise lawful activity; (2) the taking will be minimized and fully mitigated; (3) an applicant ensures adequate funding for minimization and mitigation; and (4) the authorization will not jeopardize the continued existence of listed species (Fish and Game Code § 2081).

#### ***California Department of Fish and Game Code***

The California Fish and Game (CFG) Code regulates the taking of birds, mammals, fish, amphibians, and reptiles, as well as natural resources such as wetlands and waters of the State. It

includes the CESA (Sections 2050–2115) and Streambed Alteration Agreement regulations (Sections 1600-1616), as well as provisions for legal hunting and fishing, and tribal agreements involving the take of native wildlife. Any project impact to State-listed species within or adjacent to a Project site would require a permit under CESA. Also, if a project proposes to alter a State-defined wetland, then a Streambed Alteration Agreement would be required from CDFW.

### ***California Native Plant Protection Act***

The California Native Plant Protection Act (CNPPA) of 1977 (Fish and Game Code Sections 1900–1913) is intended to preserve, protect, and enhance endangered or rare native plants in California and gives the CDFW authority to designate State endangered, threatened, and rare plants and provides specific protection measures for identified populations. The Act also directs the California Fish and Game Commission to adopt regulations governing taking, possessing, propagation, and sale of any endangered or rare native plant.

Vascular plants categorized as rare by the California Native Plant Society have no designated State or federal listing status or protection under federal or State endangered species legislation. However, all of the plants constituting California Rare Plant Rank 1 or 2 meet the definitions of the California Endangered Species Act of the California Fish and Game Code, and are eligible for state listing. Impacts to these species or their habitat are to be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of Rare or Endangered under State CEQA Guidelines Sections 15125 (c) and/or 15380. Some of the plants constituting California Rare Plant Rank 3 or 4 meet the definitions of the California Endangered Species Act of the California Fish and Game Code, but few, if any, are eligible for state listing. Many of them are significant locally and should be evaluated for impact significance during preparation of CEQA environmental documents. The CRPRs are defined as follows (CNPS 2019):

- CRPR 1A: Plants presumed extirpated in California and either rare or extinct elsewhere.
- CRPR 1B: Plants Rare, Threatened, or Endangered in California and elsewhere.
- CRPR 2A: Plants presumed extirpated in California but common elsewhere
- CRPR 2B: Plants Rare, Threatened, or Endangered in California, but more common elsewhere.
- CRPR 3: Plants About Which More Information is Needed - A Review List.
- CRPR 4: Plants of Limited Distribution - A Watch List.

## **Local**

### ***City of Thousand Oaks Municipal Code***

#### **Oak Tree Preservation and Protection (Article 42)**

The purpose of this Ordinance is to protect and preserve any oak tree regardless of size of the genus *Quercus* including, but not limited to the following: coast live oak scrub oak, and valley oak.

### Landmark Tree Preservation and Protection (Article 43)

The purpose of this Ordinance is to protect and preserve specimen trees of the following criteria:

- California sycamore which exceeds twelve (12”) inches in diameter when measured at a point of four and one-half (4 1/2’) feet above the natural grade at the base of the tree or (diameter at standard height; DSH).
- California bay laurel (*Umbellularia californica*) which exceeds eight (8”) inches DSH.
- Southern California black walnut which exceeds eight (8”) inches DSH.
- Toyon (*Heteromeles arbutifolia*) which exceeds eight (8”) inches DSH.

Trees with multiple trunks shall be deemed to have reached maturity if the sum of the diameters of the multiple trunks exceeds the required diameter plus 2 inches of a single-trunked tree.

Landmark trees shall also include all designated historic trees.

### 3.3.3 Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (see Impact 3.3-1, below).
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (see Impact 3.3-2, below).
- Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (see Impact 3.3-3, below).
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (see Impact 3.3-4, below).
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (see Impact 3.3-5, below).
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (see Section 5.1.2 in Chapter 5, *Other CEQA Considerations*).

### 3.3.4 Methodology

Future development within the Project site would result in a potential direct, indirect, temporary, and permanent impact to biological resources. A direct impact would be a modification, disturbance, or destruction of biological resources that would result from Project-related activities, such as the removal of a habitat. An indirect impact would be an impact to protected plant and wildlife species or habitat from Project-related development that has the potential to indirectly affect the species or habitat, such as the introduction of invasive plant species or increased noise levels.



## 3.3.5 Impact Analysis

### Effects on Species

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**Impact 3.3-1: The Project would have a less than significant and less than cumulatively considerable effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.**

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#### ***Project Impact Analysis***

Based on a review of the plant and wildlife special-status species that have a potential to occur within the Project site, there is a single wildlife species consisting of western mastiff bat, an SSC species. The western mastiff bat was determined to have a low potential to occur on the Project site for foraging based on the presence of low-quality suitable habitat. However, the site lacks roosting/breeding habitat. The habitat suitable for foraging is considered low quality based on the limited acreage and high-level of existing disturbance on the Project site and surrounding area. The loss of small amounts of potential foraging habitat is not expected to be regionally significant.

There is a single special-status plant species, Southern California black walnut, that was observed within the Project site. This species is a CRPR 4 species. The CRPR 4 designation is a low-sensitivity status and the species is not uncommon, but has sustained heavy losses due to development. Although construction activities associated with the Project have the potential to eliminate this species from the Project site, this impact is not considered to be significant under CEQA because Project impacts would not result in the greater population of the species to drop below self-sustaining levels.

**Significance before Mitigation:** Less than Significant.

#### ***Cumulative Impact Analysis***

Implementation of cumulative project development in the Project vicinity could result in similar impacts to plant and wildlife species. However, the majority of the cumulative project sites are in urbanized areas that are not conducive to the support plant and wildlife special-status species. These potential impacts would result in less than significant cumulative impacts to biological resources because of the urbanized setting. The Project along with the cumulative projects would not result in a significant impact, and impacts to special-status species would be less than cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

#### ***Mitigation Measures***

##### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

### Cumulative Mitigation Measures

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## Riparian Habitat

**Impact 3.3-2: The Project would result in less than significant and less than cumulatively considerable effects on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.**

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### *Project Impact Analysis*

The Project site supports 0.37 acres of valley oak riparian forest and 0.65 acres of valley oak forest (including disturbed), which are sensitive natural communities pursuant to CDFW. The valley oak riparian forest is a CDFW riparian habitat pursuant to Section 1602. All construction-related impacts are upslope of the top of bank and will not impact the CDFW jurisdictional streambed. However, the Project would result in temporary impacts to 0.05 acres of valley oak riparian forest, 0.21 acres of valley oak forest, and 0.09 acres of disturbed valley oak forest. Proposed grading and construction activities will encroach within the understory beneath or canopy of individual trees within the valley oak riparian forest and valley oak forest (including disturbed). Specifically, 0.05 acres of valley oak riparian forest and 0.21 acres of valley oak forest (including disturbed) will be impacted through encroachment (see **Table 3.3-2**). However, of the total 0.05 acres of valley oak riparian forest canopy that will be encroached upon, 0.03 acres of the understory is currently paved. Likewise, of the total 0.21 acres of valley oak forest canopy (including disturbed) that will be encroached upon, 0.13 acres of the understory is currently paved.

**TABLE 3.3-2  
 IMPACTS TO VEGETATION COMMUNITIES AND LAND USES**

<b>Vegetation Communities/Land Cover Type</b>	<b>Existing (acres)</b>	<b>Permanent Impacts (acres)</b>	<b>Temporary Impacts (acres)</b>	<b>Total Impacts (acres)</b>
Valley Oak Riparian Forest	0.37	-	0.05	0.05
Valley Oak Forest	0.46	-	0.21	0.21
Disturbed Valley Oak Forest	0.19	-	0.09	0.09
Urban/Developed	14.55	13.80	-	13.80
<b>Total<sup>1</sup></b>	<b>15.57</b>	<b>13.80</b>	<b>0.35</b>	<b>14.15</b>

<sup>1</sup> Vegetation calculations have been rounded to the hundredth.

Source: HELIX, 2022.

Encroachment of individual trees within the sensitive natural communities will occur along the periphery of these communities. No tree removal is proposed or required.

A fuel modification zone will also be required as part of the Project. This area will occur within the understory of both sensitive vegetation communities of valley oak forest (including disturbed) and valley oak riparian forest. The fuel modification zone is anticipated to require the removal of deadwood and debris, and also laddering of fuel source in the understory of the sensitive communities to reduce fuel loads adjacent to habitable structures. This removal of vegetation from the valley oak riparian forest and valley oak forest is considered a potential significant impact.

**Significance Determination before Mitigation:** Significant.

### ***Cumulative Impact Analysis***

Implementation of cumulative development in the Project vicinity could result in impacts to riparian habitat and sensitive natural communities, if present. However, the majority of the cumulative project sites are in urbanized areas where neither riparian nor natural sensitive communities occur. Impact to riparian habitat and sensitive natural communities from the implementation of cumulative projects would be considered a potentially significant impact. Because the Project would result in potential significant impacts to a sensitive natural community, the Project's contribution to cumulative impacts would be cumulatively considerable.

**Significance Determination before Mitigation:** Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

**Mitigation Measure BIO-1: Tree Protection Measures:** The Project shall implement the tree protection measures presented in Appendix F of the Dudek Arborist Report dated April 2022 (see **Appendix D-2**). These tree protection measures shall be implemented before and during all phases of construction. Example tree protection measures provided in Appendix F of the Dudek Arborist Report include the following:

- **Fencing and Signage:** A 6-foot-high chain-link fence with tree protection signs shall be erected around all trees (or tree groups) with canopies that fall within 30 feet of construction activity. The protective fence should be installed at a distance from the trunk that is equal to the dripline radius plus 5 feet (protected tree zone). For any trees that would be encroached upon by construction activities, fencing shall be placed as far away from trunk of the tree as possible while still allowing the required construction activities to proceed. This fencing will delineate the tree protection zone and prevent unwanted activity in and around the trees in order to reduce soil compaction in the root zones of the trees and other damage from heavy equipment. Fences are to be mounted on 2-inch-diameter galvanized iron posts, driven into the ground to a depth of at least 2 feet at no more than 10-foot spacing. In areas where fencing is located on paving or concrete that will not be demolished, then the posts may be supported by an appropriate grade level concrete base. Tree protection signs should be attached to every fourth post. The contractor shall maintain the fence to keep it upright, taut, and aligned at all times. Fencing shall be removed only after all construction activities are complete.

- **Pre-Construction Meeting:** A pre-construction meeting shall be held between the City, all contractors and the arborist. The arborist will instruct the contractors on tree protection practices and answer any questions. All equipment operators and spotters, assistants, or those directing operators from the ground, shall provide written acknowledgement of their receiving tree protection training. This training shall include information on the location and marking of protected trees, the necessity of preventing damage, and the discussion of work practices that will accomplish such.
- **Inspection:** An ISA Certified Arborist shall inspect the trees on at least a monthly basis for the duration of construction activity. The Project arborist is responsible to report any failures by the property owner to fully comply with the conditions of the permit including all the requirements in the Oak Tree and Landmark Preservation and Protection Guidelines, and the Project-specific requirements described in the Arborist Report. Following each monitoring visit the monitoring arborist shall prepare a statement of record. The statement of record shall detail all work that occurred within the TPZ during the site visit. A summary report documenting observations and management recommendations shall be submitted to the owner following each inspection. Following Project completion, the owner's tree consultant shall provide a summary report describing the condition of the trees encroached upon and any specific measures and/or monitoring needed to ensure tree health. Photographs of representative trees are to be included in each report.

**Mitigation Measure BIO-2:** CDFW Jurisdictional Habitat Encroachment: Prior to the issuance of a grading permit or the start of construction within or beneath the canopy of CDFW jurisdictional valley oak riparian forest habitat, coordination with CDFW will be required to determine if a notification of Project activities is required. If required, the Project applicant shall submit an application for and obtain a 1602 Streambed Alteration Agreement to CDFW for vegetation thinning activities related to the fuel modification. If required, mitigation for impacts to CDFW jurisdictional habitat will consist of either the removal of non-native species within the valley oak riparian forest in order to enhance the habitat or payment of an in lieu fee to the Conejo Open Space Conservation Agency (COSCA) for the enhancement of riparian resources within COSCA conservation properties. If necessary, mitigation would be at a minimum 1:1 ratio.

**Mitigation Measure BIO-3:** Sensitive Vegetation Community: During vegetation thinning in the fuel modification zone, a biologist will be present to help ensure that clearing within the understory of the valley oak forest (including disturbed) and valley oak riparian forest is limited to the removal of the deadwood and debris, and the thinning of the laddering fuels, especially removal of any invasive non-native species within the sensitive habitat. If required, the mitigation area for the fuel modification impacts to sensitive natural communities will be a minimum of a 1:1 ratio.

**Significance Determination after Mitigation:** Less than Significant.

During construction activities, a qualified arborist will monitor the encroachment, including root pruning and canopy reduction of protected trees, where necessary. The qualified arborist will also assist the contractor in implementing protective measures to avoid permanent impacts to the sensitive communities and their individual trees as described in Mitigation Measure BIO-1. Additionally, encroachment of the sensitive CDFW jurisdictional vegetation community will

require CDFW notification of Project activities, prior to start of construction. Therefore, prior to the start of Project encroachment within or beneath the canopy of CDFW jurisdictional habitat areas (valley oak riparian forest), coordination with CDFW through submittal of a notification package will be required (Mitigation Measure BIO-2). Consequently, impacts to valley oak riparian forest and valley oak forest (including disturbed) would be reduced to less than significant with the implementation of mitigation measures BIO-1, BIO-2, and BIO-3.

### **Cumulative Mitigation Measures**

Implementation of Mitigation Measures BIO-1 through BIO-3 is required.

**Significance Determination after Mitigation:** Less than Significant.

As discussed above, the implementation of Mitigation Measures BIO-1 through BIO-3 will reduce potential impacts to valley oak riparian forest and valley oak forest (including disturbed). Therefore, the Project's contribution to cumulative impacts would be less than cumulatively considerable with mitigation.

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## **State or Federally Protected Wetlands**

**Impact 3.3-3: The Project would result in a less than significant and less than cumulatively considerable effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.**

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### ***Project Impact Analysis***

As stated above (see Impact 3.3-2), the Project site supports valley oak riparian forest, which is a jurisdictional resource regulated by CDFW. The valley oak riparian forest is a CDFW riparian habitat pursuant to Section 1602. All construction-related impacts are upslope of the top of bank and will not impact the CDFW jurisdictional streambed. However, the Project would result in temporary impacts to 0.05 acres of valley oak riparian forest which is considered a significant impact.

. Impacts to valley oak riparian forest will be less than significant with the implementation of mitigation measures BIO-1, BIO-2, and BIO-3.

**Significance Determination before Mitigation:** Significant.

### ***Cumulative Impact Analysis***

Implementation of cumulative development in the Project vicinity could result in impacts to wetland habitat. Impacts to wetland habitat would be considered a potentially significant impact. However, the majority of the cumulative project sites are in urbanized areas where riparian or regulated jurisdictional resources do not occur. Although cumulative development could result in impacts to wetland habitat and impacts associated with cumulative projects could be significant.

Because the implementation of the Project could also result in significant impacts to wetland habitat (i.e., valley oak riparian forest), the Project's impact would be cumulatively considerable.

**Significance Determination before Mitigation:** Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

Implementation of Mitigation Measures BIO-1 through BIO-3 is required.

**Significance Determination after Mitigation:** Less than Significant.

With the implementation of Mitigation Measures BIO-1 through BIO-3, impacts to wetland habitat would be reduced to less than significant.

#### **Cumulative Mitigation Measures**

Implementation of Mitigation Measures BIO-1 through BIO-3 is required.

**Significance Determination after Mitigation:** Less than Significant.

With the implementation of Mitigation Measures BIO-1 through BIO-3, the Project's contribution to cumulative wetland habitat impacts would be reduced to less than cumulatively considerable.

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## **Wildlife Corridors and Nursery Sites**

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**Impact 3.3-4: The Project could result in significant and cumulatively considerable effects on the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.**

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### ***Project Impact Analysis***

As discussed above, there are no established wildlife corridors within the Project site. Therefore, implementation of the Project would not interfere with the movement of any native resident or migratory fish or wildlife species.

The Project site contains suitable nesting habitat for raptors and birds protected under the MTBA and California Fish and Game Code (Sections 3503, 3503.5, 3513, and 3800). Therefore, construction activities could result in significant impacts to raptors and birds.

**Significance Determination before Mitigation:** Significant.

### ***Cumulative Impact Analysis***

Because there are no established wildlife corridors located within the Project vicinity, the implementation of cumulative development is not expected to interfere with the movement of any native resident or migratory fish or wildlife species. However, because cumulative development

could result in impacts to suitable nesting habitat for raptors and birds protected under the MTBA and the California Fish and Game Code, the potential impact from cumulative development could result in significant impacts. Because the Project could result in significant impacts to nesting birds and raptors, the Project's contribution to the cumulative impacts would be cumulatively considerable.

**Significance before Mitigation:** Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

**Mitigation Measure BIO-4:** Construction activities (i.e., earthwork, clearing, and grubbing) shall occur outside of the general bird nesting season for migratory birds, which is February 15 through August 31 for songbirds, and January 15 to August 31 for raptors.

If construction activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird nesting season for migratory birds and raptors, a qualified biologist shall perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the MBTA and CFG Code. The pre-construction survey shall be performed no more than 7 days prior to the commencement of construction activities. The results of the preconstruction survey shall be documented by the qualified biologist. If construction is inactive for more than 7 days, an additional survey shall be conducted.

If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts within 300 feet (500 feet for raptors) of the active nest shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, or as determined by the qualified biologist. The biological monitor may modify the buffer or propose other recommendations in order to minimize disturbance to nesting birds.

**Significance Determination after Mitigation:** Less than Significant.

With the implementation of Mitigation Measure BIO-4, the Project's impacts to nesting raptors and birds would be reduced to less than significant.

#### **Cumulative Mitigation Measures**

Implementation of Mitigation Measure BIO-4 is required.

**Significance Determination after Mitigation:** Less than Significant.

With the implementation of Mitigation Measure BIO-4, the Project's impacts to nesting raptors and birds would be reduced to less than cumulatively considerable.

## Local Policies or Ordinances Protecting Biological Resources

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**Impact 3.3-5: The Project could result in significant and cumulatively considerable impacts to local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance.**

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### ***Project Impact Analysis***

As discussed in Section 3.3.2 above, there are City of Thousand Oaks Municipal Code policies that are applicable to the Project. The Project is expected to remove up to 31 protected trees. Furthermore, the protected zone of up to 99 regulated trees would be encroached upon due to proposed grading and building construction. Impacts to the on-site protected trees could result in significant impacts.

**Significance Determination after Mitigation:** Significant.

### ***Cumulative Impact Analysis***

The implementation of cumulative development could result in the removal or encroachment of protected trees. As a result, cumulative development could result in significant impacts. Because the Project would remove protected trees and encroach upon additional protected trees, the Project's contribution to cumulative impacts would be cumulatively considerable.

**Significance Determination after Mitigation:** Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

Implementation of Mitigation Measures BIO-1 through BIO-4 is required.

**Mitigation Measure BIO-5:** Prior to removing any protected oak trees and landmark trees within the Project site, the Applicant shall agree to conditions with the City of Thousand Oaks to replace and/or pay an in-lieu fee for impacts to protected oak trees and landmark trees. The compensatory mitigation for the impacts to protected oak trees and landmark trees shall be as follows:

- The replacement and planting of one 36-inch box oak tree and two 24-inch box oak trees for the removal of each onsite oak tree. Based on the current plans, the replacement would be five 36-inch box trees and ten 24-inch box trees for impacts to five protected oak trees.
- The replacement and planting of one 36-inch box landmark tree and two 24-inch box landmark trees for the removal of each onsite landmark tree. Based on the current plans, the replacement would be twenty-six 36-inch box trees and fifty-two 24-inch box trees for impacts to twenty-six protected landmark trees.

The current plans are to replace and install 47 of the 93 trees on the Project site and provide an in-lieu fee for the replacement and planting of the remaining 46 trees at an offsite location within the City of Thousand Oaks.



**Mitigation Measure BIO-6:** Prior to the issuance of a grading permit, the Applicant shall submit a long-term maintenance program to mitigate for encroachments into the protected zone of regulated trees and to maintain the health of the trees retained on the Project site. The Program shall include measures to implement prior to, during, and following construction. These measures shall include exclusion fencing and worker training to avoid direct impacts to trees, and measures such as irrigation and monthly inspections by an arborist to promote the long-term health of retained trees. Monitoring by an arborist shall also occur during construction when encroachments into tree protection zones occur in order to minimize root disturbance and determine the best course of actions for root pruning, supplemental irrigation, branch trimming, or other measures that would minimize the impacts from ground disturbing or other potential impactful activities. Furthermore, the 99 regulated encroachment trees shall be provided additional tree protection mitigation measures as outlined in Appendix F within Appendix D-2 of this Draft EIR due to the unique locations of the trees within the proposed demolition and construction areas.

**Significance Determination after Mitigation:** Less than Significant.

With the implementation of Mitigation Measures BIO-1 through BIO-6, potential removal and encroachment on protected trees would be reduced to less than significant.

#### **Cumulative Mitigation Measures**

Implementation of Mitigation Measures BIO-1 through BIO-6 is required.

**Significance Determination after Mitigation:** Less than Significant.

With the implementation of Mitigation Measures BIO-1 through BIO-6, potential removal and encroachment on protected trees would reduce the Project's contribution to cumulative impacts to less than cumulatively considerable.

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### 3.3.6 References

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## 3.4 Cultural Resources

This section addresses the potential impacts of the proposed Project to cultural resources in the Project vicinity in accordance with the significance criteria established in Appendix G of the *CEQA Guidelines*. This section is based on a Cultural Resources Assessment prepared for the Project entitled, *The Oaks Specific Plan Project—Cultural Resources Assessment* (Vader and Bocchierian 2022) (**Appendix E-1**, Confidential – Not for Public Distribution). Cultural resources include prehistoric and historic-period archaeological sites, structures, districts, places, and landscapes, or any other physical evidence associated with human activity considered important to a culture, a subculture, or a community for scientific, traditional, religious or any other reason. For the purposes of this analysis, cultural resources may be categorized into the following groups: archaeological resources, historic-period built resources (including architectural/engineering resources), contemporary Native American resources, and human remains.

### 3.4.1 Environmental Setting

#### Natural Setting

The Project site is located along the northern margin of the Russell Valley in the Transverse Ranges geomorphic province, which consists of a set of east-west trending mountain ranges and sediment-filled valleys. The Russell Valley is an intermontane valley approximately 900 to 1,000 feet above sea level, and its principal drainage is Potrero Valley Creek, with smaller ephemeral tributaries originated from the canyons on the northern and southern margins of the valley. Presently, the Project site consists of an industrial office building at One Baxter Way with associated parking lots and landscaping. Schoolhouse Canyon Creek bounds the Project site's western margin.

#### Prehistoric Setting

The cultural sequences of Southern California are illustrated within several chronologies (King 1990; King 2011; Wallace 1955; Rogers 1929) that describe the cultural horizons and phases observed in the archaeological records of the Santa Barbara Channel region, Los Angeles Basin, and Southern California coastal region. The most recent regional synthesis, developed by Michael Glassow et al. (2007) for the Santa Barbara Channel, Santa Monica Mountains, and the Los Angeles Basin, in conjunction with Chester King's regional chronology (1990; 2011) serve as the basis for the following discussion.

#### ***Paleo-Coastal Period: 11,000–7,000 cal B.C.***

It is not definitively known when human habitation in California first began, although some of the earliest evidence for human occupation in North America has been found on the California Channel Islands. The Arlington Springs Woman site on Santa Rosa Island, which contains some of the earliest human remains found in North America, dates to approximately 11,000 calibrated years (cal) B.C., while the Daisy Cave site on San Miguel Island has an early occupation dating to 9,500 cal B.C. (Glassow et al. 2007). On the southern Channel Islands of San Clemente, site CA-

SCLI-43 (Eel Point) revealed evidence of boat technology dating to around 6,250 B.C. (Cassidy et al. 2004).

The earliest evidence of occupation on the Santa Barbara Channel mainland comes from the Surf Site near the mouth of the Santa Ynez River, which has been radiocarbon dated to 8,000–7,500 cal B.C. (Glassow et al. 2007). On the Los Angeles and Ventura County coasts, evidence of paleo-coastal occupation is lacking; some of the earliest dated occupation in this area is in the Ballona Creek area, which contains sites that date to approximately 6,000–5,000 B.C. (Altschul et al. 1992).

This earliest period of human occupation is characterized by small groups of nomadic hunter-gatherers who occupied small, temporary settlements used for gathering and processing shellfish. Evidence from the Surf site indicates that the earliest inhabitants of the Santa Barbara Channel area collected shellfish and produced flake tools using local chert (Glassow et al. 2007). The artifact assemblage of this time period included a limited collection of rough and simplistic tool types, each used for multiple tasks; key artifacts included fluted projectile points. Milling tools were not used.

#### ***Millingstone Period: 7,000–5,000 cal B.C.***

Milling equipment is first observed in the archaeological record during this time (Glassow et al. 2007). During this period, population densities along the coastal mainland increased. Most sites that have been definitively dated to this period are located along the coast; however, there may have been more interior sites of this period that remain unknown due to decreased visibility or lack of organic remains that can be radiocarbon dated (Glassow et al. 2007). Departing from the subsistence strategies of their nomadic predecessors, Millingstone populations established more permanent settlements and relied on more diversified food sources. Settlements were located primarily on the coast and in the vicinity of estuaries, lagoons, lakes, streams, and marshes where a variety of resources, including seeds, fish, shellfish, small mammals, and birds, were exploited. However, despite the increase in new food resources, the diet from this period continued to rely heavily on the processing of hard seeds (Wallace 1955). Early Millingstone occupations are typically identified by the presence of handstones (manos) and millingstones (metates), while those Millingstone occupations dating later than 5,000 B.C. contain a mortar and pestle complex as well, signifying an increased dependence on new food sources, such as acorns and starchy tubers.

Material culture during this period reflected a more diversified stone tool assemblage consisting of fine-worked projectile points, a large number of milling stones and stone bowls, as well as the prevalence of ornamental and ceremonial objects (Glassow et al. 2007). Olivella shell bead manufacture began during this time period.

Little is known about the social organization of Millingstone groups, but available evidence indicates that they likely consisted of small extended family groups with minimal social differentiation or political leadership (Glassow et al. 2007). Millingstone sites include those at Porter Ranch in the northern San Fernando Valley, Encino (CA-LAN-111), and CA-LAN-1 on Las Virgenes Creek (Wallace 1955; Glassow et al. 2007).

### **Early Period: 6,000–800 cal B.C.**

Between 4,500 and 2,000 cal B.C., several major changes in subsistence occurred. Wide use of the mortar and pestle during this time indicates a greater variety of plant foods were utilized. In addition, a higher frequency of projectile points may stem from the greater importance of hunting, and possibly a shift in settlement systems and gender-based division of labor (Glassow et al. 2007). Mortuary practices may indicate a greater emphasis on status and leadership. The manufacture of shell beads, use of ritual objects, changing mortuary practices, and evidence of increasing trade across the channel between the islands and the mainland, all point to a corresponding increase in social complexity between 5,000 and 2,000 B.C.

After 2,000 B.C., a broader diet included diverse marine and terrestrial species (Glassow et al. 2007). Contracting stem points, notched net weights, circular shell fishhooks, and mortars and pestles are all characteristic of this period. The use of asphaltum, as evidenced by basketry impressions and tarring pebbles, is also first found in the archaeological record around 2,000 B.C. Between 2,000 B.C. and A.D. 1, new technologies such as the use of asphaltum, net weights, and fishhooks, suggest an intensification in fishing and coastal trade and a highly focused maritime economy (Glassow et al 2007).

### **Middle Period: 800 cal B.C.–A.D. 1250**

Increasing population densities and numbers of permanent settlements along the coast after 500 B.C. led to competition for resources and increased socioeconomic differentiation. Coastal sites of this period contain substantial midden deposits and cemeteries that were in use for long periods of time, reflecting this population trend.

Two important technological advances were achieved in the Middle Period: the introduction of the wooden plank canoe (called *tomol* by the ethnographic Chumash and *ti'at* by the ethnographic Tongva) and the bow and arrow. The plank canoe, which may have been developed as early as A.D. 500 allowed for passage into deeper waters, facilitating trade and the procurement of large fish and sea mammals (King 1990; Glassow et al. 2007). The bow and arrow, also adopted around A.D. 500 as it was in other regions of California, was used both to hunt large game as well as in inter-group warfare. Early arrow points were often leaf-shaped.

The production of Olivella wall “saucer” type beads underwent a significant expansion around 200 B.C., and such beads remained the most common Olivella bead throughout the Middle Period (King 1990). Shell beads and ornaments, steatite objects, lithic materials, groundstone, and red ochre were traded throughout Southern California during this period (Glassow et al. 2007).

Between A.D. 800 and 1400 there was an episode of sustained drought, known as the Medieval Climatic Anomaly (MCA). While the effects of this environmental change on prehistoric populations are still being debated, it did likely lead to local adaptations in subsistence strategies resulting from substantial stress on natural resources. In the Santa Barbara Channel, some researchers have suggested that environmental stress as a result of the MCA may have led to greater social complexity, increasing sedentism, and extensive trade, all of which are evident toward the end of the Middle Period and beginning of the Late Period (Kennett and Kennett 2000;

Glassow et al. 2007). However, others have asserted that increased cultural complexity was more gradual and less influenced by environmental factors (King 1990; Gamble 2005).

It has been postulated that as early as 1500 B.C., a Takic-speaking people arrived in coastal Los Angeles and Orange Counties, having migrated west from inland desert regions (Kroeber 1925; Golla 2007; Sutton 2009). By around A.D. 500 to 1000, Takic language and cultures had spread to the south and inland to the east. These new arrivals, linguistically and culturally different from earlier coastal populations, may have brought new settlement and subsistence systems with them, along with other new cultural elements (Sutton 2009). This migration has been postulated to be a factor in several of the significant changes in material culture seen in the Late Holocene throughout Southern California (such as the use of smaller projectile points and pottery), as well as the introduction of cremation as a burial practice.

### ***Late Period: A.D. 1250–circa 1769***

The increase in social complexity that began in the Middle Period continued into the Late Period, with evidence of ranked society and a hereditary elite class documented from mortuary contexts (Glassow et al. 2007). The population along the Santa Barbara mainland coast reached its highest point during the late period, and population tended to cluster in large coastal settlements (Glassow et al. 2007). Within these coastal settlements, houses were clustered and frequently arranged in a line along the shoreline (Gamble and Russell 2002).

By the late period, manos and metates were not commonly used, and mortars and pestles were the dominant food-processing technology. This shift was likely associated with the increasing importance of acorns in the prehistoric diet (Gamble and Russell 2002). The use of fused shale in lithic tool manufacture peaked during the Late Period, particularly in the Santa Monica Mountains.

The regional exchange network expanded during this period, with trade between the islands and coastal sites increasing and coastal and interior settlements linked through the exchange of marine resources and other goods, such as steatite vessels manufactured on Santa Catalina Island (Glassow et al. 2007). Chiefs or wealthy individuals who owned plank canoes were very influential in this exchange system (Gamble and Russell 2002).

## **Ethnographic Setting**

The Project is located in territory traditionally occupied by the Ventureño Chumash. Ventureño territory extended from the Pacific coast in the vicinity of Ventura in the west to the area between Sespe and Piru Creeks in the east, and from the headwaters of Sespe Creek in the north to the area around Malibu Creek in the south (Kroeber 1925; Grant 1978). However, by the Mission period Ventureño territory extended just east of Piru Creek (King 1975; Glassow et al. 2007). The Ventureño Chumash were bounded by the Tataviam to the east, the Gabrielino-Tongva to the southeast, the Emigdiano Chumash to the north, and the Barbareño, Ynezeño, and Cuyama Chumash to the northwest.

The Chumash were hunter-gatherers and lived in permanent villages. The size of Chumash villages ranged considerably from the coastal areas to the inland areas with many villages on the coast having several hundred occupants (Grant 1978), whereas villages inland were significantly

smaller, sometimes containing only a couple dozen inhabitants (Grant 1978). At the beginning of the Mission period, it is estimated that the overall Chumash population ranged from 8,000 to 10,000 (Kroeber 1925), with a population estimate for the Ventureño ranging from 2,500 to 4,200 (Grant 1978). Chumash villages were most abundantly located along the coast and were often situated on high ground adjacent to a river or stream that flowed into the ocean or along the borders of sloughs or wetlands (Grant 1978). Ventureño villages were often located near permanent, reliable water sources and were most abundant along the Ventura River, Santa Clarita River, and Calleguas Creek. The Ventureño village located in closest proximity to the Project is *Hipuk*, located in what is presently the community of Westlake, approximately 1.5 miles southeast of the Project site (Kroeber 1925; Glassow et al. 2007). The village of *Hipuk*, or *Ypuc/Ipuc*, was encountered by the 1770 Crespi expedition and described as home to 30 individuals (King and Parson 2000). In 1966, the archaeological remains of *Hipuk* (CA-LAN-186 and -242) were destroyed by the construction of Westlake.

Chumash subsistence included both terrestrial and maritime resources. Amongst terrestrial plant resources, the acorn, collected mainly from the California live oak, was the most important. Additional plant resources included pine nuts, wild cherry, cattail, California laurel berries, and chia sage seeds. Mule deer, coyote, and fox were hunted using the bow and arrow, and smaller game was taken using deadfalls and snares. Migratory birds such as ducks and geese were also hunted. In addition to terrestrial resources, the Chumash utilized an array of maritime resources including shellfish, sea mammals, and pelagic and schooling fish. Large fish and sea mammals such as seals, sea otters, and porpoises were hunted with harpoons (Grant 1978). Dip nets, seines, and line and hook were used for smaller fish (Grant 1978).

Chumash villages were composed of a patrilineal descent group and usually had at least one chief, known as the *wot* or *wocha*, whose position was inherited but was subject to village approval. Chumash dwellings were hemispherical structures constructed by driving pliable wooden poles into the ground, bending them towards the center of the dwelling, and tying them together (Grant 1978). The wooden pole frame was then covered with interwoven grass mats. While accompanying the Portola expedition, Father Juan Crespi noted that Chumash dwellings could be up to 50 feet in diameter and hold up to 70 people (Grant 1978). Most villages contained one or more sweat houses that were semi subterranean and consisted of a wooden pole frame covered with earth. Additional village structures included store houses and ceremonial enclosures.

Not much is known of the religion practiced by the Chumash. Father Olbés of the Santa Barbara mission noted a Chumash deity called *sup*, and, although the Chumash had no figures or idols of the deity, they made offerings of seeds and feathers to show their acknowledgement and gratitude for the blessings given them (Grant 1978). Additionally, Chumash rock art sites, such as Painted Cave of San Marcos Pass located near the City of Santa Barbara and Burro Flats Painted Cave located in the northwestern portion of the San Fernando Valley, may have represented shrines or sacred areas. Many of the pictographs present at rock art sites consist of geometric figures as well as animal figures and are painted in vibrant colors that may have been painted while under the influence of the hallucinogenic ceremonial drink, toloache, which is associated with the *Chinigchinich* religion of the Gabrielino-Tongva (Grant 1978). The Chumash buried their dead with the body being bound in a flexed position (Kroeber 1925). The graves of prominent

individuals were marked with planks containing images or from which the possessions of the deceased were hung.

The Chumash were one of the first native Californian groups encountered by Juan Rodriguez Cabrillo when he sailed into the Santa Barbara Channel Island region in 1542-43 (Grant 1978; Kroeber 1925). The Gaspar de Portola expedition passed through Chumash territory on its way to Monterey Bay in 1769. Between 1772 and 1804, five missions, including Missions San Luis Obispo (1772), San Buenaventura (1782), Santa Barbara (1786), La Purisima Concepcion (1787), and Santa Ynez (1804) were established in Chumash territory. The establishment of the missions fractured the traditional culture of the Chumash, and by 1834, when the missions were secularized, the Chumash population had declined dramatically as a result of European diseases (Grant 1978).

## **Historic Setting**

### ***Spanish Period (A.D. 1769–1821)***

Although Spanish explorers made brief visits the region in 1542 and 1602, sustained contact with Europeans did not commence until the onset of the Spanish Period. In 1769 Gaspar de Portola led an expedition from San Diego to the San Francisco Bay (McCawley 1996). This was followed in 1776 by the expedition of Father Francisco Garcés (Johnson and Earle 1990).

In the late 18th century, the Spanish began establishing missions in California and forcibly relocating and converting native peoples. In 1782, Father Junipero Serra founded the Mission San Buenaventura, located approximately 20 miles west of the Project (California Missions Resource Center 2003). The Mission's establishment introduced ranching and agriculture to the region. The Mission friars planted fruit trees and established small gardens along the Ventura River that grew a variety of vegetables including melons, corn, and potatoes (SFEI 2011). Cattle and sheep grazed on the vast land holdings of the mission, which included the Ventura and Santa Clara River valleys and large portions of the Oxnard Plain (SFEI 2011). By 1816, the Mission had 23,000 cattle and 12,000 sheep (SFEI 2011).

The operation of Mission Buenaventura depended heavily on the labor of the newly converted local Ventureño Chumash. Disease and hard labor took a toll on the native population of what would become Ventura County; by 1900, the Native Californian population had declined by as much as 90 percent and native ways of life were significantly altered (Cook 1978).

In an effort to promote Spanish settlement of Alta California, Spain granted several large land concessions from 1784 to 1821. At this time, unless certain requirements were met, Spain retained title to the land (State Lands Commission 1982).

### ***Mexican Period (A.D. 1821–1848)***

The Mexican Period began when Mexico won its independence from Spain in 1821. Mexico continued to promote settlement of California with the issuance of land grants. In 1833, Mexico began the process of secularizing the missions, reclaiming the majority of mission lands and redistributing them as land grants. According to the terms of the Secularization Law of 1833 and Regulations of 1834, at least a portion of the lands would be returned to the Native populations,



but this did not always occur (Milliken et al. 2009). By 1846, what is presently Ventura County had been divided amongst 19 ranchos (SFEI 2011). Mexican-era land grants within the Project site include Rancho El Conejo (48,572 acres).

Many ranchos continued to be used for cattle grazing by settlers during the Mexican Period. Hides and tallow from cattle became a major export for Californios (native Hispanic Californians), many of whom became wealthy and prominent members of society. The Californios led generally easy lives, leaving the hard work to vaqueros (Hispanic cowhands) and Indian laborers (Pitt 1994; Starr 2007).

### ***American Period (A.D. 1848–Present)***

In 1846, the Mexican-American War broke out. Mexican forces were defeated in 1847 and Mexico ceded California to the United States as part of the Treaty of Guadalupe Hildalgo in 1848. California officially became one of the United States in 1850. While the treaty recognized right of Mexican citizens to retain ownership of land granted to them by Spanish or Mexican authorities, the claimant was required to prove their right to the land before a patent was given. The process was lengthy, and generally resulted in the claimant losing at least a portion of their land to attorney's fees and other costs associated with proving ownership (Starr 2007).

When the discovery of gold in northern California was announced in 1848, a huge influx of people from other parts of North America flooded into California. The increased population provided an additional outlet for the Californios' cattle. As demand increased, the price of beef skyrocketed, and Californios reaped the benefits. However, a devastating flood in 1861, followed by droughts in 1862 and 1864, led to a rapid decline of the cattle industry; over 70 percent of cattle perished during these droughts (McWilliams 1946; Dinkelspiel 2008). With the decline of the cattle industry, sheep ranching became the predominant industry in the region and by 1870 a population of approximately 190,000 sheep were grazing in Santa Barbara County, which included what is present-day Ventura County (SFEI 2011). However, a second drought in 1877 wiped out most of the sheep herds, and ranching as a viable economic endeavor in the region effectively ended for good (SFEI 2011).

The loss of a viable economic base in the form of cattle and sheep, coupled with the burden of proving ownership of their lands, caused many Californios to lose their lands during the latter half of the 19th century (McWilliams 1946). The large ranchos were subdivided and sold for agriculture and residential settlement. With the subdivision of the ranchos, agriculture became the predominant economic driver in the region.

## **History of the Project Site**

The Project site is located within the Russell Valley and was part of the 48,572-acre Spanish-era Rancho El Conejo land grant, granted to Ygnacio Rodriguez and Jose Polanco by Governor Arrillaga in 1802 for their service as soldiers at the Santa Barbara Presidio (CVHS 1966). The two soldiers left the land largely unused and vacant, and, in 1822, Polanco's half of the rancho was granted to Captain Jose de la Guerra y Noriega. Guerra y Noriega was a retired Spanish army officer who owned a number of ranchos spreading from San Luis Obispo to the Los Angeles

Basin where he ran cattle and became incredibly wealthy as part of the hide and tallow trade during the mid-1800s (Ludlow n.d.).

In 1871, the rancho was purchased by John Edwards, a banker from Santa Barbara, who then sold the land and formed a partnership with the purchasers to raise sheep and take advantage of the high price of wool at the time (Allen 1978). Edwards also sold 4,200 acres in the norther portion of the valley to his father-in-law, R.K. Sexton, a nurseryman from Goleta (Allen 1978). In 1875, Sexton sold 4,200 acres to a real estate partnership consisting of Asa Adams of Carpinteria and James Hammell of Santa Barbara for \$17,330. The following year, Adams sold his share of the land to Hammell for \$13,000 in gold. In 1876, Hammell sold off approximately 1,000 acres of his land to E. S. Paddock and F. Thompson for \$11,368.00 (Allen 1978).

## **Identification of Cultural Resources in the Project Site**

To identify cultural resources within the Project site, archival research, a cultural resources survey, and an Extended Phase I Investigation (XP1 Investigation) were conducted. Archival research included: a records search conducted at the California Historical Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC) on January 18, 2022; a review of historic topographic maps and aerial photographs, and a review of geologic and soils maps.

### ***SCCIC Records Search***

The SCCIC records search conducted for the Project included a review of all previously recorded cultural resources and previous studies within the 42.9-acre Project site area plus a 0.5-mile radius. The records search results indicate 38 cultural resources studies have been conducted within 0.5 miles of the Project site. Approximately 20 percent of the 0.5-mile records search radius has been included in previous cultural resources surveys. Approximately 70 percent of the Project site has been previously surveyed.

The records search results indicate two cultural resources (CA-VEN-271 and -565) have been previously recorded within a 0.5-mile radius of the Project site. Both cultural resources are prehistoric archaeological sites, one being a seasonal campsite (CA-VEN-271) and the other (CA-VEN-565) consisting of a sparse lithic scatter. Of the two resources, CA-VEN-271 is located within the Project area and CA-VEN-565 is located approximately east and outside of the Project area. Resource CA-VEN-271 is described in detail in the following paragraphs.

### **CA-VEN-271**

Resource CA-VEN-271 is a prehistoric archaeological site originally documented in 1972 by N. Leonard as a surface lithic scatter consisting of chert flakes with the majority of the artifacts being located in the site's northwestern boundary (Leonard 1972). In 1974, Leonard conducted surface collection and subsurface test excavations at the site over the course of two periods of fieldwork. Based on this 1974 fieldwork, it was determined the site dated to the Intermediate Period (1500 BC–AD 500) and consisted of two loci, Locus A in the site's northwestern portion and Locus B in the site's southeastern portion. However, the results of the excavations were never published and the characterization of the site appears to have been poorly understood at this time (Johnson 1978).

In 1978, the site was subject to additional investigation conducted by the Institute of Archaeology at the University of California, Los Angeles (UCLA). The goals of UCLA's investigations at CA-VEN-271 were to delineate the site's horizontal and vertical boundaries, and to gather sufficient data to characterize the site in terms of age, function, and relationship to other prehistoric sites in the regions (Johnson 1978). The 1978 work included close-interval systematic survey, surface collection, and excavations. The surface survey and artifact collection identified Locus A as having the largest density of artifacts within the site (Johnson 1978).

The initial excavations undertaken at CA-VEN-271 as part of UCLA's work were placed based on the results of the surface survey. A midden deposit was identified at Locus A and no subsurface deposits were identified at Locus B. The archaeological assemblage recovered as a result of the 1978 excavations included 268 formed artifacts, 21 pieces of unmodified shell, 35 pieces of unmodified bone, 10,424 pieces of lithic debitage, and five pieces of charcoal. Based on the available information, it does not appear that any areas of the site outside of Loci A and B were subject to subsurface delineation.

In 1979, grading associated with the construction of the existing One Baxter Way industrial office building and parking lots within the Project site was subject to archaeological and Native American monitoring. The grading design for the industrial office building and parking lot construction minimized impact to both Loci A and B through preservation. This preservation was accomplished by the placement of approximately 25 to 30 feet of fill material atop much of the surfaces of both Loci A and B, located southwest and southeast of the existing One Baxter Way industrial office building, respectively, within the southern portion of the Project's proposed Parcel 2, resulting in impacts to less than 20 percent of the site (Drews 1980). As a result of the monitoring activities a total of 58 artifacts and three features were identified.

Based on the 1970s work conducted at CA-VEN-271, the site has been described as representing seasonal occupation throughout much of the prehistoric period, with diagnostic artifacts representing Millingstone (5,000 B.C.–1,500 B.C.), Intermediate (1,500 B.C.–AD 500), and Late Prehistoric (A.D. 500–1769) occupations. None of the previous documentation for CA-VEN-271 include a formal California Register of Historical Resources (CRHR) evaluation for the site; however, based on the extensive excavations carried out at Locus A and the artifact assemblage produced, the site does appear to be eligible for listing in the CRHR under Criterion 4 for its potential to yield information important in prehistory, and thus would qualify as a historical resource under CEQA.

Locus A of CA-VEN-271 overlaps the proposed industrial office walkway that would connect the proposed 4-story parking structure to the existing industrial office building. The proposed walkway design would intrude into the mapped location of the site.

### ***Historic Maps and Aerial Photographs Review***

Historic topographic maps and aerial photographs were examined to provide historical information about the Project site and to contribute to an assessment of the Project site's archaeological sensitivity. Available maps include the 1900, 1921, and 1943 Trifuno Pass, CA 15-minute topographic quadrangles, and the 1950 and 1952 Thousand Oaks, CA 7.5-minute

topographic quadrangles. Historic aerial photographs of the Project site were available for the years 1928, 1947, 1952, 1959, 1967, 1980, 1985, 1995, 2006, and 2016 (historicaerials.com 2022; UCSB 2022).

The historic topographic map and aerial photograph review indicates that the Project site remained largely undeveloped during the first half of the 20th century, but may have been subject to agricultural activities as early as the 1940s. The Project site remained undeveloped until the late 1970s when the existing industrial office building and associated parking lots were constructed.

### ***Geologic Map and Soils Review***

A review of geologic mapping (Dibblee and Ehrenspeck 1993) indicates two geologic units are mapped at surface within the Project: 1) Miocene-age (23.03 to 5.333 million years ago) conglomerates derived from Conejo Volcanics (map unit T1vc); and 2) Holocene-age (11,650 years ago to present) Quaternary alluvium (map unit Qa). The conglomerate deposits conform to the areas of higher topographic relief comprising the knolls within the central and southern portions of the Project area, whereas the alluvial deposits are located within the generally flat, low-lying portions of the Project area. The Miocene-age conglomerate sediments predate human occupation of North America and, therefore, are not conducive to the natural burial and preservation of prehistoric archaeological sites; however, as in the case of CA-VEN-271, repeated use of the landforms on which these sediments occur by humans throughout prehistory are conducive to the development of anthrosols (human generated sedimentary deposits with high organic content) that would act to bury archaeological deposits. The Holocene-age alluvial deposits in the low-lying portions of the Project area are of suitable age to have buried and preserved archaeological materials, and, therefore, have the potential to contain subsurface deposits.

Geotechnical testing conducted for the Project in 2021 produced 14 core samples (LB 1-10 and LP 1-4) from various locations within the Project's construction footprints for the proposed residential buildings and parking structure (Leighton and Associates 2021). In summary, the corings indicate the sediments underlying the Project's construction footprint largely consist of the following:

- **Asphalt:** from the surface to approx. 0.5 feet below ground surface (bgs)
- **Artificial fill:** approx. from 0.5 feet bgs to 2–5 feet bgs
- **Quaternary alluvium:** from 2–5 feet bgs to 15–31 feet bgs

The Quaternary alluvium description varies somewhat from one coring sample to the next but generally consists of sandy silty clay or dark brown/black clay at its shallower depths followed by sandy clay at deeper depths. The geotechnical study indicates that the Project's proposed construction footprint is largely underlain by a shallow lens of artificial fill followed by a largely intact landform consisting of Quaternary alluvium.

### ***Cultural Resources Survey***

A cultural resources survey of the Project site was conducted on March 2, 2022. The survey was aimed at identifying surface evidence of archaeological resources with a focus on the riparian

corridor located immediately adjacent the Project site's western margin, landscaped beds within the parking lot areas, and to note the current condition of CA-VEN-271.

One new cultural resource was identified as a result of the survey. The resource, ESA-TheOaks-ISO-001P, is a prehistoric isolate consisting of two secondary chert flakes located within a spoil pile along the margin of Schoolhouse Canyon Creek located along the Project site's western margin. The spoil pile in which the flakes were found consists of a light brown to brown, semi-compact sandy clay. Given that the flakes were identified in a spoil pile they are not in situ, and, therefore lack cultural context. No surface evidence of CA-VEN-271 was identified.

### ***Extended Phase I Investigation***

An XP1 Investigation for the Project was undertaken on March 8–9, 2022 to determine the presence/absence of subsurface deposits associated with CA-VEN-271 outside of the mapped site boundary within the portions of the Project site where the residential buildings and parking structure are proposed. Native American monitoring was provided by the Native American Monitoring Group.

The XP1 Investigation included the placement of nine mechanical sonic cores (AB-1 through -9) within the existing paved parking lots that comprise the Project's development area. The cores were undertaken using a sonic coring rig equipped with an 8-inch-diameter tube that was extended to a depth of 10 feet to acquire stratigraphically intact soil and sediment cores. The placement of the cores was based on their proximity to CA-VEN-271, Locus A. Core samples were provided in 1- to 2-foot segments. The samples were photographed, characterized based on soil/sediment type, inspected for the presence of artifacts and midden soils, and documented on core sample forms. Core samples with low clay content were screened through 1/8-inch hardware mesh. Core samples with high clay content could not be passed through the 1/8-inch hardware mesh and were, therefore, broken down using shovel and trowel to determine if cultural materials were present.

In general, the soils, sediments, and stratigraphy observed in the nine cores were largely similar in that they consisted of local fill material composted of sandy clay extending from below the parking lot asphalt to depths of 2 to 6 feet, followed by intact native sediments largely consisting of silty clay with varying degrees of compactness extending from depths of 2–6 feet to 10 feet. Of the nine cores, one (AB-6) produced artifacts in the form of chert debitage originating from the 0- to 2-foot depth consisting of fill material. Given the artifacts were identified in the fill layer (local sourced-fill as previously mentioned), which represents a disturbed and out of context soil horizon, they are not in situ and, therefore, not indicative of an intact archaeological deposit. The debitage was documented as a newly recorded isolate, ESA-TheOaks-ISO-002P. The remaining eight cores did not produce any cultural materials. No intact archaeological deposits were identified as a result of the XP1 Investigation.

## 3.4.2 Regulatory Setting

### State

#### **California Environmental Quality Act**

CEQA is the principal statute governing environmental review of projects occurring in the state and is codified at *Public Resources Code (PRC) Section 21000 et seq.* CEQA requires lead agencies to determine if a proposed project would have a significant effect on the environment, including significant effects on historical or unique archaeological resources. Under CEQA (Section 21084.1), 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.

The *CEQA Guidelines* (14 California Code of Regulations [CCR] section 15064.5) recognize historical resources include: (1) a resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR, (2) a resource included in a local register of historical resources, as defined in PRC subdivision 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC subdivision 5024.1(g) and (3) any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California by the lead agency, provided the lead agency's determination is supported by substantial evidence in light of the whole record. The fact a resource does not meet the three criteria outlined above does not preclude the lead agency from determining the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

If a lead agency determines an archaeological site is a historical resource, then the provisions of Section 21084.1 of CEQA and Section 15064.5 of the *CEQA Guidelines* apply. If an archaeological site does not meet the criteria for a historical resource contained in the *CEQA Guidelines*, then the site may be treated in accordance with the provisions of Section 21083, which is as a unique archaeological resource. As defined in Section 21083.2 of CEQA a "unique" archaeological resource is an archaeological artifact, object, or site, about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or,
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological site meets the criteria for a unique archaeological resource as defined in Section 21083.2, then the site is to be treated in accordance with the provisions of Section 21083.2, which state that if the lead agency determines that a project would have a significant effect on unique archaeological resources, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place (Section 21083.1(a)). If

preservation in place is not feasible, then mitigation measures shall be required. The *CEQA Guidelines* note if an archaeological resource is neither a unique archaeological nor a historical resource, then the effects of the project on those resources shall not be considered a significant effect on the environment (*CEQA Guidelines* subdivision 15064.5(c)(4)).

A significant effect under CEQA would occur if a project results in a substantial adverse change in the significance of a historical resource as defined in *CEQA Guidelines* subdivision 15064.5(a). Substantial adverse change is defined as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired” (*CEQA Guidelines* subdivision 15064.5(b)(1)). According to *CEQA Guidelines* subdivision 15064.5(b)(2), the significance of a historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics that:

- A. Convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR; or
- B. Account for its inclusion in a local register of historical resources pursuant to Subdivision 5020.1(k) of the PRC or its identification in a historical resources survey meeting the requirements of Subdivision 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- C. Convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a Lead Agency for purposes of CEQA.

In general, a project that complies with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (Standards) (Weeks and Grimer 1995) is considered to have mitigated its impacts to historical resources to a less than significant (*CEQA Guidelines* subdivision 15064.5(b)(3)).

### **California Register of Historical Resources**

The CRHR is “an authoritative listing and guide to be used by State and local agencies, private groups, and citizens in identifying the existing historical resources of the State and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC subdivision 5024.1[a]). The criteria for eligibility for the CRHR are based upon NRHP criteria (PRC subdivision 5024.1[b]). Certain resources are determined by the statute to be automatically included in the CRHR, including California properties formally determined eligible for, or listed in, the NRHP.

To be eligible for the CRHR, a prehistoric or historic-period property must be significant at the local, state, and/or federal level under one or more of the following four criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
2. Is associated with the lives of persons important in our past;

3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

A resource eligible for the CRHR must meet one of the criteria of significance described above, and retain enough of its historic character or appearance (integrity) to be recognizable as a historical resource and to convey the reason for its significance. It is possible that a historic resource may not retain sufficient integrity to meet the criteria for listing in the NRHP, but it may still be eligible for listing in the CRHR.

Additionally, the CRHR consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The CRHR automatically includes:

- California properties listed on the NRHP and those formally determined eligible for the NRHP;
- California Registered Historical Landmarks from No. 770 onward; and,
- Those California Points of Historical Interest that have been evaluated by the OHP and have been recommended to the State Historical Commission for inclusion on the CRHR.

Other resources that may be nominated to the CRHR include:

- Historical resources with a significance rating of Category 3 through 5 (those properties identified as eligible for listing in the NRHP, the CRHR, and/or a local jurisdiction register);
- Individual historical resources;
- Historical resources contributing to historic districts; and,
- Historical resources designated or listed as local landmarks, or designated under any local ordinance, such as an historic preservation overlay zone.

### ***California Health and Safety Code Section 7050.5***

California Health and Safety Code section 7050.5 requires that in the event human remains are discovered, the County Coroner be contacted to determine the nature of the remains. In the event the remains are determined to be Native American in origin, the Coroner is required to contact the NAHC within 24 hours to relinquish jurisdiction.

### ***California Public Resources Code Section 5097.98***

California PRC section 5097.98 provides procedures in the event human remains of Native American origin are discovered during project implementation. PRC section 5097.98 requires that no further disturbances occur in the immediate vicinity of the discovery, that the discovery is adequately protected according to generally accepted cultural and archaeological standards, and that further activities take into account the possibility of multiple burials. PRC section 5097.98 further requires the NAHC, upon notification by a county coroner, designate and notify a Most Likely Descendant (MLD) regarding the discovery of Native American human remains. Once the MLD has been granted access to the site by the landowner and inspected the discovery, the MLD then has 48 hours to provide recommendations to the landowner for the treatment of the human remains and any associated grave goods.



In the event no descendant is identified, or the descendant fails to make a recommendation for disposition, or if the land owner rejects the recommendation of the descendant, the landowner may, with appropriate dignity, reinter the remains and burial items on the property in a location that will not be subject to further disturbance.

### **California Government Code Sections 6254(r) and 6254.10**

These sections of the California Public Records Act were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to “Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.” Section 6254.10 specifically exempts from disclosure requests for “records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a state or local agency.”

## **Local**

### **City of Thousand Oaks General Plan**

The City of Thousand Oaks’ General Plan, Conservation Element (2013), contains the following cultural resources policies and implementation programs relevant to the Project:

**Policy CO-33:** All information or maps on file with the City pertaining to the location of previously recorded archaeological sites within the Thousand Oaks Planning Area shall remain confidential unless specifically authorized to be released to the public by local Native American organizations.

**Policy CO-34:** Management of cultural resources such as archaeological sites, historic structures or places shall emphasize resource protection and preservation.

**Policy CO-35:** The preferred method for protecting any previously recorded archeological site shall be by deed restriction as permanent "open space", in order to prevent any future development or use that might otherwise adversely impact these resources.

**Policy CO-36:** Decisions pertaining to the disposition of archaeological, historical and cultural resources shall be made in concert with recognized public agencies, groups or individuals having jurisdiction, expertise or interest in these matters, including but not limited to the State Office of Historic Preservation, Thousand Oaks Cultural Heritage Board and local Native American organizations, including other designated representatives and affected property owners.

## **Implementation Measures**

- Continue to conduct archaeological field surveys as deemed to be necessary, while utilizing comprehensive resource management procedures to test, salvage, stabilize and store locally excavated artifacts.

- Support the efforts of local citizens, appointed committees or other designated public agencies and private institutions that are working to conserve archaeological and historic resources. Full public discussion is encouraged prior to any action being taken.

### 3.4.3 Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to cultural resources if it would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 (see Impact 3.4-1, below).
- Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5 (see Impact 3.4-2, below).
- Disturb any human remains, including those interred outside of formal cemeteries (see Impact 3.4-3, below).

### 3.4.4 Methodology

Impacts to cultural resources could result from ground-disturbing activities and/or damage, destruction, or alteration of historic structures. Ground-disturbing activities include excavation, grading, trenching, vegetation clearance, the operation of heavy equipment, or other surface and sub-surface disturbance that could damage or destroy surficial or buried cultural resources including prehistoric or historic-period archaeological resources or human burials. To evaluate the Project's potential effects on significant archaeological and historic built environment resources, ESA prepared a cultural resources assessment in support of the Project, which includes archival research, a cultural resources survey, and an XP1 Investigation.

### 3.4.5 Impact Analysis

#### Historical Resources

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**Impact 3.4-1: The Project could have a significant and cumulatively considerable effects on historical resources because the Project could cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.**

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#### ***Project Impact Analysis***

As a result of the archival research and cultural resources survey conducted for the Project, three cultural resources, CA-VEN-271 (prehistoric archaeological site), ESA-TheOaks-ISO-001P (prehistoric isolate), and ESA-TheOaks-ISO-002P (prehistoric isolate) were identified within the Project site. Resources ESA-TheOaks-ISO-001P and -002P were within disturbed soils, were not in situ, and lack archaeological context and are not eligible for listing in the CRHR. For this reason, they do not qualify as a historical resources pursuant to CEQA, and, therefore, disturbance to these isolates would result in no impact.

Site CA-VEN-271 does not appear to have been previously subject to formal evaluation, however, based on the results of the excavations conducted in the 1970s, the site was presumed at

that time to be significant based on the presence of midden deposits and a varied artifact assemblage. The site appears to contain data potential to yield information important in prehistory, would qualify for listing in the CRHR under Criterion 4, therefore qualifies as a historical resource under CEQA.

The Project proposes construction of an industrial office walkway that would connect the ground floor of the proposed parking structure to the ground floor of the existing industrial office building. The proposed industrial office walkway design would encroach within the mapped boundary for CA-VEN-271, based on maps provided in the 1978 excavation report, as well as into the area and to depths mapped as containing the site's midden deposit. Disturbances to intact portions of CA-VEN 271 would result in a substantial adverse change to the significance of a historical resource and would be considered a significant impact under CEQA.

The Project includes the construction of residential buildings and a parking structure within the existing parking lots located north and northwest of the existing industrial office building, respectively. The XPI Investigation did not identify the presence of any intact subsurface archaeological deposits within this area. Although archaeological site CA-VEN-271 does not appear to extend within the area proposed for residential buildings and the parking structure, there is the possibility that ground disturbing activities could encounter subsurface archaeological deposits that were otherwise not known to exist and that may qualify as historical resources under CEQA. Furthermore, the proposed industrial office walkway design encroaches within the mapped site boundary of CA-VEN-271. For these reasons, the Project could result in a substantial adverse change to the significance of a historical resource and would be considered a significant impact under CEQA.

**Significance Determination before Mitigation:** Significant.

### ***Cumulative Impact Analysis***

Development of the Project, in combination with other projects in the area, would include ground disturbance during construction activities. These construction activities of the cumulative projects could result in significant impacts to historical resources. Because the Project would result in potential significant impacts, the Project's contribution to cumulative impacts to historical resources is cumulatively considerable.

**Significance Determination before Mitigation:** Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

**Mitigation Measure CUL-1:** Prior to the start of any Project-related ground disturbing activities, a Qualified Archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Department of the Interior 2008) shall be retained by the Applicant to carry out all mitigation measures related to cultural resources.

**Mitigation Measure CUL-2:** Prior to the start of any Project-related ground disturbing activities, a Data Recovery Plan shall be prepared by the Qualified Archaeologist. The

Data Recovery Plan shall outline the approach to data recovery excavations that would recover the scientifically consequential information contained within the portion of CA-VEN-271 that would be impacted by ground disturbing activities associated with the construction of the proposed walkway from the existing industrial office building to the parking structure. The Data Recovery Plan shall: take into account a methodology to access the deposits located beneath capped materials; outline relevant local and regional research questions to be addressed by the data recovery; include provisions for Native American monitoring; present field and laboratory methodologies and any special studies anticipated to collect important empirical information; and include a curatorial agreement that allows for the proper long-term care and storage of collected materials. Preference shall be to curate the materials at UCLA together with the materials recovered in the 1970s. However, the perspectives of consulting tribes (defined here as those California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project as defined in PRC section 21073 and who have expressed interest in the Project as a result of the AB 52 consultation process) shall be considered when determining appropriate disposition of materials. The Data Recovery Plan shall be submitted to the City for review and approval prior to the start of the data recovery excavations. Consulting tribes shall have the opportunity to review and comment on the Data Recovery Plan prior to its implementation. Following the completion of work outlined in the Data Recovery Plan, a Data Recovery Report shall be prepared that formally presents the methods and results of the excavations, lab analysis, and special studies, and which includes a catalog of recovered materials and identifies the curation facility where the collection or other disposition of the collection. Consulting tribes shall have the opportunity to review and comment on the draft Data Recovery Report. Project-related ground disturbing activities may begin once the data recovery excavation (field component) is completed and may occur contemporary with the data recovery lab analysis and Data Recovery Report preparation. The Data Recovery Plan and Data Recovery Report shall both be placed on file at the South Central Coastal Information Center within 180 days of the completion of the data recovery excavation (field component).

**Mitigation Measure CUL-3:** Prior to start of any ground-disturbing activities, the Qualified Archaeologist, in coordination with the Native American monitor, shall conduct cultural resources sensitivity training for all construction personnel associated with the Project. Construction personnel shall be informed of the types of cultural resources that may be encountered during construction, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The Applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.

**Mitigation Measure CUL-4:** Prior to the start of any Project-related ground disturbing activities the Qualified Archaeologist shall prepare a Cultural Resources Monitoring and Treatment Plan (CRMTP). The CRMTP shall stipulate: the location and timing of archaeological and Native American monitoring; monitoring protocols to be carried out during Project construction; allowance that the Qualified Archaeologist, based on observations of subsurface soil stratigraphy or other factors during initial grading, and in coordination with the Native American monitor(s), the City, may reduce or discontinue monitoring as warranted if it is determined that the possibility of encountering cultural materials is low; appropriate measures to be followed in the event of unanticipated discovery of cultural resources during Project implementation, including that all ground disturbance within 100 feet of an unanticipated discovery shall cease until discovery provisions of the CRMTP are implemented; and both archaeological and tribal values are considered.

The CRMTP shall identify avoidance as the preferred manner of mitigating impacts in the case of inadvertent discoveries of cultural resources. The CRMTP shall include protocols stipulating the following: types of inadvertent discoveries that may be made during construction (e.g., historic/prehistoric archaeological site, isolate, tribal cultural resource); procedures to be implemented in the case of an inadvertent discovery; methods to assess the significance of inadvertent discoveries based on the type of discovery; and procedures to reduce impacts to inadvertent discoveries.

The CRMTP shall be submitted to the City for review and approval prior to the start of Project-related ground disturbance. Consulting tribes shall also have the opportunity to review and comment on the CRMTP.

**Mitigation Measure CUL-5:** In the event of the unanticipated discovery of archaeological materials, all work shall immediately cease in the area (within approximately 100 feet) of the discovery until it can be evaluated by the Qualified Archaeologist. Construction shall not resume within the discovery area until the Qualified Archaeologist has conferred on the significance of the resources with the City, and Native American monitor for resources of a prehistoric nature.

If it is determined that the unanticipated discovered archaeological resource constitutes a historical resource or a unique archaeological resource under CEQA, avoidance and preservation in place is the preferred manner of mitigation. Preservation in place of the unanticipated discovery may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place of the unanticipated discovery is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Treatment Plan shall be prepared and implemented by the Qualified Archaeologist in consultation with the City that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource. The Qualified Archaeologist and City shall consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond those that are scientifically important, are considered.

**Significance Determination after Mitigation:** Less than Significant.

With the implementation of Mitigation Measures CUL-1 through CUL-5, the Project's potential impacts to historical resources would be reduced to less than significant.

#### **Cumulative Mitigation Measures**

Implementation of Mitigation Measures CUL-1 through CUL-5 is required.

**Significance Determination after Mitigation:** Less than Significant.

With the implementation of Mitigation Measures CUL-1 through CUL-5, the Project's contribution to potential cumulative impacts on historical resources would be reduced to less than cumulatively considerable.

## Unique Archaeological Resources

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**Impact 3.4-2: The Project could have a significant and cumulatively considerable effects on archaeological resources because the Project could cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5.**

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### ***Project Impact Analysis***

As indicated above in the Impact 3.4-1 discussion, three archaeological resources (CA-VEN-271, ESA-TheOaks-ISO-001P, and ESA-TheOaks-ISO-002P) were identified within the Project site. Of these three resources, CA-VEN-271, qualifies as a historical resource, and, therefore, does not qualify as a unique archaeological resource under CEQA. Resources ESA-TheOaks-ISO-001P and -002P do not rise to the level of unique archaeological resources given that they were associated with disturbed soils, are not in situ, and lack archaeological context. However, as noted above, there is the possibility that ground disturbing activities could encounter subsurface archaeological deposits that were otherwise not known to exist and that may qualify as unique archaeological resources under CEQA. Therefore, the Project has the potential to cause a substantial adverse change in the significance of a unique archaeological resource and would be considered a significant impact.

**Significance Determination before Mitigation:** Significant.

### ***Cumulative Impact Analysis***

Development of the Project, in combination with other projects in the area, would include ground disturbance during construction activities. These construction activities of the cumulative projects could result in significant impacts to unknown archaeological resources. Because the Project would result in potential significant impacts, the Project's contribution to cumulative impacts to archaeological resources is cumulatively considerable.

**Significance Determination before Mitigation:** Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

Implementation of Mitigation Measures CUL-1 and CUL-3 through CUL-5 is required.

**Significance Determination after Mitigation:** Less than significant

After the implementation Mitigation Measures CUL-1 and CUL-3 through CUL-5, potential impacts to unique archaeological resources would be reduced to less than significant.

#### **Cumulative Mitigation Measures**

Implementation of Mitigation Measures CUL-1 and CUL-3 through CUL-5 is required.

**Significance Determination after Mitigation:** Less than Significant.

With the implementation of Mitigation Measures CUL-1 and CUL-3 through CUL-5, the Project's contribution to potential cumulative impacts on unique archaeological resources would be reduced to less than cumulatively considerable.

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## Human Remains

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**Impact 3.4-3: The Project could have a significant and cumulatively considerable effects on human remains.**

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### ***Project Impact Analysis***

No known formal or informal cemeteries or other burial places are known to exist within the Project site. However, because the Project would involve ground disturbing activities, there is the possibility that such actions could unearth, expose, or disturb previously unknown human remains.

**Significance Determination before Mitigation:** Significant.

### ***Cumulative Impact Analysis***

Development of the Project, in combination with other projects in the area, would include ground disturbance during construction activities. These construction activities of the cumulative projects could result in significant impacts to unknown human remains interred outside formal cemeteries. Because the Project would result in potential significant impacts, the Project's contribution to cumulative impacts to unknown human remains interred outside formal cemeteries is cumulatively considerable.

**Significance Determination before Mitigation:** Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measure**

**Mitigation Measure CUL-6:** In the event human remains and/or associated funerary objects are encountered during Project construction, all activity in the vicinity of the find shall cease (within 100 feet). Human remains discoveries shall be treated in accordance with and California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, requiring assessment of the discovery by the County Coroner, assignment of a Most Likely Descendant by the California Native American Heritage Commission, and consultation between the Most Likely Descendant and the landowner regarding treatment of the discovery. Until the landowner has conferred with the Most Likely Descendant, the Applicant shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity and that further activities take into account the possibility of multiple burials

**Significance Determination after Mitigation:** Less than Significant.

With the incorporation of Mitigation Measure CUL-6, which requires compliance with State Health and Safety Code Section 7050.5 and PRC Section 5097.98, potential impacts to human remains would be reduced to less than significant.

#### **Cumulative Mitigation Measure**

Implementation of Mitigation Measure CUL-6 is required.

**Significance Determination after Mitigation:** Less than Significant.

With implementation of Mitigation Measures CUL-6, as described above, the Project would reduce potential impacts to human remains to less than cumulatively considerable.

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## 3.5 Energy

This section analyzes the potential effects of the Project's impacts on energy resources. The analysis in this section is based on the Project's anticipated energy needs, impacts, and conservation measures during construction and operation of the Project. **Appendix F, *Energy Assumptions and Modeling***, contains modeling outputs based on the detailed construction information and operational calculations based on the Project's development program.

### 3.5.1 Environmental Setting

#### Existing Project Site Energy Use

The Project site is currently developed with an existing industrial office building with associated access roads, asphalt concrete (AC)-paved surface parking, slopes, and landscape improvements. The main three-story main industrial office building is approximately 416,941 square feet and includes a single-story maintenance structure (former Verizon vehicle maintenance facility) that is approximately 7,000 square feet. The industrial office building is currently occupied by the following businesses: Ember Technologies, Dignified Home Loans, NSR Data Corporation, National Veterinary Association, Anchor Nationwide Loans, Blend Insurance, and Amerihome Mortgage Company. It is assumed that the industrial office building would remain in place and is omitted from this energy analysis. Therefore, existing operational energy consumption is not required to be calculated and the Project's energy consumption would be considered net new consumption.

Energy consumption is measured in three main sectors—electricity, natural gas, and transportation—as described below.

#### Electricity

SCE is the electricity provider for the Ventura County (County). SCE provides electrical services to approximately 15 million people, 180 incorporated cities, 15 counties, 5,000 large businesses, and 280,000 small businesses throughout its 50,000-square-mile service area (SCE 2019). In 2019, SCE's total electricity sales in the SCE service area was estimated to be 84,654 gigawatt hours (GWh) (SCE 2020a).

SCE produces and purchases its energy from a mix of conventional and renewable generating sources. **Table 3.5-1, *Electric Power Mix Delivered to Retail Customers in 2019***, displays the electric power mix that was delivered to retail customers for SCE compared to the statewide power mix for 2019, the most recent year for which data is available. Total electricity sales/usage for SCE is shown in Table 3.5-1 compared to the statewide electricity sales/usage from the most recent year for which data is available (2019).

**TABLE 3.5-1  
 ELECTRIC POWER MIX DELIVERED TO RETAIL CUSTOMERS IN 2019**

Energy Resource	2019 SCE	2019 Statewide Power Mix
<b>Total Sales/Total Usage (million kilowatt-hours)</b>	<b>84,654</b>	<b>277,704</b>
<b>Eligible Renewable</b>	<b>35%</b>	<b>32%</b>
Biomass & bio-waste <sup>a</sup>	1%	2%
Geothermal	6%	5%
Small hydroelectric	1%	2%
Solar	16%	12%
Wind	12%	10%
<b>Coal</b>	<b>0%</b>	<b>3%</b>
<b>Large Hydroelectric</b>	<b>8%</b>	<b>15%</b>
<b>Natural Gas</b>	<b>16%</b>	<b>34%</b>
<b>Nuclear</b>	<b>8%</b>	<b>9%</b>
<b>Other</b>	<b>0%</b>	<b>&lt;1%</b>
<b>Unspecified sources of power<sup>b</sup></b>	<b>33%</b>	<b>7%</b>
<b>Total</b>	<b>100%</b>	<b>100%</b>

NOTES:

- <sup>a</sup> The Eligible Renewables category is further delineated into the specific sources: biomass & waste, geothermal, small hydroelectric, solar, and wind
- <sup>b</sup> "Unspecified sources of power" means electricity from transactions that are not traceable to specific generation sources.
- <sup>c</sup> Values do not add to 100 percent due to rounding.

SOURCES: SCE 2020b; CEC 2020a.

## Natural Gas

Natural gas is a combustible mixture of simple hydrocarbon compounds (primarily methane) that is used as a fuel source. Natural gas consumed in California is obtained from naturally occurring reservoirs and delivered through high-pressure transmission pipelines. Natural gas provides almost one-third of the State's total energy requirements (US Energy Information Administration 2019). Natural gas is measured in terms of both cubic feet (cf) or British thermal units (Btu).

Natural gas is used for cooking, space heating, water heating, electricity generation, and as an alternative transportation fuel. The Project site is within service area of Southern California Gas Company (SoCalGas), which is the principal distributor of natural gas in Southern California, serving residential, commercial, and industrial markets. SoCalGas serves approximately 21.8 million customers in more than 500 communities encompassing approximately 20,000 square miles throughout central and Southern California (SoCalGas 2021).

SoCalGas, along with five other California utility providers, released the *2020 California Gas Report*, presenting a forecast of natural gas supplies and requirements for California through the year 2035. This report predicts gas demand for all sectors (residential, commercial, industrial, energy generation and wholesale exports) and presents best estimates, as well as scenarios for hot and cold years. Overall, SoCalGas predicts a decrease in natural gas demand in future years due to a decrease in per capita usage, energy efficiency policies, and the State's transition to

renewable energy displacing fossil fuels including natural gas (California Gas and Electric Utilities 2020).

Gas supply available to SoCalGas from California sources averaged approximately 2,435 million cf per day or 2,508,050 million Btu (MMBtu) in 2020, the most recent year for which data are available. This equates to an annual average of 888,775 million cf per year or 915,438,250 MMBtu per year (California Gas and Electric Utilities 2020).

## Transportation Energy

The annual transportation fuel consumption of diesel and gasoline in 2020 in California (the most recent year for which statewide data is available) is approximately 1,626 million gallons and 11,173 million gallons, respectively. Transportation fuel consumption of diesel and gasoline for Ventura County in 2020 is 65 million gallons and 262 million gallons, respectively. The estimated Ventura County and Statewide transportation fuel consumption is based on retail sale data from the California Energy Commission (CEC) (CEC 2020).

The State is now working on developing flexible strategies to reduce petroleum use. Over the last decade, California has implemented several policies, rules, and regulations to improve vehicle efficiency, increase the development and use of alternative fuels, reduce air pollutants and greenhouse gas emissions (GHGs) from the transportation sector, and reduce vehicle miles traveled (VMT). Accordingly, diesel and gasoline consumption in California has declined. The CEC predicts that the demand for gasoline will continue to decline over the next 10 years, and there will be an increase in the use of alternative fuels (CEC 2018).

## 3.5.2 Regulatory Framework

### Federal

Established by the U.S. Congress in 1975, the Corporate Average Fuel Economy (CAFE) standards reduce energy consumption by increasing the fuel economy of passenger cars and light trucks. The National Highway Traffic Safety Administration (NHTSA) and United States Environmental Protection Agency (USEPA) jointly administer the CAFE standards. The U.S. Congress has specified that CAFE standards must be set at the “maximum feasible level” with consideration given for: (1) technological feasibility; (2) economic practicality; (3) effect of other standards on fuel economy; and (4) need for the nation to conserve energy. (NHTSA 2020) On April 1, 2010, federal CAFE standards were adopted for passenger cars and light-duty trucks for model years 2012 through 2016 and in August 2012, CAFE standards were adopted for model year 2017 through 2025 for passenger cars and light-duty trucks. The standards surpass the prior CAFE standards.

In March 2020, the USEPA and NHTSA issued the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule that would maintain the CAFE standards applicable in model year 2020 for model years 2021 through 2026. The estimated CAFE standards for model year 2020 are 43.7 miles per gallon (mpg) for passenger cars and 31.3 mpg for light trucks, projecting an overall industry average of 37 mpg, as compared to 46.7 mpg under the standards issued in 2012. However, Consistent with President Biden’s executive order on Protecting Public Health and the

Environment and Restoring Science to Tackle the Climate Crisis, USEPA and NHTSA are now evaluating whether and how to replace the SAFE Rule (United States District Court for the District Court of Columbia).

Fuel efficiency standards for medium- and heavy-duty trucks have been jointly developed by USEPA and NHTSA. The Phase 1 heavy-duty truck standards apply to combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles for model years 2014 through 2018, and result in a reduction in fuel consumption from 6 to 23 percent over the 2010 baseline, depending on the vehicle type (United States Environmental Protection Agency (USEPA 2011)). USEPA and NHTSA have also adopted the Phase 2 heavy-duty truck standards, which cover model years 2021 through 2027 and require the phase-in of a 5 to 25 percent reduction in fuel consumption over the 2017 baseline depending on the compliance year and vehicle type (USEPA 2016).

## **State**

### ***Senate Bill 1389***

Senate Bill (SB) 1389 (Public Resources Code Sections 25300–25323; SB 1389) requires the California Energy Commission (CEC) to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing the state’s electricity, natural gas, and transportation fuel sectors and provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the state’s economy; and protect public health and safety (Public Resources Code Section 25301[a]). The 2019 Integrated Energy Policy Report, the latest published report from CEC, provides the results of the CEC’s assessments related to energy sector trends, building decarbonization and energy efficiency, zero-emission vehicles, energy equity, climate change adaptation, electricity reliability in Southern California, natural gas assessment, and electricity, natural gas, and transportation energy demand forecasts.

### ***California’s Renewables Portfolio Standard***

The State of California has adopted standards to increase the percentage that retail sellers of electricity, including investor-owned utilities and community choice aggregators, must provide from renewable sources. The standards are referred to as the Renewables Portfolio Standards (RPS) and require retail sellers of electric services to increase procurement from eligible renewable energy resources to 33 percent by 2020 (CPUC 2018).

On September 10, 2018, Governor Brown signed SB 100, which supersedes prior legislation and requires retail sellers and local publicly owned electric utilities to procure eligible renewable electricity for 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030, and that the California Air Resources Board (CARB) should plan for 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045. The California Public Utilities Commission (CPUC) and the CEC jointly implement the RPS program. The CPUC’s responsibilities include: (1) determining annual procurement targets and enforcing compliance; (2) reviewing and approving each investor-owned utility’s renewable energy procurement plan; (3) reviewing contracts for RPS-eligible energy; and (4) establishing the standard terms and conditions used in contracts for eligible renewable energy (CPUC 2018).

SCE is required to commit to the use of renewable energy sources for compliance with the RPS. Eligible renewable resources are defined in the RPS to include biodiesel; biomass; hydroelectric and small hydro (30 Mega Watts [MW] or less); aqueduct hydro power plants; digester gas; fuel cells; geothermal; landfill gas; municipal solid waste; ocean thermal, ocean wave, and tidal current technologies; renewable derived biogas; multi-fuel facilities using renewable fuels; solar photovoltaic (PV); solar thermal electric; wind; and other renewables that may be defined later. SCE is required to meet the SB 100 (Chapter 312, Statutes of 2018) targets as defined above.

Refer to Section 3.7, *Greenhouse Gas Emissions*, of this Draft EIR, for additional details regarding this regulation.

### **California Building Standards Code (Title 24)**

#### **California Building Energy Efficiency Standards (Title 24, Part 6)**

The California Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were adopted to ensure that building construction and system design and installation achieve energy efficiency and preserve outdoor and indoor environmental quality. The current California Building Energy Efficiency Standards (Title 24 standards) are the 2019 Title 24 standards, which became effective on January 1, 2020. (CEC 2019). The 2019 Title 24 standards include efficiency improvements to the residential and non-residential standards (CEC 2019a).

#### **California Green Building Standards (Title 24, Part 11)**

The California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), commonly referred to as the California Green Building Standards (CALGreen) Code, includes mandatory measures for non-residential development related to site development; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. When compared to the previously applicable 2016 CALGreen Code, changes were related to solar photo-voltaic system requirements, new requirements for newly constructed healthcare facilities, encouraging demand responsive technologies (residential developments), updating indoor and outdoor lighting (non-residential developments), and the use of highly efficient air filters (both residential and non-residential developments) (CALGreenEnergy 2019). Refer to Section 3.7, *Greenhouse Gas Emissions*, of this Draft EIR, for additional details regarding these standards.

#### **California Assembly Bill 1493 (AB 1493, Pavley)**

In response to the transportation sector's large share of California's CO<sub>2</sub> emissions, Assembly Bill (AB) 1493 (commonly referred to as the Pavley regulations), enacted on July 22, 2002, requires CARB to set GHG emission standards for new passenger vehicles, light-duty trucks, and other vehicles manufactured in and after 2009 whose primary use is non-commercial personal transportation. Phase I of the legislation established standards for model years 2009–2016 and Phase II established standards for model years 2017–2025 (CARB 2019) (USEPA et al. 2017). As discussed above, in September 2019, the USEPA published the SAFE Vehicles Rule in the federal register (Federal Register, Vol. 84, No. 188, Friday, September 27, 2019, Rules and Regulations, 51310–51363) that maintains the vehicle miles per gallon standards applicable in

model year 2020 for model years 2021 through 2026. California and 23 other states and environmental groups in November 2019 in U.S. District Court in Washington, filed a petition for the USEPA to reconsider the published rule. As of March 15, 2022, the USEPA published its Notice of Decision to restore California's waiver, thereby ending the SAFE rule (87 Fed. Reg. 14,332). Refer to Section 3.7, *Greenhouse Gas Emissions*, of this Draft EIR, for additional details regarding this regulation.

### ***California Health and Safety Code, Division 25.5/California Global Warming Solutions Act of 2006***

In 2006, the California State Legislature adopted AB 32 (codified in the California Health and Safety Code [HSC], Division 25.5 – California Global Warming Solutions Act of 2006), which focuses on reducing GHG emissions in California to 1990 levels by 2020. Under HSC Division 25.5, CARB has the primary responsibility for reducing the State's GHG emissions; however, AB 32 also tasked the CEC and the CPUC with providing information, analysis, and recommendations to CARB regarding strategies to reduce GHG emissions in the energy sector.

In 2016, the California State Legislature adopted SB 32 and its companion bill AB 197; both were signed by Governor Brown. SB 32 and AB 197 amend HSC Division 25.5 and establish a new climate pollution reduction target of 40 percent below 1990 levels by 2030 and include provisions to ensure that the benefits of state climate policies reach into disadvantaged communities. Refer to Section 3.7, *Greenhouse Gas Emissions*, of this Draft EIR, for additional details regarding these regulations.

### ***Senate Bill 350***

SB 350, signed October 7, 2015, is the Clean Energy and Pollution Reduction Act of 2015. The objectives of SB 350 are: (1) to increase the procurement of electricity from renewable sources from 33 percent to 50 percent; and (2) to double the energy efficiency savings in electricity and natural gas final end uses of retail customers through energy efficiency and conservation.

### ***California Air Resources Board***

#### **CARB's Advanced Clean Car Program**

The Advanced Clean Cars emissions-control program was approved by CARB in 2012 and is closely associated with the Pavley regulations (CARB 2017). The program requires a greater number of zero-emission vehicle models for years 2015 through 2025 to control smog, soot and GHG emissions. This program includes the Low-Emissions Vehicle (LEV) regulations to reduce criteria pollutants and GHG emissions from light- and medium-duty vehicles; and the Zero-Emissions Vehicle (ZEV) regulations to require manufacturers to produce an increasing number of pure ZEV's (meaning battery and fuel cell electric vehicles) with the provision to produce plug-in hybrid electric vehicles (PHEV) between 2018 and 2025.

### ***Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling***

In 2004, CARB adopted an Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling in order to reduce public exposure to diesel particulate matter emissions (Title 13 California Code of Regulations [CCR] Section 2485 and Title 17 CCR Section 93115).



The measure applies to diesel-fueled commercial vehicles with gross vehicle weight ratings greater than 10,000 pounds that are licensed to operate on highways, regardless of where they are registered. This measure does not allow diesel-fueled commercial vehicles to idle for more than five minutes at any given location. While the goal of this measure is primarily to reduce public health impacts from diesel emissions, compliance with the regulation also results in energy savings in the form of reduced fuel consumption from unnecessary idling.

### **Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fueled Vehicles.**

The goals of regulations to reduce emissions from in-use heavy duty diesel-fueled vehicles are primarily to reduce public health impacts from diesel emissions; however, compliance with such regulations has shown an increase in energy savings in the form of reduced fuel consumption from more fuel-efficient engines (For Construction Pros 2014).

In 2008, CARB approved the Truck and Bus regulation to reduce nitrogen oxide (NO<sub>x</sub>), respirable particulate matter (PM<sub>10</sub>), and fine particulate matter (PM<sub>2.5</sub>) emissions from existing diesel vehicles operating in California (13 CCR, Section 2025). The phased regulation aims to reduce emissions by requiring installation of diesel soot filters and encouraging the retirement, replacement, or retrofit of older engines with newer emission-controlled models, which would make the vehicles more fuel efficient than vehicles older engines. The phasing of this regulation has full implementation completed by 2023 (CARB 2008).

CARB also promulgated emission standards for off-road diesel construction equipment of greater than 25 horsepower (hp) such as bulldozers, loaders, backhoes and forklifts, as well as many other self-propelled off-road diesel vehicles. The In-Use Off-Road Diesel-Fueled Fleets regulation adopted by CARB on July 26, 2007, aims to reduce emissions by installation of diesel soot filters and encouraging the retirement, replacement, or repower of older, dirtier engines with newer emission-controlled models (13 CCR Section 2449). The compliance schedule requires full implementation by 2023 in all equipment for large and medium fleets and by 2028 for small fleets.

### ***Sustainable Communities Strategy***

SB 375 (Chapter 728, Statutes of 2008), which establishes mechanisms for the development of regional targets for reducing passenger vehicle GHG, was adopted by the State on September 30, 2008. Under SB 375, CARB is required, in consultation with the State's Metropolitan Planning Organizations, to set regional GHG reduction targets for the passenger vehicle and light-duty truck sector for 2020 and 2035. In February 2011, CARB adopted the GHG emissions reduction targets of 8 percent by 2020 and 13 percent by 2035 relative to 2005 GHG emissions for SCAG, which is the Metropolitan Planning Organization for the region in which the County is located (SCAG, Greenhouse Gases). The proposed reduction targets explicitly exclude emission reductions expected from the Pavley regulations and the LCFS regulations.

Under SB 375, the reduction target must be incorporated within that region's Regional Transportation Plan (RTP), which is used for long-term transportation planning, in a Sustainable Communities Strategy (SCS). Certain transportation planning and programming activities would then need to be consistent with the SCS; however, SB 375 expressly provides that the SCS does

not regulate the use of land, and further provides that local land use plans and policies (e.g., general plan) are not required to be consistent with either the RTP or SCS.

### ***California Environmental Quality Act***

In accordance with CEQA and Appendix F, Energy Conservation, of the State CEQA Guidelines, and to assure that energy implications are considered in project decisions, EIRs are required to include a discussion of the potential significant energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. Appendix F of the State CEQA Guidelines provides a list of energy-related topics that should be analyzed in the EIR. In addition, while not described or required as significance thresholds for determining the significance of impacts related to energy, Appendix F provides the following topics for consideration in the discussion of energy use in the Draft EIR, to the extent the topics are applicable or relevant to the Project:

The Project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the Project including construction, operation, maintenance, and/or removal. If appropriate, the energy intensiveness of materials may be discussed:

- The effects of the Project on local and regional energy supplies and on requirements for additional capacity;
- The effects of the Project on peak and base period demands for electricity and other forms of energy;
- The degree to which the Project complies with existing energy standards;
- The effects of the Project on energy resources; and
- The Project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

## **Regional**

### ***Southern California Gas Company***

The Southern California Gas Company (SoCalGas), who is the natural gas retailer for the Project, along with five other California utility providers released the *2019 California Gas Report*, presenting a forecast of natural gas supplies and requirements for California through the year 2035. This report predicts gas demand for all sectors (residential, commercial, industrial, energy generation and wholesale exports) and presents best estimates, as well as scenarios for hot and cold years. Overall, SoCalGas predicts a decrease in natural gas demand in future years due to a decrease in per capita usage, energy efficiency policies, and the State's transition to renewable energy displacing fossil fuels including natural gas (California Gas Report 2020).

### ***Southern California Association of Governments***

The Project site is located within the planning jurisdiction of the Southern California Association of Governments (SCAG), as is all of Ventura County. Pursuant to SB 375, SCAG prepared its first-ever SCS that was included in the 2012–2035 Regional Transportation Plan/Sustainable Communities Strategy (2012–2035 RTP/SCS), which was adopted by SCAG in April 2012. The goals and policies of that SCS demonstrated a reduction in per capita VMT (and a corresponding

decrease in per capita transportation-related fuel consumption) and focused on transportation and land use planning strategies that included encouraging infill projects, locating residents closer to where they work and play, and designing communities with access to high quality transit services.

On September 3, 2020, the SCAG's Regional Council formally adopted the *2020–2045 Regional Transportation Plan/Sustainable Communities Strategy* (2020 RTP/SCS) also known as the Connect SoCal, which is an update to the previous 2012–2035 RTP/SCS and 2016–2040 RTP/SCS (SCAG 2020). The 2020 RTP/SCS describes how the region can attain the GHG emission-reduction targets set by CARB, which include an 8 percent reduction in per capita transportation GHG emissions by 2020 and 19 percent reduction in per capita transportation GHG emissions by 2035 compared to the 2005 level on a per capita basis (SCAG 2020). Compliance with and implementation of the 2020 RTP/SCS policies and strategies would have co-benefits of reducing per capita criteria air pollutant emissions (e.g., nitrogen dioxide, carbon monoxide) associated with reduced per capita VMT. Compliance with and implementation of the 2020 RTP/SCS policies and strategies would have the co-benefits of reducing per capita VMT and corresponding decreases in per capita transportation-related fuel consumption. In addition, refer to Section 3.7, *Greenhouse Gas Emissions*, of this Draft EIR, for additional details regarding these policies and strategies.

### 3.5.3 Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to energy if it would:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation (see Impact 3.5-1, below).
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency (see Impact 3.5-2, below).

For this analysis, the Appendix G Thresholds are relied upon. The analysis utilizes factors and considerations identified in Appendix G and Appendix F of the CEQA Guidelines, as appropriate, to assist in answering the Appendix G questions. The factors to evaluate energy impacts under Impact 3.5-1 include the Project's energy requirements and effects of the Project on local and regional energy supplies. The factors to evaluate energy impacts under Impact 3.5-2 include the degree to which the Project complies with existing energy standards, as applicable.

### 3.5.4 Methodology

#### **Construction**

The Project site includes two parcels totaling 42.9 acres. Construction would occur on approximately 15.6 acres (PA1=8.8 acres; PA2= 6.8 acres). Project construction is anticipated to start in 2023 and be completed in 2026.

Construction of the Project in both PA1 and PA2 would be implemented over the following phases: (1) demolition and removal of all identified structures on the Project site; (2) site grading; (3) paving; (4) construction; and (5) finishing/painting.

Construction energy consumption would result primarily from transportation fuels (e.g., diesel and gasoline) used for haul trucks, heavy-duty construction equipment, and construction workers traveling to and from the Project site. Construction activities can vary substantially from day to day, depending on the specific type of construction activity and the number of workers and vendors traveling to the Project site (see **Appendix F** of this Draft EIR for detailed construction assumptions and calculations). As per CEQA Guidelines Appendix F, this analysis considers these factors and provides the estimated maximum construction energy consumption for the purposes of evaluating the associated impacts on energy resources and requirements.

### ***Electricity***

Construction electricity was estimated for the energy consumed off-site related to treatment and conveyance of water to the Project site for dust control. In addition, electricity from water conveyance for dust control was also calculated based on the estimated exposed area and water needs to cover the area during construction activity. Default CalEEMod water electricity intensity factors were used to convert the volume of water needed to electricity demand from water conveyance.

### ***Natural Gas***

Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Accordingly, natural gas is not expected to be consumed during Project construction. Therefore, natural gas associated with construction activities was not calculated.<sup>1</sup>

### ***Transportation Fuels***

Fuel consumption from on-site heavy-duty construction equipment was calculated based on the equipment mix and usage factors provided in the CalEEMod construction output files included in **Appendix F** of this Draft EIR. The total horsepower was then multiplied by fuel usage estimates per horsepower-hour from CARB's off-road vehicle (OFFROAD) model. Fuel consumption from construction on-road worker, vendor, and delivery/haul trucks was calculated using the trip rates and distances provided in the emissions modeling worksheets and CalEEMod construction output files. Total VMT for these on-road vehicles were then calculated for each type of construction-related trip and divided by the corresponding county-specific miles per gallon factor using CARB's EMFAC2021 model. EMFAC provides the total annual VMT and fuel consumed for each vehicle type. CalEEMod default trip lengths were used for worker commutes while vendor, management visits, concrete, and haul truck trips were taken from emissions modeling worksheets that used EMFAC2021 emission factors. Consistent with CalEEMod, construction worker trips for the Project were assumed to include a mix of light-duty gasoline automobiles and

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<sup>1</sup> In general, natural gas would not be expected to be used, and this energy analysis assumes heavy-duty construction equipment is diesel-fueled, as is typically the case. However, natural gas-fueled heavy-duty construction equipment could be used to replace some diesel-fueled heavy-duty construction equipment. If this does occur, diesel fuel demand would be slightly reduced and replaced by a small amount of temporary natural gas demand. This would not substantially affect the energy analysis or conclusions provided herein.

light-duty gasoline trucks. Construction vendor trucks were assumed to be a mix of medium-heavy-duty and heavy-duty diesel trucks, and concrete and haul trucks were assumed to be heavy-duty diesel trucks.

The energy usage required for Project construction has been estimated based on the number and type of construction equipment that would be used during Project construction by assuming a conservative estimate of construction activities (i.e., maximum daily equipment usage levels) during the relevant timeframe for such construction activities (i.e., 2023 to 2026). Energy for construction worker commuting trips has been estimated based on the predicted number of workers for the various phases of construction and the estimated VMT based on the conservative values in the CalEEMod and EMFAC2021 models. The assessment also includes a discussion of the Project's compliance with relevant energy-related regulatory requirements that would minimize the amount of energy usage during construction. These measures are also discussed in Chapter 2, *Project Description*, Section 3.2, *Air Quality*, and Section 3.7, *Greenhouse Gas Emissions*, of this Draft EIR.

The construction equipment and haul trucks would likely be diesel-fueled, while the construction worker commute vehicles would primarily be gasoline-fueled. For the purposes of this assessment, it is conservatively assumed that all heavy-duty construction equipment and haul trucks would be diesel-fueled. The estimated fuel economy for heavy-duty construction equipment is based on fuel consumption factors from the CARB OFFROAD emissions model, which is a State-approved model for estimating emissions from off-road heavy-duty equipment. The estimated fuel economy for haul trucks and worker commute vehicles is based on fuel consumption factors from the CARB EMFAC emissions model, which is a State-approved model for estimating emissions on-road vehicles and trucks. Both OFFROAD and EMFAC are incorporated into CalEEMod. However, emissions for worker, vendor, and concrete/haul trucks were calculated outside of CalEEMod using emission factors from EMFAC2021 to provide a more detailed and accurate account of truck emissions.

## **Operation**

Operation of the Project would require energy in the form of electricity for building heating, cooling, cooking, lighting, water demand and wastewater treatment, consumer electronics, and other energy needs, and transportation-fuels, primarily gasoline, for vehicles traveling to and from the Project site (see **Appendix F** of this Draft EIR for detailed operational assumptions and calculations). As per CEQA Guidelines Appendix F, this analysis quantifies the Project's energy consumption from operations and evaluates the associated impacts on energy resources and requirements, peak and based period demand, effects on the local and regional energy supplies, and analyses the Project's compliance with existing energy requirements including the 2019 Title 24 standards and CALGreen Code.

## **Electricity**

The Project's estimated electricity demand was analyzed relative to SCE's existing energy supplies available to serve the Project site in 2026 to determine if the utilities would be able to meet the Project's energy demands. Annual consumption of electricity (including electricity

usage associated with the supply and conveyance of water) from Project operations was calculated using demand factors provided in CalEEMod based on the 2019 Title 24 standards, which went into effect on January 1, 2020. Energy usage from water demand (e.g., electricity used to supply, convey, treat, and distribute) are estimated herein based on the new buildings and facilities proposed by the Project. The assessment also includes a discussion of the Project's compliance with relevant energy-related regulatory measures that would minimize the amount of energy usage during operation. These measures are also discussed in Section 3.2, *Air Quality*, and Section 3.7, *Greenhouse Gas Emissions*, of this Draft EIR.

### ***Natural Gas and Propane***

Consistent with the Ventura County Policy HAZ-AA, the Project would not use natural gas. However, the Project would include three outdoor fire pits that would use propane as fuel. Propane use was calculated by assuming fire pits operate 2 hours per day for 365 days per year and multiplying the hours used per year by an assumed propane consumption rate of 120,000 BTU per day. The annual consumption of propane in BTU was then converted to gallons using a standard conversion factor of 91,500 BTU per gallon of propane.

### ***Transportation Fuels***

Energy for transportation from visitors and residents traveling to and from Project site is estimated based on the predicted number of trips to and from the Site. Mobile emissions were estimated based on emissions factors from EMFAC along with VMT values based on the Transportation Impact Analysis (TIA) (**Appendix L** of this Draft EIR) to estimate on-road mobile source emissions. The VMT associated with the TIA are based on local trip distances to and from the Project site. Diesel fuel consumption accounts for fuel reduction from the incorporation of electric vehicles under the Advanced Clean Truck Program prior to 2035. The Project consumption is compared to both supply and infrastructure availability.

## **3.5.5 Impact Analysis**

### **Energy Resources**

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**Impact 3.5-1: The Project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation, and the Project would result in less than significant and less than cumulatively considerable impacts on energy resources.**

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### ***Project Impact Analysis***

#### **Construction**

During construction of the Project, energy would be consumed in the form of electricity for powering the construction trailers (lights, electronic equipment, and heating and cooling) and exterior uses, such as lights, water conveyance for dust control, and other construction activities. Natural gas would not be for construction purposes. Project construction would also consume energy in the form of petroleum-based fuels associated with the use of off-road construction vehicles and equipment on the Project site, construction workers travel to and from the Project

site, and delivery and haul truck trips (e.g., hauling of demolition material to off-site reuse and disposal facilities). **Table 3.5-2, Project Construction Energy Usage**, provides a summary of the annual average electricity, gasoline fuel, and diesel fuel estimated to be consumed during construction of the Project.

**TABLE 3.5-2  
PROJECT CONSTRUCTION ENERGY USAGE**

Energy Type	Total Quantity <sup>b</sup>	Annual Average Quantity During Construction <sup>b</sup>
<b>Electricity</b>		
Electricity from Water (Dust Control)	97 MWh	29 MWh
Temporary Construction Trailer	43 MWh	13 MWh
<b>Total Electricity</b>	<b>260 MWh</b>	<b>41 MWh</b>
<b>Gasoline</b>		
On-Road Construction Vehicles	51,652 gallons	15,131 gallons
<b>Total Gasoline</b>	<b>51,652 gallons</b>	<b>15,131 gallons</b>
<b>Diesel</b>		
On-Road Construction Vehicles	99,977 gallons	29,287 gallons
Off-Road Construction Equipment	138,102 gallons	40,455 gallons
<b>Total Diesel</b>	<b>238,079 gallons</b>	<b>69,742 gallons</b>

NOTES: MWh = megawatt-hours.

<sup>a</sup> Detailed calculations are provided in Appendix F of this Draft EIR.

<sup>b</sup> Totals may not add up due to rounding of decimals.

SOURCES: ESA 2022; CalEEMod 2020; EMFAC2021.

### Electricity

During construction of the Project, electricity would be consumed, on a limited basis, to power lighting, electric equipment, and supply and convey water for dust control. Electricity would be supplied to the Project site by SCE and would be obtained from the existing electrical lines that connect to the Project site.

As shown in Table 3.5-2, annual average construction electricity usage would be approximately 41 MWh. The electricity demand would be well within the supply and infrastructure capabilities of SCE (which reported 85,399 GWh of total energy sales in the 2020–2021 fiscal year) (SCE 2020). The electricity demand at any given time would vary throughout the construction period based on the construction activities being performed, and would cease upon completion of construction. Electricity use from construction would be short-term, limited to working hours, used for necessary construction-related activities, and represent a small fraction of the Project’s net annual operational electricity. Therefore, the Project would not result in a wasteful, inefficient, and unnecessary consumption of energy associated with electricity used for construction, and impacts would be less than significant.

### Natural Gas

As previously stated above, construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Accordingly, natural gas would not be supplied to support Project construction activities; thus, there would be no expected demand generated by construction of the Project. Therefore, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy associated with natural gas used for construction, and impacts would be less than significant.

### Transportation Energy

Table 3.5-2 reports the estimated amount of petroleum-based transportation energy that could potentially be consumed during Project construction based on the conservative set of assumptions provided in **Appendix F** of this Draft EIR. During Project construction, on- and off-road vehicles would consume an estimated annual average of approximately 15,131 gallons of gasoline fuel and approximately 69,742 gallons of diesel over the approximately 42 months of construction.

Construction of the Project would utilize fuel-efficient trucks and equipment consistent with federal and State regulations, such as fuel efficiency regulations in accordance with CARB's Pavley Phase I and II standards (at a minimum through the model year 2020 standards depending on the outcome of the SAFE Vehicles Rule court challenge), the anti-idling regulation in accordance with CCR, Title 13, Section 2485, and fuel requirements in accordance with CCR, Title 17, Section 93115, as well as the In-Use Off-Road Diesel-Fueled Fleets regulation (CARB 2016). As such, the Project would comply with State measures to reduce the inefficient, wasteful, and unnecessary consumption of energy, such as petroleum-based transportation fuels. While these regulations are intended to reduce construction emissions, compliance with the anti-idling and emissions regulations discussed above would also result in fuel savings from the use of more fuel-efficient engines. Diversion of mixed construction and demolition debris would reduce truck trips to landfills, which are typically located some distance away from population centers, and increase the amount of waste recovered (e.g., recycled, reused) at material recovery facilities, thereby further reducing transportation fuel consumption.

Based on the analysis above, construction would utilize energy only for necessary on-site activities and to transport construction materials, excavated fill, and demolition debris to and from the Project site. As discussed above, idling restrictions and the use of cleaner, energy-efficient equipment would result in less fuel combustion and energy consumption and, thus, reduce the Project's construction-related energy use. Therefore, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy, and impacts associated with transportation fuels for construction would be less than significant.

### Operation

During operation of the Project, energy would be consumed for multiple purposes, including, but not limited to HVAC, refrigeration, lighting, and the use of electronics, equipment, and appliances. Energy would also be consumed during Project operations related to water usage, solid waste disposal, and vehicle trips. **Table 3.5-3, *Project Operational Electricity Usage***, displays the Project's energy demand from electricity, propane, gasoline, and diesel.



**TABLE 3.5-3  
PROJECT OPERATIONAL ELECTRICITY USAGE**

Energy Type	Annual Quantity <sup>a,b</sup>
<b>Electricity</b>	
Building Energy	4,517MWh
Water Conveyance and Treatment	365 MWh
EV Charging	161 MWh
<b>Project Subtotal</b>	<b>5,043 MWh</b>
<b>Propane</b>	
Fire Pits	1,436 gallons
<b>Transportation</b>	
Gasoline	84,111 gallons
Diesel	10,585 gallons

NOTES: MWh = megawatt-hours; cf = cubic feet.

<sup>a</sup> Detailed calculations are provided in Appendix F of this Draft EIR.

<sup>b</sup> Totals may not add up due to rounding of decimals.

SOURCE: ESA 2022.

### Electricity

Project operation will increase the demand for electricity resources including for water supply, conveyance, distribution, and treatment. The Project’s estimated operational electricity demand, including from water demand, is provided in Table 3.5-3. As shown in Table 3.5-3, the Project would result in a projected consumption of electricity totaling approximately 5,043 MWh per year.

As discussed previously, the Project would comply with the applicable provisions of the Title 24 standards and the CALGreen Code in effect at the time of building permit issuance. The Project would be designed to include numerous energy-saving features that would allow the Project to comply with the 2019 Title 24 standards and achieve energy savings required by state regulations. Per compliance with the CALGreen Code, the Project would use all new electric appliances, install high-efficiency lighting, Low-E or ENERGY STAR windows, and utilize passive sustainable design strategies including daylighting, natural sources of heating and cooling, operable windows, shading on south facing windows, ceiling fans, well-designed building envelopes with high-U values. The Project would also provide water efficiency features such as low-flush toilets, low-flow fixtures and appliances, drought-tolerant landscaping, smart weather-based irrigation controllers, and water-saving irrigation lines such as drip tubing. As a result, the Project would also comply with the County’s General Plan to reduce energy and water consumption as well as encourage renewable energy use and production by ensuring that at least ten percent of the parking spaces within the Project’s residential garages will be pre-plumbed to accommodate electric vehicle charging and would include solar panels that would be optimized per applicable design requirements. Therefore, with the incorporation of these features, operation of the Project would not result in the wasteful, inefficient, and unnecessary consumption of electricity.

For the 2020 fiscal year, SCE had an annual electric sale to customers of approximately 85,399 GWh (SCE 2020a). The Project represents approximately 0.006 percent of the SCE network sales for 2020. In addition, the CEC forecasts that SCE's peak demand in the Project buildout year of 2026, would be approximately 26,533 MW (CEC 2018). Under peak conditions, the Project would consume a net increase of 5,043 MWh on an annual basis, which is equivalent to a peak of 0.6 to 1.5 MW (assuming 8,760 hours or 4,380 hours per year of active electricity demand). In comparison to the SCE power grid base peak load of 26,533 MW for 2026, the Project would represent approximately 0.002 to 0.004 percent of the SCE base peak load conditions. Thus, as per CEQA Guidelines Appendix F, the impacts related to electrical supply and infrastructure capacity and the Project's effect on peak and base period demands would be less than significant.

#### Natural Gas and Propane

Consistent with the Ventura County Policy HAZ-AA, the Project would not increase the demand for natural gas resources because all new buildings would utilize all-electric heating and appliances. As such, the Project would minimize natural gas demand. Therefore, operation of the Project would not result in the wasteful, inefficient, and unnecessary consumption of natural gas.

The Project would consume approximately 1,436 gallons per year of propane for the operation of up to three outdoor fire pits. Propane consumption in California in 2018 (latest data available) totaled 566,496,000 gallons (Argonne National Laboratory 2020). The Project's propane total of 1,436 gallons would represent approximately 0.0003 percent of the State's total consumption and would not trigger an increase in additional capacity or supply. Therefore, the Project would have a less than significant effect on local and regional natural gas or propane supplies or require additional capacity. Impacts related to natural gas and propane would be less than significant.

#### Transportation Energy

The Project's estimated operational transportation fuel demand is provided in Table 3.5-3. As discussed previously, the Project would support statewide efforts to improve transportation energy efficiency and reduce transportation energy consumption with respect to private automobiles. Per CEQA Guidelines Appendix F, the Project would minimize gasoline and diesel fuel use and encourage efficient alternatives through the addition of at least ten percent of the parking spaces within the Project's residential garages being pre-plumbed to accommodate electric vehicle charging.

Transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, crude oil production would be sufficient to meet over 50 years of worldwide consumption (BP Global 2018). The Project would comply with Corporate Average Fuel Economy standards, which would result in more efficient use of transportation fuels (lower consumption). Project-related vehicle trips would also comply with Pavley Standards, which are designed to reduce vehicle GHG emissions by mandating increasingly stringent emissions standards on new vehicles, but would also result in fuel savings from more efficient engines in addition to compliance with Corporate Average Fuel Economy standards.

As discussed in further detail below, the Project would not conflict with the 2020 RTP/SCS goals and strategies intended to improve mobility and access to diverse destinations, provide better “placemaking,” provide more transportation choices. Therefore, the Project would not conflict with the actions and strategies contained in the 2020 RTP/SCS. In fact, as discussed above, the Project’s location and development comply with the recommendations in these documents and would meet their goals.

Based on the above, the Project would minimize operational transportation fuel demand in line with state, regional, and County goals. Therefore, operation of the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy.

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

#### **Electricity**

The geographic context for the cumulative analysis of electricity is SCE’s service area. Growth within this geography is anticipated to increase the demand for electricity and the need for infrastructure, such as new or expanded facilities.

Future development, including the Project, would result in the increased use of electricity resources. However, SCE has determined that the use of such resources would be minor compared to existing supply and infrastructure within the SCE service area and would be consistent with growth expectations (CEC 2018). Furthermore, like the Project, other cumulative developments would be required to incorporate energy conservation features in order to comply with applicable mandatory regulations including CALGreen Code, state energy standards under Title 24, and incorporate mitigation measures, as necessary. As such, the Project’s contribution to cumulative impacts due to wasteful, inefficient, and unnecessary consumption of energy would be less than cumulatively considerable.

#### **Natural Gas and Propane**

The geographic context for the cumulative analysis of natural gas is the SoCalGas service area. Growth within this service area is anticipated to increase the demand for natural gas and the need for infrastructure, such as new or expanded facilities.

Cumulative development projects in the SoCalGas service area could result in the use of natural gas resources, however the use of such resources would be consistent with regional and local growth expectations for the SoCalGas service area, as discussed above. Further, future development projects would be required to incorporate energy conservation features in order to comply with applicable mandatory regulations including CALGreen and state energy standards in Title 24. As such, since the Project does not consume any natural gas and consumes minimal amounts of propane, its contribution to cumulative impacts due to wasteful, inefficient, and unnecessary consumption of energy would be less than cumulatively considerable.

## **Transportation Energy**

The geographic context for the cumulative analysis of transportation energy is the SCAG region. Growth within this region is anticipated to increase the demand for transportation and the need for infrastructure, such as new or expanded facilities.

Buildout of the Project and cumulative projects in the SCAG region would be expected to increase overall VMT; however, the effect on transportation fuel demand would be reduced by future improvements to vehicle fuel economy pursuant to federal and state regulations. By 2026, vehicles are required to achieve 54.5 mpg (based on USEPA measurements), which is a 54 percent increase from the 35.5 mpg standard in the 2012–2016 standards. Siting land use development projects at infill sites is consistent with the overall goals of the state to reduce VMT pursuant to SB 375. Cumulative development projects would need to demonstrate consistency with these goals and incorporate any mitigation measures required under CEQA, which would also ensure cumulative development projects contribute to transportation energy efficiency. Further, cumulative development projects would also comply with the 2019 Title 24 standards requiring pre-wiring for electric vehicle charging, which would incentivize use of electric vehicles and reduce fossil fuel use. All cumulative projects would benefit from the implementation of RPS, which would reduce demand for fossil fuels through adoption of cleaner, renewable energy options by energy providers. As such, the Project's contribution to cumulative impacts due to wasteful, inefficient, and unnecessary consumption of energy would be less than cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measure**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

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## Conflict with State or Local Energy Plan

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**Impact 3.5-2: The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and therefore, the Project would result in less than significant and less than cumulatively considerable impacts on state and local energy plans.**

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### *Project Impact Analysis*

#### **Construction**

The Project would utilize construction contractors who must demonstrate compliance with applicable regulations. Construction equipment would be required to comply with federal, state, and regional requirements, where applicable. With respect to truck fleet operators, USEPA and NHTSA have adopted fuel-efficiency standards for medium- and heavy-duty trucks that will be phased in over time. Phase 1 heavy-duty truck standards apply to combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles for model years 2014 through 2018 and result in a reduction in fuel consumption from 6 to 23 percent over the 2010 baseline, depending on the vehicle type (USEPA 2011). USEPA and NHTSA also adopted the Phase 2 heavy-duty truck standards, which cover model years 2021 through 2027 and require the phase-in of a 5 to 25 percent reduction in fuel consumption over the 2017 baseline depending on the compliance year and vehicle type (USEPA 2016). The energy modeling for trucks does not take into account specific fuel reductions from these regulations, since they would apply to fleets as they incorporate newer trucks meeting the regulatory standards; however, these regulations would have an overall beneficial effect on reducing fuel consumption from trucks over time as older trucks are replaced with newer models that meet the standards.

In addition, construction equipment and trucks are required to comply with CARB regulations regarding heavy-duty truck idling limits of 5 minutes per occurrence. Additionally, off-road emissions standards will increase equipment efficiencies as they are phased-in overtime and less-efficient equipment is phased out of construction fleets. These limitations would result in an increase in energy savings in the form of reduced fuel consumption from more fuel-efficient engines. Although these requirements are intended to reduce criteria pollutant emissions, compliance with the anti-idling and emissions regulations would also result in the efficient use of construction-related energy. Thus, based on the information above, construction and operation of the Project would comply with existing energy standards.

Per CEQA Guidelines Appendix F, the Project's construction equipment used would be consistent with the energy standards applicable to construction equipment including limiting idling fuel consumption and using contractors that comply with applicable CARB regulatory standards that affect energy efficiency. Therefore, the Project would comply with existing energy standards, and impacts would be less than significant.

#### **Operation**

The Project would be designed in a manner that is consistent with relevant energy conservation plans designed to encourage development that results in the efficient use of energy resources. The

Project would comply with CALGreen, the 2019 Title 24 standards<sup>2</sup>, the Ventura County General Plan 2040, and the City of Thousand Oaks General Plan. The Project would use all new electric appliances, install high-efficiency lighting, Low-E or ENERGY STAR windows, and utilize passive sustainable design strategies including daylighting, natural sources of heating and cooling, operable windows, shading on south facing windows, ceiling fans, well-designed building envelopes with high-U values. The Project would also provide water efficiency features such as low-flush toilets, low-flow fixtures and appliances, drought-tolerant landscaping, smart weather-based irrigation controllers, and water-saving irrigation lines such as drip tubing. Further, the Project would designate six percent of parking spaces within the proposed parking structure to be pre-plumbed to accommodate electric vehicle charging. Ten percent of the parking spaces within the Project's residential garages will be pre-plumbed to accommodate electric vehicle charging. The residential structures would include solar panels that would be optimized per applicable design requirements. Pursuant to the County's Policy HAZ-AA, the Project would not include natural gas lines and building energy would be all-electric. Propane would be used in small amounts to power three outdoor fire pits. See Section 3.7, *Greenhouse Gas Emissions*, for more information on consistency with CALGreen, 2019 Title 24 Standards, and general plan policies.

Consistent with the 2019 Title 24 standards and CALGreen Code, the Project will have pre-wiring for electric vehicle charging stations that can account for alternative fueled vehicle parking spaces requirement. This infrastructure will make it easier for residents to adopt electric vehicles. With respect to operational transportation-related fuel usage and in relation to CEQA Guidelines Appendix F, the Project would support statewide efforts to improve transportation energy efficiency and reduce transportation energy consumption with respect to private automobiles. The Project would comply with CAFE fuel economy standards and the Pavley Standards, which are designed to result in more efficient use of transportation fuels. Further, the Project is immediately accessible to the 101 Freeway via the Westlake Boulevard and Lindero Canyon Road exits. Project residents and visitors will access the residential buildings via the driveway to the existing One Baxter Way parking area on Lakeview Canyon Road. Additional vehicular and pedestrian access is provided to the Promenade to The Oaks (retail uses) via a bridge crossing/driveway. A unique village experience would be created at the Project site as the immersive design would leverage the natural landscape that is both walkable and sustainable. Internal private drives will accommodate daily vehicular traffic, bicycles, pedestrians and emergency access vehicles. Site amenities include 154 bike parking stalls for residents and 22 short-term bike parking racks for guests. Public transportation is conveniently available to Project residents and visitors as well with a bus stop for Route 43 TOB Express to the Thousand Oaks Transit Center located on the corner of Thousand Oaks Boulevard and Lakeview Canyon Road. Route 44 is also in close proximity to the Project and additionally provides access to the Transit Center.

The Project would comply with the CALGreen, 2019 Title 24 standards, the Ventura County General Plan 2040, and the City of Thousand Oaks General Plan. Overall, the Project's features would support and promote the use of renewable energy and energy efficiency through compliance with CALGreen, 2019 Title 24 requirements, and regional and local general plan

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<sup>2</sup> The analysis conservatively assumes 2019 Title 24 standards compliance, but that should the Project's building permit application be submitted after January 1, 2023, the Project would comply with the latest 2022 version.

policies and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the Project impacts would be less than significant.

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

#### **Electricity**

Buildout of the Project, related projects, and additional forecasted growth in SCE's service area would cumulatively increase the demand for electricity supplies and on infrastructure capacity. It is expected that SCE would continue to expand delivery capacity as necessary to meet demand increases within its service area. Development projects within the SCE service area would also be anticipated to incorporate site-specific infrastructure improvements, as necessary. SCE would review each cumulative project to identify necessary power facilities and service connections to meet individual project needs.

Related projects, as with the Project, would be required to evaluate electricity conservation features and compliance with applicable electricity efficiency plans and requirements including the 2019 Title 24 standards, CALGreen Code, the Ventura County General Plan 2040, and the City of Thousand Oaks General Plan, and incorporate mitigation measures, as necessary under CEQA. Related projects, as with the Project, would also be required to evaluate potential impacts related to local and regional supplies or capacity based on regional growth plans, such as the SCE energy supply projections for long-term planning.

As such, the Project's contribution to cumulative impacts due to conflicts with or obstruction of a state or local plan for renewable energy or energy efficiency would be less than cumulatively considerable.

#### **Natural Gas and Propane**

Buildout of related projects, and additional forecasted growth in SoCalGas' service area would cumulatively increase the demand for natural gas supplies and on infrastructure capacity. However, as discussed above, SoCalGas forecasts take into account projected population growth and development based on local and regional plans, and the Project's growth and development in the vicinity pursuant to the cumulative projects would not conflict with those projections.

Related projects would be required to evaluate natural gas conservation features and compliance with applicable regulations including the 2019 Title 24 standards, CALGreen Code, the Ventura County General Plan 2040, and the City of Thousand Oaks General Plan, and incorporate mitigation measures, as necessary under CEQA. Related projects would also be required to evaluate potential impacts related to consistency with local and regional supplies or capacity based on regional growth plans, such as the SoCalGas energy supply projections for long-term planning. Further, SoCalGas expects overall natural gas demand to decline through 2035, even accounting for population and economic growth, with efficiency improvements and the State's transition away from fossil fuel-generated electricity to increased renewable energy. The 2020 California Gas Report states, "SoCalGas projects total gas demand to decline at an annual rate of 1.0 percent per year from 2020 to 2035 (California Gas and Electric Utilities 2020). The decline in throughput demand is due to modest growth in the natural gas vehicle market and across-the-board declines in

other market segments.” As such, cumulative project demand for natural gas would decline since future projects would have to comply with RPS and the State’s efforts to increase electrification.

As such, since the Project does not consume natural gas and consumes minimal amounts of propane, its contribution to cumulative impacts due to conflicts with or obstruction of a state or local plan for renewable energy or energy efficiency would be less than cumulatively considerable.

### **Transportation Energy**

Buildout of the Project, related projects, and additional forecasted growth would cumulatively increase the demand for transportation-related fuel in the state and region. However, as discussed above, the Project would not conflict with the energy efficiency policies emphasized by the 2020–2045 RTP/SCS. The Project is immediately accessible to the 101 Freeway via the Westlake Boulevard and Lindero Canyon Road exits. Project residents and visitors will access the residential buildings via the driveway to the existing One Baxter Way parking area on Lakeview Canyon Road. Additional vehicular and pedestrian access is provided to the Promenade to The Oaks (retail uses) via a bridge crossing/driveway. A unique village experience would be created at the Project site as the immersive design would leverage the natural landscape that is both walkable and sustainable. Internal private drives will accommodate daily vehicular traffic, bicycles, pedestrians and emergency access vehicles. Site amenities include 154 bike parking stalls for residents and 22 short-term bike parking racks for guests. Public transportation is conveniently available to Project residents and visitors as well with a bus stop for Route 43 TOB Express to the Thousand Oaks Transit Center located on the corner of Thousand Oaks Boulevard and Lakeview Canyon Road. Route 44 is also in close proximity to the Project and additionally provides access to the Transit Center.

The 2020–2045 RTP/SCS is a regional planning tool that addresses cumulative growth and resulting environmental effects and is applicable to the Project, and related projects with respect to transportation energy efficiency. Related projects would be required under CEQA to evaluate if their respective developments would conflict with the energy efficiency policies emphasized by the 2020–2045 RTP/SCS. Furthermore, related projects would be required to implement mitigation measures, as needed, if found to be in conflict with applicable provisions of the SCAG 2020–2045 RTP/SCS for the land use type.

Since the Project would not conflict with the 2020–2045 RTP/SCS with respect to energy use, the Project’s contribution to cumulative impacts with respect to potentially significant environmental impacts due to conflicts with or obstruction of a state or local plan for transportation energy efficiency would be less than cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measure**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.



## Cumulative Mitigation Measures

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

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## 3.5.6 References

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## 3.6 Geology, Soils, and Seismicity

This section evaluates potential existing geologic, soils, and seismic hazards associated with the Project site, including surface fault rupture, strong seismic ground shaking, liquefaction, landslides, soil erosion or topsoil loss, expansive soils, and the Project's potential impacts related to geology, soils, and seismicity. This section is largely based on information and findings gathered as part of the following geotechnical reports:

- *Geologic and Seismic Hazards Review for Proposed Gateway at the Oaks Residential Development, 1 Baxter Way, Thousand Oaks, CA* (herein, referred to as the Geologic and Seismic Hazards Review), prepared by Leighton and Associates, Inc., dated August 27, 2021 (Leighton 2021a) (refer to **Appendix G-1**).
- *Geotechnical Exploration Report for The Oaks Specific Plan, 1 Baxter Way, Thousand Oaks, CA* (herein, referred to as Geotechnical Exploration Report), prepared by Leighton and Associates, Inc., dated December 3, 2021. (Leighton 2021b) (refer to **Appendix G-2**)
- *Post-Construction Stormwater Management Plan for the Gateway at the Oaks, APN 680-0-230-695 and -715* (herein, referred to as Post-Construction Stormwater Management Plan), prepared by Hunsaker and Associates, dated February 11, 2022. (Hunsaker 2022) (refer to **Appendix J-2**)

This section also evaluates potential impacts to paleontological resources and unique geologic features. The analysis of paleontological resources is based on the results of the of the following paleontological resources technical report:

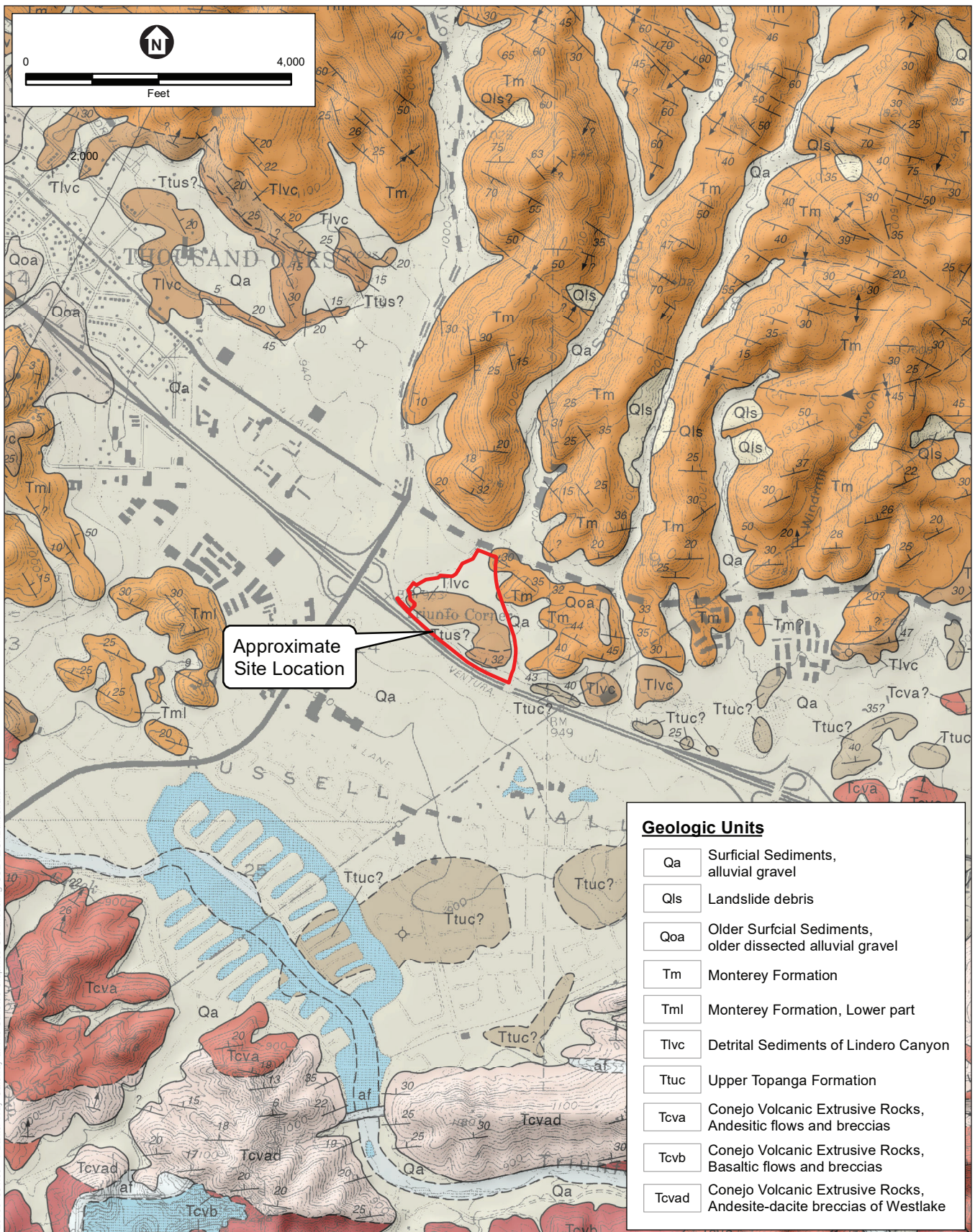
- *Paleontological Resources Assessment for The Oaks Specific Plan Project* (herein, referred to as Paleontological Resources Assessment Report), prepared by ESA, dated April 2022 (Shapiro 2022) (refer to **Appendix E-2**).

### 3.6.1 Environmental Setting

#### Regional Geology

The Project site is located within the Transverse Ranges Geomorphic Province of California along the northern flank of the Santa Monica Mountains. This geomorphic province is characterized by an east-west trending geologic grain, meaning that its primary faults, folds, mountains, and valleys are generally aligned in an east-west direction. The Transverse Ranges are a tectonically active region, with high rates of uplift, folding, and sedimentation. This deformation is driven by north-south compression associated with the interaction of the North American Plate and the Pacific Plate. This convergence has caused folding and faulting in the rock units and overlying sediments in the region.

The Project site is located west of the San Fernando Valley in the northern portion of Russell Valley and near the southern terminus of the south-trending School House and Skeleton Canyons. The site is generally underlain by Tertiary-age sedimentary bedrock with overlying surficial deposits including artificial fill and young alluvium, as shown in **Figure 3.6-1, Regional Geology Map**.



Approximate Site Location

**Geologic Units**

Qa	Surficial Sediments, alluvial gravel
Qls	Landslide debris
Qoa	Older Surficial Sediments, older dissected alluvial gravel
Tm	Monterey Formation
Tml	Monterey Formation, Lower part
Tlvc	Detrital Sediments of Lindero Canyon
Ttuc	Upper Topanga Formation
Tcva	Conejo Volcanic Extrusive Rocks, Andesitic flows and breccias
Tcvb	Conejo Volcanic Extrusive Rocks, Basaltic flows and breccias
Tcvad	Conejo Volcanic Extrusive Rocks, Andesite-dacite breccias of Westlake

SOURCE: Leighton, 2021

The Oaks Specific Plan

**Figure 3.6-1**  
Regional Geology Map



## Local Geology

Geologic conditions within the boundaries of the Project site have been interpreted from published regional geologic maps of the area and preliminary findings from the subsurface exploration performed at the site (Yerkes and Campbell 2005; Dibblee 1993). The geologic units within the Project site primarily consists of Artificial fill (Af) materials associated with the existing and previous site improvements, as well as native Quaternary age (Holocene) young alluvial deposits (Qa) and Tertiary-age bedrock of the Monterey and Lindero Canyon Formations (Leighton and Associates 2021) underlying the artificial fill materials. As discussed above, the Project site is located in the northern portion of Russell Valley within the Transverse Ranges Geomorphic Province of California. A description of each unit is presented below.

### ***Artificial Fill (Af)***

Based on preliminary findings obtained during the subsurface exploration performed at the Project site and understanding of existing site conditions, artificial fill materials between approximately 2 to 5 feet in thickness associated with the existing site improvements mantle the Project site. The artificial fill materials generally consist of silty sand, clayey sand and sandy clay derived from the local alluvial sediments and sedimentary bedrock formations. Localized thicker accumulations of artificial fill at the site should be expected.

### ***Quaternary Young Alluvium (Qa)***

Quaternary age (Holocene) younger alluvial sediments underlie the existing artificial fill materials and were encountered across the Project site to depths ranging from approximately 15 to 31 feet below existing ground surface (bgs) where the underlying bedrock was encountered. Generally, these sediments primarily consist of soft to hard, clay, sandy clay, gravelly clay, with few interbeds of very dense, silty sand and clayey sand.

### ***Tertiary Monterey Formation (Tm)***

Late Miocene age Monterey Formation bedrock underlies the alluvium in the northern portion of the Project site. Locally, the formation generally consists of gray to brown, thinly-bedded mudstone, diatomaceous clay shale, or siltstone, with interbeds of very fine-grained to coarse-grained sandstone (Dibblee 1993). As encountered in the subsurface explorations, this unit was observed to consist of oxidized fine-grained and coarse-grained sandstone and clayey sandstone and oxidized and unoxidized siltstone and claystone. Based on review of regional geologic mapping in the area (Figure 3.6-1; Dibblee 1993), bedding orientations generally strike in a northwesterly direction and dips down to the northeast at inclinations ranging from approximately 20 to 45 degrees from horizontal. Sandstone, siltstone, and claystone are generally moist and very dense to hard, with localized cemented or concretionary zones.

### ***Tertiary Lindero Canyon Formation – Volcanic Conglomerate: (Tlvc)***

Late Middle Miocene age Lindero Canyon Formation bedrock underlies the alluvium in the southern and western portions of the Project site, specifically the basal conglomerate derived from Conejo Volcanics. Locally, the formation generally consists of gray to rusty brown, massive to crudely layered conglomerate with poorly sorted, subrounded clasts as large as small boulders, of mostly andesitic rocks in incoherent detrital matrix (Dibblee 1993). As encountered

in the subsurface explorations, this unit was only observed in a limited capacity due to refusal of the borings shortly after this unit was encountered. As such, this material is very hard and should be considered very difficult to excavate. Based on review of regional geologic mapping in the area (Figure 3.6-1; Dibblee 1993), bedding orientations generally strike in a northwesterly direction and dips down to the northeast at inclinations ranging from approximately 15 to 45 degrees from horizontal.

## **Groundwater**

Groundwater within the Project site was encountered at depths ranging from approximately 15 to 25 feet bgs within the alluvial sediments in a perched condition above the bedrock at five of 14 boring locations during subsurface investigations, specifically at borings LB-4, LB-6, LB-9, LP-1, and LP-3. Subsurface borings are presented in **Figure 3.6-2, Exploration Location Map**.

According to information obtained from the *Thousand Oaks 7.5 Minute Quadrangle, Ventura and Los Angeles Counties, California* (2000), historic high groundwater levels at the Project site has been recorded at depths of approximately 10 feet bgs (CGS 2000a).

### **Groundwater Infiltration**

As a part of the subsurface exploration performed at the Project site during the geotechnical review, percolation testing was performed in temporary wells installed within four soil borings (borings LP-1 through LP-4) located in the northern and western portions of the Project site to evaluate the infiltration characteristics of subsurface soils.

The percolation tests were conducted in general accordance with the *Ventura County Technical Guidance Manual for Stormwater Quality Control Measures* (Ventura County 2018). A boring percolation test is useful for field measurements of the infiltration rate of soils and is suited for testing when the design depth of the infiltration device is deeper than current existing grades, especially in areas where it is difficult to dig test pits, or where the depths of these test pits would be considerably deep. The test consists of excavating a boring to the depth of the invert of the proposed infiltration device, installing a temporary well and conducting the test in accordance with all applicable test procedures. The falling-head test method was employed for testing, in which the volume of discharge was calculated by adding the total volume of water that dropped within the PVC pipe and within the annulus and incorporating a porosity reduction factor to account for the porosity of the annulus material. The flow area was based on the average water height within the slotted pipe section of the test well. The infiltration rate was calculated by dividing the rate of discharge by the infiltration surface area, or flow area.



SOURCE: Leighton, 2021

The Oaks Specific Plan

**Figure 3.6-2**  
Exploration Location Map

Detailed results of the field-testing data and measured infiltration rate for each test well are presented in Appendix C of the Geotechnical Exploration Report (see **Appendix G-2** of this Draft EIR). The test results are summarized in **Table 3.6-1** below:

**TABLE 3.6-1  
MEASURED (UNFACTORED) INFILTRATION RATES**

Test Well Designation	Approximate Depth of Test Zone (feet bgs)	Measure of Infiltration Rate (inches per hour)
LP-1	5 to 10	0
LP-2	2 to 9	0
LP-3	8 to 13.2	0.57
LP-4	5 to 10	0.38

NOTE: bgs = below ground surface  
SOURCE: Leighton and Associates 2021 (Appendix G-2 of this Draft EIR)

Based the results of the field percolation testing that was performed at the Project site, the measured infiltration rate for the two tests performed in the northern portion of the Project site was 0-inch per hour (LP-1 and LP-2). The measured infiltration rates for the two (2) tests performed in the western portion of the Project site were 0.57 inch per hour (LP-3) and 0.38 inch per hour (LP-2), respectively.

## Geologic Hazards

### *Fault Rupture*

Fault rupture is defined as the displacement that occurs along the surface of a fault during an earthquake. Based on criteria established by the California Geological Survey (CGS), faults are classified as either active, potentially active, or inactive. Faults are considered active when they have shown evidence of movement within the past 11,000 years (i.e., Holocene epoch). Potentially active faults are those that have shown evidence of movement between 1.6 million and 11,000 years ago (Quaternary age). Faults showing no evidence of surface displacement within the last 1.6 million years are considered inactive (CGS 2018a). Blind thrust faults are defined as faults that are deeper and do not exhibit surface expression or displacement but that nonetheless can become a potential significant source of seismic activity. Since they are essentially buried, their existence is usually not known until they produce an earthquake.

The Alquist-Priolo Earthquake Fault Zoning Act (formerly known as the Alquist-Priolo Special Studies Zones Act) established state policy to identify active faults and determine a boundary zone on either side of a known fault trace, called the Alquist-Priolo Earthquake Fault Zone. The delineated width of an Alquist-Priolo Earthquake Fault is based on the location precision, complexity, or regional significance of the fault and can be between 200 and 500 feet in width on either side of the fault trace. If a site lies within a designated Alquist-Priolo Earthquake Fault Zone, a geologic fault rupture investigation must be performed to demonstrate that a proposed



building site is not threatened by surface displacement from the fault, before development permits may be issued (CGS 2018a).

According to the Geotechnical Exploration Report (**Appendix G-2** of this Draft EIR), there are no active or potentially active faults known to cross the Project site, and it is not located within an Alquist-Priolo Earthquake Fault Zone (CGS 2018a; Bryant and Hart 2007) and as such, the potential for surface fault rupture at the Project site is considered low. However, similar to all of Southern California, several active and potentially active faults are mapped within 100 kilometers (62 miles) of the Project site. The location of the closest active faults near the Project site was evaluated using the *United States Geological Survey (USGS) Earthquake Hazards Program National Seismic Hazard Maps* (USGS 2008). The closest active faults to the site with the potential for surface fault rupture are the Simi-Santa Rosa fault zone and the Malibu Coast fault, located approximately 7.5 miles and 8.3 miles from the Project site, respectively. The San Andreas fault, which is the largest active fault in California, is approximately 41 miles northeast of the Project site. A discussion of each fault is discussed below.

### **Simi-Santa Rosa Fault Zone**

The Simi-Santa Rosa fault zone is located approximately 7.5 miles north of the Project site. It is a complex fault zone up to 30 miles (98 km) long that extends from Simi Valley to Camarillo. In Simi Valley the Simi Fault forms a linear, low-sinuosity mountain front along the northern side of the valley (Hanson 1983). Although geologic and geomorphic features indicative of Quaternary to Holocene activity on this fault were reported as early as 1977, conclusive evidence of Holocene activity on the Santa Rosa segment of the fault system was first reported in 1991. In Simi Valley, the Simi Fault has been observed to thrust Sespe bedrock over alluvial sediments of late Quaternary to Holocene age (AEG 1991).

### **Malibu Coast Fault**

The Malibu Coast fault is located approximately 8.3 miles south of the site. The entire 23-mile-long fault zone is considered to be a potential source in the present statewide probabilistic seismic hazard model and is considered capable of generating a maximum moment magnitude earthquake of 6.7 (Petersen et al. 1996).

### **San Andreas Fault**

The San Andreas Fault is widely recognized as the longest fault in California with the greatest potential to generate the highest magnitude and strong ground motion earthquakes in the state of California. Its activity is known from historic earthquakes (some of which have caused rupture of the ground surface) and from many fault studies that have shown that the San Andreas offsets or displaces recently deposited sediments. The San Andreas Fault has been mapped from Cape Mendocino in northern California to an area near the Mexican border, a distance of about 600 miles (965 km). Recent work indicates that large earthquakes have occurred along the fault at time intervals averaging about 160 years, and that during these major earthquakes, the fault breaks along distinct segments. The closest segment of the San Andreas Fault to the site is the 1857 Rupture Segment, located about 33 miles (53.1 km) to the northeast. This segment is thought capable of producing a maximum credible earthquake (a worst-case scenario) of moment magnitude 7.8 (Peterson, et al. 1996).

### ***Ground Shaking***

Seismicity is the geographic and historical distribution of earthquakes, including their frequency, intensity, and distribution. The level of ground shaking at a given location depends on many factors, including the size and type of earthquake, distance from the earthquake, and subsurface geologic conditions. The type of construction also affects how particular structures and improvements perform during ground shaking. A common measure of ground motion is the peak ground acceleration (PGA). It is not a measure of total energy of an earthquake, such as the Richter and moment magnitude scales, but rather of how hard the ground shakes in given geographic area. PGA is expressed as the percentage of the acceleration due to gravity, or ground motion (G), which is approximately 980 centimeters per second squared.

An evaluation of historical seismicity from significant past earthquakes related to the Project site was performed. According to the Geotechnical Report, historic seismicity at the Project site was estimated using the EQSEARCH computer program with Earthquake Catalog Data between the years of 1800 through 2018. Within that timeframe, 613 earthquakes with magnitudes of M4.0 or greater were found within a 62-mile (100 kilometer) radius of the Project site. Of these earthquakes, the closest was located 4.1 miles (6.6 kilometers) southeast of the Project site and occurred on May 10, 1911. This earthquake registered a 4.0 Mw and induced an estimated ground acceleration at the Project site of about 0.109g. The largest estimated ground acceleration at the Project site was 0.235g from an earthquake with magnitude of 7.0 Mw and located offshore at a distance of 15.0 miles (24.1 kilometers) southwest of the Project site.

Review of additional data publicly available from the Center for Engineering Strong Motion Data (CESMD) website was reviewed for stations in the vicinity of the Project site. The data reviewed indicates that a site located approximately 3 miles to the southeast of the Project site experienced a peak ground acceleration of 0.039g from a magnitude M4.4 earthquake that occurred on March 17, 2014.

### ***Liquefaction and Lateral Spreading***

Liquefaction is the loss of soil strength or stiffness due to a buildup of pore-water pressure during severe ground shaking. Liquefaction is associated primarily with loose (low density), saturated, fine- to medium-grained, cohesionless soils. Effects of severe liquefaction can include sand boils, excessive settlement, bearing capacity failures, and lateral spreading.

Review of the Thousand Oaks Quadrangle Seismic Hazard Zone Map (CGS 2000b) indicates that the site is not within an area identified as being potentially susceptible to liquefaction. Since the subsurface soils at the site are predominately fine-grained (i.e., silt or clay) with isolated layers of very dense granular soils over relatively shallow bedrock, the potential for liquefaction at the site is considered low. Since the potential for liquefaction is considered low, the potential for lateral spreading to occur at the site is considered low.

### ***Ground Subsidence***

Regional ground subsidence generally occurs due to rapid and intensive removal of subterranean fluids, typically water or oil. It is generally attributed to the consolidation of sediments as the fluid in the sediment is removed. The total load of the soils in partially or fully saturated deposits

is born by their granular structure and the fluid. When the fluid is removed, the load is born by the sediment alone and it settles. No reports on regional subsidence have documented subsidence in the Project site vicinity, and the Project would not involve the removal of water or oil at the site, and therefore, resulting in the low potential for ground subsidence to occur at the site.

### ***Landslides/Slope Stability***

As discussed above, during review of the *Thousand Oaks Quadrangle Seismic Hazard Zone Map* (CGS 2000b) indicates that the Project site is not within an area identified as being potentially susceptible to seismically-induced landslides. No landslides are mapped or known to exist at the Project site or vicinity.

Additionally, the Project site is not located within any mapped landslide area by the City of Thousand Oaks General Plan's Safety Element (City of Thousand Oaks 2014). Since the developed site generally consists of relatively level pads in the areas of the proposed development, the potential for slope instability and landslides is not considered a geotechnical hazard for the site.

### ***Seismically-Induced Settlement***

Seismically-induced settlement consists of dry dynamic settlement (above groundwater) and liquefaction-induced settlement (below groundwater). These settlements occur primarily within loose to moderately dense sandy soil due to reduction in volume during and shortly after an earthquake event.

The soil profiles obtained from hollow-stem auger borings are interpreted from samples taken at 5-foot intervals. Based on analysis within the Geotechnical Report, the total seismically-induced settlement is expected to be on the order of 0.5-inch or less. Differential settlement is estimated to be approximately one half of the total settlement over 40 feet.

### ***Erosion/Debris Flow***

The erosion characteristics of the unconsolidated alluvial deposits exposed on any future potential temporary cut slopes on-site is expected to be moderately susceptible to erosion. Although not currently anticipated, any manufactured slopes composed of compacted fill would be expected to be moderately susceptible to erosion.

According to the Geotechnical Report, the native soils on-site, as well as fill slopes constructed with native soils, would have a moderate susceptibility to erosion. These materials would be particularly prone to erosion during excavation and site development, especially during heavy rains.

### ***Flooding***

According to a Federal Emergency Management Agency (FEMA) flood insurance rate map (FEMA 2018), the Project site is located within a flood hazard area identified as "Zone X", which is defined as an area of minimal flood hazard. Based on the FEMA designation, the Project site is not located within a 100-year or 500-year flood hazard zone. Regionally, storm runoff flow is generally directed to the southwest.

Earthquake-induced flooding can be caused by failure of dams or other water retaining structures as a result of an earthquake. According to the Geologic and Seismic Hazards Review provided in **Appendix G-1**, the Project site is located outside of a dam inundation area. Due to the absence of such structures near the site, the potential for earthquake-induced flooding at the site is considered low.

### ***Expansive Soils***

Expansive soils contain significant amounts of clay particles that swell considerably when wetted and shrink with the loss of water. Foundations and structures constructed on these soils can be subjected to uplifting forces caused by the swelling, potentially resulting in heaving, and cracking of both building foundations and slabs-on-grade.

Based on field explorations during the Geotechnical Exploration, the near-surface (upper 5 feet) on-site soils consist predominantly of clay. The results of expansion index (EI) testing performed on near surface soil from borings LB-1 and LB-6 indicate low to high expansion potential with EI values of 42 and 101, respectively. The test results are included in Appendix D of the Geotechnical Exploration Report (see **Appendix G-2** of this Draft EIR).

### ***Corrosive Soils***

A bulk soil sample of the near-surface (upper 5 feet) on-site soil recovered from borings LB-1 was tested for corrosivity to assess corrosion potential to buried concrete and ferrous metals. The test results are included in Appendix D of the Geotechnical Exploration Report (see **Appendix G-2** of this Draft EIR).

The test results indicate a soluble sulfate concentration of 119 parts per million (ppm), chloride content of 60 ppm, pH value of 7.82, and a minimum resistivity value of 1,400 ohm-cm. The results of the resistivity tests indicate the underlying soil is severely corrosive to buried ferrous metals per ASTM STP 1013.

Based on the measured water-soluble sulfate content from the soil samples, concrete in contact with the soil is expected to have negligible exposure to sulfate attack per ACI 318-11. The samples tested for water-soluble chloride content indicates a low potential for corrosion of steel in concrete due to the chloride content of the soil.

### ***Methane Hazards***

Based on review of State of California Geologic Energy Management Division (CalGEM) records, the Project site is not located within a documented oil field, and there are no documented oil wells on-site (CalGEM 2021). Based on these findings, methane is not considered a hazard at the site.

## **Paleontological Resources**

Environmental Science Associates (ESA) prepared a Paleontological Resources Assessment Report for The Oaks Specific Plan Project in April 2022 (Shapiro 2022). The Paleontological Resources Assessment Report is included as **Appendix E-2** of this Draft EIR.

The Society of Vertebrate Paleontology (SVP) has established standard guidelines (SVP 2010) that outline professional protocols and practices for conducting paleontological resource assessments and surveys, monitoring and mitigation, data and fossil recovery, sampling procedures, and specimen preparation, identification, analysis, and curation. Most practicing professional vertebrate paleontologists adhere closely to the SVP's assessment, mitigation, and monitoring requirements as specifically provided in its standard guidelines. Most state and local regulatory agencies accept and use the professional standards set forth by the SVP.

Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils. This is determined by rock type, past history of the geologic unit in producing significant fossils, and fossil localities recorded from that unit. Paleontological sensitivity is derived from the known fossil data collected from the entire geologic unit, not just from a specific survey. In its "Standard Guidelines for the Assessment and Mitigation of Adverse Impacts to Non-renewable Paleontologic Resources," the SVP (2010) defines four categories of paleontological sensitivity (potential) for rock units: high, low, undetermined, and no potential, and makes recommendations for the level of monitoring for each.

Paleontological resources are the fossilized remains or impressions of plants and animals, including vertebrates (animals with backbones; mammals, birds, fish, etc.), invertebrates (animals without backbones; starfish, clams, coral, etc.), and microscopic plants and animals (microfossils). They are valuable, nonrenewable, scientific resources used to document the existence of extinct life forms and to reconstruct the environments in which they lived. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits. The age, abundance, and distribution of fossils depend on the geologic formation in which they occur and the topography of the area in which they are exposed. The geologic environments within which the plants or animals became fossilized usually were quite different from the present environments in which the geologic formations now exist.

1. **High Potential.** Rock units from which vertebrate or significant invertebrate, plant, or trace fossils have been recovered are considered to have a high potential for containing additional significant paleontological resources. Rocks units classified as having high potential for producing paleontological resources include, but are not limited to, sedimentary formations and some volcanoclastic formations (e.g., ashes or tephros), and some low-grade metamorphic rocks which contain significant paleontological resources anywhere within their geographical extent, and sedimentary rock units temporally or lithologically suitable for the preservation of fossils (e.g., middle Holocene and older, fine-grained fluvial sandstones, argillaceous and carbonate-rich paleosols, cross-bedded point bar sandstones, fine-grained marine sandstones, etc.).
2. **Low Potential.** Reports in the paleontological literature or field surveys by a qualified professional paleontologist may allow determination that some rock units have low potential for yielding significant fossils. Such rock units will be poorly represented by fossil specimens in institutional collections, or based on general scientific consensus only preserve fossils in rare circumstances and the presence of fossils is the exception not the rule (e.g., basalt flows or Recent colluvium). Rock units with low potential typically will not require impact mitigation measures to protect fossils.
3. **Undetermined Potential.** Rock units for which little information is available concerning their paleontological content, geologic age, and depositional environment are considered to have

undetermined potential. Further study is necessary to determine if these rock units have high or low potential to contain significant paleontological resources. A field survey by a qualified professional paleontologist to specifically determine the paleontological resource potential of these rock units is required before a paleontological resource impact mitigation program can be developed. In cases where no subsurface data are available, paleontological potential can sometimes be determined by strategically located excavations into subsurface stratigraphy.

4. **No Potential.** Some rock units have no potential to contain significant paleontological resources, for instance high-grade metamorphic rocks (such as gneisses and schists) and plutonic igneous rocks (such as granites and diorites). Rock units with no potential require no protection nor impact mitigation measures relative to paleontological resources.

For geologic units with high potential, full-time monitoring is generally recommended during any ground disturbance. For geologic units with low potential, monitoring will not generally be required. For geologic units with undetermined potential, field surveys by a qualified vertebrate paleontologist or observations of excavations should be conducted to specifically determine the paleontological potential of the rock units present within the study area.

### ***Literature Review***

A literature review of published sources was conducted to determine whether paleontological resources have been identified in the particular geologic units that are mapped within the Project site. The Project site and vicinity is noted on several 1:24,000 scale geological maps. Dibblee and Ehrenspeck (1993) was used as the primary source, but the terminology of Yerkes and Showalter (1991) was also employed. The results of the literature review are provided below and are listed by their respective geologic units. The Artificial fill was not considered as it is not a natural geological unit.

### **Quaternary Alluvium (Qa)**

The youngest unit in the area is the alluvium filling the valley floors. Dibblee and Ehrenspeck (1993) do not provide much information but alluvium in the greater Los Angeles area tends to be coarse gravel to sandstone and variable thickness. The age of the alluvium in the Project site is difficult to ascertain. While the surficial alluvium is likely less than 10,000 years old based on similar geological settings, at depth the alluvium may be Pleistocene in age (2,580,000 to 11,700 years ago) based on other fossils found in the general region (REFS) and LACM records, see below). Older alluvium in the greater Los Angeles basin has been known to host significant Pleistocene-age fauna (e.g., Hudson and Brattstrom 1977; Jefferson 1991a, 1991b; Miller 1941, 1971; Scott and Cox 2008; Dooley et al. 2019). The most common Pleistocene terrestrial mammal fossils include the bones of mammoth, bison, deer, and small mammals, but other taxa, including horse, lion, cheetah, wolf, camel, antelope, peccary, mastodon, capybara, and giant ground sloth, have been reported (Graham and Lundelius 1994), as well as reptiles such as frogs, salamanders, and snakes (Hudson and Brattstrom 1977). In addition to illuminating the striking differences between Southern California in the Pleistocene and today, this abundant fossil record has been vital in studies of extinction (e.g., Sandom et al. 2014; Barnosky et al. 2004), ecology (e.g., Connin et al. 1998), and climate change (e.g., Roy et al. 1996).

### **Monterey Formation (Tm)**

The Monterey Formation, and its equivalent, the Modelo Formation, have long been known to host a rich and diverse Miocene-age (23.03 to 5.333 million years ago) marine fauna (e.g., Stadum 1984). In addition to the cetaceans recovered from the thin, siliceous shales (Ventimiglia 2010; Boersma and Pyenson 2015), other vertebrates include desmostylids (McLeod and Barnes 1984), fish (Hakel and Stewart 2002) and seabirds (Kloess and Parham 2017). Invertebrate representing diverse marine environments have been studied from the Monterey Formation in Southern California, including crabs (Schweitzer and Feldmann 2015), pelagic octopuses (Saul and Stadum 2005), stomatopod crustaceans (Hof and Schram 1998), and rare agglutinated foraminifera (Finger et al. 2008). Trace fossils, recording ancient ecological interactions have also been described from the Monterey (Savdra and Bottjer 1986). In summary, the Monterey Formation has been noted as one of the most critical fossil-bearing units in Southern California and was recommended for special protection (Pearson et al. 2016).

### **Lindero Canyon Formation (Tlvc)**

The oldest unit in the Project site is the middle Miocene-age (15.97 to 11.608 million years ago) Lindero Canyon Formation, also known as the Topanga and Calabasas formations. The base of the formation is a regionally recognized conglomerate composed of clasts of the underlying Conejo Volcanics (Yerkes et al. 1979). While fossil wood has been recovered from the Conejo Volcanics as well as the conglomerate (Stadum and Weigland 1999), in general the formation is fossil-poor and the coarse nature of the deposit precludes good fossil preservation.

### ***Paleontological Resources Records Search***

On December 12, 2021, the Natural History Museum of Los Angeles County (LACM) conducting a records search of fossil localities in and around the Project site (Bell 2021). The purpose of the museum records search was to (1) determine whether any previously recorded fossil localities occur in the Project site, (2) assess the potential for disturbance of these localities during construction, and (3) evaluate the paleontological sensitivity within the Project site and vicinity.

The search yielded no fossil localities within the Project site, but did identify fossils from similar formations near the Project site. Most critically, there are five unique localities in the Project site's vicinity hosting Pleistocene fossils. These fossils include ground sloths, mastodons, and mammoths recovered from depths up to 15 feet bgs. This suggests the possibility that Pleistocene alluvium underlies the Holocene alluvium. In addition, the LACM also records several fossils from the Monterey Formation (teleost fish and the seabird *Puffinus*).

### ***Paleontological Sensitivity Analysis***

The literature and geologic mapping review, as well as the LACM records search results, were used to assign paleontological sensitivity to the geologic units at surface and underlying the Project site, following the guidelines of the SVP (2010). These results are summarized in **Table 3.6-2**, and discussed in detail in the following paragraphs.

**TABLE 3.6-2  
 SUMMARY OF PALEONTOLOGICAL SENSITIVITY**

<b>Geologic Unit</b>	<b>Map Unit</b>	<b>Age</b>	<b>Description</b>	<b>Depth</b>	<b>Sensitivity</b>
Artificial Fill	Af	—	Silty sand, clayey sand and sandy clay derived from the local alluvial sediments and sedimentary bedrock formations	2–5 feet bgs	None
Quaternary Alluvium	Qa	Holocene to Pleistocene	Alluvial gravel, sand, and clay of valley areas	Up to 30 feet bgs	Low to High
Monterey Formation	Tm	Late Miocene	Thin-bedded, platy siliceous shales; thin hard calcareous layers	Below 15–30 feet bgs	High
Lindero Canyon Formation	Tlvc	Middle Miocene	Conglomerate of volcanic clasts	Below 15–30 feet bgs	Low

NOTE: bgs = below ground surface.

SOURCES: Dibblee and Ehrenspeck 1993; Leighton and Associates 2021.

### **Artificial Fill (Af)**

The uppermost layer of artificial fill ranges from 2-5 feet thickness across the Project site. Given the disturbed nature of the fill it is unlikely to contain intact fossiliferous deposits. Therefore, this unit is assigned to have no potential to contain paleontological resources.

### **Quaternary Alluvium (Qa)**

The Quaternary alluvium mapped within much of the Project site dates to the Holocene from a period of 1,000-10,000 years ago though it is possible that older, Pleistocene alluvium is found at depths of 10 feet or more (based on the LACM records). While excavation into the uppermost (or more recent) layers of these Holocene deposits would not impact fossils, deeper excavations could encounter paleontological resources per the SVP’s minimum age threshold (e.g., 5,000 years) for what may constitute a fossil. Therefore, this unit is assigned a low to high potential to contain paleontological resources, increasing with depth of excavation.

### **Monterey Formation (Tm)**

The Monterey Formation, and its equivalents, are known to contain a sporadic but significant marine vertebrate fossil record throughout coastal Southern California. The LACM records note a diverse collection of marine vertebrates near the Project site. Based on the museum records and the literature, this unit is assigned a high potential to contain paleontological resources.

### **Lindero Canyon Formation (Tlvc):**

The Lindero Canyon Formation in the Project site is dominated by the basal conglomerate composed of clasts of the Conejo Volcanics. The LACM records and literature do not support a known fossil record for these facies, so the unit is assigned a low potential for paleontological resources.



## 3.6.2 Regulatory Setting

### Geology and Soils

#### *Federal*

##### **Earthquake Hazards Reduction Act**

The United States Congress passed the Earthquake Hazards Reduction Act in 1977 to reduce the risks to life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards reduction program. To accomplish this goal, the act established the National Earthquake Hazards Reduction Program. This program was substantially amended in November 1990 by the National Earthquake Hazards Reduction Program Act, which refined the description of agency responsibilities, program goals, and objectives.

##### **National Pollutant Discharge Elimination System**

The National Pollution Discharge Elimination System (NPDES) is a program created to implement the Clean Water Act (CWA). In response to the 1987 amendments to the CWA and as part of Phase I of its NPDES permit program, U.S. Environmental Protection Agency (USEPA) began requiring NPDES permits for (1) municipal separate storm sewer systems (MS4s) generally serving or located in incorporated cities with 100,000 or more people (referred to as municipal permits); (2) 11 specific categories of industrial activity (including landfills); and (3) construction activity that disturbs five acres or more of land. Phase II of USEPA's NPDES permit program, which went into effect in early 2003, extended the requirements for NPDES permits to (1) numerous small MS4s; (2) construction sites of 1 to 5 acres; and (3) industrial facilities owned or operated by small MS4s.<sup>1</sup> In 2009, USEPA published effluent limitation guidelines and new source performance standards for the construction and development industry that became effective in 2010. The NPDES permit program is typically administered by individual authorized states.

USEPA has delegated management of California's NPDES program to the State Water Resources Board (SWRCB) and the nine regional water quality control board (RWQCB) offices that grant permits to regulate point-source discharges of industrial and municipal wastewater into the waters of the United States.

#### *State*

##### **Alquist-Priolo Earthquake Fault Zoning Act**

The Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code Section 2621) was enacted by the State of California in 1972 to address the hazard of surface faulting to structures for human occupancy. The Alquist-Priolo Earthquake Fault Zoning Act was a direct result of the 1971 San Fernando Earthquake, which was associated with extensive surface fault ruptures that damaged homes, commercial buildings, and other structures. The primary purpose of the Alquist-Priolo Earthquake Fault Zoning Act is to prevent the construction of buildings intended for human occupancy on the surface traces of active faults. The Alquist-Priolo Earthquake Fault

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<sup>1</sup> A small municipal separate storm sewer system (MS4) is any municipal separate storm sewer not already covered by the Phase I program as a medium or large MS4. The Phase II Rule automatically covers on a nationwide basis all small MS4s located in "urbanized areas" as defined by the Bureau of the Census (unless waived by the NPDES permitting authority) and, on a case-by-case basis, those MS4s located outside of urbanized areas that the NPDES permitting authority designates.

Zoning Act is also intended to provide the citizens with increased safety and to minimize the loss of life during and immediately following earthquakes by facilitating seismic retrofitting to strengthen buildings against ground shaking.

The Alquist-Priolo Earthquake Fault Zoning Act requires the State Geologist to establish regulatory “earthquake fault zones” around the surface traces of active faults and to issue appropriate maps to assist cities and counties in planning, zoning, and building regulation functions. Maps are distributed to all affected cities and counties to assist them in regulating new construction and renovations. These maps are required to sufficiently define potential surface rupture or fault creep. The State Geologist is charged with continually reviewing new geologic and seismic data, revising existing zones, and delineating additional earthquake fault zones when warranted by new information. Local agencies must enforce the Alquist-Priolo Earthquake Fault Zoning Act in the development permit process, where applicable, and may be more restrictive than State law requirements. Projects within an earthquake fault zone can be permitted, but only after cities and counties have required a geologic investigation, prepared by licensed geologists, to demonstrate that buildings will not be constructed across active faults. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back. Although setback distances may vary, a minimum 50-foot setback is generally required. The Alquist-Priolo Earthquake Fault Zoning Act and its regulations are presented in the California Geological Survey (CGS) Special Publication (SP) 42, Fault-rupture Hazard Zones in California (CGS 2018b).

### **Seismic Hazards Mapping Act**

The purpose of the Seismic Hazards Mapping Act is to protect the public from the effects of non-surface fault rupture earthquake hazards, inducing strong ground shaking, liquefaction, seismically induced landslides, or other ground failure caused by earthquakes. The Seismic Hazards Mapping Act requires delineated maps to be created by the State Geologist to reflect where potential ground shaking, liquefaction, or earthquake-induced landslides may occur.<sup>2</sup> Cities and counties are required to obtain approval for development on non-surface fault rupture hazard zones and mitigate seismic hazards.

### **California Building Code, California Code of Regulations**

The California Building Standards Code (CBC) is administered by the California Building Standards Commission (CBSC). The CBC governs all development within the State of California, as amended and adopted by each local jurisdiction. These regulations include provisions for site work, demolition, and construction, which include excavation and grading, as well as provisions for foundations, retaining walls, and expansive and compressible soils. The CBC provides guidelines for building design to protect occupants from seismic hazards. The most recent version of the code, the 2019 CBC, went into effect on January 1, 2020.

In addition, the CBC regulates excavation, foundations, and retaining walls; contains specific requirements pertaining to site demolition, excavation, and construction to protect people and

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<sup>2</sup> Seismic Hazards Mapping Act, PRC sec. 2690–2699.6

property from hazards associated with excavation cave-ins and falling debris or construction materials; and regulates grading activities, including drainage and erosion control.

### **Local**

#### **City of Thousand Oaks General Plan**

The City of Thousand Oaks General Plan Safety Element contains the following goals and policies that pertain to faulting/seismic hazards and geologic hazards and applicable to the proposed Project.

#### **Faulting and Seismic Hazards**

**Goal S-1:** Minimize the risk of loss of life, injury, damage to property, and economic and social dislocation resulting from fault rupture and seismically induced ground shaking.

**Policy A-1:** Require site-specific geologic and engineering investigations as specified in the Uniform Building Code and Municipal Code for proposed new developments and/or when deemed necessary by the City Engineer through the California Environmental Quality Act (CEQA) process.

**Policy A-2:** Adopt the latest California Building Code (CBC) and enforce provisions relating to earthquake resistant design.

**Policy A-3:** Enforce provisions of Title 7, Chapter 3 (Grading) and Title 8, Chapter 1 (Building Code) of the Municipal Code that incorporate the CBC with amendments specific to the City.

#### **Geologic Hazards**

**Goal S-2:** Safeguard life, limb, health, property, and the public welfare by establishing minimum requirements for regulating grading and procedures by which such requirements may be enforced (Municipal Code Section 7-3.01).

**Goal S-3:** Provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, demolition, and maintenance of all buildings and structures within the City and certain equipment specifically regulated therein (Municipal Code Section 8-1.02).

#### **Grading/Building Construction**

**Policy B-1:** Require any alteration, grading, excavation or fill activity to comply with the City's Grading Ordinance.

**Policy B-2:** Require that all construction be in accordance with the most current version of the California Building Code and Title 8, Chapter 1 of the Municipal Code which incorporates the CBC with specific amendments.

**Policy B-3:** Perform site-specific geologic and engineering investigations for new developments as specified in the CBC and Municipal Code.

**Policy B-5:** Continue to regulate grading during the rainy season (November-April) in order to control erosion and protect life and property from damage due to flooding or erosion associated with grading activities.

### **Liquefaction**

**Policy B-6:** Conduct soils investigations to evaluate hazards potential for proposed developments in areas of potential liquefaction.

**Policy B-7:** Require project modifications, including but not limited to project redesign, elimination of building sites, building envelopes and drainage and foundation requirements, as necessary in order to mitigate liquefaction hazards.

### **Landslides and Debris Flows**

**Policy B-9:** Require that all development activities provide a setback from potentially unstable areas or from the margins of potential debris flow channels and depositional areas as identified through engineering and geologic studies.

**Policy B-10:** Require drainage plans designed to direct runoff away from unstable areas.

**Policy B-14:** Require project modifications, including but not limited to hazard mitigation, project redesign, elimination of building sites and development of building and septic system envelopes, building setbacks and foundation and drainage requirements as necessary in order to mitigate landslide and debris flow hazards. Soils Subject to Expansion, Settlement and Hydrocompaction.

**Policy B-15:** Require the preparation of a preliminary soils report, prepared by a registered civil engineer and based upon adequate test borings, for every subdivision and every individual lot where soils have been identified that are subject to expansion, settlement or hydrocompaction.

**Policy B-16:** Require a soils report where there is inadequate soils information prior to issuance of permits for habitable structures and private wastewater disposal (septic) systems.

**Policy B-17:** Require the developers and/or subdividers of a parcel or parcels in an area of known highly expansive soils hazard to record a notice of Geologic Hazards with the County Recorder describing the potential hazards on the parcel and the level of prior geologic investigation conducted.

**Policy B-18:** Require project modifications, including but not limited to hazard mitigation, project redesign, elimination of building sites, building envelopes and drainage and foundation requirements as necessary in order to mitigate hazards associated with soils that may be subject to expansion, settlement or hydrocompaction.

### **Flood Hazards**

**Goal S-4:** Minimize the risk of loss of life, injury, damage to property, and economic and social dislocations resulting from inundation by dam failure or floods.

**Policy C-6:** Locate structures and additions outside of the 100-year floodplain unless such facilities are necessary to serve existing uses and construction of these structures

will not increase the hazard to life or property within or adjacent to the floodplain. Location within the floodplain shall be governed by Title 4, Chapter 7 of the Thousand Oaks Municipal Code and shall require certification by a registered professional demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the 100-year flood.

**Policy C-8:** Comply with provisions of the Master Plan of Drainage for all new development within the City. The City shall update this document as necessary.

**Policy C-9:** Implement drainage improvements to address deficiencies identified in the Master Plan of Drainage.

**Policy C-11:** Update the City's Emergency Operations Plan (Multi-Hazard Function Plan) periodically to incorporate emergency preparedness procedures relating to flood hazards.

### **City of Thousand Oaks Municipal Code**

Title 7, Chapter 3, Grading, within the City of Thousand Oaks Municipal Code (TOMC) establishes minimum requirements for regulating grading and procedures for the purpose of safeguarding life, limb, health, property, and the public welfare by establishing minimum requirements for regulating grading and procedures by which such requirements may be enforced.

## **Paleontological Resources**

### **State**

#### **California Environmental Quality Act**

The State CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations, Section 15000 *et seq.*), are prescribed by the Secretary of Resources to be followed by state and local agencies in California in their implementation of the CEQA. Specifically, potential impacts on paleontological resources are to be assessed.

#### **Public Resources Code Section 5097.5 and Section 30244**

Other state requirements for paleontological resource management are included in PRC Section 5097.5. These statutes prohibit the removal of any paleontological site or feature from public lands without permission of the jurisdictional agency, define the removal of paleontological sites or features as a misdemeanor.

Section 30244 states that “where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.”

### **Local**

#### **City of Thousand Oaks General Plan**

The City of Thousand Oaks General Plan Conservation Element contains the following policies that pertain to paleontological resources within the Project area:

## Faulting and Seismic Hazards

**Policy CO-37:** Management of paleontological resources such as significant fossil beds, or fossils of regional significance shall emphasize resource protection and conservation unless excavation and salvage is deemed appropriate by scientific authorities.

**Policy CO-38:** Decisions pertaining to the disposition of paleontological resources shall be made in concert with recognized public agencies, groups or individuals having jurisdiction, expertise of interest in these matters, including but not limited to the Stagecoach Inn Museum, local natural history museums, colleges and universities.

### 3.6.3 Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to geology and soils if it would:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (see Impact 3.6-1a, below).
  - Strong seismic ground shaking (see Impact 3.6-1b, below).
  - Seismic-related ground failure, including liquefaction (see Impact 3.6-1c, below).
  - Landslides (see Impact 3.6-1d, below).
- Result in substantial soil erosion or the loss of topsoil (see Impact 3.6-2, below).
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse (see Impact 3.6-3, below).
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property (see Impact 3.6-4, below).
- Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater (see Section 5.1.3 in Chapter 5, *Other CEQA Considerations*, of this Draft EIR).
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (see Impact 3.6-5, below).

### 3.6.4 Methodology

#### Geology and Soils

The analysis of impacts related to geology and soils is based on the geotechnical evaluations prepared for the Project. These evaluations are provided in **Appendix G-1** (Geologic and Seismic Hazards Review) and **Appendix G-2** (Geotechnical Exploration Report) of this Draft EIR.

The objective of the Geotechnical Exploration Report was to assess soil and geologic conditions at and in the vicinity of the Project site based on existing and available data. A preliminary geotechnical exploration to support the Project, which included subsurface exploration, laboratory testing and analysis to develop geotechnical recommendations for design and construction of the Project.

The subsurface exploration included drilling, logging, and sampling of fourteen (14) hollow-stem auger soil borings across the site, including four (4) field percolation tests.

Subsurface explorations were performed by Leighton and Associates between August 9 and August 11, 2021, and included drilling, logging, and sampling of 10 hollow-stem auger soil borings (designated LB-1 through LB-10) to depths of approximately 15.3 and 45.2 feet bgs. All ten (10) soil borings encountered auger refusal prior to reaching the target depth of 50 feet bgs. Four (4) additional soil borings (designated LP-1 through LP-4) were drilled, logged, and sampled to depths between approximately 11.5 and 31.5 feet bgs for percolation testing, and auger refusal was also encountered in borings LP-3 and LP-4. Logs of the borings advanced at the site are included in Appendix B, Boring Logs, and results of the percolation tests are included in Appendix C, Percolation Test Data, of the Geotechnical Exploration Report (**Appendix G-2** of this Draft EIR).

Final results of the subsurface explorations are based on the Geotechnical Exploration Report, included as **Appendix G-2** of this Draft EIR.

During drilling of the borings, bulk and drive samples were obtained for geotechnical laboratory testing. Driven ring samples were collected from the borings using a Modified California ring-lined sampler conducted in accordance with ASTM Test Method D 3550. Standard Penetration Tests (SPTs) were also performed within the borings in accordance with ASTM Test Method D 1586.

Samples were collected at 5-foot intervals throughout the depth of exploration. The borings were logged in the field by a geologist from Leighton and Associates. Each soil sample collected was reviewed and described in accordance with the Unified Soil Classification System (USCS). The samples were sealed and packaged for transportation to our laboratory for testing. After completion of drilling, the borings were backfilled to the ground surface with soil cuttings and patched with cold-mix asphalt concrete at the surface to match existing conditions.

In addition, three (3) geophysical survey lines were performed at the site to obtain a site-specific shear wave velocity profile at depth; however, the results of the geophysical surveys and subsurface explorations were not available at the time of the Geotechnical Report.

In addition to the soil borings, a geophysical evaluation was performed at the site on August 10, 2021, by Atlas Technical Consultants, LLC (Atlas 2021) in order to develop a shear-wave velocity profile of the subsurface earth materials at the site to definitively classify the Site Class for seismic design. The geophysical survey consisted of performing three (3) refraction microtremor (ReMi) profiles approximately 230 feet in length within the footprint of each of the proposed structures. The ReMi technique uses recorded surface waves (specifically Rayleigh waves) that are contained in background noise to develop a shear-wave velocity profile of the study area down to a depth, in

this case, of approximately 100 feet. The locations of the ReMi profiles are shown on Figure 2 of the Geotechnical Exploration and a copy of the report prepared by Atlas (2021) documenting the results of the geophysical evaluation is included in Appendix B, Geophysical Evaluation of the Geotechnical Exploration Report (**Appendix G-2** of this Draft EIR).

Laboratory tests were performed on selected soil samples obtained from the borings during field investigation. The laboratory testing program was designed to evaluate the physical and engineering characteristics of the on-site soil. Tests performed during this investigation include in-situ Moisture Content and Dry Density (ASTM D 2216 and ASTM D 2937); expansion index (ASTM D 4829); Atterberg limits (ASTM D 4318); maximum dry density (ASTM D 1557); direct shear (ASTM D 3080); consolidation (ASTM D 2435); R-value; and corrosivity suite – pH, sulfate, chloride, and resistivity (California Test Methods 417, 422, and 532/643).

Results of the in-situ moisture content and dry density testing are presented on the boring logs in Appendix A of the Geotechnical Exploration Report (see **Appendix G-2** of this Draft EIR). Other laboratory test results are presented in Appendix D, Geotechnical Laboratory Test Results of the Geotechnical Exploration Report (see **Appendix G-2** of this Draft EIR).

## Paleontology

The analysis of paleontological resources is based on a paleontological records search conducted by the Natural History Museum of Los Angeles County (LACM), as well as geologic map and literature reviews conducted by ESA Principal Paleontologist, Russell Shapiro, Ph.D. The objective of the analysis was to determine the geological formations underlying the Project site, whether any paleontological localities have previously been identified within the Project site or in the same or similar formations near the Project site, and the potential for excavations associated with the Project to encounter paleontological resources. These methods are consistent with the SVP guidelines for assessing the importance of paleontological resources in areas of potential environmental effect. This information is contained within the Paleontological Resources Assessment Report (**Appendix E-2** of this Draft EIR).

### 3.6.5 Impact Analysis

#### Earthquakes

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**Impact 3.6-1a: The Project would result in less than significant and less than cumulatively considerable to expose people or structures to adverse geologic effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.**

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#### ***Project Impact Analysis***

As discussed above in Section 3.6.1, Geologic Hazards, no “active” or “potentially active” faults are known to exist within the Project site, and the Project site is not located within an Alquist-Priolo Earthquake Fault Zone as defined by the CGS. In addition, CGS considers a fault seismically active when evidence suggests seismic activity within roughly the last 11,000 years.



According to the results of the Geotechnical Report, several known active faults are located within a search radius of 62 miles from the Project site. The closest Alquist-Priolo Zone is located approximately 7.5 miles north of the Project site and activity on this fault was first reported as early as 1977 and 1991. Given the distance of the nearest fault and magnitude of past seismic activity, the Project would not expose people or structures to potential substantial adverse effects associated with the rupture of a known earthquake fault. Furthermore, all proposed residences and structures on-site would be designed and constructed in accordance with the California Building Code guidelines currently adopted by the City of Thousand Oaks. Therefore, impacts related to fault rupture would be less than significant.

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

It is unlikely that past, existing, and/or future projects could contribute to the cumulative effects of geology and soils creating the acceleration of erosion, slope failures, fault or ground rupture, and/or earthquake-induced ground failure. These types of conditions would be limited to the areas within and adjacent to the boundaries of individual projects or structural components of a project. In order for impacts to be cumulatively considerable, these conditions would have to occur at the same time and in the same location as the proposed Project. Therefore, potential seismic impacts (ground shaking, earthquake-induced ground failure, and fault rupture) as a result of local and regional faults, as well as soils that underlie individual projects, comprise an impact to the geologic environment that would not be cumulatively considerable. Additionally, each individual project would be designed in accordance with seismic design criteria as required by the CBC and with other specific design criteria from state and local building and grading regulations, and would be subject to CEQA, including analysis of and mitigation for geologic and soil impacts on an individual basis. Therefore, the Project's contribution to cumulative fault rupture would be less than cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

## Seismic Ground Shaking

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**Impact 3.6-1b: The Project would have a less than significant and less than cumulatively considerable potential to expose people and structures to adverse geologic effects, including the risk of loss, injury, or death involving strong seismic ground shaking.**

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### ***Project Impact Analysis***

As previously discussed, there are no “active”, or “potentially active” faults known to exist on the Project site. The nearest fault is the Simi-Santa Rosa Fault located approximately 7.5 miles north of the Project site.

Like most of Southern California, the Project site is in a seismically active area and is subject to some level of ground shaking as a result of movement along the major active fault zones that characterize this region. Geologic investigations performed on the Project site have not documented any recent activity along any of the nearby faults; however, they are considered active. Based on the Geologic and Seismic Hazards Review prepared for the Project (**Appendix G-1** of this Draft EIR), the largest estimated ground acceleration historically recorded at the Project site is 0.235g, which was produced from a magnitude 7.0 Mw earthquake located offshore at a distance of 15.0 miles southwest of the Project site.

The Project would be designed in accordance with all applicable current codes (California Building Code) and standards utilizing the appropriate seismic design parameters presented in Table 2 of the Geotechnical Report and appropriate recommendations presented within Section 3.0 of the Geotechnical Exploration to reduce seismic risk as defined by California Geological Survey (CGS) Chapter 2 of Special Publication 117a (CGS 2008). Through compliance with these regulatory requirements and the utilization of appropriate seismic design parameters from the current building code, selected by the design professionals, potential impacts relating to seismic shaking would be less than significant.

**Significance before Mitigation:** Less than significant.

### ***Cumulative Impact Analysis***

All of Southern California lies within a seismically active region with an extremely diverse range of geologic and soil conditions that can vary substantially within short distances. However, impacts from geologic and soil conditions are also site-specific and would only have potential to combine with impacts of the Project if they occurred in the same general location, or on similar soils and topographies. As discussed within **Chapter 3.0, Environmental Setting, Impacts, and Mitigation Measures**, of this Draft EIR, the nearest cumulative project is a general office use located approximately 1,500 feet east of the site at 4500 E. Thousand Oaks Boulevard.

However, geotechnical impacts tend to be site-specific rather than cumulative in nature, and any development occurring within the County of Ventura or City of Thousand Oaks would be subject to, at a minimum, site development and construction standards relative to seismic and other geologic conditions that are prevalent within the region. Therefore, since the cumulative projects would not occur on same site as the Project, impacts associated with seismic ground shaking

would be independent from the proposed Project. Geotechnical impacts associated with the Project would be less than cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

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## **Seismic-Related Ground Failure**

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**Impact 3.6-1c: The Project would have a less than significant and less than cumulatively considerable potential to expose people and structures to adverse geologic effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.**

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### ***Project Impact Analysis***

Liquefaction occurs when loose, cohesionless, and water-saturated soils (generally sands and silt) are subjected to strong seismic ground motion of a single sudden disturbance or through cyclic (repeated) loading. Such soils essentially behave like fluids, with a temporary reduction or loss of shear strength. Improvements constructed on these soils may buckle, tilt, or settle when the soils liquefy. Liquefaction more often occurs in earthquake-prone areas underlain by young, sandy alluvium where the groundwater table is less than 50 feet below the ground surface.

Seismically-induced settlement consists of dry dynamic settlement (above groundwater) and liquefaction-induced settlement (below groundwater). These settlements occur primarily within loose to moderately dense sandy soil due to reduction in volume during and shortly after an earthquake event.

As discussed within Impact 3.6-1a and Impact 3.6-1b above, the Project site is located within a seismically active area; however, the Project site is not located within an area identified as being potentially susceptible to liquefaction.

Since the subsurface soils at the site are predominately fine-grained silt based on the predominately fine-grained (i.e., silt or clay) with isolated layers of very dense granular soils over relatively shallow bedrock, the potential for liquefaction at the site is considered low. Since the potential for liquefaction is considered low, the potential for lateral spreading to occur at the site is considered low.

The soil profiles during subsurface analyses are interpreted from samples taken at 5-foot intervals. Based on the analysis, the total seismically-induced settlement is expected to be on the order of 0.5-inch or less. Differential settlement is estimated to be approximately one half of the total settlement over 40 feet.

In consideration of the Project's conformance with standard structural design requirements from the current building code and recommended remedial earthwork as detailed in the geotechnical report, potential impacts relating to seismically-induced settlement would be less than significant.

The potential for adverse impacts to the proposed development from liquefaction and other secondary seismic effects is considered to be low. In addition, the Project is required to comply with the CBC and the City Code requirements. As such, the Project's potential effect from ground failure including liquefaction would be less than significant.

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

As discussed within **Chapter 3.0, *Environmental Setting, Impacts, and Mitigation Measures***, of this Draft EIR, the nearest cumulative project is the proposed general office use located approximately 1,500 feet east of the Project site at 4500 E. Thousand Oaks Boulevard. However, geotechnical impacts tend to be site-specific rather than cumulative in nature, and any development occurring within the County of Ventura or City of Thousand would be subject to, at a minimum, site development and construction standards relative to seismic and other geologic conditions that are prevalent within the region.

As with the Project site, related projects would be subject to the same local, regional, State, and federal regulations pertaining to geology and soils, including the CBC and City Code requirements. In addition, related project impacts would be addressed through imposition of recommendations specific to each project. With conformance to such regulations, cumulative impacts related to liquefaction would be less than significant. Because the implementation of the proposed Project would also result in less than significant ground failure impacts, the Project's contribution to cumulative impacts would be less than cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

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## Landslides

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**Impact 3.6-1d: The Project would result in less than significant and less than cumulatively considerable impacts involving landslides.**

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### ***Project Impact Analysis***

According to the Geotechnical Report, the Project site is not located within any mapped landslide area by the City of Thousand Oaks General Plan's Safety Element (City of Thousand Oaks 2014). Additionally, no evidence of landslides in these areas were observed during site reconnaissance or have been previously mapped on the Project site. Since the developed site generally consists of relatively level pads in the areas of the proposed residential and parking structure developments, the potential for slope instability and landslides would not be considered a geotechnical hazard for the Project site. The Project would include the slopes associated with the proposed pedestrian path from the existing industrial office building to the proposed parking structure. However, these slopes would be manufactured and engineered to prevent a landslide.

Final grading, drainage, and erosion control plans would be reviewed and approved by the City Engineer before the issuance of a grading permit. This would ensure that the Project would be consistent with the City's Code to minimize the potential for landslides. Accordingly, compliance with the California Building Code and implementation of seismic design parameters would ensure that impacts from landslides or seismically induced landslides would be less than significant

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Potential geologic and soils impacts associated with the Project are restricted to potential structural damage from earthquake-related landslide conditions. The City Engineer reviews applications for building permits for compliance with the CBC, local amendments to the CBC, and City building requirements. Grading plans would also be reviewed for compliance with state and local standards.

Geotechnical impacts tend to be site-specific rather than cumulative in nature. As discussed within **Chapter 3.0, *Environmental Setting, Impacts, and Mitigation Measures***, of this Draft EIR, the nearest cumulative project is a general office use located at 4500 E. Thousand Oaks Boulevard. According to the Geotechnical Report, the Project site is not located within any mapped landslide area by the City of Thousand Oaks General Plan's Safety Element (City of Thousand Oaks 2014). Therefore, since the nearest cumulative project would not occur on same site as the Project, impacts associated with settlement, slippage, or landslides would be less than cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

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### **Soil Erosion or Loss of Topsoil**

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**Impact 3.6-2: The Project would have a less than significant and less than cumulatively considerable effect from soil erosion or the loss of topsoil.**

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#### ***Project Impact Analysis***

##### **Construction**

According to the Geotechnical Report, the existing soil characteristics of the unconsolidated alluvial deposits and native soils exposed on any future potential temporary cut slopes on the Project site are expected to be moderately susceptible to erosion. Additionally, although not currently anticipated, any manufactured slopes composed of compacted fill would be expected to be moderately susceptible to erosion. These materials would be particularly prone to erosion during excavation and site development, especially during heavy rains.

During construction activities associated with the two phases, the Project site would be graded and include approximately 86,722 cubic feet of cut and approximately 13,149 cubic feet of fill. In addition, the grading operations are anticipated to result in approximately 73,573 cubic feet of soil to be exported from the Project site. Grading and ground-disturbing activities would potentially result in substantial soil erosion or loss of topsoil. As described in **Section 3.9, *Hydrology and Water Quality***, of this Draft EIR, as part of the plan checking process, the City would require submittal of a Storm Water Pollution Prevention Plan (SWPPP) would be required to be submitted to the Los Angeles Regional Water Quality Control Board (RWQCB) prior to construction, in adherence to the conditions set forth under the Ventura County National Pollution Discharge Elimination System (NPDES) permit.

The SWPPP would incorporate best management practices (BMPs) to ensure that potential water quality impacts during construction from erosion would be reduced to less than significant. Typical BMPs would ensure grading is conducted during dry-weather conditions, water is used for moisture control of exposed soils to prevent wind erosion when temporarily disturbed, coverings for temporary stockpiles, temporary catch basins, and sandbagging, etc., as required by the Los Angeles RWQCB.

Construction activities would also be required to comply with the statewide general stormwater construction permit in addition to the City's requirements to eliminate or reduce erosion or sedimentation and prohibit flows from the Project site from causing or contributing to exceedances of water quality standards in downstream receiving waters. Once land disturbance and construction are completed, landscaping, non-erosive drainage features such as private storm drains and debris/infiltration basins and associated infrastructure, and the maintenance of these

structures would be conducted over the long-term operations of the Project. Disturbed areas would be protected until sustainable plant growth is established. Typically, BMPs include but are not limited to temporary catchment basins and/or sandbagging to control runoff and contain sediment transport within the Project site during construction in accordance with City of Thousand Oaks and statewide general construction stormwater permit requirements. In addition, the Project would be required to comply with all applicable City grading permit regulations, plans, and inspections to reduce sedimentation and erosion.

Thus, through compliance with the City's construction requirements, implementation of BMPs, compliance with applicable City grading permit regulations, and requirements of the statewide general construction stormwater permit, the Project construction activities would not result in substantial erosion or loss of topsoil. Therefore, Project impacts associated with erosion or siltation during construction would be less than significant.

### **Operation**

Operation of the Project could result in a limited degree of soil erosion from vegetated areas. The Project would be required to have a Post-Construction Stormwater Management Plan in place during the operational life of the Project that would include BMPs, developed in accordance with the Ventura County's Low Impact Design (LID) Ordinance (see **Section 3.9, Hydrology and Water Quality**, of this Draft EIR) and the recommendations included within the Geotechnical Report.

According to the Post-Construction Stormwater Management Plan prepared for the Project (refer to **Appendix J-2** of this Draft EIR), the Project would result in a reduction of impervious areas by removing the existing surface parking lots within the Project site. The current impervious area (10.8 acres) would be reduced by 1.13 acres with implementation of the Project. Following completion of the Project, the site will be improved with structures, hardscape, landscaping, and appropriate drainage infrastructure. Therefore, sedimentation and erosion impacts upon completion of construction are considered less than significant.

**Significance before Mitigation:** Less than Significant.

### **Cumulative Impact Analysis**

Similar to the Project, all cumulative projects would be subject to regulations, policies, and plans established by the County of Los Angeles RWCQB. Regulations and plans, that cumulative projects would be subject to comply with, include NPDES permitting and associated SWPPPs and BMPs; Water Quality Objectives for Inland Surface Waters; the TOMC and CBC; and applicable General Plan goals and policies (see **Table 3.10-1, Consistency of the Project with Applicable Policies in the City of Thousand Oaks General Plan**, in **Section 3.10, Land Use and Planning**, of this Draft EIR). Therefore, the Project, in combination with identified cumulative projects, would result in less than significant impacts to cumulative hydrology, water quality, and stormwater/flooding, as discussed in **Section 3.9, Hydrology and Water Quality**. Because the Project would result in less than significant from soil erosion and loss of topsoil, the Project's contribution to cumulative impacts would be less than cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

## ***Mitigation Measures***

### **Project Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

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## **Unstable Geologic Location**

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**Impact 3.6-3: The Project would result in less than significant and less than cumulatively considerable instability effects because the Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.**

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## ***Project Impact Analysis***

### **Construction**

As discussed in Impact 3.6-1a through Impact 3.6-1d, the Project site would not be susceptible to landslides, liquefaction, subsidence, or lateral spreading due to existing soil characteristics and previous grading of the Project site. Impacts regarding these geologic hazards would be less than significant with compliance with existing regulations.

However, as discussed above, the existing soils within the site, including but not limited to, alluvial deposits, compacted fill, and native on-site soils may encounter difficult excavation conditions at depths below 15 feet bgs. Specifically, subsurface explorations encountered boring refusals at approximately 1 foot within the Lindero Canyon Formation bedrock materials located within the southern and western portions of the Project site. Similarly, the Monterey Formation bedrock materials, located in the northern portion of the Project site, was found to be very dense to hard and subsurface explorations were able to penetrate this unit variable amounts ranging from approximately 2 to 25 feet. In general, bedrock was encountered below 15 feet bgs, which is deeper than the anticipated basement excavations and depth of the proposed subterranean parking.

Additionally, the Geotechnical Report discovered perched water extending to and below the bedrock contact. Based on field observations, localized areas of caving soils and loose fill soils could be encountered, but compliance with standard regulations would reduce potential caving or collapsing of soils to less than significant.

The Project would require site grading for building pads, roadways, and soil stabilization. Proposed grading would consist of cutting areas and filling of areas to produce a series of pads, which are generally level in grade. Upon completion of the grading operations, additional work would be



needed for fine grading for the development pads and roadway infrastructure. Graded slopes would be landscaped and irrigated pursuant to City grading and erosion control requirements.

With the removal of unsuitable soils and bedrock from the Project site, and with excavation/re-compaction of alluvium, residual soils, and bedrock, ground settlement and collapsible soil impacts would be at levels that could be accommodated by conventional foundation designs. Therefore, the risk of ground settlement and subsidence would be less than significant.

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Potential geologic and soils impacts associated with the Project are restricted to potential structural damage from earthquake-related ground shaking, liquefaction, landslides, expansive soils, and general soil suitability. The City Engineer reviews applications for building permits within the City of Thousand Oaks for compliance with the CBC, local amendments to the CBC, and City code requirements. Grading plans would also be reviewed for compliance with state and local standards. The Project would be designed in accordance with the seismic design requirements of the CBC and those contained within the Geotechnical Report, which contains standards for seismically sound site preparation and grading practices, foundations design, and guidelines for the appropriate selection and use of construction materials. Since the nearest cumulative project, would not occur on same site as the Project, impacts associated with subsidence, liquefaction, lateral spreading, landslides, and collapse would not be cumulatively considerable. Therefore, the Project would result in a less than cumulative impact related to unstable geologic conditions.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

## Expansive Soils

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**Impact 3.6-4: The Project would result in a less than significant and less than cumulatively considerable geologic effects from expansive soil that could create substantial direct or indirect risks to life or property.**

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### ***Project Impact Analysis***

As discussed above in Section 3.6.1, expansive soils contain significant amounts of clay particles that swell considerably when wetted and shrink with the loss of water. Foundations and structures constructed on these soils can be subjected to uplifting forces caused by the swelling, potentially resulting in heaving, and cracking of both building foundations and slabs-on-grade.

Based on observations of on-site soils during subsurface explorations, the site soils are generally anticipated to exhibit a moderate to high potential for expansion. Depending on the location within the Project site and the depth from foundations to expansive soils, residential and parking structure construction within the Project site could be subject to expansive soils. pose risk to persons and/or property within the Project site. However, building activities will be required to comply with the City of Thousand Oaks Building Code and the CBC that includes provisions for foundation designs and construction in areas of expansive soils. Various approaches to reduce potential impacts from expansive soils are typically evaluated to comply with regulations including over-excavation and replacement of native soils with non-expansive soils, on-site use of native soils, and implementation of specialized foundation designs. Compliance with the City of Thousand Oaks Building Code and the CBC would reduce potential expansive soil impacts to less than significant.

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Geotechnical impacts tend to be site-specific rather than cumulative in nature, and any development occurring within the County of Ventura or City of Thousand Oaks would be subject to, at a minimum, site development and construction standards relative to seismic and other geologic conditions that are prevalent within the region. As with the Project site, related projects would be subject to the same local, regional, State, and federal regulations pertaining to geology and soils, including the CBC and City of Thousand Oaks Building Code requirements. With conformance to such regulations, cumulative development would result in less than significant cumulative impacts. Because the Project would also result in less than significant impacts related to expansive soils, the Project's contribution to cumulative impacts would be less than cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

## Cumulative Mitigation Measures

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

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## Paleontological Resources

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**Impact 3.6-5: The Project could result in significant and cumulatively considerable direct or indirect impacts to a unique paleontological resource or site or unique geologic feature.**

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### ***Project Impact Analysis***

The paleontological resources assessment indicates that the Project site is underlain by four geologic units: artificial fill (map unit Af), Quaternary alluvium (map unit Qa), the Monterey Formation (map unit Tm), and the Lindero Canyon Formation (map unit Tlvc). The artificial fill has no potential to contain intact paleontological resources given its disturbed nature. The upper levels of the Quaternary alluvium are likely too young to contain fossil resources, and have low paleontological sensitivity at the surface, but overlie older alluvial deposits that have high paleontological sensitivity. Therefore, the paleontological sensitivity of areas mapped as either Quaternary alluvium should be considered have low-to-high paleontological sensitivity, increasing with depth. The Monterey Formation is known to contain a sporadic but significant marine vertebrate fossil record throughout coastal Southern California and, therefore, has high potential to contain paleontological resources. The Lindero Canyon Formation is not known to contain paleontological resources in the Project site's vicinity and, therefore, has low potential for paleontological resources.

As a result of these findings, Project ground-disturbance in areas mapped as Quaternary alluvium may encounter paleontological resources at depths exceeding 10 feet, and areas mapped as the Monterey Formation have the potential to encounter paleontological resources at any depth. As such, Project-related ground disturbance, which would extend to a maximum depth of approximately 13 feet below native ground surface, has the potential to significantly impact paleontological resources and/or unique geologic features. Implementation of Mitigation Measures GEO-1 through GEO-4 would reduce potential significant impacts to paleontological resources and/or unique geologic features should they be encountered during Project construction.

**Significance Determination before Mitigation:** Significant

### ***Cumulative Impact Analysis***

The geographic scope of cumulative impact to paleontological impacts includes the Project site and vicinity. It is assumed that paleontological resources within this geographic scope would be similar to those at the Project site. As a result, construction activities associated with the cumulative projects could also result in potential significant impacts to paleontological resources. Because the Project could result in potential significant impacts on paleontological resources, the Project's impact would be cumulatively considerable.

**Significance Determination before Mitigation:** Significant

## **Mitigation Measures**

### **Project Mitigation Measures**

**Mitigation Measure GEO-1:** Prior to the start of Project-related ground disturbing activities, the Applicant shall retain a Qualified Paleontologist that meets the standards of the Society of Vertebrate Paleontology (2010) to carry out all mitigation measures related to paleontological resources.

**Mitigation Measure GEO-2:** Prior to start of Project-related ground disturbing activities, the Qualified Paleontologist shall contribute to any construction worker cultural resources sensitivity training, outlined in Mitigation Measure CUL-3 presented in Section 3.4, *Cultural Resources* of this Draft EIR, either in person or via a training module provided to the Qualified Archaeologist. This training shall include information on what types of paleontological resources could be encountered during excavations, what to do in case an unanticipated discovery is made by a worker, and laws protecting paleontological resources. All construction personnel shall be informed of the possibility of encountering fossils and instructed to immediately inform the construction foreman or supervisor if any fossils are unexpectedly unearthed in an area where a paleontological monitor is not present. The Applicant shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.

**Mitigation Measure GEO-3:** The Qualified Paleontologist shall supervise a paleontological monitor meeting the Society for Vertebrate Paleontology standards (2010) who shall be present during all excavations within areas mapped as the Monterey Formation as well as excavations exceeding 10 feet in depth in areas mapped as Quaternary alluvium (Qa) (see Figure 3.6-1). Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. Monitoring can be reduced to part-time inspections or ceased entirely if determined adequate by the Qualified Paleontologist in consultation with the Applicant and City. Monitoring activities shall be documented in a Paleontological Resources Monitoring Report to be prepared by the Qualified Paleontologist at the completion of construction and shall be provided to the City and filed with the Natural History Museum of Los Angeles County within six (6) months of Project completion.

**Mitigation Measure GEO-4:** If a unique geologic feature or paleontological resource is discovered during construction, the paleontological monitor shall be empowered to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation of the discovery. An appropriate buffer area shall be established by the Qualified Paleontologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. At the Qualified Paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing and evaluation of the find. All significant fossils shall be collected by the paleontological monitor and/or the Qualified Paleontologist. Collected fossils shall be prepared to the point of identification and catalogued before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Los Angeles County Natural History Museum, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school in the area for educational

purposes. Accompanying notes, maps, and photographs shall also be filed at the repository and/or school.

**Significance Determination after Mitigation:** Less than Significant.

### **Cumulative Mitigation Measures**

Implementation of Mitigation Measures GEO-1 through GEO-4 is required.

**Significance Determination after Mitigation:** Less than Significant.

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## 3.7 Greenhouse Gas Emissions

This section discusses global climate change and greenhouse gas (GHG) emissions in relationship to the proposed Project, presents the associated regulatory framework, and provides an analysis of potential impacts that would result from construction and implementation of the proposed Project.

### 3.7.1 Environmental Setting

This section presents a discussion of existing climate conditions, the current state of climate change science, and GHG emissions sources in California.

#### Existing Statewide Greenhouse Gas Emissions

The California Air Resources Board (CARB), a part of the California Environmental Protection Agency (CalEPA), is responsible for the coordination and administration of both federal and State air pollution control programs within California. CARB compiles the State's GHG emissions inventory. Based on the 2019 GHG inventory data (i.e., the most updated inventory for which data are available from CARB), California emitted 418.2 million metric tons of CO<sub>2</sub>e (MMTCO<sub>2</sub>e) including emissions resulting from imported electrical power (CARB 2021a). Between April 2010 and July 2020, the population of California grew by an annualized rate of 0.64 percent to a total of 39.78 million (DOF 2020). In addition, the carbon intensity of California's economy (the amount of carbon pollution per million dollars of gross domestic product [GDP]) is declining. From 2000 to 2019, the carbon intensity of California's economy decreased by 45 percent while the GDP increased by 63 percent (CARB 2021a). According to CARB, as of 2016, statewide GHG emissions dropped below the 2020 GHG Limit (431 MMTCO<sub>2</sub>e) and have remained below this limit since that time.

**Table 3.7-1, *State of California Greenhouse Gas Emissions***, identifies and quantifies statewide anthropogenic GHG emissions and sinks (e.g., carbon sequestration due to forest growth) in 1990 and 2019. As shown in the table, the transportation sector is the largest contributor to statewide GHG emissions at 40 percent in 2019.

#### Existing Project Site Greenhouse Gas Emissions

The Project site is currently developed with an existing industrial office building with associated access roads, asphalt concrete (AC)-paved surface parking, slopes, and landscape improvements. The main three-story main industrial office building is approximately 416,941 square feet and includes a single-story maintenance structure (former Verizon vehicle maintenance facility) that is approximately 7,000 square feet. The industrial office building is currently occupied by the following businesses: Ember Technologies, Dignified Home Loans, NSR Data Corporation, National Veterinary Association, Anchor Nationwide Loans, Blend Insurance, and Amerihome Mortgage Company. It is assumed that the industrial office building would remain in place and is omitted from this GHG analysis. Therefore, existing operational GHG emissions are not required to be calculated and the Project's GHG emissions would be considered net new emissions.

**TABLE 3.7-1  
STATE OF CALIFORNIA GREENHOUSE GAS EMISSIONS**

Category	Total 1990 Emissions (MMTCO <sub>2</sub> e)	Percent of Total 1990 Emissions	Total 2019 Emissions (MMTCO <sub>2</sub> e)	Percent of Total 2019 Emissions
Transportation	150.7	35%	166.1	39.7%
Electric Power	110.6	26%	58.8	14.1%
Commercial	14.4	3%	15.9	3.8%
Residential	29.7	7%	27.9	6.7%
Industrial	103.0	24%	88.2	21.1%
Recycling and Waste <sup>a</sup>	–	–	8.9	2.1%
High GWP/Non-Specified <sup>b</sup>	1.3	<1%	20.6	4.9%
Agriculture/Forestry	23.6	6%	31.8	7.6%
Forestry Sinks	-6.7	–	– <sup>c</sup>	–
<b>Net Total (IPCC SAR)<sup>d</sup></b>	<b>426.6</b>	<b>100%</b>	<b>–</b>	<b>–</b>
<b>Net Total (IPCC AR4)<sup>e</sup></b>	<b>431</b>	<b>100%</b>	<b>418.2</b>	<b>100%</b>

NOTES:

- <sup>a</sup> Included in other categories for the 1990 emissions inventory.
- <sup>b</sup> High Global Warm Potential (GWP) gases are not specifically called out in the 1990 emissions inventory.
- <sup>c</sup> Forestry sinks were not calculated for 2019 pending a revised methodology under development. Forestry sinks are ecosystem carbon stored in plants and soils.
- <sup>d</sup> IPCC = Intergovernmental Panel on Climate Change
- <sup>e</sup> CARB revised the State's 1990 level GHG emissions using GWPs from the IPCC AR4.

SOURCE: CARB 2021a.

## Effects of Global Climate Change

The scientific community’s understanding of the fundamental processes responsible for global climate change has improved over the past decade, and its predictive capabilities are advancing. However, there remain significant scientific uncertainties in, for example, predictions of local effects of climate change, occurrence, frequency, and magnitude of extreme weather events, effects of aerosols, changes in clouds, shifts in the intensity and distribution of precipitation, and changes in oceanic circulation. Due to the complexity of the Earth’s climate system and inability to accurately model it, the uncertainty surrounding climate change may never be completely eliminated. Nonetheless, the Intergovernmental Panel on Climate Control (IPCC), in its *Fifth Assessment Report, Summary for Policy Makers*, stated that, “it is *extremely likely* that more than half of the observed increase in global average surface temperature from 1951 to 2010 was caused by the anthropogenic increase in greenhouse gas concentrations and other anthropogenic forcings [*sic*] together” (IPCC 2013). A report from the National Academy of Sciences concluded that 97 to 98 percent of the climate researchers most actively publishing in the field support the tenets of the IPCC in that climate change is very likely caused by human (i.e., anthropogenic) activity (Anderegg 2010). In the most recent IPCC *Sixth Assessment Report, Summary for Policy Makers*, it states “It is unequivocal that human influence has warmed the atmosphere, ocean, and land” (IPCC 2021).

According to CARB, the potential impacts in California due to global climate change may include loss in snowpack; sea-level rise; more extreme heat days per year; more high ozone days; more, large forest fires; more drought years; increased erosion of California's coastlines and sea water intrusion into the Sacramento and San Joaquin Deltas and associated levee systems; and increased pest infestation (CalEPA 2018). Below is a summary of some of the potential effects that could be experienced in California as a result of global warming and climate change.

### ***Temperature and Air Quality***

Higher temperatures, conducive to air pollution formation, could worsen air quality in California. Climate change may increase the concentration of ground-level ozone, but the magnitude of the effect and, therefore, its indirect effects, are uncertain. If higher temperatures are accompanied by drier conditions, the potential for large wildfires could increase, which, in turn, would exacerbate air quality. Additionally, severe heat accompanied by drier conditions and poor air quality could increase the number of heat-related deaths, illnesses, and asthma attacks throughout the State (CalEPA 2018). However, if higher temperatures are accompanied by wetter, rather than drier conditions, the rains would temporarily clear the air of particulate pollution and reduce the incidence of large wildfires, thus ameliorating the pollution associated with wildfires.

In 2018, the California Natural Resources Agency (CNRA) published the Safeguarding California Plan: 2018 Update, as a continuation of the policy vision Governor's Executive Order S-13-2008 and the 2009 CNRA California Climate Adaptation Strategy (CNRA 2018). The CNRA plan lists specific actions and recommendations for State and local agencies to best adapt to the anticipated risks posed by a changing climate. In accordance with the 2009 CNRA California Climate Adaptation Strategy, the CEC developed the Cal-Adapt website, which became operational in 2011, that synthesizes climate change scenarios and impacts to benefit local decision makers (CNRA 2009; Cal-Adapt 2022). As stated in the CNRA Safeguarding California Plan: 2018 Update, "the Cal-Adapt.org web portal is at the forefront of resources for specific communities to understand how climate change will raise temperatures and exacerbate extreme heat events, drought, snowpack loss, wildfire, and coastal flooding." The information provided on the Cal-Adapt website represents a projection of potential future climate scenarios. The data are comprised of the average values (i.e., temperature, sea-level rise, snowpack) from a variety of scenarios and models and are meant to illustrate how the climate may change based on a variety of different potential social and economic factors. Data suggests that the predicted future increase in temperatures as a result of climate change could potentially interfere with efforts to control and reduce ground-level ozone in the region.

According to the Cal-Adapt website's "Local Climate Change Snapshot" database (Cal-Adapt 2022), the Project location could see an average annual increase in maximum temperature to 76.1 to 76.9°F in the mid-century (2035–2064) and 77.2 to 80.1°F at the end of the century (2070–2099) compared to 72.6°F for the baseline period (1961–1990). The average annual number of extreme heat days also could increase to 12 to 19 days in the mid-century (2035–2064) and 16 to 34 days at the end of the century (2070–2099) compared to 3 days for the baseline period (1961–1990) (Cal-Adapt 2022).

## **Water Supply**

Uncertainty remains with respect to the overall impact of global climate change on future water supplies in California. Studies have found that, “Considerable uncertainty about precise impacts of climate change on California hydrology and water resources will remain until we have more precise and consistent information about how precipitation patterns, timing, and intensity will change” (Pacific Institute 2003). For example, some studies identify little change in total annual precipitation in projections for California while others show significantly more precipitation (Pacific Institute 2003). Warmer, wetter winters would increase the amount of runoff available for groundwater recharge; however, this additional runoff would occur at a time when some basins are either being recharged at their maximum capacity or are already full (Pacific Institute 2003). Conversely, a reduced snowpack coupled with increased rainfall during winters could lead to reductions in spring runoff and higher evapotranspiration because of higher temperatures could reduce the amount of water available for recharge (Pacific Institute 2003).

According to the Cal-Adapt website’s “Local Climate Change Snapshot” database (Cal-Adapt 2022), the Project location could see an average annual length of dry spells of 165 days in the mid-century (2035–2064) and 164 to 173 days at the end of the century (2070–2099) compared to 157 days for the baseline period (1961–1990). The average annual precipitation could decrease to 18.1 inches in the mid-century (2035–2064) and 18.2 to 18.4 inches at the end of the century (2070–2099) compared to 18.6 inches for the baseline period (1961–1990) (Cal-Adapt 2022).

The California Department of Water Resources report on climate change and effects on the State Water Project (SWP), the Central Valley Project, and the Sacramento-San Joaquin Delta, concludes that “climate change will likely have a significant effect on California’s future water resources...[and] future water demand.” It also reports that “much uncertainty about future water demand [remains], especially [for] those aspects of future demand that will be directly affected by climate change and warming. While climate change is expected to continue through at least the end of this century, the magnitude and, in some cases, the nature of future changes is uncertain.” (DWR 2006). It also reports that the relationship between climate change and its potential effect on water demand is not well understood, but “[i]t is unlikely that this level of uncertainty will diminish significantly in the foreseeable future.” Still, changes in water supply are expected to occur, and many regional studies have shown that large changes in the reliability of water yields from reservoirs could result from only small changes in inflows (DWR 2006). In its *Fifth Assessment Report*, the IPCC states “Changes in the global water cycle in response to the warming over the 21st century will not be uniform. The contrast in precipitation between wet and dry regions and between wet and dry seasons will increase, although there may be regional exceptions” (IPCC 2013). The *Sixth Assessment Report* further states, “Continued global warming is projected to further intensify the global water cycle, including its variability, global monsoon precipitation and the severity of wet and dry events” (IPCC 2021).

## **Hydrology and Sea-Level Rise**

As discussed above, climate change could potentially affect: the amount of snowfall, rainfall and snowpack; the intensity and frequency of storms; flood hydrographs (flash floods, rain or snow events, coincidental high tide, and high runoff events); sea-level rise and coastal flooding; coastal

erosion; and the potential for salt water intrusion. Sea-level rise can be a product of global warming through two main processes: expansion of seawater as the oceans warm, and melting of ice over land. A rise in sea levels could result in coastal flooding and erosion and could jeopardize California's water supply. Increased storm intensity and frequency could affect the ability of flood-control facilities, including levees, to handle storm events.

### **Agriculture**

California has a \$30-billion agricultural industry that produces half the country's fruits and vegetables. Higher CO<sub>2</sub> levels can stimulate plant production and increase plant water-use efficiency. However, if temperatures rise and drier conditions prevail, water demand could increase; crop-yield could be threatened by a less reliable water supply; and greater ozone pollution could render plants more susceptible to pest and disease outbreaks. In addition, temperature increases could change the time of year certain crops, such as wine grapes, bloom or ripen, and thus affect their quality (CA Climate Change Center 2006).

### **Ecosystems and Wildlife**

Increases in global temperatures and the potential resulting changes in weather patterns could have ecological effects on a global and local scale. Increasing concentrations of GHGs are likely to accelerate the rate of climate change. Scientists expect that the average global surface temperature could rise by 2°F–11.5°F (1.1°C–6.4°C) by 2100, with significant regional variation (National Research Council 2010). Soil moisture is likely to decline in many regions, and intense rainstorms are likely to become more frequent. Sea level could rise as much as 2 feet along most of the United States coastline. Rising temperatures could have four major impacts on plants and animals: (1) timing of ecological events; (2) geographic range; (3) species' composition within communities; and (4) ecosystem processes such as carbon cycling and storage (Parmesan 2004).

With respect to wildfire, according to the Cal-Adapt website's "Local Climate Change Snapshot" database (Cal-Adapt 2022), the Project location (modeled as a roughly 36-square kilometer or 8,896-acre grid area) could see an average annual area burned of approximately 63.1 to 63.2 acres in the mid-century (2035–2064) and 59.3 to 63.4 acres at the end of the century (2070–2099) compared to 75.3 to 75.8 acres for the baseline period (1961–1990) (Cal-Adapt 2022).

## **3.7.2 Regulatory Setting**

### **Federal**

The United States Environmental Protection Agency (USEPA) is responsible for implementing federal policy to address GHGs. The federal government administers a wide array of public-private partnerships to reduce the GHG intensity generated in the United States. These programs focus on energy efficiency, renewable energy, methane and other non-CO<sub>2</sub> gases, agricultural practices, and implementation of technologies to achieve GHG reductions. The USEPA implements numerous voluntary programs that contribute to the reduction of GHG emissions. These programs (e.g., the Energy Star labeling system for energy-efficient products) encourage voluntary reductions by large corporations, consumers, industrial and commercial buildings, and many major industrial sectors.

### **Clean Air Act**

In *Massachusetts v. Environmental Protection Agency* (2007) 549 U.S. 497, the U.S. Supreme Court held in April of 2007 that the USEPA has statutory authority under Section 202 of the federal Clean Air Act (CAA) to regulate GHGs. The court did not hold that the USEPA was required to regulate GHG emissions; however, it indicated that the agency must decide whether GHGs cause or contribute to air pollution that is reasonably anticipated to endanger public health or welfare. On December 7, 2009, the USEPA Administrator signed two distinct findings regarding GHGs under Section 202(a) of the CAA. The USEPA adopted a Final Endangerment Finding for the six defined GHGs (CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HFCs, PFCs, and SF<sub>6</sub>) on December 7, 2009. The Endangerment Finding is required before USEPA can regulate GHG emissions under Section 202(a)(1) of the CAA consistently with the United States Supreme Court decision. The USEPA also adopted a Cause or Contribute Finding in which the USEPA Administrator found that GHG emissions from new motor vehicle and motor vehicle engines are contributing to air pollution, which is endangering public health and welfare. These findings do not, by themselves, impose any requirements on industry or other entities. However, these actions were a prerequisite for implementing GHG emissions standards for vehicles.

### **Energy Independence and Security Act**

The Energy Independence and Security Act of 2007 (EISA) facilitates the reduction of national GHG emissions by requiring the following:

- Increasing the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard (RFS) that requires fuel producers to use at least 36 billion gallons of biofuel in 2022;
- Prescribing or revising standards affecting regional efficiency for heating and cooling products, procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances;
- Requiring approximately 25 percent greater efficiency for light bulbs by phasing out incandescent light bulbs between 2012 and 2014; requiring approximately 200 percent greater efficiency for light bulbs, or similar energy savings, by 2020; and
- While superseded by the USEPA and the National Highway Traffic Safety Administration (NHTSA) actions described above, (i) establishing miles per gallon targets for cars and light trucks and (ii) directing the NHTSA to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for trucks.

Additional provisions of EISA address energy savings in government and public institutions, promote research for alternative energy, additional research in carbon capture, international energy programs, and the creation of green jobs.<sup>1</sup>

### **Executive Order 13432**

In response to the *Massachusetts v. Environmental Protection Agency* ruling, the President signed Executive Order 13432 on May 14, 2007, directing the USEPA, along with the Departments of

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<sup>1</sup> A green job, as defined by the United States Department of Labor, is a job in business that produces goods or provides services that benefit the environment or conserve natural resources.



Transportation, Energy, and Agriculture, to initiate a regulatory process that responds to the Supreme Court’s decision. Executive Order 13432 was codified into law by the 2009 Omnibus Appropriations Law signed on February 17, 2009. The order sets goals in the areas of energy efficiency, acquisition, renewable energy, toxics reductions, recycling, sustainable buildings, electronics stewardship, fleets, and water conservation.

### ***Light-Duty Vehicle Greenhouse Gas and Corporate Average Fuel Economy Standards***

On May 19, 2009, President Obama announced a national policy for fuel efficiency and emissions standards in the United States auto industry. The adopted federal standard applied to passenger cars and light-duty trucks for model years 2012 through 2016. The rule surpassed the prior Corporate Average Fuel Economy (CAFE)<sup>2</sup> standards and required an average fuel economy standard of 35.5 miles per gallon (mpg) and 250 grams of CO<sub>2</sub> per mile by model year 2016, based on USEPA calculation methods. These standards were formally adopted on April 1, 2010. In August 2012, standards were adopted for model year 2017 through 2025 passenger cars and light-duty trucks. By 2020, new vehicles are projected to achieve 41.7 mpg (if GHG reductions are achieved exclusively through fuel economy improvements) and 213 grams of CO<sub>2</sub> per mile (Phase II standards). By 2025, vehicles will achieve 54.5 mpg (if GHG reductions are achieved exclusively through fuel economy improvements) and 163 grams of CO<sub>2</sub> per mile. According to the USEPA, under these standards a model year 2025 vehicle would emit one-half of the GHG emissions from a model year 2010 vehicle (USEPA 2012). In 2017, the USEPA recommended no change to the GHG standards for light-duty vehicles for model years 2022-2025.

In August 2018, the USEPA and NHTSA proposed the Safer Affordable Fuel-Efficient Vehicles (SAFE) Rule that would, if adopted, maintain the CAFE and CO<sub>2</sub> standards applicable in model year 2020 for model years 2021 through 2026. The estimated CAFE and CO<sub>2</sub> standards for model year 2020 are 43.7 mpg and 204 grams of CO<sub>2</sub> per mile for passenger cars and 31.3 mpg and 284 grams of CO<sub>2</sub> per mile for light trucks, projecting an overall industry average of 37 mpg, as compared to 46.7 mpg under the standards issued in 2012. The proposal, if adopted, would also exclude CO<sub>2</sub>-equivalent emission improvements associated with air conditioning refrigerants and leakage (and, optionally, offsets for nitrous oxide and methane emissions) after model year 2020 (NHTSA and USEPA 2012). The proposed Safer Affordable Fuel-Efficient Vehicles Rule’s public comment period was extended to October 26, 2018 (NHTSA 2021). As of March 31, 2020, the SAFE Vehicles Rule, issued by NHTSA and EPA, was finalized and set fuel economy and CO<sub>2</sub> standards that increase 1.5 percent in stringency each year for model years 2021 through 2026 for passenger cars and light trucks. (This is less stringent than the 2012 proposed standard, which would have required increases of 5 percent each year.) The anticipated average required fuel economy would be 40.4 mpg by model year 2026 (NHTSA 2021).

On January 20, 2021, President Biden issued Executive Order 13990 “Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis” directing EPA to

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<sup>2</sup> The Corporate Average Fuel Economy standards are regulations in the United States, first enacted by Congress in 1975, to improve the average fuel economy of cars and light trucks. The U.S Department of Transportation has delegated the National Highway Traffic Safety Administration as the regulatory agency for the Corporate Average Fuel Economy standards.

consider whether to propose suspending, revising, or rescinding the standards previously revised under the “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks,” promulgated in April 2020. As of August 2021, the EPA is proposing to revise the GHG standards to be more stringent than the SAFE rule standards in each model year from 2023 through 2026. EPA is also proposing to include several flexibilities to incentivize the production and sale of vehicles with zero and near-zero emissions technology to reduce compliance costs and to address the lead time of the proposed standards (Federal Register 2021). As of March 15, 2022, the USEPA published its Notice of Decision to restore California’s waiver, thereby ending the SAFE rule (87 Fed. Reg. 14,332).

### ***Heavy-Duty Engines and Vehicles Fuel Efficiency Standards***

On October 25, 2010, the USEPA and the United States Department of Transportation (USDOT) proposed the first national standards to reduce GHG and improve fuel efficiency of heavy-duty trucks and buses (also known as “Phase 1”). For combination tractors, the agencies are proposing engine and vehicle standards that begin in the 2014 model year and achieve up to a 20 percent reduction in carbon dioxide emissions and fuel consumption by the 2018 model year. For heavy-duty pickup trucks and vans, the agencies are proposing separate gasoline and diesel truck standards, which phase in starting in the 2014 model year and achieve up to a 10 percent reduction for gasoline vehicles and up to a 15 percent reduction for diesel vehicles by 2018 model year (12 percent and 17 percent respectively if accounting for air conditioning leakage). Lastly, for vocational vehicles (includes other vehicles like buses, refuse trucks, concrete mixers; everything except for combination tractors and heavy-duty pickups and vans), the agencies are proposing engine and vehicle standards starting in the 2014 model year, which would achieve up to a 10 percent reduction in fuel consumption and carbon dioxide emissions by the 2018 model year. Building on the success of the standards, the USEPA and USDOT jointly finalized additional standards (called “Phase 2”) for medium- and heavy-duty vehicles through model year 2027 that will improve fuel efficiency and cut carbon pollution. The final standards are expected to lower CO<sub>2</sub> emissions by approximately 1.1 billion metric tons.

## **State**

California has promulgated a series of executive orders, laws, and regulations aimed at reducing both the level of GHGs in the atmosphere and emissions of GHGs from commercial and private activities within the State.

### ***California Greenhouse Gas Reduction Targets***

#### **Assembly Bill 32 (California Global Warming Solutions Act of 2006) and Senate Bill 32 (Emissions Limit)**

In 2006, the California State Legislature adopted Assembly Bill (AB) 32 (codified in the California Health and Safety Code [HSC], Division 25.5 – California Global Warming Solutions Act of 2006), which focused on reducing GHG emissions in California to 1990 levels by 2020. AB 32 defines GHGs as CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HFCs, PFCs, and SF<sub>6</sub> and represents the first enforceable Statewide program to limit emissions of these GHGs from all major industries with penalties for noncompliance. The law further requires that reduction measures be technologically feasible and cost effective. Under AB 32, CARB has the primary responsibility for reducing GHG

emissions. AB 32 required CARB to adopt rules and regulations directing State actions that would achieve GHG emissions reductions equivalent to 1990 Statewide levels by 2020.

In 2016, the California State Legislature adopted Senate Bill (SB) 32 and its companion bill AB 197, and both were signed by Governor Brown to update AB 32 and include an emissions reductions goal for the year 2030. SB 32 and AB 197 amend AB 32, and establish a new climate pollution reduction target of 40 percent below 1990 levels by 2030, and include provisions to ensure the benefits of State climate policies reach into disadvantaged communities. SB 32 suggests approaches to achieving the new reduction target, which include increasing renewable energy use, imposing tighter limits on the carbon content of gasoline and diesel fuel, putting more electric cars on the road, improving energy efficiency, and curbing emissions from key industries.

#### Climate Change Scoping Plan (2008)

A specific requirement of AB 32 was to prepare a Climate Change Scoping Plan for achieving the maximum technologically feasible and cost-effective GHG emission reduction by 2020 (Health and Safety Code Section 38561 (h)). CARB developed an AB 32 Climate Change Scoping Plan (2008 Scoping Plan) that contained strategies to achieve the 2020 emissions cap (CARB 2018a). The 2008 Scoping Plan was approved in 2008, and contains a mix of recommended strategies that combined direct regulations, market-based approaches, voluntary measures, policies, and other emission reduction programs calculated to meet the 2020 Statewide GHG emission limit and initiate the transformations needed to achieve the State's long-range climate objectives (CARB 2018a).

As required by AB 32, CARB approved the 1990 GHG emissions inventory, thereby establishing the emissions limit for 2020. The 2020 emissions limit was originally set at 427 MMTCO<sub>2e</sub> using the GWP values from the IPCC SAR. CARB also projected the State's 2020 GHG emissions under No-Action-Taken (NAT) conditions – that is, emissions that would occur without any plans, policies, or regulations to reduce GHG emissions. CARB originally used an average of the State's GHG emissions from 2002 through 2004 and projected the 2020 levels at approximately 596 MMTCO<sub>2e</sub> (using GWP values from the IPCC SAR). Therefore, under the original projections, the State must reduce its 2020 NAT emissions by 28.4 percent in order to meet the 1990 target of 427 MMTCO<sub>2e</sub>.

#### First Update to the Climate Change Scoping Plan (2014)

The First Update to the Climate Change Scoping Plan (2014 Scoping Plan) was approved by CARB in May 2014 and built upon the 2008 Scoping Plan with new strategies and recommendations (CARB 2018b). In 2014, CARB revised the target using the GWP values from the IPCC AR4 and determined that the 1990 GHG emissions inventory and 2020 GHG emissions limit is 431 MMTCO<sub>2e</sub>. CARB also updated the State's 2020 NAT emissions estimate to account for the effect of the 2007–2009 economic recession, new estimates for future fuel and energy demand, and the reductions required by regulation that were adopted for motor vehicles and renewable energy. CARB's projected Statewide 2020 emissions estimate using the GWP values from the IPCC AR4 is 509.4 MMTCO<sub>2e</sub>.

Therefore, under the 2014 Scoping Plan, the emission reductions necessary to achieve the 2020 emissions target of 431 MMTCO<sub>2</sub>e would be 78.4 MMTCO<sub>2</sub>e, or a reduction of GHG emissions by approximately 15.4 percent.

### 2017 Climate Change Scoping Plan

In response to the 2030 GHG reduction target, CARB adopted the 2017 Climate Change Scoping Plan (2017 Scoping Plan) at a public meeting held in December 2017 (CARB 2018c). The 2017 Scoping Plan outlines the strategies the State will implement to achieve the 2030 GHG reduction target, which builds on the Cap-and-Trade Regulation, the Low Carbon Fuel Standard (LCFS), improved vehicle, truck and freight movement emissions standards, increasing renewable energy, and strategies to reduce methane emissions from agricultural and other wastes by using it to meet California's energy needs. CARB's projected Statewide 2030 emissions takes into account 2020 GHG reduction policies and programs. The 2017 Scoping Plan also comprehensively addresses GHG emissions from natural and working lands of California, including the agriculture and forestry sectors. The adopted 2017 Scoping Plan includes ongoing and statutorily required programs and continuing the Cap-and-Trade Program. This Scoping Plan Scenario was modified from the January 2017 Proposed Scoping Plan to reflect AB 398.<sup>3</sup>

CARB states that the Scoping Plan Scenario "is the best choice to achieve the State's climate and clean air goals" (CARB 2018c). Under the Scoping Plan Scenario, the majority of the reductions would result from the continuation of the Cap-and-Trade regulation. Additional reductions are achieved from electricity sector standards (i.e., utility providers to supply at least 50 percent renewable electricity by 2030), doubling the energy efficiency savings at end uses, additional reductions from the LCFS, implementing the short-lived GHG strategy (e.g., hydrofluorocarbons),<sup>4</sup> and implementing the mobile source strategy and sustainable freight action plan (CARB 2021b). The alternatives were designed to consider various combinations of these programs, as well as consideration of a carbon tax in the event the Cap-and-Trade regulation is not continued. However, in July 2017, the California Legislature voted to extend the Cap-and-Trade regulation to 2030.

The 2017 Scoping Plan discusses the role of local governments in meeting the State's GHG reductions goals because local governments have jurisdiction and land use authority related to: community-scale planning and permitting processes, local codes and actions, outreach and education programs, and municipal operations (CARB 2018c). Furthermore, local governments may have the ability to incentivize renewable energy, energy efficiency, and water efficiency measures (CARB 2018c).

A summary of the GHG emissions reductions required under AB 32 is provided in **Table 3.7-2, Estimated Greenhouse Gas Emissions Reductions Required by AB 32.**

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<sup>3</sup> AB 398 was enacted in 2017 to extend and clarify the role of the State's Cap-and-Trade Program through December 31, 2030. As part of AB 398, refinements were made to the Cap-and-Trade program to establish updated protocols and allocation of proceeds to reduce GHG emissions.

<sup>4</sup> Short-lived climate pollutants include methane, fluorinated gases, and black carbon. These GHGs are much more potent than carbon dioxide and can have detrimental effects on human health and climate change.

**TABLE 3.7-2  
ESTIMATED GREENHOUSE GAS EMISSIONS REDUCTIONS REQUIRED BY AB 32**

Emissions Scenario	GHG Emissions (MMTCo <sub>2</sub> e)
<b>2008 Scoping Plan (IPCC SAR)</b>	
2020 NAT Forecast (CARB 2008 Scoping Plan Estimate)	596
2020 Emissions Target Set by AB 32 (i.e., 1990 level)	427
Reduction below NAT necessary to achieve 1990 levels by 2020	169 (28.4%) <sup>a</sup>
<b>2014 Scoping Plan (GHG Estimates Updated in 2014 to Reflect IPCC AR4)</b>	
2020 NAT Forecast (CARB 2014 Scoping Plan Estimate)	509.4
2020 Emissions Target Set by AB 32 (i.e., 1990 level)	431
Reduction below NAT necessary to achieve 1990 levels by 2020	78.4 (15.4%) <sup>b</sup>
<b>2017 Scoping Plan Update</b>	
2030 NAT Forecast ("Reference Scenario" which includes 2020 GHG reduction policies and programs)	389
2030 Emissions Target Set by AB 32 (i.e., 40% below 1990 Level)	260
Reduction below NAT Necessary to Achieve 40% below 1990 Level by 2030	129 (33.2%) <sup>c</sup>
NOTES: MMTCo <sub>2</sub> e = million metric tons of carbon dioxide equivalents.	
<sup>a</sup> 596 – 427 = 169 / 596 = 28.4%	
<sup>b</sup> 509.4 – 431 = 78.4 / 509.4 = 15.4%	
<sup>c</sup> 389 – 260 = 129 / 389 = 33.2%	
SOURCES: CARB 2011; CARB 2017; CARB 2018c.	

Under the Scoping Plan Scenario, continuation of the Cap-and-Trade regulation (or carbon tax) is expected to cover approximately 34 to 79 MMTCo<sub>2</sub> of the 2030 reduction obligation (CARB 2018c). The short-lived GHG strategy is expected to cover approximately 17 to 35 MMTCo<sub>2</sub>e. The California RPS with 50 percent renewable electricity by 2030 is expected to cover approximately 3 MMTCo<sub>2</sub>. The mobile source strategy and sustainable freight action plan includes maintaining the existing vehicle GHG emissions standards, increasing the number of zero emission vehicles, and improving the freight system efficiency, and is expected to cover approximately 11 to 13 MMTCo<sub>2</sub>. Under the Scoping Plan Scenario, CARB expects that the doubling of the energy efficiency savings by 2030 would cover approximately 7 to 9 MMTCo<sub>2</sub> of the 2030 reduction obligation. The other strategies would be expected to cover the remaining 2030 reduction obligations.

### Executive Order S-3-05

Governor Schwarzenegger announced on June 1, 2005, through Executive Order S-3-05, the following GHG emission reduction targets (Center for Climate Strategies 2018):

- By 2010, California shall reduce GHG emissions to 2000 levels (Rubin 2013);<sup>5</sup>
- By 2020, California shall reduce GHG emissions to 1990 levels; and
- By 2050, California shall reduce GHG emissions to 80 percent below 1990 levels.

<sup>5</sup> The 2010 target to reduce GHG emissions to 2000 levels was not met (Rubin 2013).

In accordance with Executive Order S-3-05, the Secretary of CalEPA is required to coordinate efforts of various agencies, which comprise the California Climate Action Team (CAT), in order to collectively and efficiently reduce GHGs. These agencies include CARB, the Secretary of the Business, Transportation and Housing Agency, Department of Food and Agriculture, the Resources Agency, the California Energy Commission, and the Public Utilities Commission. The CAT provides periodic reports to the Governor and Legislature on the State of GHG reductions in the State as well as strategies for mitigating and adapting to climate change. The first CAT Report to the Governor and the Legislature, in 2006, contained recommendations and strategies to help meet the targets in Executive Order S-3-05. The 2010 CAT Report, finalized in December 2010, expands on the policies in the 2006 assessment (CalEPA 2010).

#### **Executive Order B-30-15**

On April 29, 2015, Governor Brown issued Executive Order B-30-15, which involved the following:

- Establishing a new interim Statewide reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030.
- Ordering all State agencies with jurisdiction over sources of GHG emissions to implement measures to achieve reductions of GHG emissions to meet the 2030 and 2050 reduction targets.
- Directing CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent.

#### **Executive Order B-55-18**

Executive Order B-55-18 was signed by Governor Brown on September 10, 2018. The order establishes an additional Statewide policy to achieve carbon neutrality by 2045 and maintain net negative emissions thereafter. As per Executive Order B-55-18, CARB is directed to work with relevant State agencies to develop a framework for implementation and accounting that tracks progress toward this goal and to ensure future Climate Change Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.

#### **Senate Bill 1383**

This bill (Chapter 395, Statutes of 2016) creates goals for short-lived climate pollutant (SLCP) reductions in various industry sectors. The SLCPs included under this bill – including methane, fluorinated gases, and black carbon – are GHGs that are much more potent than carbon dioxide and can have detrimental effects on human health and climate change. SB 1383 requires the CARB to adopt a strategy to reduce methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030. The methane emission reduction goals include a 75 percent reduction in the level of statewide disposal of organic waste from 2014 levels by 2025. In 2017, CARB adopted a SLCP Reduction Strategy to implement SB 1383 (CARB 2021b).

#### **Land Use and Transportation Planning**

SB 375 (Chapter 728, Statutes of 2008), which establishes mechanisms for the development of regional targets for reducing passenger vehicle GHG, was adopted by the State on September 30, 2008. Under SB 375, CARB is required, in consultation with the State's Metropolitan Planning Organizations, to set regional GHG reduction targets for the passenger vehicle and light-duty truck

sector for 2020 and 2035. In February 2011, CARB adopted the GHG emissions reduction targets of 8 percent by 2020 and 13 percent by 2035 relative to 2005 GHG emissions for Southern California Association of Governments (SCAG), which is the Metropolitan Planning Organization for the region in which the County is located (CARB 2018d). Of note, the proposed reduction targets explicitly exclude emission reductions expected from the AB 1493 and the LCFS regulations.

Under SB 375, the reduction target must be incorporated within that region's Regional Transportation Plan (RTP), which is used for long-term transportation planning, in a Sustainable Communities Strategy (SCS). Certain transportation planning and programming activities would then need to be consistent with the SCS; however, SB 375 expressly provides that the SCS does not regulate the use of land, and further provides that local land use plans and policies (e.g., general plan) are not required to be consistent with either the RTP or SCS.

In March 2018, CARB updated the SB 375 targets to require 8 percent reduction by 2020 and a 19 percent reduction by 2035 in per capita passenger vehicle GHG emissions (CARB 2018e). This reduction target has been integrated into the most recent 2020 RTP/SCS, which is further discussed in Section 3.7.2 under *Regional*, below.

### ***Transportation Fuel***

In response to the transportation sector accounting for a large percentage of California's CO<sub>2</sub> emissions, AB 1493 (HSC Section 42823 and 43018.5) (also referred to as the Pavley standards), enacted on July 22, 2002, required CARB to set GHG emission standards for passenger vehicles, light duty trucks, and other vehicles whose primary use is non-commercial personal transportation manufactured in and after 2009. In setting these standards, CARB must consider cost effectiveness, technological feasibility, economic impacts, and provide maximum flexibility to manufacturers. The federal CAA ordinarily preempts state regulation of motor vehicle emission standards; however, California is allowed to set its own standards with a federal CAA waiver from the USEPA. In June 2009, the USEPA granted California the waiver.

However, as discussed previously, the USEPA and USDOT adopted federal standards for model year 2012 through 2016 light-duty vehicles, which corresponds to the vehicle model years regulated under the State's Pavley Phase I standards. In addition, the USEPA and USDOT have adopted GHG emission standards for model year 2017 through 2025 vehicles, which corresponds to the vehicle model years regulated under the State's Pavley Phase II standards. These standards are slightly different from the State's model year 2017 through 2025 standards, but the State of California has agreed not to contest these standards, in part, due to the fact that while the national standard would achieve slightly less reductions in California, it would achieve greater reductions nationally and is stringent enough to meet State GHG emission reduction goals. In 2012, CARB adopted regulations that allow manufacturers to comply with the 2017 through 2025 national standards to meet State law (i.e., the State's Pavley Phase II standards still apply by law; however, meeting the national standards for model year 2017 through 2025 also meets State law). These 2012 standards were then overridden with the SAFE Vehicles Rule, which were finalized in 2020 by USEPA and NHTSA. In September 2019, the USEPA announced its decision to withdraw California's waiver of preemption under Section 209 of the Clean Air Act. This preemption was proposed to be repealed on April 22, 2021. As of March 15, 2022, the USEPA

published its Notice of Decision to restore California’s waiver, thereby ending the SAFE rule (87 Fed. Reg. 14,332).

In May 2016, CARB released the updated Mobile Source Strategy that demonstrates how the State can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation emissions, and reduce petroleum consumption over the next fifteen years, through a transition to zero-emission vehicles (ZEVs), cleaner transit systems and reduction of vehicle miles traveled (VMT). The Mobile Source Strategy calls for 1.5 million ZEVs (including plug-in hybrid electric, battery-electric, and hydrogen fuel cell vehicles) by 2025 and 4.2 million ZEVs by 2030. It also calls for more stringent GHG requirements for light-duty vehicles beyond 2025 as well as GHG reductions from medium-duty and heavy-duty vehicles and increased deployment of zero-emission trucks primarily for class 3–7 “last mile” delivery trucks in California. Statewide, the Mobile Source Strategy would result in a 45 percent reduction in GHG emissions, and a 50 percent reduction in the consumption of petroleum-based fuels (CARB 2016).

In January 2007, Governor Brown enacted Executive Order S-01-07, which mandates the following: (1) establish a Statewide goal to reduce the carbon intensity of California’s transportation fuels by at least 10 percent by 2020; and (2) adopt an LCFS for transportation fuels in California. CARB identified the LCFS as one of the nine discrete early actions in the Climate Change Scoping Plan. The LCFS regulations were approved by CARB in 2009 and established a reduction in the carbon intensity of transportation fuels by 10 percent by 2020 with implementation beginning on January 1, 2011. In September 2015, CARB approved the re-adoption of the LCFS, which became effective on January 1, 2016, to address procedural deficiencies in the way the original regulation was adopted. In April 2017, the LCFS was brought before the Court of Appeal challenging the analysis of potential nitrogen dioxide impacts from biodiesel fuels. The Court directed CARB to conduct an analysis of nitrogen dioxide impacts from biodiesel fuels and froze the carbon intensity targets for diesel and biodiesel fuel provisions at 2017 levels until CARB has completed this analysis. On March 6, 2018, CARB issued its *Draft Supplemental Disclosure Discussion of Oxides of Nitrogen Potentially Caused by the Low Carbon Fuel Standard Regulation* (CARB 2018f). CARB posted modifications to the amendments on August 13, 2018, with a public comment period through August 30, 2018. Final approval of regulatory changes from CARB’s analysis of nitrogen dioxide impacts from biodiesel fuels was made on January 4, 2019 (CARB 2019). The 2017 Climate Change Scoping Plan also calls for increasing the mandatory reduction in carbon intensity of transportation fuels from 10 percent to 18 percent by 2030.

## **Energy**

The California Energy Commission (CEC) first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR, Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the State. Although not originally intended to reduce GHG emissions, increased energy efficiency and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and nonresidential buildings subject to the standard. The standards are updated periodically (typically every three years) to allow for the consideration and inclusion of new energy efficiency technologies and methods. The 2019 update to the Energy Efficiency Standards for Residential



and Nonresidential Buildings focuses on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings. The major efficiency improvements to the residential Standards involve requirements for solar photovoltaics for low-rise residential, improvements for attics, walls, water heating, and lighting. The most significant efficiency improvements to the nonresidential Standards include alignment with the ASHRAE 90.1 2017 national standards. For residential and non-residential, the Standards include requirements high-efficiency air filters for certain buildings. Furthermore, the 2019 update requires that enforcement agencies determine compliance with CCR, Title 24, Part 6 before issuing building permits for any construction (CEC 2018).

Part 11 of the Title 24 Building Energy Efficiency Standards is referred to as the California Green Building Standards (CALGreen) Code. The purpose of the CALGreen Code is to “improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories: (1) Planning and design; (2) Energy efficiency; (3) Water efficiency and conservation; (4) Material conservation and resource efficiency; and (5) Environmental air quality” (CA Building Standards 2019a). As of January 1, 2011, the CALGreen Code is mandatory for all new buildings constructed in the State. The CALGreen Code establishes mandatory measures for new residential and non-residential buildings including energy efficiency, water conservation, material conservation, planning and design, and overall environmental quality. The CALGreen Code was updated in 2019 to include new mandatory measures for residential and nonresidential uses; the new measures took effect on January 1, 2020 (CA Building Standards 2019b).

The State has adopted regulations to increase the proportion of electricity from renewable sources. In November 2008, Governor Schwarzenegger signed Executive Order S-14-08, which expands the State's RPS to 33 percent renewable power by 2020 (Center for Climate Strategies 2018). On April 12, 2011, Governor Jerry Brown signed SB X1-2 to increase California's RPS to 33 percent by 2020. SB 350 (Chapter 547, Statutes of 2015) further increased the RPS to 50 percent by 2030. The legislation also included interim targets of 40 percent by 2024 and 45 percent by 2027. On September 10, 2018, Governor Jerry Brown signed SB 100, which further increased California's RPS and requires retail sellers and local publicly owned electric utilities to procure eligible renewable electricity for 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030, and that CARB should plan for 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045.

### ***Cap-and-Trade Program***

The Climate Change Scoping Plan identifies a Cap-and-Trade Program as a key strategy CARB will employ to help California meet its GHG reduction targets for 2020 and 2030, and ultimately achieve an 80 percent reduction from 1990 levels by 2050. Pursuant to its authority under AB 32, CARB has designed and adopted a California Cap-and-Trade Program to reduce GHG emissions from major sources (deemed “covered entities”) by setting a firm cap on Statewide GHG emissions and employing market mechanisms to achieve AB 32's emission-reduction mandate of returning to 1990 levels of emissions by 2020 (17 CCR §§ 95800 to 96023). Under Cap-and-Trade program, an overall limit is established for GHG emissions from capped sectors (e.g.,

electricity generation, petroleum refining, cement production, and large industrial facilities that emit more than 25,000 metric tons CO<sub>2</sub>e per year) and declines over time, and facilities subject to the cap can trade permits to emit GHGs. The Statewide cap for GHG emissions from the capped sectors commenced in 2013 and declines over time, achieving GHG emission reductions throughout the Program's duration (17 CCR §§ 95811, 95812). On July 17, 2017, the California legislature passed Assembly Bill 398, extending the Cap-and-Trade program through 2030.

The Cap-and-Trade Regulation provides a firm cap, ensuring that the 2020 Statewide emission limit will not be exceeded. An inherent feature of the Cap-and-Trade Program is that it does not guarantee GHG emissions reductions in any discrete location or by any particular source. Rather, GHG emissions reductions are only guaranteed on an accumulative basis.

If California's direct regulatory measures reduce GHG emissions more than expected, then the Cap-and-Trade Program will be responsible for relatively fewer emissions reductions. If California's direct regulatory measures reduce GHG emissions less than expected, then the Cap-and-Trade Program will be responsible for relatively more emissions reductions. In sum, the Cap-and-Trade Program will achieve aggregate, rather than site-specific or project-level, GHG emissions reductions. Also, due to the regulatory framework adopted by CARB, the reductions attributed to the Cap-and-Trade Program can change over time depending on the State's emissions forecasts and the effectiveness of direct regulatory measures.

### ***California Air Resources Board***

CARB, as previously mentioned, is responsible for the coordination and administration of both federal and State air pollution control programs within California. Some of the regulations and measures that CARB has adopted to reduce particulate matter, nitrogen oxides, and other emissions have co-benefits of reducing GHG emissions. Regulations and measures include:

- In 2004, CARB adopted an Airborne Toxic Control Measure (ACTM) to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter and other toxic air contaminants (Title 13 California Code of Regulations [CCR], Section 2485). This measure generally does not allow diesel-fueled commercial vehicles to idle for more than five (5) minutes at any given location with certain exemptions for equipment in which idling is a necessary function such as concrete trucks.
- In 2008, CARB approved the Truck and Bus regulation to reduce particulate matter and nitrogen oxide emissions from existing diesel vehicles operating in California (13 CCR, Section 2025, subsection (h)). In April 2014, amendments to the Truck and Bus Regulation were approved by CARB to help ensure that the air quality benefits originally envisioned by the regulation will be achieved, by providing some additional compliance flexibility and options to vehicle owners. While these regulations primarily target reductions in criteria air pollutant emission, they have co-benefits of minimizing GHG emissions due to improved engine efficiencies.
- In 2007, CARB promulgated emission standards for off-road diesel construction equipment of greater than 25 horsepower such as bulldozers, loaders, backhoes and forklifts, as well as many other self-propelled off-road diesel vehicles. The regulation aims to reduce emissions by installation of diesel soot filters and encouraging the retirement, replacement, or re-power of older, dirtier engines with newer emission controlled models.

While these regulations primarily target reductions in criteria air pollutant emission, they have co-benefits of minimizing GHG emissions due to improved engine efficiencies and reduction of idling times.

### ***Center for Biological Diversity v. California Department of Fish and Wildlife***

The California Supreme Court considered the California Environmental Quality Act (CEQA) issue of determining the significance of GHG emissions in its decision, *Center for Biological Diversity v. California Department of Fish and Wildlife and Newhall Land and Farming* (2015) 62 Cal. 4<sup>th</sup> 204. The Court questioned a common CEQA approach to GHG analyses for development projects that compares project emissions to the reductions from NAT that will be needed Statewide to reduce emissions to 1990 levels by 2020, as required by AB 32. The Court upheld the NAT method as valid in theory, but concluded that the NAT method was improperly applied in the case of the *Newhall* project because the target for the project was incorrectly deemed consistent with the Statewide emission target of a percent below NAT for the year 2020 as specified in the AB 32 Scoping Plan. In other words, the Court said that the percent below NAT target specified in the AB 32 Scoping Plan is intended as a measure of the GHG reduction effort required by the State as a whole, and it cannot necessarily be applied to the impacts of a specific project in a specific location.

The Court provided some guidance to evaluating the cumulative significance of a proposed land use project's GHG emissions, but noted that none of the approaches could be guaranteed to satisfy CEQA for a particular project. The Court's suggested "pathways to compliance" including: 1) using a geographically specific GHG emission reduction plan (e.g., climate action plan) to provide the basis for streamlining project-level CEQA analysis, as described in CEQA § 15183.5; 2) utilizing the Climate Change Scoping Plan's no-action-taken reduction goal; 3) assessing consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce GHG emissions from particular activities; and 4) relying on existing numerical thresholds of significance for GHG emissions, such as those developed by an air district. The Court did not list the above pathways in order of importance or intentional sequence, nor require that they be relied upon in an analysis. However, this Draft EIR considers the potential GHG emissions associated with the Project within the context of the Court's suggested pathways to compliance.

The Court also addressed project-level GHG emission inventories in the context of Statewide GHG emission inventories and reduction goals. If a project-level inventory were to include additional upstream embedded emissions associated with consumption of goods and services, or downstream transportation emissions, outside of the State, it would no longer be comparable to the State inventory and a threshold based on State reduction targets could not be used to evaluate the project's GHG emissions (AEP 2017).<sup>6</sup> Consistent with the Court's ruling, a project-level GHG emissions inventory under CEQA need not include a complete lifecycle analysis of

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<sup>6</sup> GHG emission inventories provide comprehensive accounting of GHG emissions at an organizational, local, state, national, regional, or global level. This is different from life-cycle GHG accounting which is typically done for a specific good or service and could include upstream emissions (such as raw materials extraction, processing, manufacturing, transport emissions for moving goods to market) and downstream emissions (such as tailpipe or other use and disposal emissions) (USEPA 2021).

upstream and downstream emissions to maintain consistency with the Statewide GHG emission inventory methodology. CEQA project-level GHG emissions inventories may include certain lifecycle emission elements such as upstream electricity generation and water-related emissions, and downstream wastewater processing and waste disposal emissions (AEP 2017).

## **Regional**

### ***Ventura County Air Pollution Control District***

The CEQA Guidelines require that lead agencies determine whether a project's GHG emissions significantly affect the environment and impose mitigation to eliminate or lessen such significant effects. Based on these requirements, in September 2011, the Ventura County Air Pollution Control District (VCAPCD) Board requested district staff (District) provide possible GHG significance thresholds that can be used in evaluating GHG impacts for land use projects. The VCAPCD submitted a report entitled *Greenhouse Gas Thresholds of Significance Options for Land Use Development Projects in Ventura County*. This provides a list of potential thresholds that can be used by lead agencies in determining significance, but does not specify or recommend any single threshold option.

In addition to the threshold guidance, the VCAPCD provides a list of resources related to GHG significance, reduction strategies, and mitigation measures that can be used to reduce impacts from land use development projects.

## **Local**

### ***City of Thousand Oaks General Plan***

The City's General Plan consists of a number of goals and policies related to the community's development, and various elements which provide more detailed policies to serve as the foundation for guiding the City's development. Chapter 7, of the City's Conservation Element addresses the impacts of global climate change in relation to the City of Thousand Oaks. In 2012, the City of Thousand Oaks adopted an Energy Action Plan for City facilities, which is not relevant to this Project as the Project would be a private development. The most relevant policy in the Thousand Oaks General Plan is Policy CO-39, under Climate Change, which would support efforts to reduce greenhouse gas emissions, consistent with the intent of the State of California's California Global Warming Solutions Act of 2006, also known as AB 32 (City of Thousand Oaks 2013).

### ***City of Thousand Oaks Climate and Environmental Action Plan***

The Climate and Environmental Action Plan (CEAP) is a long-range plan that outlines comprehensive strategies to reduce GHG emissions and address other environmentally related issues. The City Council has adopted GHG reduction targets of 40 percent below 2010 levels by 2030 and 80 percent below 2010 levels by 2050. Implementation of the CEAP GHG emission reduction strategies will provide co-benefits to the community by reducing air pollution, supporting local economic development, increasing local resilience, improving public health and quality of life. This CEAP is still under development and therefore will not be used for the consistency analysis in Section 3.7.5, *Impact Analysis*, below (City of Thousand Oaks 2022).

### 3.7.3 Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to greenhouse gas emissions if it would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (see Impact 3.7-1, below).
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases (see Impact 3.7-2, below).

### 3.7.4 Methodology

The evaluation of potential impacts to regional and local greenhouse gas emissions that may result from the construction and long-term operations of the Project is discussed below. For further discussion on the methodology behind the quantification of emissions, see **Appendix H, Greenhouse Gas Emissions Assumptions and Modeling**.

#### **Construction Emissions**

GHG emissions during construction are forecasted by assuming a conservative estimate of construction activities (i.e., assuming all construction occurs at the earliest feasible date). Construction anticipated by the Project may result in GHG emissions of CO<sub>2</sub> and smaller amounts of CH<sub>4</sub> and N<sub>2</sub>O from construction equipment and mobile sources, such as haul trucks and worker vehicles. Construction emissions were calculated using CalEEMod and applying emission factors from EMFAC2021 to calculate mobile source emissions. CalEEMod is based on outputs from the CARB off-road emissions factor (OFFROAD) and EMFAC models, which are emissions estimation models developed by CARB and used to calculate emissions from construction activities, including on- and off-road vehicles.

The input values used in this analysis were adjusted to be Project-specific based on equipment types and the construction schedule. Worker and vendor truck trips were based on CalEEMod defaults. Earthwork quantities were estimated to be approximately 50,880 cubic yards of cut for Phase 1 and approximately 33,601 cubic yards for Phase 2, for a total of approximately 84,481 cubic yards (Hunsaker 2022). Emissions from on-road vehicles were estimated outside of CalEEMod using EMFAC2021 emission factors. These values were applied to the construction phasing assumptions used in the criteria pollutant analysis to generate criteria pollutant emissions values for each construction activity. Emissions from Project construction activities were estimated based on the construction phase in which the activity would be occurring. A detailed discussion of the Project's construction phasing and equipment list is available in **Appendix H** of this Draft EIR.

Project construction is estimated to start in 2023, but may commence at a later date. If this occurs, construction impacts would be lower than those analyzed due to the use of a more energy-efficient and cleaner burning construction vehicle fleet mix, pursuant to State regulations that require vehicle fleet operators to phase-in less polluting heavy-duty equipment. As a result, should Project construction commence at a later date than analyzed in this analysis, GHG impacts would be lower than the impacts disclosed herein.

As previously noted, the Project is within the VCAPCD. However, the City and VCAPCD have not yet developed a qualified GHG reduction plan. In light of the lack of a specific GHG threshold or qualified GHG reduction plan recommended or adopted by the City or VCAPCD, it is appropriate to refer to guidance from other agencies when discussing GHG emissions. The City generally refers to the South Coast Air Quality Management District (SCAQMD) methodology for GHG significance analysis. The SCAQMD guidance, *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*, recognizes that construction-related GHG emissions from projects “occur over a relatively short-term period of time” and that “they contribute a relatively small portion of the overall lifetime project GHG emissions” (SCAQMD 2008a). In accordance with SCAQMD guidance, GHG emissions from construction have been amortized (i.e., averaged annually) over the lifetime of the Project. The SCAQMD defines the lifetime of a project as 30 years (SCAQMD 2008b). Therefore, the Project’s total construction GHG emissions were divided by 30 to determine an annual construction emissions estimate comparable to operational emissions.

### **Operational Impacts**

Similar to construction, operational GHG emissions are also estimated using CalEEMod, along with CARB’s on-road vehicle emissions factor model (EMFAC), updated for EMFAC2021 values. CalEEMod was used to estimate GHG emissions from electricity, solid waste, water and wastewater, mobile sources, and landscaping equipment. The Project would not include natural gas infrastructure and would not use natural gas appliances. Propane tanks would be used for the outdoor firepits.

As previously noted, operational mobile source GHG emissions are estimated based on CARB’s on-road vehicle emissions factor (EMFAC) model. The VMT calculated for the Project was based on the Project population and approximate VMT per capita provided in the Project’s *Draft Traffic Impact Study*, which calculated a Project daily VMT per capita of 8.99 (W.G. Zimmerman Engineering, Inc. 2022).

In addition, the operational mobile source GHG emissions estimates are based on GHG emission factors for the mobile sources and the GWP values for the GHGs emitted. Emissions of GHGs from motor vehicles are dependent on specific vehicle types and models that would travel to and from the Project site. All vehicle types would visit the Project site. Therefore, this assessment uses the Ventura County motor vehicle fleet mix and the fleet average calendar year emissions factors from EMFAC to estimate mobile source GHG emissions.

With regard to energy demand, the consumption of fossil fuels to generate electricity and to provide heating and hot water generates GHG emissions. Emissions of GHGs associated with energy usage under the Project’s proposed land uses are calculated using the CalEEMod tool. Future fuel consumption rates are estimated based on specific square footage of the residential land uses, as well as predicted water supply needs of the Project. CalEEMod then bases GHG emissions related to the Project’s estimated energy demand using the GHG emission factors for the utilities providers’ CO<sub>2</sub>e intensity factors for supplied electricity. It is assumed that all appliances would be electric.

Emissions of GHGs associated with solid waste disposal under the Project's proposed land uses are calculated using the CalEEMod tool. The emissions are based on the size of the land uses, the waste disposal rate for the land uses, the waste diversion rate, the GHG emission factors for solid waste decomposition, and the GWP values for the GHGs emitted (CAPCOA 2022).

The emissions of GHGs associated with water demand and wastewater generation from the Project are calculated using CalEEMod. The emissions are based on the size of the land uses, the water demand factors, the electrical intensity factors for water supply, treatment, and distribution and for wastewater treatment, the GHG emission factors for the electricity utility provider, and the GWP values for the GHGs emitted (CAPCOA 2022).

The emissions of GHGs associated with operational area sources under the Project are calculated using the CalEEMod tool. The emissions for landscaping equipment are based on the size of the open space required based on the land uses, the GHG emission factors for fuel combustion, and the GWP values for the GHGs emitted.

Emissions calculations also include credits or reductions for GHG reducing measures, some of which are required by regulation, such as compliance with SCAQMD rules and regulations and reductions in energy and water demand. The Project would comply with the 2019 California Building Energy Efficiency Standards and CALGreen Building Standards (California Code of Regulations Title 24, Parts 6 and 11).<sup>7</sup>

### ***Project Consistency with Applicable Plans and Policies***

The Project's GHG emission impacts are evaluated by assessing the Project's consistency with applicable GHG reduction strategies and local actions approved or adopted by CARB, SCAG, and the County. As there is no applicable adopted or accepted numerical threshold of significance for GHG emissions, the methodology for evaluating the Project's impacts related to GHG emissions focuses on its consistency with statewide, regional, and local plans adopted for the purpose of reducing and/or mitigating GHG emissions. This evaluation of consistency with such plans is the sole basis for determining the significance of the Project's GHG-related impacts on the environment.

A consistency analysis is provided and describes the Project's compliance with relevant regulations and the goals and strategies outlined in the applicable portions of the 2017 Climate Change Scoping Plan, SCAG 2020 RTP/SCS, Ventura County General Plan, and City of Thousand Oaks General Plan.

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<sup>7</sup> The analysis conservatively assumes 2019 Title 24 standards compliance, but that should the Project's building permit application be submitted after January 1, 2023, the Project would comply with the latest 2022 version.

### 3.7.5 Impact Analysis

#### Generate Greenhouse Gas Emissions and Conflict with an Applicable Plan

**Impacts 3.7-1 and 3.7-2: The Project would result in less than significant and less than cumulatively considerable effects associated with the generation of GHG emissions and consistency with applicable plans, policies or regulations adopted for the purpose of reducing the emissions of GHGs.**

#### *Project Impact Analysis*

#### **Green House Gas Emissions**

##### Construction

The emissions of GHGs associated with construction of the Project were calculated for each year of construction activity using CalEEMod and EMFAC. Results of the GHG emissions calculations are presented on **Table 3.7-3, *Estimated Construction Greenhouse Gas Emissions***. As presented therein, construction of the Project is anticipated to generate approximately 3,028 MTCO<sub>2e</sub>.

**TABLE 3.7-3  
 ESTIMATED CONSTRUCTION GREENHOUSE GAS EMISSIONS**

<b>Phase</b>	<b>GHG Emissions (MTCO<sub>2e</sub>)</b>
Demolition (PA1)	122
Grading (PA1)	119
Paving (PA1)	106
Building Construction (PA1)	809
Architectural Coating (PA1)	31
Demolition (PA2)	158
Grading (PA2)	155
Paving (PA2)	172
Building Construction (PA2)	1,161
Architectural Coating (PA2)	30
<b>Total</b>	<b>2,863</b>
<b>Amortized</b>	<b>95</b>

NOTES: PA1 = Planning Area 1; PA2 = Planning Area 2.

<sup>a</sup> Totals may not add up exactly due to rounding in the modeling calculations.

<sup>b</sup> CO<sub>2e</sub> emissions are calculated using the global warming potential values from the Intergovernmental Panel on Climate Change Fourth Assessment Report: 25 for CH<sub>4</sub> and 298 for N<sub>2</sub>O (IPCC 2007).

SOURCE: ESA 2022.

Although GHGs are generated during construction and are accordingly considered one-time emissions, it is important to include them when assessing all of the long-term GHG emissions associated with a project. As recommended by the SCAQMD, construction-related GHG emissions



were amortized over a 30-year project lifetime in order to include these emissions as part of a project’s annualized lifetime total emissions. In accordance with this methodology, the estimated Project’s construction GHG emissions have been amortized over a 30-year period and are added to the annualized operational GHG emissions. Amortized annual project emissions result in 96 MTCO<sub>2e</sub>. Due to the potential persistence of GHGs in the environment, impacts are based on annual emissions and, in accordance with SCAQMD methodology, construction-period impacts are not assessed independent of operational-period impacts, which are discussed in the next section (SCAQMD 2009).

**Operational**

The emissions of GHGs associated with the operation of the Project were calculated using CalEEMod and EMFAC2021 as detailed in the Methodology Section. Results of the GHG emissions calculations are presented on **Table 3.7-4, Estimated Operational Greenhouse Gas Emissions for Buildout Year**. As presented therein, annual operation of the Project is anticipated to generate approximately 2,191 MTCO<sub>2e</sub>, including the amortized construction emissions. Daily VMT per capita for the Project was provided in the traffic study (W.G. Zimmerman Engineering, Inc. 2022). It is assumed all appliances would be electric so there is no natural gas usage associated with the proposed Project. Emissions from the use of consumer products and the reapplication of architectural coatings are based on data provided in CalEEMod.

**TABLE 3.7-4  
 ESTIMATED OPERATIONAL GREENHOUSE GAS EMISSIONS FOR BUILDOUT YEAR  
 (POUNDS PER DAY) <sup>a,b</sup>**

<b>Source</b>	<b>MTCO<sub>2e</sub></b>
Area	11
Energy	783
Mobile	1,154
Waste	61
Water	86
<b>Total Proposed:</b>	<b>2,095</b>
Amortized Construction:	95
<b>Total Project Emissions:</b>	<b>2,191</b>

NOTES:

<sup>a</sup> Totals may not add up exactly due to rounding in the modeling calculations. Detailed emissions calculations are provided in Appendix H of this Draft EIR.

<sup>b</sup> Emissions from propane-fueled fire pits are included in the area source emissions.

SOURCE: ESA 2022.

**Post Buildout Emissions**

Executive Orders S-3-05 and B-30-15 establish a goal to reduce GHG emissions to 80 percent below 1990 levels by 2050. This goal has not been codified by the Legislature and CARB has not adopted a strategy or regulations to meet the 2050 goal. However, studies have shown that, in order to meet the 2050 goal, aggressive technologies in the transportation and energy sectors, including electrification and the decarbonization of fuel, will be required. In its original 2008

Scoping Plan, CARB acknowledged that the “measures needed to meet the 2050 goal are too far in the future to define in detail” (CARB 2008). In the 2014 Scoping Plan, CARB generally described the type of activities required to achieve the 2050 target: “energy demand reduction through efficiency and activity changes; large-scale electrification of on-road vehicles, buildings, and industrial machinery; decarbonizing electricity and fuel supplies; and rapid market penetration of efficiency and clean energy technologies that requires significant efforts to deploy and scale markets for the cleanest technologies immediately” (CARB 2018b). The 2017 Scoping Plan recognizes that additional work is needed to achieve the more stringent 2050 target: “While the Scoping Plan charts the path to achieving the 2030 GHG emissions reduction target, we also need momentum to propel us to the 2050 Statewide GHG target (80 percent below 1990 levels). In developing this Scoping Plan, we considered what policies are needed to meet our mid-term and long-term goals” (CARB 2018c). For example, the 2017 Scoping Plan acknowledges that “though Zero Net Carbon Buildings are not feasible at this time and more work needs to be done in this area, they will be necessary to achieve the 2050 target. To that end, work must begin now to review and evaluate research in this area, establish a planning horizon for targets, and identify implementation mechanisms” (CARB 2018c).

- **Energy Sector:** Continued improvements in California’s lighting, appliance, and building energy efficiency programs and initiatives, such as the State’s building energy efficiency standards and zero net energy building goals, would serve to reduce the Project’s emissions level. Additionally, further technological improvements and additions to California’s renewable resource portfolio would favorably influence the Project’s emissions level (CARB 2018b).
- **Transportation Sector:** Anticipated deployment of improved vehicle efficiency, zero emission technologies, lower carbon fuels, and improvement of existing transportation systems all will serve to reduce the Project’s emissions level (CARB 2018b).
- **Water Sector:** The Project’s emissions level will be reduced as a result of further enhancements to water conservation technologies (CARB 2018b).
- **Waste Management Sector:** Plans to further improve recycling, reuse, and reduction of solid waste will beneficially reduce the Project’s emissions level (CARB 2018b).

This analysis and **Appendix H** were prepared to determine the potential GHG impacts associated with the Project. Due to the technological shifts required and the unknown parameters of the regulatory framework in 2050, quantitatively analyzing the Project’s impacts relative to the 2050 goal is speculative for purposes of CEQA. Nonetheless, Statewide efforts are underway to facilitate the State’s achievement of those goals, and it is reasonable to expect the Project’s emissions level to decline as the regulatory initiatives identified by CARB in the 2017 Scoping Plan are implemented and other technological innovations occur. Stated differently, the Project’s emissions total at buildout represents the maximum emissions inventory for the Project as California’s emissions sources are being regulated (and foreseeably expected to continue to be regulated in the future) in furtherance of the State’s environmental policy objectives. Project emissions once fully constructed and operational would be anticipated to decline in future years, but mobile emissions would still result in the majority of the Project’s GHG emissions.

## Consistency with Plans, Policies, and Regulations

The analyses below demonstrate that the Project is consistent with the applicable GHG emission reduction plans and policies included within the 2017 Climate Change Scoping Plan, SCAG 2020 RTP/SCS, Ventura County General Plan, and City of Thousand Oaks General Plan.

### CARB's Climate Change Scoping Plan

At the State level, Executive Orders S-3-05 and B-30-15 are orders from the State's Executive Branch for the purpose of reducing GHG emissions. Executive Order S-3-05's goal to reduce GHG emissions to 1990 levels by 2020 was adopted by the Legislature as the 2006 Global Warming Solutions Act (AB 32) and codified into law in AB 32. Executive Order B-30-15's goal to reduce GHG emissions to 40 percent below 1990 levels by 2030 was adopted by the Legislature in SB 32 and also codified into law in AB 32.

In support of AB 32, the State has promulgated specific laws and strategies aimed at GHG reductions that are applicable to the Project. The primary focus of many of the Statewide and regional plans, policies, and regulations is to address worldwide climate change. Due to the complex physical, chemical, and atmospheric mechanisms involved in global climate change, there is no basis for concluding that the Project's increase in annual GHG emissions would cause a measurable change in global GHG emissions necessary to influence global climate change. Newer construction materials and practices, energy efficiency requirements, and newer appliances tend to emit lower levels of air pollutant emissions, including GHGs, as compared to those built years ago; however, the net effect is difficult to quantify. The GHG emissions of the Project alone would not likely cause a direct physical change in the environment. According to the California Air Pollution Control Officers Association (CAPCOA), "GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective" (CAPCOA 2008). It is global GHG emissions in their aggregate that contribute to climate change, not any single source of GHG emissions alone.

There are several GHG reduction plans and programs that will be implemented at state and local levels which will indirectly reduce GHG emissions from the Project. These plans, programs and regulations are beyond control of the Project and will occur with or without the implementation of the Project. These include:

- **California RPS program (SB 100):** The Project complies with SB100 inasmuch as the Project is served by SCE, which achieved 30.9 percent of its customer deliveries from carbon-free resources in 2020 (SCE 2020). Furthermore, per the updated requirements of SB 100, signed by Governor Brown on September 10, 2018, energy providers, such as Southern California Edison (SCE) (the provider for the Project site) would be required to procure eligible renewable electricity for 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030, and should plan to achieve 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045. The Project would incorporate energy efficient measures as part of meeting applicable requirements of the 2019 Title 24 Building Energy Efficiency Standards and CALGreen Code or applicable version at the time of building permit issuance.
- **Assembly Bill 1109:** According to the CEC, energy savings from AB 1109 are achieved through codes and standards. Energy savings from AB 1109 are calculated as part of codes and

standards savings (CEC 2014). The Project would meet or exceed the applicable requirements of the 2019 Title 24 Building Energy Efficiency Standards and CALGreen Code.

- **SB 1368, CCR Title 20, Cap and Trade Program:** Reduces GHG emissions from major sources (deemed “covered entities”) by setting a firm cap on Statewide GHG emissions and employing market mechanisms to achieve AB 32’s emission-reduction mandate of returning to 1990 levels of emissions by 2020. Under Cap-and-Trade program, an overall limit is established for GHG emissions from capped sectors (e.g., electricity generation) and declines over time, and facilities subject to the cap can trade permits to emit GHGs. The Statewide cap for GHG emissions from the capped sectors commenced in 2013 and declines over time, achieving GHG emission reductions throughout the Program’s duration, and on July 17, 2017, the California legislature passed AB 398, extending the Cap-and-Trade program through 2030. The Project would be consistent with this regulation as the Project’s GHG emissions associated with electricity usage are covered by the Cap-and-Trade Program as the Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported.
- **AB 1493 (Pavley Regulations):** Reduces GHG emissions in new passenger vehicles from model year 2012 through 2016 (Phase I) and model years 2017–2025 (Phase II). Also reduces gasoline consumption to a rate of 31 percent of 1990 gasoline consumption (and associated GHG emissions) by 2020. The Project would be consistent with this regulation and would not conflict with implementation of the vehicle emissions standards. GHG emissions related to vehicular travel by the Project would benefit from this regulation because vehicle trips associated with the Project would be affected by AB 1493. Mobile source emissions generated by the Project would be reduced with implementation of AB 1493 consistent with reduction of GHG emissions under AB 32.
- **Low Carbon Fuel Standard (Executive Order S-01-07):** Establishes protocols for measuring life-cycle carbon intensity of transportation fuels and helps to establish use of alternative fuels. This executive order establishes a Statewide goal to reduce the carbon intensity of California’s transportation fuels by at least 10 percent by 2020. The Project would be consistent with this regulation and would not conflict with implementation of the transportation fuel standards. GHG emissions related to vehicular travel by the Project would benefit from this regulation and mobile source emissions generated by the Project would be reduced with implementation of LCFS consistent with reduction of GHG emissions under AB 32.
- **Advanced Clean Cars Program:** In 2012, CARB adopted the Advanced Clean Cars (ACC) program to reduce criteria pollutants and GHG emissions for model year vehicles 2015 through 2025. ACC includes the Low-Emission Vehicle (LEV) regulations that reduce criteria pollutants and GHG emissions from light- and medium-duty vehicles, and the Zero-Emission Vehicle (ZEV) regulation, which requires manufacturers to produce an increasing number of pure ZEVs (meaning battery electric and fuel cell electric vehicles), with provisions to also produce plug-in hybrid electric vehicles (PHEV) in the 2018 through 2025 model years. The standards would apply to all vehicles used by construction employees, residents, and visitors associated with the Project.
- **SB 375:** SB 375 establishes mechanisms for the development of regional targets for reducing passenger vehicle GHG emissions. Under SB 375, CARB is required, in consultation with the State’s Metropolitan Planning Organizations, to set regional GHG reduction targets for the passenger vehicle and light-duty truck sector for 2020 and 2035. As demonstrated in **Table 3.7-5, Consistency with Applicable Climate Change Scoping Plan Greenhouse Gas Reduction Strategies**, below, the Project would not conflict with SCAG 2020 RTP/SCS goals and objectives under SB 375.

- Senate Bill X7-7:** The Water Conservation Act of 2009 sets an overall goal of reducing per capita urban water use by 20 percent by December 31, 2020. Each urban retail water supplier shall develop water use targets to meet this goal. This is an implementing measure of the Water Sector of the AB 32 Scoping Plan. Reduction in water consumption directly reduces the energy necessary and the associated emissions to convey, treat, and distribute the water; it also reduces emissions from wastewater treatment. The Project would utilize energy efficiency appliances and equipment and would meet the applicable energy standards in the 2019 Title 24 Building Energy Efficiency Standards and CALGreen Code, or applicable version at the time of building permit issuance.
- California Integrated Waste Management Act (IWMA) of 1989 and Assembly Bill (AB) 341:** The IWMA mandated that State agencies develop and implement an integrated waste management plan which outlines the steps to be taken to divert at least 50 percent of their solid waste from disposal facilities. AB 341 directs CalRecycle to develop and adopt regulations for mandatory commercial recycling and sets a Statewide goal for 75 percent disposal reduction by the year 2020. GHG emissions related to solid waste generation from the Project would benefit from this regulation as it would decrease the overall amount of solid waste disposed of at landfills. The decrease in solid waste would then in return decrease the amount of methane released from the decomposing solid waste. The Project would establish a construction waste recycling program with a local waste management company, with recycling no less than 60 percent of the construction waste generated by construction, excluding excavated soil and land-clearing debris.

**TABLE 3.7-5  
 CONSISTENCY WITH APPLICABLE CLIMATE CHANGE SCOPING PLAN GREENHOUSE GAS  
 REDUCTION STRATEGIES**

Actions and Strategies	Responsible Party	Compliance/Consistency Analysis
<b>Energy</b>		
<p><b>Senate Bill 350 (SB 350).</b> The Clean Energy and Pollution Reduction Act of 2015 increases the standards of the RPS program by requiring that the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources be increased to 50 percent by 2030.<sup>a</sup></p> <p>Required measures include:</p> <ul style="list-style-type: none"> <li>• Increase RPS to 50 percent of retail sales by 2030.</li> <li>• Establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas end uses by 2030.</li> <li>• Reduce GHG emissions in the electricity sector through the implementation of the above measures and other actions as modeled in IRPs to meet GHG emissions reductions planning targets in the IRP process. Load-serving entities and publicly owned utilities meet GHG emissions reductions planning targets through a combination of measures as described in IRPs.</li> </ul>	<p>CPUC, CEC, CARB, SCE</p>	<p><b>Not Applicable/No Conflict.</b> SB 350 applies to electric utility providers in California and does not apply directly to land use development projects, such as the Project. While this provision of SB 350 applies to the generators and suppliers of energy sources, the Project would support SB 350's goals since the Project would use electricity provided by SCE, which is required to meet the energy performance standard of 50 percent renewable energy by 2030. The legislation also included interim targets of 40 percent by 2024 and 45 percent by 2027. In 2020, SCE provided 30.9 percent from renewable sources (SCE 2020).</p> <p>As required under SB 350, doubling of the energy efficiency savings from final end uses of retail customers by 2030 would primarily rely on the existing suite of building energy efficiency standards under California Code of Regulations Title 24, Part 6 and utility-sponsored programs such as rebates for high-efficiency appliances, HVAC systems, and insulation. The Project would meet or exceed the applicable requirements of Title 24, Part 6, as well as the California Green Building Standards Code in Title 24, Part 11. The Project would use all new electric appliances, install high-efficiency lighting, Low-E or ENERGY STAR windows, and utilize passive sustainable design strategies including daylighting, natural sources of heating and cooling, operable windows, shading on south facing windows, ceiling fans, well-designed building envelopes with high-U values. Solar panels would be included and optimized per applicable design requirements. As such, the Project would not conflict with SB 350.</p>

Actions and Strategies	Responsible Party	Compliance/Consistency Analysis
<p><b>Senate Bill 100 (SB 100).</b> The California RPS Program (2018) requires a Statewide renewables energy portfolio that requires retail sellers to procure renewable energy that is at least 50 percent by December 31, 2026, and 60 percent by December 31, 2030. It would also require that local publicly owned electric utilities procure a minimum quantity of electricity from renewable energy resources achieve 44 percent of retail sales by December 31, 2024, and 60 percent by December 31, 2030.</p>	CPUC, SCE	<p><b>Not Applicable/No Conflict.</b> SB 100 applies to electric utility providers in California and does not apply directly to land use development projects, such as the Project. While this provision of SB 100 applies to the generators and suppliers of energy sources, the Project would support SB 100's goals since the Project would utilize the renewable energy provided by the regulated entity, SCE, for the Project's electricity demand. SCE is required to generate electricity that would increase renewable energy resources to 60 percent by 2030. As described in SCE's 2020 Annual Report, SCE anticipates that it will meet California's requirements through 2045.<sup>b</sup> As SCE would provide electricity service to the Project, the Project would use electricity consistent with the requirements of SB 100.</p> <p>The Project would comply with this action/strategy as it is located within the SCE service area and would be required to comply with CALGreen and Title 24 energy efficiency standards. As such, the Project would not conflict with SB 100.</p>
<p><b>CCR, Title 24.</b> Energy Efficiency Standards for Residential and Nonresidential Buildings</p>	State, Local Jurisdictions	<p><b>No Conflict.</b> The Project would meet or exceed the applicable requirements of the Title 24 Building Energy Efficiency Standards and CALGreen Code or applicable version at the time of building permit issuance. As described above, the Project would use all new electric appliances, install high-efficiency lighting, Low-E or ENERGY STAR windows, and utilize passive sustainable design strategies including daylighting, natural sources of heating and cooling, operable windows, shading on south facing windows, ceiling fans, well-designed building envelopes with high-U values. Solar panels would be included and optimized per applicable design requirements. As such, the Project would not conflict with applicable requirements of CCR, Title 24.</p>
<p><b>California Green Building Standards Code Requirements.</b> Heating, ventilation, and air conditioning (HVAC) Systems will be designed to meet American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standards.</p>	State, Local Jurisdictions	<p><b>No Conflict.</b> The Project would utilize energy efficient appliances and equipment and would meet the applicable energy standards in the Title 24 Building Energy Efficiency Standards and CALGreen Code, or applicable version at the time of building permit issuance. The Project would utilize energy efficiency HVAC Systems that would meet or exceed the applicable energy standards in ASHRAE Appendix G and the Title 24 Building Energy Efficiency Standards and CALGreen Code, or applicable version of these standards at the time of building permit issuance. As such, the Project would not conflict with the HVAC system ASHRAE standards.</p>
<p>Energy commissioning shall be performed for buildings larger than 10,000 square feet.</p>	State, Local Jurisdictions	<p><b>No Conflict.</b> The Project would meet this requirement as part of its compliance with the City's requirements. As such, the Project would not conflict with the energy commissioning strategy for buildings larger than 10,000 square feet.</p>
<p>Refrigerants used in newly installed HVAC systems shall not contain any CFCs.</p>	State, Local Jurisdictions	<p><b>No Conflict.</b> The Project would meet this requirement as part of its compliance with the CALGreen Code for the use of HFCs in place of CFCs in HVAC systems. As such, the Project would not conflict with the CFC strategy for HVAC systems.</p>

Actions and Strategies	Responsible Party	Compliance/Consistency Analysis
Parking spaces shall be designed for carpool or alternative fueled vehicles. Up to eight percent of total parking spaces will be designed for such vehicles.	State, Local Jurisdictions	<b>No Conflict.</b> The Project would meet this requirement as part of its compliance with the CALGreen Code. Six percent of parking spaces within the proposed parking structure will be pre-plumbed to accommodate electric vehicle charging. Ten percent of the parking spaces within the Project's residential parking structures will be pre-plumbed to accommodate electric vehicle charging. As such, the Project would not conflict with carpool or alternative fuel vehicle parking design strategy.
Long-term and short-term bike parking shall be provided for up to 5 percent of vehicle trips.	State, Local Jurisdictions	<b>No Conflict.</b> The Project would meet this requirement as part of its compliance with the CALGreen Code. The Project would provide 154 bike parking stalls for residents and 22 short-term bike parking racks for guests. As such, the Project would not conflict with the long-term and short-term bike parking strategy.
Stormwater Pollution Prevention Plan (SWPPP) required.	State, Local Jurisdictions	<b>No Conflict.</b> The Project would meet this requirement as part of its compliance with the County's requirements and the CALGreen Code (See Section 3.9, <i>Hydrology and Water Quality</i> , of the Draft EIR). As such, the Project would not conflict with applicable SWPPP requirements.
Indoor water usage must be reduced by 20 percent compared to current California Building Code Standards for maximum flow.	State, Local Jurisdictions	<b>No Conflict.</b> The Project would meet this requirement as part of its compliance with the CALGreen Code, or equivalent green building standard. The Project would provide water efficiency features such as low-flush toilets, low-flow fixtures and appliances, drought-tolerant landscaping, smart weather-based irrigation controllers, and water-saving irrigation lines such as drip tubing. As such, the Project would not conflict with this indoor water usage reduction strategy.
All irrigation controllers must be installed with weather sensing or soil moisture sensors.	State, Local Jurisdictions	<b>No Conflict.</b> A weather-based irrigation controller would be installed to eliminate unnecessary watering. As such, the Project would not conflict with this irrigation controller strategy.
Wastewater generation shall be reduced by 20 percent compared to current California Building Standards.	State, Local Jurisdictions	<b>No Conflict.</b> The Project would meet this requirement as part of its compliance with the CALGreen Code, or equivalent green building standard. As described above, the Project would provide water efficiency features such as low-flush toilets, low-flow fixtures and appliances, drought-tolerant landscaping, smart weather-based irrigation controllers, and water-saving irrigation lines such as drip tubing. As such, the Project would not conflict with this strategy for reducing wastewater generation.
Requires a minimum of 50 percent recycle or reuse of nonhazardous construction and demolition debris.	State, Local Jurisdictions	<b>No Conflict.</b> The Project would establish a construction waste recycling program with a local waste management company, with recycling no less than sixty percent of construction waste. As such, the Project would not conflict with this strategy for the recycling or reuse of nonhazardous construction and demolition debris.
Requires documentation of types of waste recycled, diverted or reused.	State, Local Jurisdictions	<b>No Conflict.</b> The Project would meet this requirement as part of its compliance with the construction waste recycling program and the CALGreen Code. As such, the Project would not conflict with this strategy for the documentation of the types of waste recycled, diverted or reused.
<b>Water</b>		
<b>CCR, Title 24.</b> Title 24 includes water efficiency requirements for new residential and non-residential uses.	State, Local Jurisdictions	<b>No Conflict.</b> See discussion under Title 24 Building Standards Code and California Green Building Standards Code Requirements above. As such, the Project would not conflict with applicable water efficiency requirements of CCR, Title 24.

Actions and Strategies	Responsible Party	Compliance/Consistency Analysis
<b>Mobile</b>		
<p><b>Implement Mobile Source Strategy (Cleaner Technology and Fuels):</b></p> <ul style="list-style-type: none"> <li>At least 1.5 million zero emission and plug-in hybrid light-duty electric vehicles by 2025.</li> <li>At least 4.2 million zero emission and plug-in hybrid light-duty electric vehicles by 2030.</li> <li>Further increase GHG stringency on all light-duty vehicles beyond existing Advanced Clean Cars regulations.</li> <li>Implementation of federal phase 2 standards for medium- and heavy-duty vehicles.</li> <li>Innovative Clean Transit: Transition to a suite of to-be-determined innovative clean transit options. Assumed 20 percent of new urban buses purchased beginning in 2018 will be zero emission buses with the penetration of zero-emission technology ramped up to 100 percent of new sales in 2030. Also, new natural gas buses, starting in 2018, and diesel buses, starting in 2020, meet the optional heavy-duty low-NO<sub>x</sub> standard.</li> <li>Last Mile Delivery: New regulation that would result in the use of low NO<sub>x</sub> or cleaner engines and the deployment of increasing numbers of zero-emission trucks primarily for class 3-7 last mile delivery trucks in California. This measure assumes ZEVs comprise 2.5 percent of new Class 3–7 truck sales in local fleets starting in 2020, increasing to 10 percent in 2025 and remaining flat through 2030.</li> <li>Further reduce VMT through continued implementation of SB 375 and regional Sustainable Communities Strategies; forthcoming statewide implementation of SB 743; and potential additional VMT reduction strategies not specified in the Mobile Source Strategy but included in the document “Potential VMT Reduction Strategies for Discussion.”</li> </ul>	<p><b>CARB, CalSTA, SGC, Caltrans, CEC, OPR, Local Agencies</b></p>	<p><b>Not Applicable/No Conflict.</b> The 2017 Climate Change Scoping Plan Mobile Source Strategy applies to vehicle manufacturers, bus and transit operators, truck fleet and delivery operators, and local planning agencies. While this strategy does not apply directly to the Project, the Project would not conflict with the goals of the Mobile Source Strategy as outlined below.</p> <p>CARB approved the Advanced Clean Cars Program that includes Low-Emission Vehicle (LEV) regulations that reduce criteria pollutants and GHG emissions from light- and medium-duty vehicles, and the Zero-Emission Vehicle (ZEV) regulation, which requires manufacturers to produce an increasing number of pure ZEVs (meaning battery electric and fuel cell electric vehicles), with provisions to also produce plug-in hybrid electric vehicles (PHEV) in the 2018 through 2025 model years. While this action does not directly apply to individual projects, the standards would apply to all vehicles purchased or used by residents and visitors to the Project. The Project would comply with CALGreen requirements regarding the number of electric vehicle-ready and electric vehicle-capable parking spaces to support ZEVs and PHEVs. Six percent of parking spaces within the proposed parking structure will be pre-plumbed to accommodate electric vehicle charging. Ten percent of the parking spaces within the Project’s residential parking structures will be pre-plumbed to accommodate electric vehicle charging. As such, the Project would support implementation of this strategy.</p> <p>The Advanced Clean Truck Regulation has two components, a manufacturer sales requirement and a reporting requirement. The manufacturer component of the regulation requires manufacturers that certify Class 2b-8 chassis or complete vehicles with combustion engines to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales would need to be 55 percent of Class 2b – 3 truck sales, 75 percent of Class 4 – 8 straight truck sales, and 40 percent of truck tractor sales. The reporting component of the regulation requires large employers, including retailers, manufacturers, brokers and others, to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, would be required to report about their existing fleet operations.<sup>c</sup> Because deliveries to the Project site would be made by trucks subject to this regulation, the Project would benefit from these measures.</p> <p>CARB is also developing the Innovative Clean Transit measure to encourage purchase of advanced technology buses such as alternative fueled or battery powered buses. This would allow fleets to phase in cleaner technology in the near future. While implementation of the Project would not impact the Innovative Clean Transit measure, mobile emissions from Project residents and visitors would decrease from the measure as they use transit. CARB is also in the process of developing proposals for new approaches and strategies to achieve zero emission trucks under the Advanced Clean Local Trucks (Last Mile Delivery) Program.<sup>d</sup> If and when such transit measures are adopted by CARB as regulatory standards, GHG emissions generated by transit trips by Project users, including residents and visitors, would be reduced in accordance with the future regulations.</p>



Actions and Strategies	Responsible Party	Compliance/Consistency Analysis
		<p>GHG emissions generated by Project-related vehicular travel would benefit from the above regulations and programs, and mobile source emissions generated by the Project would be reduced with implementation of standards under the Advanced Clean Cars Program, Advanced Clean Truck Regulation, and Innovative Clean Transit measure consistent with reduction of GHG emissions under SB 32. Mobile source GHG emissions provided in Table 3.7-4 conservatively do not specifically include the numeric reduction in mobile source GHG emissions from the above regulations as the EMFAC model, which was utilized in this Draft EIR, does not yet fully account for these regulation or programs.</p> <p>SB 375 requires SCAG to direct the development of the RTP/SCS for the region, which is discussed in this Draft EIR. The Project would not conflict with the 2020 RTP/SCS goal to adapt to a changing climate and to support an integrated regional development pattern. The Project would provide minimal distance between active job locations (including those within Planning Area 2) that will reduce car trips and promote walkability. The Project will be within walking/bicycling distance of retail uses along the Promenade and provide walking/bicycling paths that will connect the Project to these retail uses. Public transportation is conveniently available to Project residents and visitors as well with a bus stop for Route 43 TOB Express to the Thousand Oaks Transit Center located on the corner of Thousand Oaks Boulevard and Lakeview Canyon Road. Route 44 is also in close proximity to the Project and additionally provides access to the Transit Center. As such, the Project would not conflict with applicable RTP/SCS actions and strategies to reduce GHG emissions.</p>
<p><b>Increase Stringency of SB 375 Sustainable Communities Strategy (2035 Targets).</b></p>	<p>CARB</p>	<p><b>No Conflict.</b> Under SB 375, CARB sets regional targets for GHG emission reductions from passenger vehicle use. In 2010, CARB established targets for 2020 and 2035 for each region. As required under SB 375, CARB is required to update regional GHG emissions targets every 8 years, which have been most recently updated in 2018. As part of the 2018 updates, CARB adopted a passenger vehicle related GHG reduction of 19 percent per capita for 2035 for the SCAG region.</p> <p>The Project would provide minimal distance between the existing active job locations (including those within Planning Area 2) that will reduce car trips and promote walkability. The Project will be within walking/bicycling distance of retail uses along the Promenade and provide walking/bicycling paths that will connect the Project to these retail uses. Public transportation is conveniently available to Project residents and visitors as well with a bus stop for Route 43 TOB Express to the Thousand Oaks Transit Center located on the corner of Thousand Oaks Boulevard and Lakeview Canyon Road. Route 44 is also in close proximity to the Project and additionally provides access to the Transit Center. As such, the Project would not conflict with applicable RTP/SCS actions and strategies to reduce GHG emissions.</p>

Actions and Strategies	Responsible Party	Compliance/Consistency Analysis
<p><b>By 2019, adjust performance measures used to select and design transportation facilities.</b></p> <ul style="list-style-type: none"> <li>Harmonize project performance with emissions reductions, and increase competitiveness of transit and active transportation modes (e.g., via guideline documents, funding programs, project selection).</li> </ul>	<p>CalSTA and SGC, OPR, CARB, GoBiz, IBank, DOF, CTC, Caltrans</p>	<p><b>Not Applicable/No Conflict.</b> The Project would not involve construction of transportation facilities. However, the Project would encourage emission reduction strategies, including electric vehicle parking, walking/bicycling paths, and proximity to transit. Therefore, would not interfere, impede or conflict with this strategy.</p>
<p><b>By 2019, develop pricing policies to support low-GHG transportation (e.g., low-emission vehicle zones for heavy duty, road user, parking pricing, transit discounts).</b></p>	<p>CalSTA, Caltrans, CTC, OPR/SGC, CARB</p>	<p><b>No Conflict.</b> The Project would not conflict with this strategy and would further provide electric vehicle parking and bicycle parking, and locate housing near transit.</p>
<p><b>Implement California Sustainable Freight Action Plan:</b></p> <ul style="list-style-type: none"> <li>Improve freight system efficiency.</li> <li>Deploy over 100,000 freight vehicles and equipment capable of zero emission operation and maximize both zero and near-zero emission freight vehicles and equipment powered by renewable energy by 2030.</li> </ul>	<p>CalSTA, CalEPA, CNRA, CARB, CalTrans, CEC, GoBiz</p>	<p><b>Not Applicable/No Conflict.</b> The Project land uses would not include freight transportation or warehousing. Therefore, the Project would not interfere or impede the implementation of the Sustainable Freight Action Plan.</p>
<p><b>Adopt a Low Carbon Fuel Standard with a CI reduction of 18 percent.</b></p>	<p>CARB</p>	<p><b>Not Applicable/No Conflict.</b> This regulatory program applies to fuel suppliers, not directly to land use development, such as the Project. GHG emissions related to vehicular travel associated with the Project would benefit from this regulation because fuel used by Project-related vehicles would be required to comply with LCFS. Therefore, would not interfere, impede or conflict with this strategy.</p> <p>On September 27, 2018, CARB approved an amendment to the LCFS regulation to require a 20 percent reduction in carbon intensity from a 2010 baseline by 2030. Reductions in carbon intensity are phased in starting in 2019 with a reduction of 6.25 percent and increases by 1.25 percent each year. Thus, in 2021, LCFS emissions reductions are 8.75 percent reduced carbon intensity relative to the 2010 baseline. Project-related mobile source GHG emissions would be reduced accordingly, and would increase as LCFS compliance increases to 20 percent reduce carbon intensity by 2030 relative to the 2010 baseline year.</p> <p>Mobile source GHG emissions provided in Table 3.7-4 were calculated using EMFAC2021, which does not yet fully account for this regulation or program. Thus, Table 3.7-4 provides conservatively estimated GHG emissions.</p>
<b>Other Sources</b>		
<p><b>Climate Action Team.</b> Reduce diesel-fueled commercial motor vehicle idling.</p>	<p>State, CARB.</p>	<p><b>No Conflict.</b> The Project would comply with the CARB Air Toxics Control Measure to limit heavy duty diesel motor vehicle idling to no more than 5 minutes at any given time. This would also be applicable to the Project without Reduction Features scenario since the underlying Airborne Toxic Control Measure (ATCM) that limits heavy-duty diesel motor vehicle idling (Title 13 California Code of Regulations [CCR], Section 2485) was adopted by CARB in 2004. Therefore, the Project would not conflict with this strategy.</p>

Actions and Strategies	Responsible Party	Compliance/Consistency Analysis
Plant five million trees in urban areas by 2020 to effect climate change emission reductions.	Local Jurisdictions	<b>Not Applicable/No Conflict.</b> While this action does not directly apply to individual projects, the Project leverages the natural landscape as the Project site contains hundreds of fully grown oak and sycamore trees. When One Baxter Way and its ancillary parking were constructed in 1982, almost 600 trees were introduced creating an urban forest. The Project footprint has been placed to minimize impact to existing trees. Approximately 33 trees will be removed and 93 replacement trees will be installed. These replacement trees will be provided on-site as well as within the City of Thousand Oaks. Therefore, the Project would not conflict with this strategy.
Implement efficient water management practices and incentives, as saving water saves energy and GHG emissions.	State, Local Jurisdictions	<b>No Conflict.</b> The Project would meet this requirement as part of its compliance with the CALGreen Code or equivalent green building standard. The Project would provide water efficiency features such as low-flush toilets, low-flow fixtures and appliances, drought-tolerant landscaping, smart weather-based irrigation controllers, and water-saving irrigation lines such as drip tubing. Therefore, the Project would not conflict with this strategy.
Reduce GHG emissions from electricity by reducing energy demand. The California Energy Commission updates appliance energy efficiency standards that apply to electrical devices or equipment sold in California. Recent policies have established specific goals for updating the standards; new standards are currently in development.	State, Local Jurisdictions	<b>Not Applicable/No Conflict.</b> While this action does not directly apply to individual projects, the Project would be compliant by utilizing or installing appliances, electrical devices, and/or equipment that meet the standards for such appliances, electrical devices, and/or equipment sold in California. Therefore, the Project would not conflict with this strategy.
Apply strategies that integrate transportation and land-use decisions, including but not limited to promoting jobs/housing proximity, high-density residential/commercial development along transit corridors and implementing intelligent transportation systems.	State, CARB, SCAG	<b>No Conflict.</b> As described above, residents of the Project will be within walking/bicycling distance of retail uses along the Promenade and provide walking/bicycling paths that will connect the Project to these retail uses. Public transportation is conveniently available to Project residents and visitors as well with a bus stop for Route 43 TOB Express to the Thousand Oaks Transit Center located on the corner of Thousand Oaks Boulevard and Lakeview Canyon Road. Route 44 is also in close proximity to the Project and additionally provides access to the Transit Center. Therefore, the Project would not conflict with this strategy.
Reduce energy use in private buildings.	State, Local Jurisdictions	<b>No Conflict.</b> The Project would meet or exceed the energy standards in the Title 24 Building Energy Efficiency Standards, and the CALGreen Code. As described above, the Project would use all new electric appliances, install high-efficiency lighting, Low-E or ENERGY STAR windows, and utilize passive sustainable design strategies including daylighting, natural sources of heating and cooling, operable windows, shading on south facing windows, ceiling fans, well-designed building envelopes with high-U values. Solar panels would be included and optimized per applicable design requirements. Therefore, the Project would not conflict with this strategy.
<p><b>Implement the Short-Lived Climate Pollutant Strategy by 2030:</b></p> <ul style="list-style-type: none"> <li>40-percent reduction in methane and hydrofluorocarbon emissions below 2013 levels.</li> <li>50-percent reduction in black carbon emissions below 2013 levels.</li> </ul>	CARB, CalRecycle, CDFA, SWRCB, Local air districts	<p><b>No Conflict.</b> Senate Bill 605 (SB 605), adopted in 2014, directs CARB to develop a comprehensive Short-Lived Climate Pollutant (SLCP) strategy. Senate Bill 1383 was later adopted in 2016 to require CARB to set statewide 2030 emission reduction targets of 40 percent for methane and hydrofluorocarbons and 50 percent black carbon emissions below 2013 levels.<sup>9</sup></p> <p>SB 1383 requires various agencies, including CARB, California Department of Food and Agriculture (CDFA), and the State Water Resources Board (SWRCB), to be responsible for adopting regulations to reduce GHG</p>

Actions and Strategies	Responsible Party	Compliance/Consistency Analysis
		emissions. These regulations would be applicable to the Project to the extent that the Project would use these regulated compounds in accordance with regulations. The Project would comply with applicable regulations from this CARB SLCP Reduction Strategy, with respect to adopted limits on the use of regulated compounds for refrigeration uses. Therefore, the Project would not conflict with this strategy.
<b>By 2019, develop regulations and programs to support organic waste landfill reduction goals in the SLCP and SB 1383.</b>	CARB, CalRecycle, CDFA, SWRCB, Local air districts	<b>No Conflict.</b> Under SB 1383, the California Department of Resources Recycling and Recovery (CalRecycle) is responsible for achieving a 50 percent reduction in the level of statewide disposal of organic waste from the 2014 level by 2020 and 75-percent reduction by 2025. The Project would be consistent with AB 341, which requires not less than 75 percent of solid waste generated to be source reduced through recycling, composting, or diversion. This reduction in solid waste generated by the Project would reduce overall GHG emissions. Compliance with AB 341 would also help achieve the goals of SB 1383. Therefore, the Project would not conflict with this strategy.
<b>Implement the post-2020 Cap-and-Trade Program with declining annual caps.</b>	CARB	<b>No Conflict.</b> Assembly Bill 398 (AB 398) was enacted in 2017 to extend and clarify the role of the State's Cap-and-Trade Program from January 1, 2021, through December 31, 2030. As part of AB 398, refinements were made to the Cap-and-Trade program to establish updated protocols and allocation of proceeds to reduce GHG emissions. Under the Cap-and-Trade program, entities, such as power generation companies and natural gas processing plants, would be required to limit or reduce GHG emissions. While the Project itself is not a regulated entity under the Cap-and-Trade Program, it would use energy from a regulated entity with mandates to increase energy supplies from renewable sources. As the Project would not interfere, impede or conflict with the Program's progress, the Project would not conflict with the Program.
<p><b>By 2018, develop Integrated Natural and Working Lands Implementation Plan to secure California's land base as a net carbon sink:</b></p> <ul style="list-style-type: none"> <li>• Protect land from conversion through conservation easements and other incentives.</li> <li>• Increase the long-term resilience of carbon storage in the land base and enhance sequestration capacity.</li> <li>• Utilize wood and agricultural products to increase the amount of carbon stored in the natural and built environments.</li> </ul> <p>Establish scenario projections to serve as the foundation for the Implementation Plan.</p>	CNRA and departments within, CDFA, CalEPA, CARB	<b>Not Applicable/No Conflict.</b> This regulatory program applies to Natural and Working Lands, not directly related to development of the Project. As the Project site is already a developed site, no natural land would be converted. Therefore, the Project would not interfere, impede or conflict with implementation of the Integrated Natural and Working Lands Implementation Plan.
<b>Establish a carbon accounting framework for natural and working lands as described in SB 859 by 2018.</b>	CARB	<b>Not Applicable/No Conflict.</b> This regulatory program applies to Natural and Working Lands, not directly related to development of the Project. However, the Project would not interfere, impede or conflict with implementation of the Integrated Natural and Working Lands Implementation Plan.
<b>Implement Forest Carbon Plan.</b>	CNRA, CAL FIRE, CalEPA and departments within	<b>Not Applicable/No Conflict.</b> This regulatory program applies to state and federal forest land, not directly related to development of the Project. However, the Project would not interfere, impede or conflict with implementation of the Forest Carbon Plan.

Actions and Strategies	Responsible Party	Compliance/Consistency Analysis
<b>Identify and expand funding and financing mechanisms to support GHG reductions across all sectors.</b>	State Agencies & Local Agencies	<b>Not Applicable/No Conflict.</b> Funding and financing mechanisms are the responsibility of the state and local agencies. The Project would not conflict with funding and financing mechanisms to support GHG reductions.

NOTES:

- <sup>a</sup> Senate Bill 350 (2015–2016 Regular Session) Stats 2015, Ch. 547.
- <sup>b</sup> SCE, 2020 Annual Report, <https://www.edison.com/content/dam/eix/documents/investors/sec-filings-financials/2020-eix-sce-annual-report.pdf>. Accessed December 2021.
- <sup>c</sup> CARB, Advanced Clean Cars, 2017 Midterm Review, <https://ww2.arb.ca.gov/resources/documents/2017-midterm-review-report>. Accessed May 18, 2021.
- <sup>d</sup> CARB, Advanced Clean Local Trucks, <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>. Accessed May 18, 2021.
- <sup>e</sup> CARB, Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions, <https://www.calrecycle.ca.gov/climate/slcp/>. Accessed May 18, 2021.

SOURCE: ESA 2022.

Table 3.7-5 contains a list of GHG-reducing strategies applicable to the Project. The analysis describes the consistency of the Project with these laws and strategies outlined in the State’s Climate Change Scoping Plan to reduce GHG emissions. The Climate Change Scoping Plan outlines a framework that relies on a broad array of GHG reduction actions, which include direct regulations, alternative compliance mechanisms, incentives, voluntary actions, and market-based mechanisms such as the Cap-and-Trade program. As a result, the Project would not conflict with the applicable Climate Change Scoping Plan strategies and regulations regarding integrating transportation and land use strategies to reduce GHG emissions.

As described above in Table 3.7-5, the Project would comply with the applicable laws and regulations that serve to reduce GHG emissions. CARB has outlined a number of potential strategies for achieving the 2030 reduction target of 40 percent below 1990 levels, as mandated by SB 32. These potential strategies include renewable resources for half of the State’s electricity by 2030, increasing the fuel economy of vehicles and the number of zero-emission or hybrid vehicles, reducing the rate of growth in VMT, supporting other alternative transportation options, and use of high-efficiency appliances, water heaters, and HVAC systems (Energy + Environmental Economics 2015). The Project would benefit from Statewide and utility-provider efforts towards increasing the portion of electricity provided from renewable resources. As previously discussed, the utility provider for the Project, SCE, currently provides 30.9 percent renewable electricity, and would be required to comply with SB 100 to meet future targets. The Project would comply with water and energy standards as detailed in the 2019 Title 24 Building Energy Efficiency Standards and the CALGreen Code. The Project would also benefit from Statewide efforts toward increasing the fuel economy standards of vehicles. Furthermore, the Project would incorporate walking and bicycling paths with access to active job locations and proximate retail uses.

The 2017 Scoping Plan (adopted in December 2017) also outlines strategies to reduce GHG emissions to achieve the 2030 target from sectors that are not directly controlled or influenced by the Project, but nonetheless contribute to Project-related GHG emissions. For instance, the Project itself is not subject to the Cap-and-Trade regulation; however, Project-related emissions

would decline pursuant to the regulation as utility providers and transportation fuel producers are subject to renewable energy standards, Cap-and-Trade, and the LCFS. The 2017 Scoping Plan also calls for the doubling of the energy efficiency savings, including utility demand-response flexibility for 10 percent of residential and commercial electric space heating, water heating, air conditioning and refrigeration. The strategy is in the process of being designed specifically to accommodate existing residential and commercial uses under the CEC's Existing Building Energy Efficiency Action Plan (CEC 2016). While CARB is in the process of expanding the regulatory framework to meet the 2030 reduction target based on the existing laws and strategies in the 2017 Scoping Plan, the Project would support or not impede implementation of these potential GHG reduction strategies with regard to energy identified by CARB for all the reasons summarized in Table 3.7-5, above.

Even though the 2017 Scoping Plan and supporting documentation do not provide an exact regulatory and technological roadmap to achieve 2050 goals, they demonstrate that various combinations of policies could allow the Statewide emissions level to remain very low through 2050, suggesting that the combination of new technologies and other regulations not analyzed in the study or not currently feasible at the time the 2017 Scoping Plan was adopted could enable the State to meet the 2050 targets.<sup>8</sup> For example, the 2017 Scoping Plan states some policies are not feasible at this time, such as Net Zero Carbon Buildings, but that this type of policy would be necessary to meet the 2050 target.

With Statewide efforts underway to facilitate the State's achievement of those goals, it is reasonable to expect the Project's GHG emissions to decline from their opening year levels as reported in Table 3.7-5 as the regulatory initiatives identified by CARB in the 2017 Scoping Plan are implemented, and other technological innovations occur (CARB 2018c). Stated differently, the Project's emissions at buildout likely represent the maximum emissions for the Project as anticipated regulatory developments and technology advances are expected to reduce emissions associated with the Project, such as emissions related to electricity use and vehicle use (CARB 2018c).

Based on the analysis above, the Project would be consistent with CARB's Scoping Plans (i.e., 2008 Scoping Plan, 2014 Scoping Plan, and 2017 Scoping Plan). Therefore, impacts would be less than significant.

#### SCAG's 2016 RTP/SCS and 2020 RTP/SCS (Connect SoCal)

Transportation-related GHG emissions would be the largest source of emissions from the Project. This finding is consistent with the findings in regional plans, including the 2016 RTP/SCS, which recognizes that the transportation sector is the largest contributor to the State's GHG emissions.

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<sup>8</sup> The California Air Resources Board, California Energy Commission, California Public Utilities Commission, and the California Independent System Operator engaged Energy + Environmental Economics (E3) to evaluate the feasibility and cost of a range of potential 2030 targets along the way to the State's goal of reducing GHG emissions to 80% below 1990 levels by 2050. With input from the agencies, E3 developed scenarios that explore the potential pace at which emission reductions can be achieved as well as the mix of technologies and practices deployed. E3 conducted the analysis using its California PATHWAYS model. Enhanced specifically for this study, the model encompasses the entire California economy with detailed representations of the buildings, industry, transportation, and electricity sectors (Energy + Environmental Economics 2015; Greenblatt 2015).

SCAG's 2016 RTP/SCS was most recently updated with the 2020 RTP/SCS, or Connect SoCal, which is the applicable plan adopted for the purpose of reducing GHGs.

The purpose of the SCAG 2016 RTP/SCS is to achieve the regional per capita GHG reduction targets for the passenger vehicle and light-duty truck sector established by CARB pursuant to SB 375 (SCAG 2015). The 2016 RTP/SCS seeks "improved mobility and accessibility... to reach desired destinations with relative ease and within a reasonable time, using reasonably available transportation choices" (SCAG 2016). The 2016 RTP/SCS seeks to implement "strategies focused on compact infill development, superior placemaking (the process of creating public spaces that are appealing), and expanded housing and transportation choices" (SCAG 2016). As part of the 2016 RTP/SCS, "transportation network improvements would be included, and more compact, infill, walkable and mixed-use development strategies to accommodate new region's growth would be encouraged to accommodate increases in population, households, employment, and travel demand" (SCAG 2015). Moreover, the 2016 RTP/SCS states that while "[p]opulation and job growth would induce land use change (development projects) and increase VMT, and would result in direct and indirect GHG emissions," the 2016 RTP/SCS would "support sustainable growth through a more compact, infill, and walkable development pattern" (SCAG 2015).

Similarly, the 2020 RTP/SCS seeks improved mobility and accessibility and seeks to implement strategies that "alleviates development pressure in sensitive resource areas by promoting compact, focused infill development in established communities with access to high-quality transportation" (SCAG 2020a). The 2020 RTP/SCS includes "more compact, infill, walkable and mixed-use development strategies to accommodate new region's growth would be encouraged to accommodate increases in population, households, employment, and travel demand" (SCAG 2020b). Moreover, the 2020 RTP/SCS states the focus would be "growth in existing urban regions and opportunity areas, where transit and infrastructure are already in place. Locating new growth near bikeways, greenways, and transit would increase active transportation options and the use of other transit modes, thereby reducing number of vehicle trips and trip lengths and associated emissions" (SCAG 2020b).

The Project is immediately accessible to the U.S. 101 via the Westlake Boulevard and Lindero Canyon Road exits. Project residents and visitors will access the residential buildings via the driveway to the existing One Baxter Way parking area on Lakeview Canyon Road. Additional vehicular and pedestrian access is provided to the Promenade to The Oaks (retail uses) via a bridge crossing/driveway. A unique village experience would be created at the Project site as the immersive design would leverage the natural landscape that is both walkable and sustainable. Internal private drives will accommodate daily vehicular traffic, bicycles, pedestrians and emergency access vehicles. Site amenities include 154 bicycle parking stalls for residents and 22 short-term bicycle parking racks for guests. Public transportation is conveniently available to Project residents and visitors as well with a bus stop for Route 43 TOB Express to the Thousand Oaks Transit Center located on the corner of Thousand Oaks Boulevard and Lakeview Canyon Road. Route 44 is also in close proximity to the Project and additionally provides access to the Transit Center. **Table 3.7-6, Project Consistency with Applicable Policies of SCAG's 2020 RTP/SCS**, provides a detailed analysis of applicable RTP-SCS policies. Therefore, the Project

would not conflict with the 2020 RTP/SCS goals and benefits intended to improve mobility and access to diverse destinations, and reduce vehicular demand and associated emissions.

**TABLE 3.7-6  
 PROJECT CONSISTENCY WITH APPLICABLE GOALS OF SCAG'S 2020 RTP/SCS**

Goal	Would the Project conflict?
Improve mobility, accessibility, reliability, and travel safety for people and goods.	<b>No Conflict.</b> As described above, the Project would be immediately accessible to the U.S. 101 via the Westlake Boulevard and Lindero Canyon Road exits. Residents and visitors of the Project will be within walking/bicycling distance of retail uses along the Promenade and provide walking/bicycling paths that will connect the Project to these retail uses. The Project would include 154 bicycle parking stalls for residents and 22 short-term bicycle parking racks for guests. In addition, the Project site is served by buses along Route 43 and Route 44. The provision of pedestrian and bicycle amenities and proximity to the U.S. 101 would serve to improve mobility, accessibility, reliability, and travel safety for people and goods in support of this goal.
Enhance the preservation, security, and resilience of the regional transportation system.	<b>No Conflict.</b> See discussion above regarding the Project's location near the U.S. 101, transit, and the provision of pedestrian and bicycle amenities near the Project's residential uses. The proximity of the Project site to various transportation modes would support the region's transportation investment and the sustainability of the regional transportation system in support of this goal.
Increase person and goods movement and travel choices within the transportation system.	<b>No Conflict.</b> See discussion above regarding the Project's location near the U.S. 101, transit, and the provision of pedestrian and bicycle amenities near the Project's residential uses. These Project characteristics would not conflict with the goal to increase in person and goods movement and travel choices within the transportation system.
Reduce greenhouse gas emissions and improve air quality.	<b>No Conflict.</b> The Project would utilize energy efficient appliances and equipment, low-E or ENERGY STAR windows, and high efficiency lighting that would meet the applicable energy standards in the Title 24 Building Energy Efficiency Standards and CALGreen Code, or applicable version at the time of building permit issuance. The Project design would use passive sustainable design strategies to reduce overall energy consumption of the buildings. The Project would also incorporate solar photovoltaic systems on the Project site that would be sized and oriented per the applicable CALGreen Code. The Project would not include natural gas lines.  Furthermore, six percent of parking spaces within the proposed parking structure will be pre-plumbed to accommodate electric vehicle charging. The proposed residential parking structures would be pre-plumbed to have ten percent of parking spaces to accommodate future electric vehicle charging.  Based on the above, the Project's design and characteristics would serve to reduce GHG emissions and improve air quality, in support of this goal.
Support healthy and equitable communities.	<b>No Conflict.</b> The Project would reduce greenhouse gas emissions impacts through compliance with the Title 24 Building Energy Efficiency Standards, CALGreen Code and strategies shown above. The provision of pedestrian and bicycle amenities and provision of on-site affordable studio homes for very low-income residents and low-income residents support this goal to support healthy and equitable communities.
Adapt to changing climate and support an integrated regional development pattern and transportation network.	<b>No Conflict.</b> See discussion above regarding the Project's location near U.S. 101, transit, and the provision of pedestrian and bicycle amenities near the Project's residential uses. The Project's development would support an integrated regional development pattern and transportation network which would in turn serve to reduce GHG emissions in support of this goal.
Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	<b>No Conflict.</b> This goal pertains to SCAG leveraging new transportation technologies and data-driven solutions that result in more efficient travel. The Project would not adversely affect SCAG's ability to develop more efficient travel consistent with this goal.



Goal	Would the Project conflict?
Encourage development of diverse housing types in areas that are supported by multiple transportation options.	<b>No Conflict.</b> See discussion above regarding the Project's location near U.S. 101, transit, and the provision of pedestrian and bicycle amenities near the Project's residential uses. The Project provides 264 apartment homes ranging from studios to two-bedroom apartments. Of the 264 residences, there would be 16 on-site affordable studio homes for very low-income residents and 18 on-site affordable studio homes for low-income residents. As such, the Project would support this goal to encourage development of diverse housing types in areas that is supported by multiple transportation options.
Promote conservation of natural and agricultural lands and restoration of habitats.	<b>No Conflict.</b> The Project leverages the natural landscape as the Project site contains hundreds of fully grown oak and sycamore trees. When One Baxter Way and its ancillary parking were constructed in 1982, almost 600 trees were introduced creating an urban forest. The Project footprint has been placed to minimize impact to existing trees. Approximately 33 trees will be removed and 93 replacement trees will be installed. These replacement trees will be provided on-site as well as within the City of Thousand Oaks. As such, the development of the Project would not conflict with this goal to promote conservation of natural agricultural lands and restoration of habitats.

SOURCE: ESA 2022.

### City of Thousand Oaks General Plan

Policy CO-39 would support efforts to reduce greenhouse gas emissions, consistent with the intent of the State of California's California Global Warming Solutions Act of 2006, also known as AB 32. As described in Table 3.7-5 through Table 3.7-6, the Project would implement various GHG reduction strategies that would demonstrate that the Project would not conflict with the City's General Plan.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Although the Project is expected to emit GHGs, the emission of GHGs by a single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of GHG from more than one project and many sources in the atmosphere that may result in global climate change. The resultant consequences of that climate change can cause adverse environmental effects. A project's GHG emissions typically would be very small in comparison to state or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change. The State has mandated a goal of reducing Statewide emissions to 1990 levels by 2020 and reducing Statewide emissions to 40 percent below 1990 levels by 2030, even though Statewide population and commerce are predicted to continue to expand. In order to achieve this goal, CARB is in the process of establishing and implementing regulations to reduce Statewide GHG emissions. Currently, there are no applicable CARB, SCAQMD, or County of Ventura significance thresholds or specific reduction targets, and no approved policy or guidance to assist in determining significance at the project or cumulative levels. Additionally, there is currently no generally accepted methodology to determine whether GHG emissions associated with a specific project represent new emissions or existing, displaced emissions. Therefore, consistent with CEQA

Guidelines Section 15064h(3),<sup>9</sup> the City, as lead agency, has determined that the Project's contribution to cumulative GHG emissions and global climate change would be less than significant if the Project is consistent with the applicable regulatory plans and policies to reduce GHG emissions: the 2017 Climate Change Scoping Plan, SCAG 2020 RTP/SCS, Ventura County General Plan 2040, and City of Thousand Oaks General Plan.

As outlined above, the Project would be consistent with the applicable regulatory plans and policies to reduce GHG emissions. The Project would be consistent with energy efficiency, water use, and waste goals from compliance with the 2019 Title 24 Building Energy Efficiency Standards and CalGreen Code. Additionally, the Project would provide walking and bicycling paths to active job locations and proximate retail uses. Thus, it is concluded that the Project's generation of GHG emissions and impact related to applicable regulatory plans and policies is less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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<sup>9</sup> As indicated above, the State CEQA Guidelines were amended in response to SB 97. In particular, the State CEQA Guidelines were amended to specify that compliance with a GHG emissions reduction program renders a cumulative impact insignificant. Per State CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project will comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project. To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, [and] plans or regulations for the reduction of greenhouse gas emissions."

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## 3.8 Hazards and Hazardous Materials

This section provides an evaluation of the potential for the Project to result in hazards and hazardous materials impacts. This section is largely based on information and findings gathered as part of the *Phase I Environmental Site Assessment for Proposed Gateway at the Oaks Residential Development, 1 Baxter Way, Thousand Oaks, CA* (herein, referred to as the Phase I ESA), prepared by Leighton and Associates, Inc., dated January 12, 2022 (Leighton 2022) (see **Appendix I** of this Draft EIR).

### Definition of Hazardous Materials

Definitions of terms used in this section, characterization of baseline conditions, and impact analysis for hazards and hazardous materials are provided below.

#### ***Hazardous Material***

The term “hazardous material” can have varying definitions depending on the regulatory programs. For the purposes of this Draft EIR, the term refers to both hazardous materials and hazardous wastes. The California Health and Safety Code Section 25501(p) defines hazardous material as:

*Any material that because of its quantity, concentrations, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.*

#### ***Hazardous Waste***

A “hazardous waste” is a waste that because of its quantity, concentration, or physical, chemical, or infectious characteristic, causes or significantly contributes to an increase in mortality or illness or poses substantial or potential threats to public health or the environment (42 U.S.C. 6903(5)). Hazardous wastes are further defined under the Resource Conservation and Recovery Act (RCRA) as substances exhibiting the characteristics of ignitability, reactivity, corrosivity, or toxicity. Chemical-specific concentrations used to define whether a material is a hazardous, designated, or nonhazardous waste include Total Threshold Limit Concentrations (TTLCs), Soluble Threshold Limit Concentrations (STLCs), and Toxic Characteristic Leaching Procedure (TCLPs), listed in the California Code of Regulations (CCR) Title 22, Chapter 11, Article 3, Section 66261, and used as waste acceptance criteria for landfills. Waste materials with chemical concentrations above TTLCs, STLCs, and TCLPs must be sent to Class I disposal facilities, may be sent to Class II disposal facilities depending on the waste material, and may not be sent to Class III disposal facilities.

### **Screening Levels for Hazardous Materials in Soil, Soil Gas, or Groundwater**

The United States Environmental Protection Agency (USEPA) Regional Screening Levels (RSLs) and Los Angeles Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs) are guidelines used to evaluate the potential risk associated with chemicals found in soil or groundwater where a release of hazardous materials has occurred. Although developed and maintained by the RWQCB, ESLs are used by regulatory agencies throughout the State. Screening levels have been established for both residential and commercial/industrial land uses, and for construction workers. Residential screening levels are the most restrictive; soil with chemical concentrations below these levels generally would not require remediation and would be suitable for unrestricted uses, if disposed of off-site.

Commercial/industrial screening levels are generally less restrictive than residential screening levels because they are based on potential worker exposure to hazardous materials in the soil (and these are generally less than residential exposures).

Screening levels for construction workers are also less restrictive than for commercial/industrial workers because construction workers are only exposed to the chemical of concern during the duration of construction, while industrial workers are assumed to be exposed over a working lifetime. Chemical concentrations below these screening levels generally would not require remediation and would be suitable for unrestricted uses. In addition, there are other more specific but similar screening levels used more narrowly focused human health or ecological risk assessment considerations.

#### **3.8.1 Environmental Setting**

The Project site is bound by Thousand Oaks Boulevard followed by office buildings and associated parking lots to the north, Lakeview Canyon Road followed by Lakeview Corporate Center, office, and Los Robles Rehabilitation Center to the east, to the south by Ventura Freeway (U.S. 101) followed by the Westlake Plaza and Center, and to the west by The Promenade at Westlake (**Figure 2-2, Project Vicinity**).

The Project site has moderate topographic relief with ground surface elevations ranging from approximately 941 feet above mean sea level in the southwest portion of the site to approximately 1,016 feet above mean sea level at the eastern portion of the Project site. The Project site is currently occupied by an existing industrial office building with associated access roads, asphalt concrete (AC) paved surface parking, slopes, and landscape improvements.

Based on the research and testing, the Phase I ESA identified whether any of the following three types of hazardous conditions, defined by the American Society for Testing and Materials (ASTM) E1527-13 and the newly established ASTM E1527-21, occur on the Project site:

- **Recognized Environmental Conditions (RECs):** The presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term is not intended to include *de minimis* conditions that

generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

- **Controlled Recognized Environmental Conditions (CRECs):** A REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).
- **Historical Recognized Environmental Conditions (HRECs):** A past release of any substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activities and use limitations, institutional controls, or engineering controls).

## On-Site Conditions

### *Past Land Use*

Historically, the Project site was vacant land until approximately 1947, when it was used as agricultural land. The use of the Project site for agricultural stopped in approximately 1959, and the Project site was vacant land until approximately 1979, when the site was redeveloped for industrial office use.

EMG Corporation conducted a Phase I ESA for the Project site in August 2007. EMG describes the Project site as an industrial office building with operations that include administrative activities, a limited amount of laboratory work in the Baxter Healthcare tenant space, and routine janitorial and maintenance activities (Leighton 2021). EMG noted that Project site previously operated a vehicle maintenance garage that contained a clarifier system (associated with a car wash) and hydraulic lift system for vehicle maintenance located on the northwestern portion of the Project site (see Photo 11 of the Phase I ESA in **Appendix I** of this Draft EIR). The clarifier and hydraulic lift systems were removed in 2007 under the regulatory oversight of the Ventura County Department of Environmental Health (DEH). No petroleum constituents were detected in soil samples collected during removal.

EMG also noted that asbestos was found in one of the samples obtained from the on-site structure in 2001 and recommended an Operations and Maintenance Program (O&M) should be implemented to properly manage any identified asbestos-containing materials in place at the Project site (EMG 2007).

EMG also noted that the Project site previously operated six Underground Storage Tanks (USTs). EMG did not identify any RECs for the Project site but noted that if a No Further Action letter is required for the USTs, then further investigation may be required by the Ventura County DEH.

IVI Investment Services (IVI) conducted a Phase I ESA for the Project site in November 2011. IVI describes the Project site as a general office building comprised of Baxter Health Care and

State Farm Insurance and a car washing facility. IVI concluded that no RECs were identified for the Project site; however, HRECs were identified. IVI concluded that the former on-site USTs, former maintenance garage, and asbestos containing material are all considered HRECs (IVI 2011). These USTs are discussed below.

#### **10,000-gallon Fuel Oil UST Removal (1 GTE Place)**

A 10,000-gallon Fuel Oil UST was removed from the Project site (location not determined) in August 1985 with oversight from Ventura County Department of Environmental Health (DEH). No holes were observed in the UST during removal, nor was there evidence of a release. No other information regarding this UST was found.

#### **Two 500-gallon UST Removals (1 GTE Place)**

Two 500-gallon USTs were removed from near the garage area (former Verizon vehicle maintenance facility) on the Project site in 1991. One tank contained used oil and the other contained antifreeze. The tanks were removed from a concrete vault and were triple rinsed. Soil samples were collected from beneath the tanks and analyzed for Total Petroleum Hydrocarbons (TPH) and ethylene glycol. The analytes were not detected above laboratory reporting limits in the soil samples. No other information regarding this UST was found.

#### **12,000-gallon Fuel Oil UST Removal (1 GTE Place)**

In May 1996, a 12,000-gallon fuel oil UST and associated piping was removed from the garage area (former Verizon vehicle maintenance facility) of the Project site. Soil samples were collected from the vicinity of the tank area and analyzed for total petroleum hydrocarbons as gasoline (TPHg) and benzene, toluene, ethylbenzene, and xylenes (BTEX). The soil sample results indicated that there was a minor release associated with the UST. The UST area was over-excavated. Soil samples were collected from the enlarged excavation and analyzed for TPHg and BTEX. The analytes were not detected above reporting limits in the soil samples. GTE received the notice that the case was closed by Ventura County DEH on August 5, 1996.

#### **700-gallon Diesel UST Removal (1 GTE Place)**

A 700-gallon diesel UST was removed from the paved area near the cooling tower on-site in September 1996. Soil sample and grab groundwater sample results indicated elevated levels of diesel. Following the tank removal, approximately 122 tons of impacted soil was removed from the tank vicinity. Four groundwater wells were installed on-site and were monitored and sampled quarterly from April 1997 to July 1998. Each quarter yielded results for groundwater that were below screening levels or not detected over reporting limits. The case was closed by Ventura County Department of Environmental Health (DEH) on June 15, 1999, as long as the groundwater wells were removed properly. In July 1999, all four groundwater wells were properly abandoned. The case received a No Further Action determination from Ventura County DEH on September 27, 1999.

#### **12,000-gallon Fuel Oil UST Removal (1 Baxter Way)**

Records indicate that a 12,000-gallon fuel oil UST was installed in 1996, in the location of the tank removal described above (the maintenance structure/former Verizon vehicle maintenance facility on the Project site). In April 2007, this 12,000-gallon UST and associated piping was

removed from the Project site. Following the UST removal, soil samples were collected from the tank vicinity and analyzed for TPH as diesel and gas, BTEX, fuel oxygenates, and total lead. The soil samples resulted in no detections of TPH, BTEX, or fuel oxygenates and all lead detections were below screening limits. Ventura County DEH issued a No Further Action letter on August 7, 2007. Releases associated with the removed USTs have been remediated under the oversight of the Ventura County DEH and are considered HRECs.

The on-site vehicle maintenance garage previously contained a clarifier system (associated with a car wash) and hydraulic lift system for vehicle maintenance. The clarifier and hydraulic lift systems were removed in 2007 under the regulatory oversight of the Ventura County DEH. No petroleum constituents were detected in soil samples collected during removal. No evidence of a release was documented. No other environmental concerns were identified for the Project site.

### ***Current Land Use***

Currently, the Project site is irregular in shape and encompasses approximately 42.9 acres. The site is occupied by an existing industrial office building with associated access roads, asphalt concrete (AC) paved surface parking, slopes and landscape improvements. The industrial office building is occupied by the following businesses: Ember Technologies, Dignified Home Loans, NSR Data Corporation, National Veterinary Association, Anchor Nationwide Loans, Blend Insurance, and Amerihome Mortgage Company.

On December 14, 2021, a reconnaissance-level assessment of the Project site was completed by Leighton and Associates. The Project site reconnaissance consisted of the observation and documentation of existing site conditions and nature of the neighboring property development within a 0.25-mile radius of the site.

The Project site is developed with a three-story main industrial office building that is approximately 416,941 square feet and a single-story maintenance structure (former Verizon vehicle maintenance facility) that is approximately 7,000 square feet. No hazardous substances, drums, or other chemical containers were observed on the Project site, with the exception of general cleaning supplies in the janitorial closet and those noted below.

Evidence of USTs, such as vent lines, fill or overfill ports, was not observed at the Project site. Two emergency, diesel-powered generators were observed on-site. One generator containing approximately 604 gallons of diesel fuel is located within the northern portion of the on-site industrial office building. A second generator containing approximately 660 gallons of diesel fuel is located adjacent to the west of the on-site industrial office building. No evidence of diesel releases was observed beneath the generators and the concrete slabs beneath the generators appeared intact.

Three elevator rooms were observed within the on-site industrial office building. Each elevator room included hydraulically-powered elevator equipment that contained approximately 20 to 50 gallons of hydraulic oil. No evidence of hydraulic oil releases was observed within the elevator rooms and the concrete flooring beneath the equipment appeared intact. Additionally, a cooling tower is located west of the on-site industrial office building.

### **Hydrogeology and Flood Hazards**

According to Geotracker, an online database managed by the State Water Resources Control Board (SWRCB), groundwater was encountered in 2021 between 6.49 and 16.82 feet below ground surface (bgs) at the Silver Oaks Cleaners, approximately 0.3 miles southwest of the Project site. The groundwater flow direction was to the south (Leighton 2022). Additionally, the Project site is not located within the 100-year or 500-year flood zones and is not depicted to be within national wetlands. Site reconnaissance did not reveal existing wetlands or any conditions, such as reeds in standing water that would indicate wetlands on the Project site (see **Appendix D-1**, *Biological Technical Report*, and **Appendix I**).

### **Environmental Records Review**

A search of selected government databases was conducted by Leighton using the EDR Radius Map™ Report with GeoCheck® environmental database report system. Details and descriptions of the database search are provided in the EDR database report. The database report meets the government records search requirements of ASTM E1527-13/-21 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. The database listings were reviewed within the specified radii established by the ASTM E1527-13/-21. A copy of the EDR database search report is included in Appendix E of the Phase I ESA (**Appendix I**). As such, multiple records were identified for the Project site within the EDR database report. The summary of environmental records from past uses associated with the Project site are discussed below.

#### **GTE (Thousand Oaks Garage)**

GTE Incorporated is listed in the California Hazardous Waste Manifest (HAZNET) database maintained by the Department of Toxic Substances Control (DTSC). According to the EDR database report, the Project site is listed as having disposed of hazardous materials on-site, including but not limited to aqueous solution with total organic residues less than 10 percent, liquids with halogenated organic compounds  $\geq 1,000$  Mg./L, unspecified solvent mixture, unspecified oil-containing waste, waste oil and mixed oil.

No release(s) associated with the hazardous wastes were found for the Project site addresses; therefore, these listings are not considered a REC associated with the Project site.

GTE is also listed in the Resource Conservation and Recovery Act large quantity generators (RCRA-LQG) database. RCRA-LQG facilities generate, transport, store, treat and/or dispose of hazardous waste as defined by the RCRA. LQGs generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month.

GTE is also listed in the Facility Index System/Facility Registry System (FINDS) database. No other information was provided. GTE is also listed in the hazardous waste tracking system (HWTS) database. The inactive date is listed at June 2001.

#### **Verizon California**

Verizon is listed in the HAZNET database maintained by the DTSC. According to the EDR database report, the Project site is listed as having disposed of hazardous materials on-site,

including but not limited to tank bottom waste, off-specification, aged or surplus organics, unspecified organic liquid mixture, hydrocarbon solvents (e.g., benzene, hexane, Stoddard), and other organic solids. No release(s) associated with the hazardous wastes were found for the Project site addresses; therefore, these listings are not considered a REC associated with the Project site.

Verizon is also listed in the HWTS database. The last active date was July 2020. Verizon is also listed in the Resource Conservation and Recovery Act small quantity generators (RCRA-SQG) database. RCRA-SQG facilities generate, transport, store, treat and/or dispose of hazardous waste as defined by the RCRA. SQGs generate between 100 kg and 1,000 kg of hazardous waste per month.

Verizon is also listed in the Enforcement & Compliance History Information (ECHO) database. No violations were identified.

### **GTE General Office**

GTE is listed in the LUST database. In May 1996, a 12,000-gallon unleaded gasoline UST and associated piping was removed from the maintenance structure on the Project site. Soil samples were collected from the vicinity of the tank area and analyzed for TPHg and BTEX. The soil sample results indicated that there was some sort of leaking associated with the tank. The area was over excavated and soil samples were collected again and analyzed for TPHg and BTEX. The analytes were not detected above reporting limits in the soil samples. GTE received the notice that the case was closed by Ventura County on August 5, 1996.

GTE General Office was listed in the Statewide Environmental Evaluation and Planning System underground storage tank (SWEEPS UST) database. The database indicated the number of tanks on-site as 4. The tanks status is listed as active. It should be noted that the SWEEPS UST database was updated and maintained by a company contracted by the SWRCB in the early 1990s. The database is no longer updated or maintained, and the last update completed by EDR was in 2005.

Based on the more recent information provided by the Ventura County DEH, the 4 USTs included in the SWEEPS database have been successfully removed from the Project site under the oversight of the Ventura County DEH.

GTE General Office is also listed in the Cortese and Historic Cortese Hazardous Waste & Substances Sites List. It is listed here as a LUST clean-up site and the status is listed as closed. GTE General Office is also listed in the California Environmental Reporting System (CERS) as a LUST clean-up site.

### **Baxalta**

Baxalta is listed in the FINDS database where it is listed as surgical and medical instruments and apparatus. No other information was provided.

### **One Westlake**

One Westlake is listed in the HAZNET database maintained by the DTSC. According to the EDR database report, the Project site is listed as having disposed of hazardous materials on-site,

including but not limited to laboratory waste chemicals. No release(s) associated with the hazardous wastes were found for the Project site addresses; therefore, these listing are not considered a REC associated with the Project site.

One Westlake is also listed in the HWTS database. The last active date was September 2014. One Westlake is also listed in the FINDS database. No other information was provided. One Westlake is also listed in the ECHO database. No violations were identified.

One Westlake is also listed in the Resource Conservation and Recovery Act Non Generators / No Longer Regulated (RCRANongen/ NLR) database. These facilities generate, transport, store, treat and/or dispose of hazardous waste as defined by the RCRA. Non-Generators do not presently generate hazardous waste.

#### **One Baxter Way, LP**

One Baxter Way is listed in the HAZNET database maintained by the DTSC. According to the EDR database report, the Project site is listed as having disposed of hazardous materials on-site, including but not limited to asbestos containing waste. No release(s) associated with the hazardous wastes were found for the Project site addresses; therefore, these listing are not considered a REC associated with the Project site. One Baxter Way was listed in the RCRA-Nongen/NLR database. These facilities generate, transport, store, treat and/or dispose of hazardous waste as defined by the RCRA. Non-Generators do not presently generate hazardous waste. One Baxter Way is also listed in the HWTS database. The last active date was August 2017.

#### **Baxter Bioscience**

Baxter Bioscience is listed in the FINDS database. The description includes surgical and medical instruments and apparatus. No other information was provided.

#### **Baxter Health Care**

Baxter Health Care is listed in the HAZNET database maintained by the DTSC. According to the EDR database report, the Project site is listed as having disposed of hazardous materials on-site, including but not limited to other organic solids. No release(s) associated with the hazardous wastes were found for the Project site addresses; therefore, these listing are not considered a REC associated with the Project site. Baxter Health Care is also listed in the HWTS database. The last active date is listed as May 2007. Baxter Health Care is also listed in the Ventura County Business Plan, Hazardous Waste Producers, and Operating Underground Tanks (BWT). The program is listed as Business Plan.

#### **Pacific Compensation Insurance Company**

Pacific Compensation Insurance Company is listed in the HWTS database. The last active date is listed as August 2017.

#### **Kennedy Wilson Properties**

Kennedy Wilson Properties is listed in the FINDS database. No other information is provided. Kennedy Wilson Properties is listed in the CERS database as a chemical storage facility.



## ***Regulatory Agency Communications***

### **National Pipeline Mapping System**

The National Pipeline Mapping System, a web tool that plots pipeline maps for the general public, was reviewed for pipelines on or near the Project site on December 29, 2021. The map does not depict gas or liquid transmission pipelines or accidents/incidents located on or adjacent to the Project site.

### **Water Quality Control Board**

A records request was submitted via email to the Los Angeles Regional RWQCB on December 14, 2021. The RWQCB responded on December 16, 2021, that records were not identified for the Project site. GeoTracker, an online database maintained by the SWRCB which tracks regulatory data about underground fuel tanks, land disposal sites, and releases of hazardous materials that may threaten the public drinking water supply, was reviewed on December 14, 2021. Records were identified for the Project site and are summarized in the County of Ventura DEH records below. Releases of hazardous materials regulated by the SWQCB were not identified immediately adjacent to the Project site.

### **Department of Toxic Substance Control**

A records request was submitted via email to the DTSC Cypress and Chatsworth offices on December 14, 2021. The DTSC responded on December 16, 2021, and January 4, 2022, that records were not identified for the Project site. EnviroStor, an online database maintained by the DTSC which can be used to identify sites with known or potential contamination and sites where DTSC's environmental oversight or review has been requested or required, was reviewed on December 14, 2021. Releases of hazardous materials regulated by the DTSC were not identified on or immediately adjacent to the Project site.

### **County of Ventura Department of Environmental Health**

Online records were searched on the Ventura Environmental Health database on December 14, 2021. Records were found in the UST and Certified Unified Program Agency (CUPA) databases for the addresses associated with the Project site. The findings are summarized above.

### **South Coast Air Quality Management District**

The South Coast Air Quality Management District (SCAQMD) online Facility Information Detail (FIND) database, a web tool that allows searching for public information regarding SCAQMD-regulated facilities, was reviewed on December 14, 2021, for records associated with the Project site. The Project site and adjacent properties were not listed on the FIND database.

### ***Vapor Encroachment Screening***

As part of the Phase I ESA, Leighton and Associates reviewed the Vapor Encroachment Screen (VES) produced using EDR's Vapor Encroachment Worksheet application, which gathers regulatory database information from the accompanying Radius Report and calculates groundwater information, regional geology, and other information to evaluate the potential vapor encroachment from on-site activities and from adjacent properties. According to the VES application, vapor encroachment on or near the Project site is not considered a REC for the site.

## Off-Site Conditions

The Project site is bordered to the north by Thousand Oaks Boulevard followed by office buildings and associated parking lots, to the east by Lakeview Canyon Road followed by Lakeview Corporate Center, offices, and Los Robles Medical Center, to the south by the Ventura Freeway followed by the Westlake Plaza and Center, and to the west by The Promenade at Westlake.

Information in the EDR database report was reviewed for facilities of potential environmental concern to the Project site. Additionally, the SWRCB Geotracker website and DTSC Envirostor website were used to supplement the information in the EDR database report.

The database search results for off-site properties, including those found within the “orphaned” unmapped listings, with potential to adversely impact the Project site are listed in the Phase I ESA (**Appendix I** of this Draft EIR).

The off-site listings identified in the EDR database report were reviewed and not interpreted to represent an adverse effect to the Project site based on one or more of the following:

- Type of release (soil only)
- Closure received from regulatory agency
- Distance of the facility to the Project site
- Direction of groundwater flow (south) and location of the facility to the Project site (cross-gradient or down-gradient)

## Proximity to Sensitive Land Uses

According to the California Air Resources Board (CARB), sensitive receptors are children, elderly, asthmatics, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. The locations where these sensitive receptors congregate are considered sensitive receptor locations. Sensitive receptor locations may include hospitals, schools, and day care centers, and such other locations as the air district board or California Air Resources Board may determine (California Health and Safety Code § 42705.5(a)(5)).

The nearest school to the Project site is Westlake High School, located at the intersection of Thousand Oaks Boulevard and Lakeview Canyon Road, adjacent and northeast of the site. Additionally, Los Robles Rehabilitation Center is located east and adjacent to the Project site at the intersection of Lakeview Canyon Road and Via Merida.

## Proximity to Airports

There are no airports or airstrips within two miles of the Project site. The nearest airport to the Project site is Camarillo Airport, which is approximately 15 miles to the west. Van Nuys Airport is approximately 19 miles to the east of the Project site.

## Emergency and Disaster Routes

The Ventura County Sheriff’s Department (VCSD) is ultimately responsible for coordinating evacuation necessitated by an emergency. If delayed during a large disaster, the Public Works

Director for the City is responsible for coordinating evacuation efforts on an interim disaster (City of Thousand Oaks 2014).

Evacuation routes are determined for each emergency based on the nature of the event and the location of evacuation shelters. Ventura County relays evacuation information to residents by telephone and, when possible, in person.

Annex H of the City's Emergency Operations Plan (described in Section 3.8.2, *Regulatory Setting*, below) provides a listing of freeways and streets to be used in the event of a disaster requiring evacuation. Detailed maps for evacuation routes are kept at the Municipal Service Center located in Newbury Park. According to Figure 11 of the General Plan (Safety Element), major evacuation routes located near the Project site include Thousand Oaks Boulevard, located north, and adjacent to the Project site, and Ventura Freeway (U.S. 101), located directly south of the Project site (City of Thousand Oaks 2014).

## **Wildfires**

The California Department of Forestry and Fire Protection (CAL FIRE) maps identify fire hazard severity zones in state and local responsibility areas for fire protection. According to CAL FIRE, narrow portions of the north and eastern Project site are located within an area designated as a very high fire hazard severity zone (VHFHSZ) (CAL FIRE 2010). For a further discussion on wildfires, please see Section 3.17, *Wildfires* of the Draft EIR.

## **3.8.2 Regulatory Setting**

### **Federal**

The U.S. Environmental Protection Agency (USEPA) is the main federal agency responsible for enforcing regulations relating to hazardous materials and wastes, including evaluation and remediation of contamination and hazardous wastes. The USEPA works collaboratively with other agencies to enforce materials handling and storage regulations and site cleanup requirements. The Occupational Safety and Health Administration (OSHA) and the Department of Transportation (DOT) are authorized to regulate safe transport of hazardous materials.

### ***Resources Conservation and Recovery Act (42 USC 6901 et seq.)***

Resources Conservation and Recovery Act (RCRA) is the principal law governing the management and disposal of hazardous materials. RCRA is considered a "cradle- to- grave" statute for hazardous wastes in that it addresses all aspects of hazardous materials from creation to disposal. RCRA applies to this Project because RCRA is used to define hazardous wastes and off-site disposal facilities.

### ***Emergency Planning and Community Right-to-Know Act (EPCRA from SARA Title III)***

In 1986, Congress adopted the Emergency Planning and Community Right-to-Know Act (42 U.S.C. Sections 11001–11050) as Title III of the federal Superfund Amendments and Reauthorization Act. EPCRA improved community access to information regarding chemical

hazards and facilitated the development of business chemical inventories and emergency response plans. EPCRA also established reporting obligations for facilities that store or manage specified chemicals. EPCRA applies to this Project because the use of hazardous materials during Project construction and/or operation (e.g., fuels, paints and thinners, solvents) would require the preparation and implementation of written emergency response plans to properly manage hazardous materials and respond to accidental spills.

### ***U.S. DOT Hazardous Materials Transportation Act of 1975 (49 USC 5101)***

U.S. DOT, in conjunction with the USEPA, is responsible for enforcement and implementation of federal laws and regulations pertaining to safe storage and transportation of hazardous materials. The Code of Federal Regulations (CFR) 49, 171–180, regulates the transportation of hazardous materials, types of material defined as hazardous, and the marking of vehicles transporting hazardous materials. This Hazardous Materials Transportation Act applies to this Project because contractors and residential tenants would be required to comply with its storage and transportation requirements to reduce the possibility of spills during Project construction and/or operation.

### ***Occupational Safety and Health Act***

OSHA is the federal agency responsible for ensuring worker safety. These OSHA regulations provide standards for safe workplaces and work practices, including those relating to hazardous materials handling and reporting of accidents and occupational injuries (29 CFR 1910). OSHA applies to this Project because contractors would be required to comply with its hazardous materials management and handling requirements that would reduce the possibility of spills.

### ***Toxic Substances Control Act***

The Toxic Substances Control Act regulates the use and management of polychlorinated biphenyls in electrical equipment and sets forth detailed safeguards to be followed during the disposal of such items.

State and local agencies often have either parallel or more stringent rules than federal agencies. In most cases, state law mirrors or overlaps federal law and enforcement of these laws is the responsibility of the state or of a local agency to which enforcement powers are delegated. For these reasons, the requirements of the law and its enforcement are discussed under either the State or local agency section.

## **State**

### ***Hazardous Waste Control Law (California Health and Safety Code, Section 25100 et seq.)***

The Hazardous Waste Control Law is the State equivalent of RCRA and regulates the generation, treatment, storage, and disposal of hazardous waste. This act implements the RCRA “cradle-to-grave” waste management system in California but is more stringent in its regulation of non-RCRA wastes, spent lubricating oil, small-quantity generators, transportation and permitting requirements, as well as in its penalties for violations. The Hazardous Waste Control Law applies to this Project because contractors will be required to comply with its hazardous waste requirements that would reduce the possibility of spills.

### ***Hazardous Materials Release Response Plans and Inventory Law of 1985 (Business Plan Act)***

The California Hazardous Materials Release Response Plan and Inventory Law of 1985 (Business Plan Act) requires the preparation of Hazardous Materials Business Plans (HMBPs) and disclosure of hazardous materials inventories, including an inventory of hazardous materials handled, plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee training in safety and emergency response procedures (California Health and Safety Code, Division 20, Chapter 6.95, Article 1). Statewide, DTSC has primary regulatory responsibility for management of hazardous materials, with delegation of authority to local jurisdictions that enter into agreements with the state. Local agencies are responsible for administering these regulations. Businesses that would be required to prepare a HMBP would submit it to the local Certified Unified Program Agency, which in this case is the Ventura County Environmental Health Division.

### ***California Hazardous Waste Control Act***

Under the California Hazardous Waste Control Act, California Health and Safety Code, Division 20, Chapter 6.5, Article 2, Section 25100, et seq., DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous waste in California. The hazardous waste regulations establish criteria for identifying, packaging, and labeling hazardous wastes; dictate the management of hazardous waste; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous wastes that cannot be disposed of in landfills. DTSC is also the administering agency for the California Hazardous Substance Account Act. California Health and Safety Code, Division 20, Chapter 6.8, Sections 25300 et seq., also known as the State Superfund law, providing for the investigation and remediation of hazardous substances pursuant to State law.

### ***Utility Notification Requirements***

Title 8, Section 1541 of the CCR requires excavators to determine the approximate locations of subsurface utility installations (e.g., sewer, telephone, fuel, electric, water lines, or any other subsurface installations that may reasonably be encountered during excavation work) prior to opening an excavation. The California Government Code (Section 4216 et seq.) requires owners and operators of underground utilities to become members of and participate in a regional notification center. According to Section 4216.1, operators of subsurface installations who are members of, participate in, and share in the costs of a regional notification center are in compliance with this section of the code. Underground Services Alert of Southern California (known as DigAlert) receives planned excavation reports from public and private excavators and transmits those reports to all participating members of DigAlert that may have underground facilities at the location of excavation. Members would mark or stake their facilities, provide information, or give clearance to dig (DigAlert 2017). This requirement would apply to this Project because any excavation would be required to identify underground utilities before excavation.

### ***Senate Bill 1082***

In 1993, the State Legislature passed Senate Bill (SB) 1082 to streamline the permitting process for those businesses that use, store, or manufacture hazardous materials. The passage of SB 1082

provided for the designation of a CUPA that would be responsible for the permitting process and collection of fees. The CUPA is responsible for implementing at the local level the Unified Program, which serves to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities for the following environmental and emergency management programs:

- Hazardous Waste
- Hazardous Materials Business Plan
- California Accidental Release Prevention Program
- Underground Hazardous Materials Storage Tanks
- Aboveground Petroleum Storage Tanks/Spill Prevention Control and Countermeasure Plans
- Hazardous Waste Generator and On-Site Hazardous Waste Treatment (tiered permitting) Programs

### ***California Office of Emergency Services***

In order to protect the public health and safety and the environment, the California Office of Emergency Services is responsible for establishing and managing statewide standards for business and area plans relating to the handling and release or threatened release of hazardous materials. Basic information on hazardous materials handled, used, stored, or disposed of (including location, type, quantity, and the health risks) needs to be available to firefighters and public safety officers. Regulatory agencies are included in business plans to prevent or mitigate damage to the health and safety of persons and the environment from the release or threatened release of these materials into the workplace and environment. These regulations are covered under Chapter 6.95 of the California Health and Safety Code Article 1–Hazardous Materials Release Response and Inventory Program (Sections 25500 to 25520) and Article 2–Hazardous Materials Management (Sections 25531 to 25543.3).

### ***California Department of Forestry and Fire Protection***

CAL FIRE is the California Department of Forestry and Fire Protection. It is dedicated to the fire protection and stewardship of over 31 million acres of the state’s wildlands. Sections 51175 – 51189 of the California Government Code define CAL FIRE’s responsibility for identifying FHSZ throughout California. The FHSZs on CAL FIRE maps are based on fuel loading, slope, fire history, weather, and other factors as directed by California Public Resources Code, Sections 4201 – 4204, and California Government Code, Sections 51175 – 51189. FHSZs are ranked from Moderate to Very High and are designated within a Federal Responsibility Area, State Responsibility Area (SRA), or LRA, which indicate the jurisdiction as belonging to a federal agency, CAL FIRE, or local agency, respectively. The agency that performs firefighting activities can be different from the responsible agency if there is a contract agreement in place. Local agencies have the responsibility to designate, by ordinance, very high fire hazard severity zones (VHFHSZ) within their jurisdictions, per sections 51178.5 and 51179 of the Government Code. The current VHFHSZ areas on and near the Project site are illustrated in **Figure 3.17-3, VHFHSZ Boundaries**, in Section 3.17 of this Draft EIR.

## Local

### ***Ventura County Environmental Health Division***

The Ventura County Hazardous Materials Program, administered by the County Environmental Health Division, is the CUPA for the County. The CUPA provides regulatory oversight for the following programs: Hazardous Waste Generator, Hazardous Waste Generator On-Site Treatment (Tiered Permit), Underground Storage Tank, Aboveground Storage Tank Spill Prevention Control and Countermeasure Plan, Hazardous Materials Release Response Plans, and Inventory (Business Plan), and Risk Management Plan.

In addition to conducting annual facility inspections, the Hazardous Materials Program is involved with hazardous materials emergency response, investigation of the illegal disposal of hazardous waste, public complaints, and stormwater illicit discharge inspections.

### ***2015 Ventura County Multi-Hazard Mitigation Plan***

The 2015 Ventura County Multi-Hazard Mitigation Plan (2015 MHMP) is written to (1) address the local mitigation planning requirements of the Disaster Mitigation Act of 2000 (DMA 2000) for Unincorporated Ventura County and other local participants, including the City of Thousand Oaks; and (2) address the 510 Floodplain Management Planning activities of the Community Rating System (CRS) for the Ventura County Watershed Protection District (VCWPD) on behalf of Unincorporated Ventura County and the City of Oxnard (Ventura County 2015). According to the Ventura County Sheriff's Office of Emergency Services (OES), the 2021 update of the Hazard Mitigation Plan is currently in progress (Ventura County 2022).

## City of Thousand Oaks

### ***City of Thousand Oaks General Plan***

The Safety Element of the City of Thousand Oaks General Plan contains the following goal, and associated policies that are relevant to hazards and hazardous materials, emergency evacuation, and wildland fire hazards within the Specific Plan area:

**Goal S-5:** Provide minimum standards to protect life, limb, property, safety, and welfare of the citizens of the City by regulating and controlling the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices.

**Goal S-6:** Prevent the loss of life and property due to uncontrolled wildfire in the urban/wildland interface through the cooperation of the Ventura County Fire Protection District and property owners living in these areas.

**Policy D-1:** Continue to enforce the following: California Health and Safety Code, Ventura County Fire Protection District Ordinance, California Building Code (CBC), which is the International Building Code with California amendments.

**Policy D-7:** Provide adequate fire flow for all new developments in accordance with the CBC and adopted Amendments (or the most current edition of the CBC as adopted).

**Policy D-8:** Equip new buildings with an automatic fire sprinkler system in accordance with the CBC and Ventura County Fire Protection District Ordinance.

**Policy D-10:** Provide for minimum road widths and clearances for new development projects in accordance with: Municipal Code requirements (Sections 9-3.1015 and 9-3.1016); Standards specified in the City of Thousand Oaks Road Standards and construction specifications in effect at the time of construction; and any other standard and specific conditions required by the Fire Department in the permit application.

**Policy D-12:** Establish defensive barriers in the urban/wildland interface to protect against wildfire. Specifically, this shall include:

- Establish maintain a 100-foot defensible perimeter around each habitable structure along the urban wildland interface. Provide for the removal of annual fuels within the defensive perimeter.
- Provide any fire suppression resource from any agency the opportunity to successfully protect structures and other valuable properties during a wildfire threat.
- Protect the watershed fire areas from exposure to structure fires in the urban/wildland interface areas.

**Policy D-15:** Implement appropriate fuel management and prescribed burning programs on a selective basis in order to reduce the potential for devastating wildfires and the resulting damage they cause to both natural ecosystems and urban environments.

**Goal S-7:** Protect life, property, and the environment from the effects of releases of hazardous materials, to air, land, or water.

**Policy E-1:** Manage hazardous wastes and materials in such a way that waste reduction through alternative technology is the first priority, followed by recycling and on-site treatment, with disposal as the last resort.

**Policy E-5:** Implement programs to ensure proper disposal of household hazardous wastes. Educate the public about the importance of complying with such programs.

**Goal S-9:** Provide for the preparation and implementation of plans for the protection of persons and property within the City in the event of an emergency or a disaster and provide for the coordination of the emergency or disaster functions of the City with all other public agencies and affected private persons, corporations, and organizations (M.C.4-4.01).

**Policy G-7:** Promote public awareness of seismic, geologic, flood, fire, and other potential hazards to the public and prospective developers.

**Policy G-8:** Critical facilities subject to City approval that are susceptible to safety hazards shall incorporate feasible hazard mitigation measures.

### **City of Thousand Oaks Municipal Code**

The City of Thousand Oaks Municipal Code (TOMC) provides for the preparation and implementation of plans for the protection of persons and property within the City in the event of an emergency or a disaster including those involving hazardous materials incidents (TOMC Title 4, Chapter 4). The Municipal Code also contains regulations regarding the disposal of hazardous wastes (TOMC Title 6, Chapter 2). Additionally, development standards within the TOMC include requirements for setbacks, roadway width, and fire hazard areas for residential planned developments, which would include the Project (TOMC Title 4, Chapter 4, Article 9).



### **Hazard Mitigation Plan**

The City of Thousand Oaks Local Hazard Mitigation Plan (LHMP) was prepared in response to The Disaster Mitigation Act of 2000 (City of Thousand Oaks 2004). The LHMP documents the City's hazard mitigation planning process and identifies hazards, potential losses, and mitigation needs, goals, and strategies.

### **3.8.3 Thresholds of Significance**

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to hazards and hazardous materials if it would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (see Impact 3.8-1, below).
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (see Impact 3.8-2, below).
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school (see Impact 3.8-3, below).
- Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment (see Impact 3.8-4, below).
- For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area (see Section 5.1.4 in Chapter 5, *Other CEQA Considerations*).
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (see Impact 3.8-5, below).
- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (see Impact 3.8-6, below).

### **3.8.4 Methodology**

The analyses are based largely on information provided in the Phase I ESA (**Appendix I** of this Draft EIR).

The Phase I ESA identified the presence of hazardous materials occurring on the Project site, the potential hazards posed by such materials, and recommendations for addressing identified potential hazards. The Phase I ESA was prepared to ASTM E 1527-13/-21 requirements for assessing the presence or potential presence of aboveground and subsurface hazardous materials at the Project site.

Various tasks were performed for the Phase I ESA. These tasks included a review of title information pertaining to the Project site; review and summary of prior environmental documents pertaining to the Project site; an evaluation of standard environmental record sources contained within federal, State and local environmental databases within specific search distances; an

evaluation of additional environmental record sources obtained from local regulatory departments/agencies; a qualitative evaluation of the physical characteristics of the Project site through a review of published topographic, geologic, and hydrogeologic maps, published groundwater data, and area observations to characterize surface water flow conditions; an evaluation of past site and adjacent/nearby property uses through a review of historical resources; a physical inspection of the Project site (interior and exterior) conducted to search for conditions indicative of potential environmental concerns (e.g., USTs, ASTs, associated tank piping, stained soil or pavement, equipment that may contain or have historically contained Polychlorinated Biphenyls [PCBs]); a physical assessment of indications of past uses and visual observations of adjacent surrounding properties to assess potential impacts to the Project site; interviews with the client, a site owner representative; and preparation of the Phase I ESA.

Based on the aforementioned research, testing and monitoring, the Phase I ESA identified whether any of the following three types of hazardous conditions, defined by ASTM E 1527-13/-21, occur on the Project site. These three types are discussed above.

- Recognized Environmental Conditions (RECs)
- Controlled Recognized Environmental Conditions (CRECs)
- Historical Recognized Environmental Conditions (HRECs)

The Phase I ESA identified HRECs on the Project site in connection with previous site uses; however, no RECs or CRECs were identified. The Phase I ESA did not identify any existing off-site sources of releases that would be likely to contribute to a vapor encroachment condition for Project site soils or groundwater.

### 3.8.5 Impact Analysis

#### **Routine Transport, Use, or Disposal of Hazardous Materials**

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**Impact 3.8-1: The Project would result in a less than significant and less than cumulatively considerable hazard impact to the public or the environment through the routine transport, use, or disposal of hazardous materials.**

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#### ***Project Impact Analysis***

##### **Construction**

Implementation of the proposed Project would involve the demolition and removal of the existing surface parking area and maintenance structure, as described in Chapter 2.0, *Project Description*. Demolition would be followed by remedial grading of the site, followed by construction of the parking structure and internal circulation routes, residential buildings and associated infrastructure, and landscaped areas for the proposed Project.

Construction activities would be required to comply with numerous hazardous materials regulations designed to ensure that hazardous materials are transported, used, stored, and disposed of in a safe manner to protect worker safety, and to reduce the potential for a release of construction-related fuels or other hazardous materials into the environment, including

stormwater and downstream receiving water bodies. Contractors would be required to prepare and implement Hazardous Materials Business Plans (HMBPs) that would require that hazardous materials used for construction would be used properly and stored in appropriate containers with secondary containment to contain a potential release. The California Fire Code would also require measures for the safe storage and handling of hazardous materials.

The proposed residences and parking structure will be similar to existing uses within the local area – retail commercial, office commercial, and residential uses. As such, they will not typically store or generate large amounts of hazardous materials. During the development review process, the Project would be required to have adequately designed setbacks, and buffers to separate any use that stores or generates large amounts of hazardous materials from adjacent new development. Where applicable, the existing businesses would comply with existing or future governmental regulations regarding verification of procedures for the storage, use, and disposal of any hazardous materials used.

### Stormwater

As discussed in Section 3.8.2, *Regulatory Setting*, construction contractors would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) for construction activities according to the National Pollutant Discharge Elimination System (NPDES) General Construction Permit requirements. The SWPPP would list the hazardous materials (including petroleum products) proposed for use during construction; describe spill prevention measures, equipment inspections, equipment, and fuel storage; protocols for responding immediately to spills; and describe best management practices (BMPs) for controlling site runoff. A full discussion of hydrology and water quality impacts are included in Section 3.9, *Hydrology and Water Quality*, of this EIR.

### Transportation

Within the Project site, as within the City in general, a hazardous materials release or spill would most likely involve either transportation of materials by truck, use of hazardous materials at a business, or illegal dumping of hazardous wastes.

U.S. 101 and State Route (SR) 23 are major transportation corridors adjacent to or in close proximity to the Project site. Trucks commonly carry a variety of hazardous materials, including gasoline and various crude oil derivatives, and other chemicals known to cause human health problems. The transport of hazardous materials and explosives through the City would be regulated by the U.S. Department of Transportation, California Department of Transportation, and the California Highway Patrol. The City's LHMP includes mitigation that acts as a blueprint for reducing potential losses due to natural and human-caused hazards, which include coordination between the City and emergency responders, public education, proper disposal of hazardous wastes, and locating uses that use and store hazardous wastes in areas that will minimize risks to the public. Together, federal, state, and local agencies determine driver-training requirements, load labeling procedures, and container specifications designed to minimize the risk of accidental release.

### Hazardous Building Materials

Construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures,

which are all commonly used in construction. As discussed in Section 3.8.1, *Environmental Setting*, the existing single-story car wash/garage (former Verizon vehicle maintenance facility that is approximately 7,000 square feet) was formerly used for maintaining vehicles and pre-dates to 1991 (Leighton 2022). A Phase I ESA conducted at the Project site in August 2007 by EMG noted that asbestos was found in one of the samples obtained from the on-site structure in 2001 and recommended an Operations and Maintenance Program (O&M) should be implemented to manage any identified asbestos-containing materials in place at the Project site (EMG 2007). Similarly, in 2011, IVI Investment Services (IVI) conducted a Phase I ESA for the Project site in November 2011 and concluded that the asbestos containing materials are considered a HREC (IVI 2011).

However, numerous existing regulations require that demolition and removal activities that may disturb or require the removal of materials that consist of, contain, or are coated with asbestos-containing materials (ACMs), lead-based paints (LBPs), polychlorinated biphenyls (PCBs), mercury, and other hazardous materials must be inspected and/or tested for the presence of hazardous materials. If present, the hazardous materials must be managed and disposed of in accordance with applicable laws and regulations.

The identification, removal, and disposal for ACM is regulated under CCR Title 8, Division 1, Chapter 4, Article 4, Section 1529 and 5208. The identification, removal, and disposal for LBP is regulated under CCR Title 8, Division 1, Chapter 4, Article 4, Section 1532.1. All work must be conducted by a State-certified professional, which would ensure compliance with all applicable regulations. If ACM and/or LBP are determined to exist on-site, a site-specific hazard control plan must be prepared detailing removal methods and specific instructions for providing protective clothing and equipment for abatement personnel. A State-certified LBP and/or an ACM removal contractor would be retained to conduct the appropriate abatement measures as required by the plan. Wastes from abatement and demolition activities would be transported and disposed of at a landfill permitted to accept such waste and in compliance with applicable local, state, and federal laws and regulations. Once all abatement measures have been implemented, the contractor would conduct a clearance examination and provide written documentation to the Ventura County APCD that ACM and LBP testing and abatement have been completed in accordance with all federal, state, and local laws and regulations.

In the case of PCBs, the identification, removal, and disposal is regulated under RCRA (4 CFR 7610, TSCA (15 USC 2695) and California regulations (CCR Title 22, Division 4.5, Chapter 11, Article 3, Section 66261.24). Electrical transformers and older fluorescent light ballasts not previously tested and verified to not contain PCBs must be tested. If PCBs are detected above action levels, the materials must be transported and disposed of at a licensed facility permitted to accept the materials in compliance with these applicable local, state, and federal laws and regulations.

#### Residual Chemicals in Soil and Soil Gas

As discussed in Section 3.8.1, *Environmental Setting*, the existing single story car wash/garage (former Verizon vehicle maintenance facility that is approximately 7,000 square feet) was formerly used for maintaining vehicles and pre-dates to 1991 (Leighton 2022). As such residual levels of TPH, BTEX, and other chemicals may be present in soil and soil gas in certain areas due to previous use of USTs on the Project site. Excavation of contaminated soils may encounter

higher contaminant concentrations in previously unsampled areas, which could expose workers, the public, and the environment to higher concentrations of contaminants. However, as documented in the Phase I ESA, the previously remediated LUST cases completed under the oversight of the Ventura County DEH are considered HRECs and have been remediated to current standards for unrestricted land use. As such, no RECs, HRECs, or CRECs, including residual soil and soil gas exposure were identified that would negatively impact the Project site.

### Summary

The required compliance with the numerous laws and regulations discussed above would limit the potential for creation of hazardous conditions due to the routine use of hazardous materials. Therefore, environmental impacts related to the routine transport, use, or disposal of hazardous materials during construction of the proposed Project would be less than significant.

### Operation

Once constructed, the residences would use and store small quantities of chemicals typical in residences, such as household cleaning solutions, paints and thinners, and motor fuel (e.g., vehicles and lawn mowers). Few of the chemicals would be considered hazardous materials (e.g., bleach) and the anticipated volumes would be small (i.e., less than 5 gallons). Given that the quantities would be small, the routine use of hazardous materials would render this impact less than significant

**Significance Determination before Mitigation:** Less than Significant.

### *Cumulative Impact Analysis*

Significant cumulative impacts related to hazards and hazardous material could occur if the incremental impacts of the proposed Project combined with the incremental impacts of one or more of the cumulative projects substantially increase risk that people or the environment would be exposed to hazardous materials.

Unlike other resource areas, the geographic scope of analysis for cumulative hazardous materials cannot be precisely quantified by distance. The geographic area affected by the proposed Project and its potential to contribute to cumulative impacts varies based on the environmental resource under consideration. The geographic scope of analysis for cumulative hazardous materials impacts encompasses and is limited to the Project site and its immediately adjacent area. This is because impacts relative to hazardous materials are generally site-specific and depend on the nature and extent of the hazardous materials release, and existing and future soil and groundwater conditions. For example, hazardous materials incidents tend to be limited to a smaller more localized area surrounding the immediate spill location and extent of the release and could only be cumulative if two or more hazardous materials releases spatially overlapped.

The timeframe during which the proposed Project could contribute to cumulative hazards and hazardous materials effects includes the construction and operations phases. For the proposed Project, the operations phase is relatively permanent.

However, similar to the geographic limitations discussed above, it should be noted that impacts relative to hazardous materials are generally time-specific. Hazardous materials events could only be cumulative if two or more hazardous materials releases occurred at the same time, as well as overlapping at the same location.

Future development within the City would result in additional residents and structures that could be placed at risk. Such development would expose new residents and property to hazards that exist in the area. This represents a potentially significant cumulative impact. The proposed Project would incrementally contribute to these cumulative impacts. However, the City's Local Hazard Mitigation Plan and existing environmental and development review procedures will reduce potential environmental hazards. Additionally, any hazardous materials encountered on the Project site would be recorded and removed according to regulatory procedures. Therefore, the contribution of the proposed Project to this impact would be less than cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation is required.

**Significance after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required,

**Significance after Mitigation:** Less than Significant.

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## **Accident Conditions**

**Impact 3.8-2: The Project would result in less than significant and less than cumulatively considerable hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.**

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### ***Project Impact Analysis***

#### **Construction**

There is one existing structure within the ground disturbance portion of the Project site. Due to the age of the existing maintenance structure, it may contain ACMs and LBPs. During construction of the Project, demolition of this structure can have negative air quality impacts. Absent existing regulatory controls, this could represent a potentially significant hazard. The Ventura County Environmental Health Division provides guidance for the management of asbestos-containing materials including standards for inspections, abatement, and transport and disposal of ACMs. The CCR sets standards for lead hazard assessment and abatement, removal, certification of individuals engaged in lead-based paint activities, and accreditation of training providers. In addition, the Title 6,

Chapter 2 of the TOMC contains regulations regarding the disposal of hazardous wastes. Adherence to existing regulations and compliance with the Municipal Code requirements, which is required Citywide, would ensure that any hazardous waste incidences or disposal would be properly handled.

### Spill Response

In the event of a spill that releases hazardous materials at the Project site, a coordinated response would occur at the federal, state, and local levels, including the Ventura County Hazardous Materials Response Team (HMRT), which is the local hazardous materials response team. In the event of a hazardous materials spill, the HMRT and police department would be simultaneously notified and sent to the scene to respond and assess the situation.

In addition, Title 4, Chapter 4, of the TOMC provides for the preparation and implementation of plans for the protection of persons and property within the City in the event of an emergency or a disaster including those involving hazardous materials incidents. To fulfill this Code provision, the City adopted an Emergency Operations Plan on May 27, 2008, which details emergency response procedures Citywide. Compliance with Municipal Code requirements and the Emergency Operations Plan would ensure that emergencies involving hazardous wastes would be appropriately handled.

Furthermore, the General Plan contains policies designed to mitigate impacts from hazardous wastes. These policies include coordination between the City and emergency responders (Policies E-2 and E-6), public education (Policy E-5), proper disposal of hazardous wastes (Policy E-1) and locating uses that use and store hazardous wastes in areas that will minimize risks to the public (Policy E-3).

Adherence with the City's LHMP, and compliance with Municipal Code requirements and General Plan policies would ensure that future development allowed by the proposed Project would not cause an adverse effect on the environment with respect to the use, storage, or disposal of general household and commercial hazardous substances generated from future development or uses. This impact is considered less than significant.

### Operation

Once constructed, the residences would use and store small quantities of chemicals typical in residences, such as household cleaning solutions, paints and thinners, and motor fuel (e.g., vehicles and lawn mowers). Few of the chemicals would be considered hazardous materials (e.g., bleach) and the anticipated volumes would be small (i.e., less than 5 gallons). Given that the quantities would be small, the accidental spill of hazardous materials would render this impact less than significant.

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

The nearest cumulative project is Cumulative Project No. 2 located at 4500 E. Thousand Oaks Boulevard approximately 1,500 feet east of the Project site. This project would be subject to the same regulatory requirements discussed for the proposed Project, including the implementation of health and safety plans and soil management plans, as needed.

That is, cumulative projects involving releases of or encountering hazardous materials also would be required to remediate their respective sites to established regulatory standards. This would be

the case regardless of the number, frequency, or size of the release(s), or the residual amount of chemicals present in the soil from previous spills. While it is possible that the Project and cumulative projects could result in releases of hazardous materials at the same location and time, the responsible party associated with each spill would be required to remediate site conditions to the same established regulatory standards.

Implementation of cumulative development in the Project vicinity would include primarily residential uses along with general office, drive-thru restaurant, automobile sales, commercial, and storage facility. Cumulative development compliance with existing regulations would result in less than significant cumulative accidental hazardous materials release impacts. Because the Project would result in less than significant impacts from the use or accidental release of hazardous materials, the Project's contribution to cumulative impacts would be less than cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

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## **Hazardous Materials Near Schools**

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**Impact 3.8-3: The Project would result in a less than significant and less than cumulatively considerable impacts from emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.**

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### ***Project Impact Analysis***

#### **Construction**

The Project site does not include any schools within its boundaries. However, Westlake High School is located at the intersection of Thousand Oaks Boulevard and Lakeview Canyon Road, adjacent and northeast of the site. Therefore, the possibility exists that future development allowed by the proposed Project could place uses that could emit hazardous emissions or handle hazardous materials, substances, or waste within 0.25 mile of a school.

The construction of the proposed Project would include the handling of hazardous materials. Construction equipment and materials would be transported to the Project site via U.S. 101 and State Route 23, which are located south of the Project site. Construction equipment and materials



would be delivered to the Project site by means of Thousand Oaks Boulevard, Lakeview Canyon Road, Westlake Boulevard, and Baxter Road; and would not pass by the school.

In addition, as summarized in Section 3.8-2, *Regulatory Setting*, there are numerous regulations covering the transportation, use, storage, and disposal of hazardous materials during construction activities. The required compliance with these regulations would ensure that the nearby schools would not be exposed to hazardous materials. The impact relative to proximity to schools would be less than significant.

### **Operation**

Once constructed, the residences would use and store small quantities of chemicals typical in residences, such as household cleaning solutions, paints and thinners, and motor fuel (e.g., vehicles and lawn mowers). Few of the chemicals would be considered hazardous materials (e.g., bleach) and the anticipated volumes would be small (i.e., less than 5 gallons). Given that the quantities would be small, the routine use or an accidental spill of hazardous materials would render this impact less than significant.

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Development of pending and approved projects in the greater Thousand Oaks area would increase the use of hazardous materials in the City. However, similar to the Project, the geographic scope of this analysis would be limited to cumulative development within 0.25 mile of Westlake High School that would expose sensitive receptors to hazards that exist in the area.

As indicated in Chapter 3.0, *Environmental Setting, Impacts, and Mitigation Measures*, of this Draft EIR, there would be one cumulative project within 0.25 miles of Westlake High School, including the general office use located at 4500 E. Thousand Oaks Boulevard. Although the Project would only incrementally contribute to these cumulative impacts, construction and operation of the general office use proposed east of the Project site may result in hazardous emissions or handling of hazardous materials, which would represent a potentially significant cumulative impact. However, as indicated above, the City's LHMP and existing environmental and development review procedures of cumulative projects would address and mitigate all potential environmental hazards and hazardous materials impacts. Therefore, the contribution of the proposed Project to this impact would not be cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

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### **Hazardous Materials Site**

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**Impact 3.8-4: The Project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would result in less than significant and less than cumulatively considerable hazard impacts to the public or the environment.**

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#### ***Project Impact Analysis***

As discussed in Section 3.8.1, *Environmental Setting*, the Project site is not listed as a hazardous materials site pursuant to Government Code Section 65962.5. However, the Project site was listed in the HAZNET, RCRA-LQG, FINDS, HWTS, ECHO, SWEEPS UST, CERS, RCRA-Nongen/NLR, and BWT databases for the address associated with the Project site (1 Baxter Way) and also previous addresses of the Project site (111 South Lakeview Canyon Road, 1 GTE Place, and 1 Verizon Way). These databases indicate previous use of hazardous materials associated with former businesses within the industrial office building. However, according to consultation with the associated regulatory agencies, these LUST cases have been completed under the oversight of Ventura County DEH and are considered HRECs. The previous cases have been remediated to current standards for unrestricted land use and would not negatively impact the Project site (Leighton 2022).

Construction and operational activities associated with the Project would not result in a hazard impact to the public or the environment associated with a site compiled pursuant to Government Code Section 65962.5. Therefore, the potential for exposure of people and the environment to hazardous materials as a result of the Project would be avoided or reduced, and this impact is considered less than significant.

**Significance before Mitigation:** Less than Significant.

#### ***Cumulative Impact Analysis***

Cumulative projects could be located within areas listed as hazardous materials sites pursuant to Government Code Section 65962.5. Therefore, the implementation of cumulative projects could result in significant hazard impacts to the public or the environment associated with a site compiled pursuant to Government Code Section 65962.5. Because the Project site is not on the list of compiled sites pursuant to Government Code Section 65962.5 and all environmental impacts associated with the use of hazardous materials have been remediated in accordance with current standards, the Project's contribution to potential hazards to the public or the environment related to a site compiled pursuant to Government Code Section 65962.5 is less than cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

## ***Mitigation Measures***

### **Project Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

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## **Emergency Plans**

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**Impact 3.8-5: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and would result in a less than significant and less than cumulatively considerable emergency impacts.**

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## ***Project Impact Analysis***

### **Construction**

The Project site is located in an area of Southern California that has the potential for residents and employees to encounter man-made and natural hazards, which could impact residents and employees. Generally, the hazards that might affect the Project site are comparable to other areas in Southern California. Human-made hazards include the potential release of hazardous materials and the potential for fires started by humans. Natural hazards include flooding, seismic activity, extreme weather conditions and fires that are started naturally.

During development review process, emergency access is evaluated for all pending development projects within the City's Planning Area. Two means of ingress and egress are required for all major development projects, including subdivisions and commercial/industrial sites. Adequate road and driveway widths are required to provide access to fire trucks, along with turnouts and turnaround areas where deemed necessary. Traffic control during evacuation procedures will be based upon the nature of the emergency and the condition of the roads within the Project site. Temporary signage will be placed by the City to ensure evacuation routes are clearly marked for motorists.

Construction of the Project would not interfere with applicable mitigation activities listed in the City's LHMP that concern transportation. Applicable mitigation activities listed in the City's LHMP with regard to transportation include the construction of new roads and infrastructure in accordance with current land use plans, zoning, and local ordinances and improve reporting of minor accidents and engineering investigations of collisions to determine patterns to improve signals, traffic markings, and identify educational efforts needed to reduce accidents. Therefore, construction of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

## **Operation**

Once operational, the new residential buildings would not require any lane closures and traffic into and out of the Project site would not exceed carrying capacity of the local streets, as discussed in Section 3.14, *Transportation*, of this EIR. Therefore, the impact relative to an emergency response plan or emergency evacuation plan would be less than significant.

**Significance before Mitigation:** Less than Significant.

## ***Cumulative Impact Analysis***

With regard to impairment of an adopted emergency response plan or emergency evacuation plan, cumulative growth in the vicinity of the Project site would be required to provide adequate emergency access in accordance with local building codes, fire codes, and land use policies, including but not limited to providing several vehicular access points and roadways of sufficient width to allow access and circulation by large emergency vehicles, such as fire engines prior to the issuance of a building permit. Similar to the Project, each of the cumulative projects would also be required to prepare and implement a construction traffic management plan if the construction of the project would result in lane closures or restrictions. The construction traffic management plan would include procedures for identifying lane closures (e.g., cones, flagging) and controls on the timing of lane closures and restrictions (e.g., avoiding commute hour closures). Therefore, even if the construction of two or more projects were to occur at the same time, the traffic control would ensure the continued flow of traffic and thus not interfere with emergency or disaster routes.

As concluded in the discussion of Project-related impacts, the proposed Project would not interfere with emergency response or emergency evacuation plans. Therefore, the Project, in conjunction with other cumulative development, would result in a less than significant cumulative impact associated with emergency access. Because the proposed Project would also result in less than significant emergency access impacts, the Project's contribution to emergency response plan or emergency evacuation plan impacts would be less than cumulatively considerable.

**Significance before Mitigation:** Less than Significant.

## ***Mitigation Measures***

### **Project Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

## Wildland Fires

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**Impact 3.8-6: The Project would have less than significant and less than cumulatively considerable on people or structures, either directly or indirectly because it would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.**

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### ***Project Impact Analysis***

A Wildland-Urban Interface Area is defined in Section 702A of the CBC as a geographical area identified by the State of California as a Fire Hazard Severity Zone (FHSZ) in accordance with Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires.

As discussed above, narrow portions of the north and eastern Project site are mapped as being within a Local Responsibility Area (LRA) designated as a Very High Fire Hazard Severity Zone (VHFHSZ) per CAL FIRE's Fire Hazard Severity Zone Maps prepared under the Fire and Resource Assessment Program (FRAP) (CAL FIRE 2010). These VHFHSZ's extend north up the hillside toward the residential community of North Ranch and Simi Peak.

The closest State Responsibility Area (SRA) designated as VHFHSZ is located approximately 2.5 miles southwest of the Project site near Lake Sherwood. Although the Project site is located within and adjacent to designated fire hazard severity zones, as required by Section 9-4.905(d) of the TOMC, the Project would be required to demonstrate compliance with state and local fire codes, as well as receive approval from the Ventura County Fire Protection District (VCFPD). As discussed in Section 3.17, *Wildfire*, the Project would result in a less than significant impact related to wildfires. Therefore, the Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. Impacts would be less than significant.

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

As described above, cumulative growth in the City would increase development in the Project vicinity. The cumulative growth is expected to be consistent with the current land use designation within the City as well as the future growth of the County of Ventura.

As concluded in the discussion of Project-related impacts above, the Project site is within and adjacent to designated VHFHSZ's, and thus would require consistency with VCFPD Ordinance No. 31 (Ventura County Fire Code), which includes fire hazard reduction and vegetation management provisions intended to identify hazard areas, mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures, and to mitigate fires from spreading to wildland fuels that may threaten to destroy life, overwhelm fire suppression capabilities, or result in large property loss (VCFPD Ord. 31 Section W101).

With regard to cumulative impacts related to exposure of project-related people or structures to a significant risk of loss, injury or death involving wildland fires, given that cumulative projects

may be located within or near SRA or LRA VHFHSZ's, within a Wildland-Urban Interface, or within areas characterized by hills and mountains, those project characteristics would be evaluated and would be required to adhere to the Ventura County Fire Code, which is based on the California Health & Safety Code (H&S), California Public Resource Code (PRC), CCR, California Government Code (GC) and VCFPD requirements. Adherence to local Building and Fire Codes, as well as project-specific review of cumulative projects within the City would minimize potential impacts related to exposure to and the uncontrolled spread of a wildland fire, and therefore, cumulative projects would result in less than significant cumulative wildfire impacts.

As discussed above, the Project would result in less than significant impacts related to exposure of Project-associated occupants to risk from a wildland fire. As a result, the Project's contribution to the cumulative exposure of people or structures to a significant risk of loss, injury or death involving wildland fires would be less than cumulatively considerable. See Section 3.17, *Wildfire*, of this Draft EIR, for a full discussion of wildfire impacts associated with the Project site and surrounding vicinity.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures required.

**Significance after Mitigation:** Less than Significant.

## **3.8.6 References**

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## 3.9 Hydrology and Water Quality

This section addresses the potential impacts to hydrology and water quality from implementation of the proposed Project. This section describes the existing local surface water and groundwater resources; summarizes the relevant regulatory background; evaluates the potential impacts that may result from implementing the Project; and identifies mitigation to minimize potential effects. The analysis in this section is based on *The Hydrology Analysis for Gateway at the Oaks 1 Baxter Way* (herein, referred to as Hydrology Analysis Report), prepared by Hunsaker & Associates (refer to **Appendix J-1**), the *Post-Construction Stormwater Management Plan, Gateway at the Oaks* (herein, referred to as Post-Construction Stormwater Management Plan) (H&A 2021b), prepared by Hunsaker & Associates (refer to **Appendix J-2**), and the *Geotechnical Exploration Report for The Oaks Specific Plan 1 Baxter Way* (herein, referred to as Geotechnical Exploration Report), prepared by Leighton and Associates (refer to **Appendix G-2**).

### 3.9.1 Environmental Setting

#### Existing Site Conditions

The site is currently occupied by an existing industrial office building with associated access roads, asphalt concrete paved surface parking, and landscaped grounds. The site was undeveloped open space until the existing site improvements were initially constructed in the 1980s. The existing industrial office building is in the central portion of the property with landscaped slopes descending away from the building to the west, south, and east. The site has moderate topographic relief with the ground surface ranging from approximately 941 feet mean sea level in the southwestern portion to approximately 1,016 feet mean sea level in the eastern portion of the site. Surface drainage is generally directed to the southwest toward the unlined School House Canyon drainage channel (Leighton, 2021).

#### Regional Watershed

The proposed Project would be located within the western portion of the Malibu Creek Watershed. Malibu Creek Watershed covers approximately 70,651 acres at the northwestern end of Los Angeles County and the southern end of Ventura County. It is the largest watershed to drain into Santa Monica Bay. Much of the Malibu Creek Watershed is open space under jurisdiction of the National and State Parks. Approximately 27 percent of the watershed is unincorporated Los Angeles County and approximately 62 percent of the unincorporated land is under the jurisdiction of Federal and State Parks. The dominant land use in Malibu Creek Watershed is 80 percent vacant. Other land uses include 3 percent agricultural and recreational, 13 percent developed land uses of high and low density residential, 1 percent commercial and 1 percent industrial (City of Calabasas et al. 2018).

Within the City of Thousand Oaks, land north of U.S. 101 is mostly developed consisting of residential and commercial land use. Most of the land south of U.S. 101 is open space with patchy residential areas and commercial adjacent to U.S. 101. The southern portion of the watershed consists of Los Angeles County and is largely under the jurisdiction of Federal and State Parks and includes Malibu Creek State Park (City of Calabasas et al. 2018).

## Surface Water

Water bodies within Malibu Creek Watershed area include the following: Lindero Creek, Lake Lindero, Medea Creek, Palo Comado Creek, Cheseboro Creek, Las Virgenes Creek, Westlake Lake, Triunfo Creek, Stokes Creek, Malibou Lake, Malibu Creek, and Cold Creek. Historically, there is little flow during the summer months in the creeks in the Malibu Creek Watershed. Much of the natural flow that occurs during the summer in the upper tributaries originates from springs and groundwater seepage areas (City of Calabasas et al. 2018).

The western portion of the watershed drains the areas around Westlake and Triunfo Creek which are largely undeveloped. Most of the City of Westlake Village developed area consists of residential and commercial/industrial land use which is proximate to the lake. Nearly all the runoff from this watershed area is conveyed to Triunfo Creek and ultimately to Malibu Creek and the Pacific Ocean.

## Groundwater

The Russell Valley Groundwater Basin is a relatively small alluvial basin bounded by semi-permeable rocks of the Santa Monica Mountains (DWR 2004). The basin is bordered on the west by the Thousand Oaks Groundwater Basin. Triunfo Creek drains the valley into Malibu Creek. Average annual precipitation ranges from 18 to 20 inches.

The principal water-bearing formation is Holocene age alluvium, although some groundwater is extracted from underlying volcanic rocks and older Tertiary sedimentary rocks. Holocene age alluvium consists of unconsolidated, poorly bedded, poorly sorted to sorted sand, gravel, silt, and clay with some cobbles and boulders that averages about 35 to 55 feet thick; groundwater is unconfined (DWR 2004).

Per the geotechnical investigation, groundwater was encountered at depths ranging from approximately 15 to 25 feet below ground surface within alluvial sediments in a perched condition above the bedrock at 5 of 14 boring locations. Historic groundwater levels indicate historic high groundwater levels at approximately 10 feet below ground surface. See Section 3.6 *Geology and Soils* for additional information on the boring results.

Presence of bedrock layer impedes water transmission, thereby creating perched groundwater conditions. Resulting in-situ rates from on-site infiltration tests ranged from 0.0 inch per hour (in/hr) in the northeastern portion of the Project site to 0.38 in/hr and 0.57 in/hr in the Project's northwestern areas (H&A 2021b).

## Water Quality

The Monterey/Modelo formation underlies the Malibu Creek Watershed. The Monterey/Modelo formation is potentially a significant natural source of water quality impairments. The formation is composed of marine sediments that are natural sources of sulfate, metals, phosphorus, nitrogen and selenium. As groundwater discharges to surface waters in the Malibu Creek Watershed, substances leached from the Monterey/Modelo formation may contribute to water quality impairments. Although the effects of high levels of phosphorus and nitrogen in the Malibu Creek

Watershed have not been fully assessed, research data supports the probability that receiving waters will become impaired by natural groundwater discharges originating from the Monterey/Model formation. Impairments are expected to be more likely to occur during the summer months (City of Calabasas et al. 2018).

## 3.9.2 Regulatory Setting

### Federal

#### ***Clean Water Act***

The Clean Water Act (CWA) was first introduced in 1948 as the Water Pollution Control Act. The CWA authorizes Federal, state, and local entities to cooperatively create comprehensive programs for eliminating or reducing the pollution of state waters and tributaries. The primary goals of the CWA are to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to make all surface waters fishable and swimmable. As such, the CWA forms the basic national framework for the management of water quality and the control of pollutant discharges. The CWA also sets forth a number of objectives in order to achieve the above-mentioned goals. These objectives include regulating pollutant and toxic pollutant discharges; providing for water quality that protects and fosters the propagation of fish, shellfish and wildlife; developing waste treatment management plans; and developing and implementing programs for the control of non-point sources of pollution.

Since its introduction, major amendments to the CWA have been enacted (e.g., 1961, 1966, 1970, 1972, 1977, and 1987). Amendments enacted in 1970 created the U.S. Environmental Protection Agency (USEPA), while amendments enacted in 1972 deemed the discharge of pollutants into waters of the United States from any point source unlawful unless authorized by a USEPA National Pollutant Discharge Elimination System (NPDES) permit. Amendments enacted in 1977 mandated development of a "Best Management Practices" Program at the state level and provided the Water Pollution Control Act with the common name of "Clean Water Act," which is universally used today. Amendments enacted in 1987 required the USEPA to create specific requirements for discharges.

In response to the 1987 amendments to the CWA and as part of Phase I of its NPDES permit program, the USEPA began requiring NPDES permits for: (1) municipal separate storm sewer systems (MS4) generally serving, or located in, incorporated cities with 100,000 or more people (referred to as municipal permits); (2) 11 specific categories of industrial activity (including landfills); and (3) construction activity that disturbs 5 acres or more of land. Phase II of the USEPA's NPDES permit program, which went into effect in early 2003, extended the requirements for NPDES permits to: (1) numerous small municipal separate storm sewer systems, (2) construction sites of 1 to 5 acres, and (3) industrial facilities owned or operated by small municipal separate storm sewer systems. The NPDES permit program is typically administered by individual authorized states.

In 2008, the USEPA published draft Effluent Limitation Guidelines for the construction and development industry. On June 27, 2016, the USEPA finalized its 2016 Effluent Guidelines Program Plan.

In California, the NPDES stormwater permitting program is administered by the State Water Resources Control Board (SWRCB). The SWRCB was created by the Legislature in 1967. The joint authority of water distribution and water quality protection allows the Board to provide protection for the State's waters, through its nine Regional Water Quality Control Boards (RWQCBs). The RWQCBs develop and enforce water quality objectives and implement plans that will best protect California's waters, acknowledging areas of different climate, topography, geology, and hydrology. The RWQCBs develop "basin plans" for their hydrologic areas, issue waste discharge requirements, enforce action against stormwater discharge violators, and monitor water quality.

### ***Executive Order 11988***

Under Executive Order 11988 – Floodplain Management, the Federal Emergency Management Agency (FEMA) is responsible for management of floodplain areas defined as the lowland and relatively flat areas adjoining inland and coastal waters subject to a one percent or greater chance of flooding in any given year (the 100-year floodplain). FEMA requires that local governments covered by federal flood insurance pass and enforce a floodplain management ordinance that specifies minimum requirements for any construction within the 100-year floodplain. The Order addresses floodplain issues related to public safety, conservation, and economics. It generally requires federal agencies constructing, permitting, or funding a project in a floodplain to:

- Avoid incompatible floodplain development
- Be consistent with the standards and criteria of the National Flood Insurance Program
- Restore and preserve natural and beneficial floodplain values

## **State**

### ***California Porter-Cologne Act***

The Porter-Cologne Water Quality Control Act established the legal and regulatory framework for California's water quality control. The California Water Code (CWC) authorizes the SWRCB to implement the provisions of the CWA, including the authority to regulate waste disposal and require cleanup of discharges of hazardous materials and other pollutants.

As discussed above, under the CWC, the State of California is divided into nine RWQCBs, governing the implementation and enforcement of the CWC and CWA. The Project site is located within Region 4, also known as the Los Angeles Region (LARWQCB). Each RWQCB is required to formulate and adopt a Basin Plan for its region. The LARWQCB's Basin Plan is a comprehensive document that reports beneficial uses for surface and groundwaters, defines narrative and numeric parameters to protect water quality, and describes implementation programs to protect waters throughout the Region. This Plan must adhere to the policies set forth in the CWC and established by the SWRCB. The RWQCB is also given authority to include within its regional plan water discharge prohibitions applicable to particular conditions, areas, or types of waste. The Project site conveys stormwater to Westlake Lake that ultimately drains to Triunfo Canyon Creek and Malibu Creek. The beneficial land uses in Triunfo Canyon Creek and Malibu Creek identified in **Table 3.9-1**.

**TABLE 3.9-1  
BENEFICIAL USE DESIGNATIONS FOR WATER BODIES IN THE PROJECT AREA**

Beneficial Use	Water Body	
	Triunfo Creek	Malibu Creek
Municipal and Domestic Supply (MUN)	P*	P*
Agriculture Supply (AGR)	N/A	N/A
Industrial Service Supply (IND)	N/A	N/A
Industrial Process Supply (PROC)	N/A	N/A
Groundwater Recharge (GWR)	N/A	N/A
Freshwater Replenishment (FRSH)	N/A	N/A
Navigation (NAV)	N/A	E
Hydropower Generation (POW)	N/A	N/A
Commercial and Sport Fishing (COMM)	N/A	N/A
Aquaculture (AQUA)	N/A	N/A
Wildlife Habitat (WILD)	E	E
Marine Habitat (MAR)	N/A	E
Warm Freshwater Habitat (WARM)	I	I
Cold Freshwater Habitat (COLD)	N/A	N/A
Inland Saline Water Habitat (SAL)	N/A	N/A
Estuarine Habitat (EST)	N/A	E
Preservation of Rare and Endangered Species (RARE)	E	Ee
Wetland Habitat (WET)	N/A	E
Migration of Aquatic Organisms (MIGR)	N/A	Ef
Spawning, Reproduction, and/or Early Development (SPWN)	N/A	Ef
Recreation 1 (REC1)	Im	E
Recreation 2 (REC2)	I	E

NOTES:

N/A = not applicable

I= Intermittent beneficial use

E = existing beneficial use

e= One or more rare species utilize all ocean, bays, estuaries, and coastal wetlands for foraging and/or nesting.

f= Aquatic organisms utilize all bays, estuaries, lagoons and coastal wetlands, to a certain extent, for spawning and early development. This may include migration into areas which are heavily influenced by freshwater inputs.

m= Access prohibited by Los Angeles County Department in the concrete-channelized areas.

P\* = potential beneficial uses; asterisked MUN designations are designated under State Board Resolution 88-63 "Source of Drinking Water Policy" and Regional Board Resolution 89-03 "Incorporation of Source of Drinking Water Policy into Water Quality Control Plans". Some designations may be considered for exemption at a later date (see pages 2-3 and 2-4 of the RWQCB-LA Basin Plan [2014] for more details)

SOURCE: RWQCB 2014.

### **Low Impact Development – Sustainable Stormwater Management**

On January 20, 2005, the SWRCB adopted sustainability as a core value for all activities and programs carried out by the SWRCB (SWRCB, 2017a). Low Impact Development (LID) is a sustainable practice that promotes water retention and the protection of water quality. LID design

techniques include features that increase infiltration, filtration, storing of water, reduce evaporation, and detain runoff. Ten common LID practices are outlined below:

1. Bioretention & Rain Gardens
2. Rooftop Gardens
3. Sidewalk Storage
4. Vegetated Swales, Buffers & Strips; Tree Preservation
5. Roof Leader Disconnection
6. Rain Barrels and Cisterns
7. Permeable Pavers
8. Soil Amendments
9. Impervious Surface Reduction & Disconnection
10. Pollution Prevention & Good Housekeeping

### ***California Toxics Rule***

In 2000, the USEPA promulgated the California Toxics Rule, which establishes water quality criteria for certain toxic substances to be applied to waters in the State. In 1994, a California state court revoked the State's water quality control plans, which contained numeric criteria for water quality. This was in direct violation of the CWA, and required USEPA action. The USEPA then implemented the California Toxics Rule. The USEPA promulgated this rule based on Section 303(c)(2)(B) of the Clean Water Act, which dictates that states must adopt numeric criteria in order to protect human health and the environment. The California Toxics Rule establishes acute (i.e., short-term) and chronic (i.e., long-term) standards for bodies of water such as inland surface waters and enclosed bays and estuaries that are designated by the LARWQCB as having beneficial uses protective of aquatic life or human health.

## **Regional**

### ***Los Angeles Regional Water Quality Control Board Basin Plan***

As mentioned above, the LARWQCB Basin Plan was written and implemented by the LARWQCB to preserve and enhance water quality throughout the coastal watershed of Ventura and Los Angeles County. The Basin Plan outlines beneficial uses of regional waters, narrative and numeric parameters to protect water quality, and describes implementation programs to protect waters throughout the Region. The Basin Plan outlines water quality parameters for both inland surface waters and for groundwaters for a wide variety of water quality constituents.

### ***NPDES Permit Program***

The NPDES permit program was first established in 1972 under authority of the federal government through the CWA to control the discharge of pollutants from any point source into the waters of the United States (California State Water Resources Control Board, 2017). As indicated above, in California, the NPDES stormwater permitting program is administered by the SWRCB through the LARWQCB. For all water quality related objectives for CWA purposes, including the NPDES, the state must achieve water quality standards in effect at the state level as

well as the regional level (United States Environmental Protection Agency, 2017e). At the regional level, the effective plan is the LARWQCB's Basin Plan.

### ***NPDES Construction General Permit***

Construction associated with the Project would disturb more than 1 acre of land surface affecting the quality of stormwater discharges into waters of the U.S. The Project would, therefore, be subject to the *NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* (Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006-DWQ). The Construction General Permit regulates discharges of pollutants in stormwater associated with construction activity to waters of the U.S. from construction sites that disturb 1 acre or more of land surface, or that are part of a common plan of development or sale that disturbs more than 1 acre of land surface. The permit regulates stormwater discharges associated with construction or demolition activities, such as clearing and excavation; construction of buildings; and linear underground projects, including installation of water pipelines and other utility lines.

The Construction General Permit requires that construction sites be assigned a Risk Level of 1 (low), 2 (medium), or 3 (high), based both on the sediment transport risk at the site and the receiving waters risk during periods of soil exposure (e.g., grading and site stabilization). The sediment risk level reflects the relative amount of sediment that could potentially be discharged to receiving water bodies and is based on the nature of the construction activities and the location of the site relative to receiving water bodies. The receiving waters risk level reflects the risk to the receiving waters from the sediment discharge. Depending on the risk level, the construction projects could be subject to the following requirements:

- Effluent standards
- Good site management “housekeeping”
- Non-stormwater management
- Erosion and sediment controls
- Run-on and runoff controls
- Inspection, maintenance, and repair
- Monitoring and reporting requirements

The Construction General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes specific best management practices (BMPs) designed to prevent sediment and pollutants from contacting stormwater from moving off-site into receiving waters. The BMPs fall into several categories, including erosion control, sediment control, waste management and good housekeeping, and are intended to protect surface water quality by preventing the off-site migration of eroded soil and construction-related pollutants from the construction area. Each category contains specific BMPs to achieve the goals of the overarching category. Specific BMPs may include the following:

- Soil stabilizing BMPs: Use of straw mulch, erosion control blankets or geotextiles, and/or wood mulching

- Sedimentation control BMPs: Use of storm drain inlet protection, sediment traps, gravel bag berms, and fiber rolls
- Waste management BMPs: Stockpile management, solid waste management, and concrete waste management
- Good Housekeeping BMPs: Vehicle and equipment cleaning, implementing water conservation practices, and implementing rules for fueling construction vehicles and equipment

Routine inspection of all BMPs is required under the provisions of the Construction General Permit. In addition, the SWPPP is required to contain a visual monitoring program, a chemical monitoring program for non-visible pollutants, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.

The SWPPP must be prepared before the construction begins. The SWPPP must contain a site map(s) that delineates the construction work area, existing and proposed buildings, parcel boundaries, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project area. The SWPPP must list BMPs and the placement of those BMPs that the applicant would use to protect stormwater runoff. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Examples of typical construction BMPs include scheduling or limiting certain activities to dry periods, installing sediment barriers such as silt fence and fiber rolls, and maintaining equipment and vehicles used for construction. Non-stormwater management measures include installing specific discharge controls during certain activities, such as paving operations, vehicle and equipment washing and fueling. The Construction General Permit also sets post-construction standards (i.e., implementation of BMPs to reduce pollutants in stormwater discharges from the site following construction).

In the Project area, the Construction General Permit is implemented and enforced by the LARWQCB, which administers the stormwater permitting program. Dischargers are required to electronically submit a notice of intent (NOI) and permit registration documents (PRDs) in order to obtain coverage under this Construction General Permit. Dischargers are responsible for notifying the LARWQCB of violations or incidents of non-compliance, as well as for submitting annual reports identifying deficiencies of the BMPs and how the deficiencies were corrected. The risk assessment and SWPPP must be prepared by a State Qualified SWPPP Developer and implementation of the SWPPP must be overseen by a State Qualified SWPPP Practitioner. A Legally Responsible Person, who is legally authorized to sign and certify PRDs, is responsible for obtaining coverage under the permit.

### ***NPDES Municipal Separate Storm Sewer System***

The Municipal Stormwater Permitting Program regulates stormwater discharges from municipal separate storm sewer (drain) systems (MS4s). Stormwater runoff and authorized non-storm flows (conditionally exempt discharges) are regulated under NPDES stormwater permits. Phase I NPDES permits require medium and large cities, or certain counties with populations of 100,000 or more, to obtain NPDES permit coverage for their stormwater discharges. Phase II permits



require regulated small MS4s in urbanized areas, as well as small MS4s outside the urbanized areas that are designated by the permitting authority, to obtain NPDES permit coverage for their stormwater discharges. The MS4 permits require the discharger to develop and implement a Stormwater Management Plan/Program with the goal of reducing the discharge of pollutants to the maximum extent practicable, the performance standard specified in CWA Section 402(p), typically through the application of BMPs. The management programs specify what BMPs will be used to address certain program areas. The program areas include public education and outreach; illicit discharge detection and elimination; construction and post-construction; and good housekeeping for municipal operations.

The Permittees, consisting of the Ventura County Watershed Protection District, the County of Ventura, and all incorporated cities, prepared a Stormwater Management Program (SMP) to comply with the Phase I Small MS4 NPDES permit (Water Quality Order No. R4-2010-0108-DWQ) issued by the RWQCB on July 8, 2010. The permit contains discharge prohibitions, receiving water limitations, SMP implementation requirements, and other provisions to reduce the discharge of pollutants and mandate participating municipalities to implement SMPs. The SMPs incorporate BMPs that include construction controls (such as a grading ordinance), legal and regulatory approaches (such as stormwater ordinances), public education and industrial outreach (to encourage the reduction of pollutants at various sources), inspection activities, wet-weather monitoring, and special studies. During operation of the proposed Project, non-stormwater discharges from facility sites would be prohibited (with some conditional exceptions). Stormwater discharges must meet water-quality-based effluent limitations, or water quality standards for discharges leaving the site, and must not cause or contribute to the exceedance of receiving water limitations (water quality standards for receiving waters). The current permit will be updated shortly and after review of the Report of Waste Discharge submitted by the Ventura County Watershed Protection District.

## **Sustainable Groundwater Management Act**

The Sustainable Groundwater Management Act (SGMA) of 2014, effective January 1, 2015, gives local agencies the authority to manage groundwater in a sustainable manner and allows for limited state intervention when necessary to protect groundwater resources. The SGMA establishes a definition of sustainable groundwater management, establishes a framework for local agencies to develop plans and implement strategies to sustainably manage groundwater resources, prioritizes basins with the greatest problems (ranked as high and medium priority) and sets a 20-year timeline for implementation. The initial basin prioritization under SGMA uses the prioritization conducted by the California Department of Water Resources (DWR) in 2014 under the California Statewide Groundwater Elevation Monitoring program. The Russell Valley Basin is ranked as very low priority. SGMA requires the creation of a Groundwater Sustainability Agency (GSA) for basins with high to medium priority. The GSAs develop and implement Groundwater Sustainability Plan (GSP) that manage and use groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results, defined as follows:

- Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply
- Significant and unreasonable reduction of groundwater storage

- Significant and unreasonable seawater intrusion
- Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies
- Significant and unreasonable land subsidence that substantially interferes with surface land uses
- Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water

The Russell Valley Groundwater Basin is of very low priority under SGMA and a GSA has not been created for the basin.

## **Local**

### ***The City of Thousand Oaks General Plan***

The City of Thousand Oaks General Plan Conservation Element contains the following policies that pertain to hydrology and water quality and applicable to the proposed Project.

#### **Stormwater Retention and Debris Basins**

***Policy CO-15:*** Every effort shall be made to design and construct stormwater retention and debris basins to minimize any potentially adverse impacts to significant landform features, aquatic resources, and associated native plant and animal communities.

#### **Water Supply, Reclamation and Conservation**

***Policy CO-18:*** Continue to encourage water conservation measures in new and existing developments.

***Policy CO-19:*** Encourage the use of reclaimed water for irrigation purposes.

### **3.9.3 Thresholds of Significance**

According to Appendix G of the CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to hydrology and water quality if it would:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality (see Impact 3.9-1, below).
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin (see Impact 3.9-2, below).
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:
  - Result in substantial erosion or siltation on or off site.
  - Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site.

- Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Impede or redirect flood flows. (see Impact 3.9-3, below)
- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation (see Section 5.1.5 in Chapter 5, *Other CEQA Considerations*).
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (see Impact 3.9-4, below).

### 3.9.4 Methodology

The following analysis is based on the policies described above in Subsection 3.9.2, *Regulatory Setting*, existing literature review and on The Hydrology Analysis Report prepared by Hunsaker & Associates (see **Appendix J-1** of this Draft EIR), Post-Construction Stormwater Management Plan prepared by Hunsaker & Associates (see **Appendix J-2** of this Draft EIR), and the Geotechnical Exploration Report prepared by Leighton and Associates (see **Appendix G-2** of this Draft EIR).

### 3.9.5 Impact Analysis

#### Water Quality

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**Impact 3.9-1: The Project would have less than significant and less than cumulatively considerable water quality impacts when compared to water quality standards or waste discharge requirements and would not substantially degrade surface or groundwater quality**

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#### ***Project Impact Analysis***

##### **Construction**

The Project site is located within an urban area that is primarily developed with retail, commercial, office, and industrial uses. Development of the Project would include construction and operation of multi-family residences and a four-story parking structure. Implementation of the Project would involve the removal of the existing parking lot, excavation and grading of the Project site, as described in Chapter 2, *Project Description*. Grading would be followed by construction of residential apartment buildings and parking structure, and landscaping. Construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. The routine use or an accidental spill of hazardous materials could result in inadvertent releases, which could adversely affect the water quality of stormwater and/or surface water bodies. In addition, construction of the Project would have the potential to result in local soil erosion during excavation, grading, trenching, and soil stockpiling. Erosion could result in sediment and other pollutants entering surface water bodies and adversely affecting water quality.

As discussed in Impact 3.8-1 in Section 3.8, *Hazards and Hazardous Materials*, of this Draft EIR, construction activities would be required to comply with numerous hazardous materials regulations designed to ensure that hazardous materials are transported, used, stored and disposed of in a safe manner to protect worker safety, and to reduce the potential for a release of

construction-related fuels or other hazardous materials into the environment, including stormwater and nearby surface water bodies. The contractors would be required to prepare and implement Hazardous Materials Business Plan (HMBP) that would require that hazardous materials used for construction would be properly used and stored in appropriate containers, that spill prevention measures are implemented, and that spill response procedures are in place to respond to accidental releases. The California Fire Code would also require measures for the safe storage and handling of hazardous materials.

Further, the Project would be required to comply with the Construction General Permit requiring preparation and implementation of a SWPPP to control runoff from construction work sites. Implementation of BMPs including physical barriers to prevent erosion and sedimentation, limitations on work periods during storm events, use of biofiltration BMPs, protection of stockpiled materials, and a variety of other measures would substantially reduce the potential for impacts to surface water quality from occurring during construction. As a result, construction of the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, and impacts would be less than significant with compliance with applicable regulations.

### **Operation**

The proposed operation of the Project could result in the generation of the following expected pollutants: suspended-solid/sediments, nutrients, heavy metals, pathogens (bacteria/virus), pesticides, oil and grease, toxic organic compounds, and trash and debris. However, the implementation of BMPs, including but not be limited to, connecting all impervious areas to the existing storm drain system, catch basins and proposed biofiltration BMPs consisting of Modular Wetland Systems and Focal Point Biofiltration BMPs, would reduce impact to less than significant. In addition, the Project would include a HMBP that requires that hazardous materials used for operations would be properly used and stored in appropriate containers, that spill prevention measures are implemented, and that spill response procedures are in place to respond to accidental releases. The California Fire Code would also require measures for the safe storage and handling of hazardous materials. Stormwater discharge occurs as a result of rainfall that runs off of the land and impervious surfaces. The Project would reduce the amount of impervious surfaces when compared to current conditions, which would reduce peak stormwater flows. Nevertheless, the runoff flows across impervious surfaces have the potential to pick up and carry potential pollutants down gradient into the local stormwater systems. Potential pollutants that may be generated by the uses of the Project include household-type cleaning products, maintenance products (e.g., paints, solvents, cleaning products), fuels and other petroleum products (e.g., for vehicles, lawn mowers, or other household uses), and refrigerants associated with building mechanical heating, ventilation, and air conditioning (HVAC) systems. Grounds and landscape maintenance could also use a variety of commercial products formulated with hazardous materials, including fuels, cleaners and degreasers, solvents, paints, lubricants, adhesives, sealers, and pesticides/herbicides. If these pollutants come into contact with stormwater runoff, the runoff would have the potential to adversely affect water quality.

As further discussed in Section 3.8, *Hazards and Hazardous Materials*, of this Draft EIR, it is anticipated that any potentially hazardous materials used during Project operation would be stored

in small volumes (i.e., less than 5 gallons). In addition, all hazardous materials are labeled to inform users of potential risks and to instruct them in appropriate storage, handling, and disposal procedures. Compliance with relevant regulations, primarily Hazardous Materials Release Response Plans and Inventory Act and the HMBP implemented to comply with this Act, would reduce the potential for the accidental release of these hazardous materials and have procedures in place to respond to spills.

The Project design would be required to comply with the MS4 permit as administered by the County of Ventura, in addition to statewide water quality program administered by the RWQCB including the Porter-Cologne Water Quality Control Act, as described above. The MS4 permit requires that new development adhere to discharge limits to achieve the Waste Load Allocations for applicable total maximum daily loads.

To achieve these discharge limits, the Project includes biofiltration BMPs for water quality treatment across the Project, including Modular Wetland Systems and Focal Point Biofiltration BMPs. The biofiltration BMPs would be designed to treat 150 percent of the calculated Stormwater Quality Design Volume per the LID manual (Hunsaker 2021b). These stormwater detention and treatment BMPs included as part of the project description would comply with MS4 standards to maintain local total maximum daily loads.

Compliance with applicable laws and regulations would ensure that operation of the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, and impacts would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

The geographic scope for cumulative impacts related to water quality include the projects identified in Table 3-1 in Section 3.0 that have the potential to contribute to pollutant loading during construction and operation, which could potentially result in cumulative impacts to water quality. However, like the proposed Project, all new construction would be subject to the NPDES permit Waste Discharge Requirements for both construction and, where applicable, to dewatering activities. Each related project greater than one-acre in size would be required to develop a SWPPP for construction and grading activities. In addition, all new construction plans would be evaluated individually to determine the appropriate BMPs and treatment measures to minimize the related projects impacts to water quality. Operation of the related projects would implement operational BMPs to address the quality of water runoff from surfaces such as streets, driveways and parking lots. With compliance to the NPDES and incorporation of operational BMPs, related projects would result in less than significant water quality impacts. Because the proposed Project would also comply with the NPDES and include BMPs, the proposed Project's contribution to potential cumulative water quality impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

## ***Mitigation Measures***

### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## **Groundwater Recharge and Supplies**

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**Impact 3.9-2:** The Project would have less than significant and less than cumulatively considerable groundwater impacts due to decreases in groundwater supplies or interfering with groundwater recharge such that the Project may impede sustainable groundwater management of the basin.

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## ***Project Impact Analysis***

### **Construction**

The construction of the Project would be located within the Russell Valley Groundwater Basin and would not require the use of on-site groundwater supplies; dust suppression water would come from the California Water District, Westlake District a private water company that imports water from Calleguas Municipal Water District. The excavation for the subterranean parking for the residential apartments and the parking structure would require excavations that range from 3 to 12 feet below ground surface and could potentially encounter groundwater. As described above, when measured by soil borings, groundwater was encountered at depths ranging from approximately 15 to 25 feet below ground surface within alluvial sediments in a perched condition above the bedrock at 5 of 14 boring locations conducted. The excavation for the subterranean parking structural footings and other underground elements to be constructed for the proposed residential apartments and parking structure would not extend to the perched groundwater levels. As such, construction of the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. Construction impacts would be less than significant.

### **Operation**

The Project would not require the use of on-site groundwater supplies. Potable water would be supplied by California Water District, Westlake District a private water company that imports water from Calleguas Municipal Water District. Once constructed, the Project would result in a reduction of impervious surfaces from what is current on-site. Currently, the site drains in two discharge points. The northern portion of the site is current paved with 13.75 acres of impervious surface that discharges into an existing 30-inch reinforced concrete pipe (RCP) and outlets to the School House

Canyon adjacent to the site. The southern portion of the site is paved with 8.70 acres of impervious surface that discharges to an existing 30-inch asbestos cement pipe and then to School House Canyon. Once constructed, the drainage area of the northern portion of the site would be reduced to 8 acres from 13.75 acres of impervious surface. The area would include two residential buildings, landscape area and roadways. The southern portion would reduce the drainage area to 6.2 acres from 8.70 acres. This area would include a parking structure, landscape areas and roadway. Both areas would continue to discharge to the School House Canyon through the existing 30-inch pipes. The proposed Project would reduce impervious surfaces at the site from 10.80 acres to 9.67 acres.

The Project would keep most of the existing stormwater system intact, including most of the existing catch basins, and would install new biofiltration BMPs such as Modular Wetland Systems and Focal Point Biofiltration BMPs throughout the Project site (**Figure 2-15, Project Drainage Plan**). As a result of reducing the impervious footprint of the Project and allowing for stormwater percolation within landscaped areas and the addition of new stormwater BMPs, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that it would impede sustainable groundwater management of the basin. Impacts would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

The geographic scope for cumulative impacts related to groundwater supplies include all projects within the Russell Valley Groundwater Basin including the projects identified in Table 3-1 in Section 3.0 of this Draft EIR. The implementation of the cumulative projects would result in the development of 3,950 residential units and 735,373 square feet of non-residential uses. The development of these cumulative projects are within the growth anticipated to occur within the City of Thousand Oaks and would result in a less than significant cumulative impact on groundwater supplies. Because the Project would result in a less than significant impact on groundwater supplies or interference with groundwater recharge, the Project's impact would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

## Drainage Patterns

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**Impact 3.9-3: The Project would have a less than significant and less the cumulatively considerable drainage impacts due to potentially altering the existing drainage pattern of a site or area, including the alteration of the course of a stream or river, in a manner that would:**

- **Result in substantial erosion or siltation on- or off-site**
  - **Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.**
  - **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.**
  - **Impede or redirect flood flows.**
- 

### ***Project Impact Analysis***

#### **Construction**

The proposed Project would require excavation and construction activities, including the removal of existing asphalt parking lot and the construction of new structures, that could alter existing drainage patterns and flows within the Project site that could affect erosion or siltation on- or off-site.

The excavation and construction activities would be temporary in nature and the drainage patterns would be restored to use the existing drainage system. During construction, the previously described SWPPP required by the General Construction Permit would prevent construction site runoff from affecting off-site drainage patterns through the use of BMPs and erosion control measures to be used during construction to prevent erosion and off-site siltation. Compliance with the NPDES Municipal Permits and its MS4 BMP requirements and the proposed biofiltrations BMPs, along with county code requirements, would reduce the velocity of storm flows to minimize scouring and erosion. Compliance with applicable laws and regulations would ensure that the construction of the Project would reduce potential erosion, sedimentation and downstream stormwater impacts to less than significant.

#### **Operation**

The Project site is currently developed and has moderate topographic relief with the ground surface ranging from approximately 941 feet mean sea level in the southwestern portion to approximately 1,016 feet mean sea level in the eastern portion of the site. Surface drainage is generally directed to the southwest toward the unlined School House Canyon drainage channel (see Figure 2-15 in Chapter 2, *Project Description*, of this Draft EIR). By limiting the development footprint to the existing paved parking lot area, the new development would not permanently alter drainage courses within the Project site. The Project would use the existing stormwater capture system including the existing storm drains and catch basin within and adjacent to the site. In addition, the Project would include new biofiltration BMPs to the Project design and new landscaped areas throughout the Project site, all designed to meet a 25-year storm event. The intercepted storm flows would be conveyed through the existing network of existing storm drainpipes into catch basins. The surface flows from the site would continue to discharge to the School House Canyon through the existing



30-inch pipes. The catch basins would function to provide peak flow detention to meet the downstream requirements. Further, the Project would include biofiltration BMPs throughout the site and at each discharge point to treat flows prior to being discharged to School House Canyon. The storm drain system would continue to function to provide peak flow detention to meet the downstream requirements. As a result, the storm drain system and biofiltration BMPs would reduce flows to the pre-project conditions before releasing flows to School House Canyon. Operational impacts associated with the Project would be less than significant.

### ***Cumulative Impact Analysis***

The geographic scope for cumulative impacts related to drainage patterns include the projects identified in Table 3-1 in Section 3.0 that have the potential to contribute to stormwater flows during construction and operation. Based on a review of Table 3-1, there are no projects located upstream of the Project site. There are downstream cumulative projects that could contribute stormwater within Westlake Lake. These cumulative project would be required to include BMPs in accordance with NPDES and WQMPs to reduce the potential for erosion impacts, increases in surface runoff, potential impacts to downstream drainage facilities and impacts on flood flows to less than significant. Therefore, drainage pattern impacts from the implementation of cumulative projects would result in less than significant cumulative impacts.

Because the Project would result in less than significant impacts related to erosion, increases in the rate of runoff downstream of the site, and flood flows, the Project's contribution to cumulative drainage pattern impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

## Groundwater Management Plan

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**Impact 3.9-4: The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and therefore, the Project's contribution to cumulative impacts would be less than significant and less than cumulatively considerable.**

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### ***Project Impact Analysis***

The Project is located within the LARWQCB Basin Plan. The LARWQCB Basin Plan outlines water quality objectives for all surface water resources within the basin including the Triunfo Creek and Malibu Creek. Compliance with the Basin Plan is ensured through Waste Discharge Requirements for all surface water discharges including stormwater.

### **Construction**

The Project would be required to comply with the Construction General Permit requiring preparation and implementation of a SWPPP to control runoff from construction work sites. Implementation of BMPs including physical barriers to prevent erosion and sedimentation, construction of sedimentation basins, limitations on work periods during storm events, use of biofiltration BMPs, protection of stockpiled materials, and a variety of other measures would substantially reduce the potential for impacts to surface water quality from occurring during construction. Therefore, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and impacts from construction would be less than significant.

### **Operations**

The proposed Project is located within the Russell Valley Groundwater Basin which is classified as a very low priority by SGMA and does not require a GSA. The City of Thousand Oaks as a Permittee under the Ventura County NPDES MS4 Permit is required to implement stormwater BMPs that comply with water quality objectives, including capturing and treating stormwater runoff. A LID Plan has been prepared for Project in compliance with the LARWQCB NPDES MS4 Permit and in accordance with the County of Ventura Technical Guidance Manual for Water Quality Control Measures (TGM 2018). To achieve these requirements, the Project would include BMPs that includes biofiltration for water quality treatment across the Project, which would include a Modular Wetland Systems and Focal Point Biofiltration BMPs. The biofiltration BMPs would be designed to treat 150 percent of the calculated Stormwater Quality Design Volume per the LID manual (Hunsaker 2021b). Compliance with the NPDES MS4 permit and the County of Ventura Technical Guidance Manual for Water Quality Control Measures requirements would ensure that the Project is consistent with the Basin Plan's water quality objectives and result in less than significant impacts.

### ***Cumulative Impact Analysis***

The geographic scope for cumulative impacts related to conflicting or obstructing the implementation of the LARWQCB Basin Plan includes the projects identified in Table 3-1 in Section 3.0 of this Draft EIR. Because the cumulative projects are required to implement

stormwater BMPs in accordance with the NPDES MS4 Permit and the County of Ventura Technical Guidance Manual for Water Quality Control Measures, the cumulative projects would not impact the Basin Plan or the sustainable groundwater management plan, and cumulative impacts would be less than significant. Because the Project would also not conflict with the Basin Plan or sustainable groundwater management plan, the Project's contribution to cumulative impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## 3.9.6 References

California Department of Water Resources (DWR). 2004. Bulletin 118 Russel Valley Groundwater Basin. February 27, 2004.

Cities of Calabasas, Agoura Hills, Westlake Village, Hidden Hills, County of Los Angeles, Los Angeles County Flood Control District. 2018. Enhanced Watershed Management Program for Malibu Creek Watershed. February 22, 2018

City of Thousand Oaks. 2013. Thousand Oaks General Plan Conservation Element. October. Available at: <https://www.toaks.org/home/showpublisheddocument?id=332>. Accessed on April 13, 2022.

Hunsaker & Associates (H&A). 2021a. Hydrology Analysis for Gateway at the Oaks 1 Baxter Way. August 26, 2021. (see Appendix J-1 of this Draft EIR).

H&A. 2021b. Post-Construction Stormwater Management Plan Gateway at the Oaks. February 11, 2022. (see Appendix J-2 of this Draft EIR).

Los Angeles Regional Water Quality Control Board (RWQCB). 2014. Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties. Available at: [https://www.waterboards.ca.gov/losangeles/water\\_issues/programs/basin\\_plan/basin\\_plan\\_documentation.html](https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.html). Accessed on February 14, 2022. Ventura County. 2018. Technical Guidance Manual for Stormwater Quality Control Measures.

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## 3.10 Land Use and Planning

This chapter addresses the consistency of the Project with applicable local and regional land use policies. In addition, this section assesses the compatibility of the proposed Project with existing and planned surrounding land uses. Information sources used in this analysis include the City of Thousand Oaks General Plan (General Plan), City of Thousand Oaks Municipal Code (TOMC), and the Thousand Oaks Boulevard Specific Plan.

### 3.10.1 Environmental Setting

The proposed Project encompasses approximately 42.9 acres of developed land located in the southern portion of the City of Thousand Oaks in Ventura County. The City of Thousand Oaks is located approximately 12 miles east of the Pacific Ocean and 39 miles west of Los Angeles. The City consists of 55.4 square miles and is bordered by the City of Moorpark to the north, the City of Simi Valley to the northeast, the City of Westlake Village to the southeast and the City of Camarillo to the west. All other land surrounding the City consists of unincorporated Ventura County land.

Specifically, the Project site is located north of U.S. 101 Freeway between the Westlake Boulevard and Lindero Canyon Road exits. The existing uses surrounding the Project site include U.S. 101 Freeway to the south, the Promenade shopping center to the west beyond the drainage course, Thousand Oaks Boulevard to the north and existing offices beyond, and Lakeview Canyon Road to the east. Figure 2-1, *Project Location*, and Figure 2-2, *Project Vicinity*, provided in Chapter 2, *Project Description*, of this Draft EIR shows the location of the Project Site.

Regional access to the Project site is provided via U.S. 101 Freeway and State Route 23 South/Westlake Boulevard, directly south and 580 feet west, respectively. Local access to the Project site is provided via Lakeview Canyon Road, a minor arterial street, which provides signalized access to Baxter Way and the Project site.

### On-Site Land Uses

The Project site is currently developed with an existing industrial office building with associated access roads, asphalt concrete (AC)-paved surface parking, slopes (berms) and landscape improvements. The three-story main industrial office building is approximately 416,941 square feet and includes a single-story maintenance structure (former Verizon vehicle maintenance facility) that is approximately 7,000 square feet. The industrial office building is currently occupied by the following businesses: Ember Technologies, Dignified Home Loans, NSR Data Corporation, National Veterinary Association, Anchor Nationwide Loans, Blend Insurance, and Amerihome Mortgage Company.

### Surrounding Land Uses

The Project site is bordered to the north by Thousand Oaks Boulevard, Westlake High School to the northeast across Thousand Oaks Boulevard. To the east, the Project is bounded by Lakeview Canyon Road and existing commercial/office buildings beyond and associated parking lots,

including a PennyMac mortgage lender, Equinox gym and the Los Robles Regional Medical Center Rehabilitation Center. To the south, the Project is bounded by the U.S. 101 Freeway and to the west by an existing drainage course and the Promenade at Westlake beyond. The Promenade at Westlake is accessible from the Project site via a two-way vehicular bridge that transverses the School House Canyon drainage channel. The Promenade at Westlake includes a range of entertainment, retail, restaurants, and other food service. Surrounding land uses are depicted in Figure 2-3, *Surrounding Land Uses*, provided in Chapter 2, *Project Description*.

## Thousand Oaks Planning Designations

General Plan Land Use Designations as identified by the City's General Plan Land Use and Circulation Elements Map for the Project site is Industrial. The existing General Plan does not describe allowed uses and density ranges for commercial, industrial, and institutional land use designations (City of Thousand Oaks 2021).

Surrounding uses to the north of the Project site and beyond Thousand Oaks Boulevard are designated as Commercial, Existing High School, Existing Parks, Golf Courses, and Open Space. Uses to east are designated as Industrial and the uses to the south and west are designated as Commercial in the General Plan.

## Zoning

The Project site is currently zoned as Industrial Park Zone (M-1 Zone). The M-1 Zone designation is established to provide areas for the development of planned manufacturing, technology, and life science uses (TOMC Sec. 9-4.1601).

### 3.10.2 Regulatory Setting

#### State

##### **California Government Code**

California state planning law requires each City and County to adopt a comprehensive, long-term General Plan for the physical development of the area within its jurisdiction and of any land outside its boundaries that bears relation to its land use planning activities.<sup>1</sup> The plan must consist of an integrated and internally consistent set of goals, policies, and implementation measures. Pursuant to state law, a General Plan includes a statement of development policies and a diagram (or diagrams) and text setting forth objectives, principles, standards, and plan proposals including the following elements: (1) land use, (2) circulation, (3) housing, (4) conservation, (5) open space, (6) noise, and (7) safety.<sup>2</sup>

The land use element is required to identify the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space (including agriculture, natural resources, recreation, and enjoyment of scenic beauty) education, public buildings, and grounds, solid and liquid waste disposal facilities, and other categories of public and private land uses. The land use element is also required to include a statement of the

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<sup>1</sup> California Government Code, Article 8, Sections 65450 through 65457.

<sup>2</sup> California Government Code, Article 8, Section 65302.

standards of population density and building intensity recommended for the various districts and other territory covered by the plan. According to state law, additional optional elements determined to be important to a community can be adopted by a jurisdiction. After an element has been adopted, it has the same legal standing as the seven state-mandated elements.

### ***Assembly Bill 2345***

Assembly Bill 2345, which became effective January 1, 2021, amended the Density Bonus Law (Government Code Section 65915). AB 2345 imposed new state housing mandates on California cities regarding required density bonuses and incentives for housing developers and lowered the set-aside requirements for affordable units and the density bonus.

## **Regional**

### ***Southern California Association of Governments***

The Southern California Association of Governments (SCAG) is the designated regional planning agency for six counties: Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. SCAG is a joint powers agency with responsibilities pertaining to regional issues. SCAG's mandated responsibilities include developing plans and policies with respect to the region's population growth, transportation programs, air quality, housing, land use, sustainability, and economic development.

On September 3, 2020, SCAG's Regional Council adopted the 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (2020–2045 RTP/SCS). The 2045 RTP/SCS presents the transportation vision for the region through the year 2045 and builds upon and expands land use and transportation strategies previously established to increase mobility options and achieve a more sustainable growth pattern. The 2045 RTP/SCS includes new initiatives at the intersection of land use, transportation, and technology to close the gap and reach the State's greenhouse gas (GHG) reduction goals. Also, the 2045 RTP/SCS contains baseline socioeconomic projections that are used as the basis for SCAG's transportation planning, and the provision of services by other regional agencies. The 2045 RTP/SCS includes ten goals that fall into four core categories: economy, mobility, environment, and healthy/complete communities. The 2020–2045 RTP/SCS is also known as Connect SoCal.

The Connect SoCal goals are as follows:

1. Encourage regional economic prosperity and global competitiveness.
2. Improve mobility, accessibility, reliability, and travel safety for people and goods.
3. Enhance the preservation, security, and resilience of the regional transportation system.
4. Increase person and goods movement and travel choices within the transportation system.
5. Reduce greenhouse gas emissions and improve air quality.
6. Support healthy and equitable communities.
7. Adapt to a changing climate and support an integrated regional development pattern and transportation network.

8. Leverage new transportation technologies and data-driven solutions that result in more-efficient travel.
9. Encourage development of diverse housing types in areas that are supported by multiple transportation options.
10. Promote conservation of natural and agricultural lands and restoration of habitats.

## **Local**

### ***City of Thousand Oaks General Plan***

The General Plan contains all seven state-mandated elements as identified above, as well as a number of optional elements, such as the Forestry, Scenic Highways, and Public Buildings elements. As appropriate, the General Plan policies and elements are discussed under the applicable sections of this EIR.

The Land Use Element has the broadest scope of all the General Plan Elements. The Land Use Element establishes the pattern of land use in the City and sets standards and guidelines to regulate development.

## **Zoning**

The City's Zoning Ordinance is set forth in Chapter 4 of Title 9 of the Municipal Code, and is the primary tool for implementing the General Plan Land Use Element, and related policies. Properties within the City are placed in different zones. For each defined zone, the regulations identify the permitted uses and applicable development standards such as density, building height, parking, setbacks, and landscaping requirements. As discussed above in Section 3.10, Environmental Setting, above, the land within the Project Site is zoned M-1 (Industrial Park Zone),

## **Measure E**

In 1996, the voters of the City of Thousand Oaks passed Measure E, an initiative to amend the City's Municipal Code to require voter ratification of certain General Plan amendments approved by the City Council. This ordinance is codified as Section 9-2.203 of the City of Thousand Oaks Municipal Code. Amendments to the Land Use Element of the General Plan that require voter ratification include any amendment which reclassifies land from the "parks, golf course, and open space" designation to any other designation; or any amendment which cumulatively provides a net increase in the maximum number of residential dwelling units which could be permitted under the proposed land use designation; or any amendment which cumulatively provides a net increase in the land designated "commercial."

In 2005, the City Council adopted a formal interpretation of Measure E that it (1) established a baseline of residential density and a baseline of commercial acreage that existed in the Land Use Element of the General Plan at the time of its adoption in 1996; and (2) required that any General Plan amendment that caused either the residential density or commercial acreage baseline in the Land Use Element to be exceeded must be ratified by the voters, in addition to the normal City Council approval required for any General Plan amendment. General Plan amendments are considered cumulatively. If a given amendment reduced residential density or commercial acreage below the baseline, a later amendment that increased the residential density or



commercial acreage could be approved without triggering the voter approval requirement, so long as the 1996 baseline was not exceeded.

At the time City Council adopted this interpretation in 2005, it also found that previously a series of General Plan amendments approved between 1996 and 2005 had cumulatively reduced allowable commercial acreage and residential density of the General Plan, as compared to the 1996 baselines, by 368 dwelling units of residential density, and 1.0 acres of commercial designation.

The "commercial/residential" Land Use Element designation was created shortly after Measure E was adopted, at the culmination of a lengthy General Plan amendment and Specific Plan adoption process related to the former Civic Center site at 401 West Hillcrest Drive. At the time, and subsequently, there has been no determination how this new category should be considered for Measure E purposes.

On February 23, 2021, the City Council adopted Resolution No. 2021-006, "A Resolution of the City Council of the City of Thousand Oaks Declaring Intention to Consider an Amendment to the Land Use Element of the General Plan and Allowing Concurrent Processing of Entitlement Applications for Land Use Located at 1 Baxter Way (General Plan Amendment (LU) 2019-70563 / Residential Capacity Allocation (RCA) 2019-70561: One Baxter Way LP)."

As part of that Resolution, the City Council approved LU 2019-70563 and RCA 2019-70561, allocating 264 residential dwelling units of Citywide Measure E residential capacity to the Project.

### ***Guidelines for Development within the Corridors of the Route 101 and Route 23 Freeways***

In July 1991, the City of Thousand Oaks adopted Resolution No. 91-172, "A Resolution of the City Council of Thousand Oaks Establishing Guidelines for Development within the Corridors of the Route 101 and 23 Freeways." In the recitals of the Resolution, the need for the Guidelines is stated as:

*"...through good urban design, there can be created an overall freeway corridor image which will make Thousand Oaks visually distinct from surrounding communities, retaining the special qualities of the landscape which attracted people to the area originally, and generally improve the aesthetic conditions along the freeway corridors by providing a sequence of attractive views for visitors and residents alike..."*

The Guidelines for Development within the Corridors of the Route 101 and Route 23 Freeways ("Guidelines") apply "to all property which is located wholly or partially within 1,000 feet of the centerlines of the 101 and 23 Freeways." The Guidelines pertain to The Oaks, as a portion of The Oaks is within 1,000 feet of the centerline of the U.S. 101 Freeway. The Oaks has been designed in full compliance with the Guidelines. Appendix B, The Oaks: Consistency with the Guidelines for Development within the Corridors of the Route 101 and Route 23 Freeways, itemizes each of the Site Planning; Architectural Design; Walls, Barriers, Berms; and Landscape Planting guidelines and documents compliance with the Guidelines by The Oaks.

### **Oak and Landmark Tree Preservation and Protection**

Article 42, Oak Tree Preservation and Protection, of the City of Thousand Oaks Municipal Code, pertains to “any oak tree of the genus *Quercus* including, but not limited to, Valley Oak (*Quercus lobata*), California Live Oak (*Quercus agrifolia*) and Scrub Oak (*Quercus berberidifolia*), regardless of size.” Section 9-4.4204(a) states that:

*“No person shall cut, remove, encroach into the protected zone, or relocate any oak tree on any public or private property within the City, unless a valid oak tree permit has been issued by the City pursuant to the provisions of this chapter and the oak tree preservation and protection guidelines.”*

Article 43, Landmark Tree Preservation and Protection, of the City of Thousand Oaks Municipal Code, defines “landmark tree” as including specimens of the following species which have reached the designated maturity: *Platanus racemosa* (California Sycamore), *Umbellularia californica* (California Bay Laurel), *Juglans californica* (California Black Walnut), and *Heteromeles arbutifolia* (Toyon). Section 9-4.4304(a) states that:

*“No person shall cut, remove, encroach into the protected zone, or relocate any landmark tree on any public or private property within the City, unless a valid landmark tree permit has been issued by the City pursuant to the provisions of this chapter. The status of major limbs or trees as deadwood must be confirmed by the City’s Landmark Tree Preservation Consultant.”*

### **Architectural Design Review Guidelines for Commercial Projects**

On January 25, 2005, the City Council adopted Resolution No. 2005-011, “A Resolution of the City Council of Thousand Oaks Revising the Architectural Review Design Guidelines and Standards for Evaluating the Construction and Modification of Commercial Development Projects within the City of Thousand Oaks.” These guidelines have been prepared to assist applicants in understanding the objectives of the City and in upholding the intent and purpose of the Architectural Design Review Ordinance. Specifically, the guidelines focus on designing projects that create and “shape” exterior space in the form of squares, arcades, courtyards, etc., to encourage community participation, pedestrian orientation, and to foster commercial success.

### **Thousand Oaks Boulevard Specific Plan**

The Project site is outside the boundaries of the Thousand Oaks Boulevard Specific Plan. However, as the Project site is adjacent to Thousand Oaks Boulevard, the synergistic relationship between the two specific plan areas was closely evaluated as part of the development of The Oaks Specific Plan. The Thousand Oaks Boulevard Specific Plan (p. 37) states that the long-range vision for Thousand Oaks Boulevard is

*“...to recognize that Thousand Oaks Boulevard has unique characteristics and opportunities that warrant the adoption of separate development policies that will lead to the creation of a viable, self-sustainable, pedestrian safe and friendly downtown core for our community.”*

The Thousand Oaks Boulevard Specific Plan contains guidelines that are to

*“...act to guide the planning process...for creating a viable, self-sustaining, pedestrian safe and friendly downtown core.”*

### **Bicycle Facilities Master Plan**

The City’s Bicycle Facilities Master Plan was formally adopted by City Council in November 2010. The 2010 Bicycle Facilities Master plan represents the 20-year long range bicycle plan for the City. The plan identifies the recommended bicycle facilities needed to interconnect Thousand Oaks neighborhoods and programs to serve all bicyclists’ needs. The main purpose of the City of Thousand Oaks Bicycle Facilities Master Plan is to

*“...encourage the development of an integrated bicycle system throughout Thousand Oaks with connections to other regional bike systems” (p. 8).*

Thousand Oaks Boulevard adjacent to Project site, contains a Class III Bike Route. A Class III Bike Route is identified as providing

*“...shared use with pedestrian or motor vehicle traffic and are identified only by bike route signing. Bike routes are typically along high demand corridors.”*

### **Air Quality Management Plan**

The 2016 Air Quality Management Plan (AQMP) of the Ventura County Air Pollution Control District (VCAPCD) presents strategies for achieving the air quality planning goals set forth in the Federal and California Clean Air Acts, including a comprehensive list of pollution control measures aimed at reducing emissions. The VCAPCD, which was established in 1968 in response to the County’s first air pollution study that determined Ventura County as having a severe air quality problem. VCAPCD is responsible for bringing air quality in Ventura County (County) conformity with federal and State air pollution standards. The VCAPCD is also responsible for monitoring ambient air pollution levels throughout the County and for developing and implementing attainment strategies to ensure that future emissions will be within federal and State standards. Additional discussion of the AQMP, and Project consistency with the AQMP, is addressed in Section 3.2, *Air Quality*, of this Draft EIR.

## **3.10.3 Thresholds of Significance**

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to land use and planning if it would:

- Physically divide an established community (see Impact 3.10-1, below).
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (see Impact 3.10-2, below).

### 3.10.4 Methodology

The *CEQA Guidelines* Section 15125(d) requires that an EIR discuss any inconsistencies between the proposed Project and applicable general plans, specific plans, and regional plans. For purposes of this analysis, the Project is considered consistent with regulatory plans if it meets the general intent of the plans and/or would not preclude the attainment of their primary goals. The analysis describes consistency of the Project with the applicable goals and policies of the City's General Plan and TOMC, as well as regional measures listed in SCAG's 2020–2045 RTP/SCS to determine the approximate consistency of the Project with current land use policies.

### 3.10.5 Impact Analysis

#### **Divide an Established Community**

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**Impact 3.10-1: The Project would result in a less than significant and less than cumulatively considerable impact related to physically dividing an established community.**

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#### ***Project Impact Analysis***

The Project site currently contains one existing commercial building which would remain throughout the duration of the Project lifespan. No other structures are currently located on the Project site with the exception of the existing maintenance structure associated with the former Verizon business at the site. The Project includes a residential development on a previously developed site in an urbanized area of the City. The Project would not divide the community as the Project site is an infill site bounded by Thousand Oaks Boulevard to the north and Westlake High School to the northeast across Thousand Oaks Boulevard. To the east, the Project is bounded by Lakeview Canyon Road and existing commercial/office buildings and associated parking lots, including a PennyMac mortgage lender, Equinox gym and the Los Robles Regional Medical Center Rehabilitation Center. To the south, the Project is bounded by the U.S. 101 Freeway and to the west by the Promenade at Westlake. Additionally, the internal driveways would provide internal access to the site. Although the Project would involve changes to the layout of uses on the Project site, the Project would not include components that would divide or disrupt the arrangement of the established community. Impacts would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

#### ***Cumulative Impact Analysis***

Cumulative land use impacts could occur if other related projects in the vicinity of the proposed Project site would result in land use incompatibility impacts in conjunction with the impacts of the proposed Project. Development of the Project, as proposed, would not contribute to any cumulative significant land use impacts as other projects are implemented in the area.

The cumulative projects listed in Table 3-1 Cumulative Project List, would be subject to all adopted plans and regulations in accordance with the jurisdiction in which the cumulative project is located. Each project would be analyzed independent of other land uses and within the context of existing and planned developments to ensure that that goals, objectives, and polices of the

applicable General Plan are consistently upheld. Because the proposed Project would not divide an established community, the Project would not contribute to cumulative impacts resulting in the division of established communities. Therefore, the Project's impact related to dividing an established community would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## **Conflict with Applicable Plans, Policies, or Regulations**

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**Impact 3.10-2: The Project would result in a less than significant and less than cumulatively considerable impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect related to the City of Thousand Oaks General Plan and Municipal Code, and the SCAG 2020–2045 RTP/SCS.**

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### ***Project Impact Analysis***

The development of the Project would be subject to plans, policies, and regulations under the City's General Plan, TOMC, and SCAG's 2020–2045 RTP/SCS. The Project's consistency with the applicable regulations and policies adopted for the purpose of avoiding or mitigating an environmental effect, are addressed in the discussion provided below for the City (Table 3.10-1) and regional measures (Table 3.10-2). Project consistency with the City's Architectural and Design Guidelines and Development within the Corridors of Route 101 and 23 Freeways Consistency Guidelines is analyzed in Impact 3.1-3 of Section 3.1, *Aesthetics*, consistency with the Project's applicable Air Quality Management Plan is analyzed in Impact 3.2-1 of Section 3.2, *Air Quality*, and consistency with the City and regional transportation guidelines are addressed in Impact 3.15-1 of Section 3.15, *Transportation*.

The analysis provided below indicates that the Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect under the City's General Plan, TOMC, or the 2045 RTP/SCS and the physical impacts of the Project on the environment would be less than significant.

### **City of Thousand Oaks General Plan and Municipal Code Consistency**

The City's General Plan contains numerous goals and policies for land development. These goals, objectives, and policies are listed below in bold type by element and are followed by a discussion of project consistency. The final authority for interpretation of these goals and policy statements, and determination of the consistency of the proposed Specific Plan with the General Plan rests with the City Council. This section comprises a review of consistency with each of the broad Goals of the General Plan, and with applicable general land use policies of the General Plan and policy resolutions. Analysis of the proposed Project with respect to certain adopted City policies that relate to specific topic areas in this EIR is provided in the applicable sections. This includes aesthetics, air quality, biological resources (including oak and landmark trees), cultural resources, noise, and traffic.

The approximately 42.9-acre Project site has a land use designation of Industrial per the City's General Plan. The entire Project site is zoned Industrial Park (M-1 Zone). Although the existing General Plan does not describe allowed uses and density ranges for commercial, industrial, and institutional land use designations, the City is currently undergoing a General Plan Update (GPU) in order to be consistent with State law that places new restrictions on the relationship between land use designations and zoning districts (City of Thousand Oaks 2021).

At the City Council Housing Study Session for the City's General Plan Update on February 11, 2020, the General Plan Advisory Committee identified the key strategies to achieve the vision for Thousand Oaks, including the following:

- Greater housing diversity
- Offer more housing types like mixed use development and multifamily
- Mixed use development (combat siloed areas)
- Consider developing two downtowns/hubs, one being at Thousand Oaks and Westlake Boulevards
- Encourage neighborhood character/sense of community in new development
- Enable and encourage non-car transportation

The Project would be consistent with the key strategies above by providing 264 residential units, some of which would be designated as affordable housing units adjacent to an existing industrial office building. The Project would be in proximity to Thousand Oaks Boulevard and local transit opportunities and non-vehicular modes of transportation. The Project would also encourage development on a currently underutilized site with the addition of residential, open space, and parking uses. In addition, the Project would provide walkability to nearby schools, shopping, and office uses. Furthermore, because the Project would be in proximity to nearby residential communities in the City, such as the Country Club Estate, Westlake Hills, Stonybrook Townhomes, and Hidden Canyon, development would be consistent with the existing neighborhood character of the City. Therefore, the Project would be consistent with the proposed "key strategies" of the General Plan Update.

The Project would require the approval of a General Plan Amendment to change the current land use designation for the 8.8-acre residential portion (Gateway) of the Oaks from Industrial to High Density Residential, which allows for 15 to 30 dwelling units per acre. The General Plan Amendment would be consistent with the General Plan in that it would facilitate the development of residential housing, as well as retain the existing industrial office building on-site, which directly advances General Plan goals and policies calling for both commercial/industrial development and the growing need for residential housing. Specifically, on February 23, 2021, the City Council adopted Resolution No. 2021-006 “A Resolution of the City Council of the City of Thousand Oaks Declaring Intention to Consider an Amendment to the Land Use Element of the General Plan and Allowing Concurrent Processing of Entitlement Applications for Land Use Located at 1 Baxter Way (LU 2019-70563 / RCA 2019-70561: One Baxter Way LP).” As part of that Resolution, the City Council approved LU 2019-70563 and RCA 2019-70561, allocating 264 residential dwelling units of Citywide Measure E residential capacity to implement the Project.

The proposed General Plan Amendment would be facilitated through the approval of a Specific Plan, which would provide a site-specific zoning document to implement the goals and policies of the General Plan and guide the orderly development of The Oaks, including regulations for land use, circulation, infrastructure, development standards, design guidelines and implementation measures to create a mixed-use development with residential and existing industrial/commercial components.

The Applicant has requested approval of a Zone Change to change the zoning classification of the entire Project site from its current M-1 (Industrial Park Zone) to Specific Plan (SP). The Zone Change is necessary to facilitate the development of the 264 dwelling units and four-story parking structure while accommodating the existing industrial development on the Project site. The Zone Change does not conflict with the General Plan as it will increase the supply and diversity of housing in the City’s planning area, and it promotes the efficient use of land through a more concentrated pattern of urban development.

As required by the TOMC, a Development Agreement and associated entitlements that include but are not limited to Residential Planned Development (RPD) and Development Permit (DP) would be required in conjunction with the related General Plan Amendment and Zone Change. The Development Agreement would serve as a critical part of the overall Project as it would memorialize the terms, conditions, and obligations contained within the Specific Plan and would provide vesting development rights for all components, land uses, public improvements, and associated benefits of the City of Thousand Oaks and the property owner. The RPD and DP is required by the City to demonstrate the proposed design for the Project, including site layout, vehicular and pedestrian circulation, parking, landscaping, common areas, building elevations and floor plans, building materials, and grading and utility connections follows the requirements of the City of Thousand Oaks and The Oaks Specific Plan. The approval is required for the proposed multi-family residential with 264 dwelling units within four buildings, with subterranean parking, associated amenities spaces, and a DP will be required for the proposed parking structure to serve the existing industrial office uses.

Consistent with these requirements, the Project proposes to cluster the proposed residential apartment development within one Planning Area on approximately 8.8 acres of the 42.9-acre Project site so that open space and recreational amenities can be provided.

**Table 3.10-1** summarizes General Plan goals, policies and that are relevant to the Project. The Project would be consistent with applicable policies of the General Plan in that it would not exceed population projections; it would be consistent with the Plan’s land use designations of High Density Residential and Industrial; and it would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

**TABLE 3.10-1  
 CONSISTENCY OF THE PROJECT WITH APPLICABLE GOALS AND POLICIES OF THE CITY OF THOUSAND OAKS  
 GENERAL PLAN**

Goals and Policies	Analysis of Proposed Project Consistency
<b>General Plan Goals</b>	
<b>Goal 1:</b> To enhance and preserve the spaciousness and attractiveness of the Conejo Valley.	<b>Consistent.</b> The spaciousness and attractiveness of the Conejo Valley would be largely unaffected by the proposed buildings and parking (both structure and surface) because the perimeter trees and vegetation along Thousand Oaks Boulevard and Lakeview Canyon Road screen out most views from public streets, as well as almost all the nearby private properties.  Although adjacent to the U.S. 101 Freeway, the Project site contains a large, landscaped berm that screens views from the U.S. 101 Freeway. Additionally, the dense existing landscaping along the Westlake Boulevard Freeway exit further screens views into the Project site.
<b>Goal 6:</b> To provide and maintain a system of natural open space and trails.	<b>Consistent.</b> The total mitigation requirement for the proposed removed oak and sycamore trees on the Project site total 93, which is more than the Project site can accommodate within its boundaries. The Project would include the installation of 46 replacement trees on the Project site. The remaining 47 will be installed within the City of Thousand Oaks.
<b>Goal 7:</b> To provide and maintain a permanent park and recreational system of sufficient size and quality to serve current and future needs, consonant with community expectations.	<b>Consistent.</b> The Project includes recreational and amenity spaces for the future residents of the site to encourage social interactions and outdoor living. Open space that includes a wide range of seating areas varying in size, providing both small intimate spaces, as well as larger recreational/entertainment opportunities would be provided within the Project site.  Open space amenities include outdoor kitchen areas with barbeques, a fireplace, a swimming pool and spa, sunning decks, fire pits, a dog-run and children's nature play areas.  In addition, there is an open turf area for picnics and active play. A walk-out roof terrace on each of the residential buildings will provide an intimate space for resident and guest social gatherings and relaxation overlooking the courtyard below.
<b>Policies</b>	
<b>General Development Policies</b>	
<b>Policy 2:</b> The City's unique natural setting will be a guide to its future physical shape. In general, development will occur in the low-lying areas with the natural hills and mountains being preserved in open space. A ring of natural open space will be created around the City. The City will support and encourage open space/greenbelt buffers around it, separating the City from adjoining communities.	<b>Consistent.</b> The Project site is located within a low-lying portion of the City and is not located on any mountainous terrain. The Project site does contain natural slopes, which would be graded to accommodate the proposed residential buildings and parking structure. However, the existing slopes are generally located on the southern portion of the Project site. These slopes would largely be retained, and the Project would maximize the contiguous open space within its boundaries, maintaining the existing tree canopy



Goals and Policies	Analysis of Proposed Project Consistency
	<p>and creating opportunities to expand the tree canopy and native landscape</p> <p>Although the Project site does not contain any arroyos or drainage features, there is one drainage feature that occurs immediately off-site to the west (at the Promenade) that originates north of the Project site and discharges into Westlake Lake. Of the 578 trees within the Project site (of which 430 are subject to regulation under the Thousand Oaks Municipal Code), only 31 regulated trees will be removed (with replacement trees to be planted on-site and off-site).</p>
<p><b>Policy 3:</b> Through good design and the implementation of appropriate development tools, a freeway corridor image will be created making Thousand Oaks visually distinct from surrounding communities, retaining the special qualities of the landscape, viewshed and open space which originally attracted people to the area.</p>	<p><b>Consistent.</b> Construction of the Project will have less than significant effects on views from the U.S. 101 Freeway due to the existing and proposed screening located on-site. The existing industrial office campus is surrounded with hundreds of mature oak and sycamore trees. The density of trees screens views into the Project site from Thousand Oaks Boulevard and Lakeview Canyon Road. The adjacent Promenade is also screened from view due to the density of foliage. To the south of the existing industrial office building, there is a large, landscaped berm that screens views from the U.S. 101 Freeway into the Project site. In areas where the berm doesn't block views into the Project site, there is dense landscaping that screens views from the U.S. 101 Freeway. Therefore, the Project site will continue to be screened from view from the adjacent public rights-of-way.</p>
<p><b>Policy 5:</b> Highly intensive land uses--major industrial and commercial centers--should be located in proximity to or within easy access of the Ventura Freeway corridor</p>	<p><b>Consistent.</b> The location of the Project would be central to other nearby retail, commercial, and industrial uses. Additionally, the Project site is immediately accessible to the U.S. 101 Freeway via the Westlake Boulevard and Lindero Canyon Road exits.</p>
<p><b>Residential Policies</b></p>	
<p><b>Policy 7:</b> High density residential development will have a range of 15 to 30 dwelling units of any type per net acre and should be located primarily at sites accessible and close to major centers of activity and along the Ventura Freeway.</p>	<p><b>Consistent.</b> The Project is consistent with the principles of high density residential, as the Project proposes the development of 264 residential units within 8.8 acres (30 dwelling units per acre) located on Lakeview Canyon Road, approximately one block to the Westlake Boulevard interchange and immediately adjacent to the Promenade at Westlake.</p>
<p><b>Policy 11:</b> Extensive grading of natural slopes and silhouetting of structures on natural ridgelines shall be discouraged.</p>	<p><b>Consistent.</b> Grading of the Project site would be limited to the eastern portion of the site to construct the proposed parking structure and residential buildings. These areas generally range from 950 feet above mean sea level (AMSL) in the south to approximately 970 feet AMSL in the northern portion of the proposed grading limits.</p> <p>The Project does not propose any remedial grading near any of the natural slopes, which currently provide screening from the U.S. 101 Freeway.</p>
<p><b>Policy 12:</b> There should be no grading in slopes over 25 percent natural grade.</p>	<p><b>Consistent.</b> See consistency with Residential Policy 2, above.</p>
<p><b>Policy 13:</b> Graded slopes should not exceed 25 feet in height.</p>	<p><b>Consistent.</b> See consistency with Residential Policy 2, above.</p>
<p><b>Policy 14:</b> Housing: Strive to provide a balanced range of adequate housing for Thousand Oaks Planning Area residents in a variety of locations for all individuals regardless of age, income, ethnic background, marital status, physical or developmental disability.</p>	<p><b>Consistent.</b> The Project proposes the construction of high density residential development with a density of 30 dwelling units per acre. Within the 8.8 portion of the Project site dedicated for these uses, a maximum of 264 dwelling units would be allowed. Of this, a total of 34 dwelling units would be designated as affordable (16 Very Low-Income and 18 Low-Income units).</p>
<p><b>Policy 15:</b> Maintain and preserve existing neighborhoods through the application of appropriate zoning and development controls.</p>	<p><b>Consistent.</b> The Project would include a General Plan Amendment and Zone Change to allow the development of 264 residential units (30 dwelling units per acre) on 8.8 acres of the Project Site. As allowed under the High Density Residential zoning designation, a total of 30 units per acre would be allowed.</p>

Goals and Policies	Analysis of Proposed Project Consistency
<p><b>Policy 16:</b> Promote the upgrading of substandard neighborhoods throughout the Planning Area to prevent costly and undesirable deterioration.</p>	<p><b>Consistent.</b> The Project would enhance the existing property by providing new residential and parking uses that replace the existing surface parking uses on the Project site.</p>
<b>Industrial Policies</b>	
<p><b>Policy 1:</b> Industrial development should occur in the designated major complexes near the Ventura Freeway and at the western and eastern ends of the Planning Area (Rancho Conejo and Westlake industrial areas).</p>	<p><b>Consistent.</b> The Project site will retain the existing light industrial office uses within the existing on-site building. The Project's close proximity to U.S. 101 Freeway within the Westlake industrial area would be consistent with the proposed uses of the Project. The residential uses contained on the Project site would not preclude the existing light industrial uses on the Project site, which is consistent with nearby uses.</p>
<b>Additional Policies</b>	
<p><b>Policy 2:</b> Aesthetics: As the City ages, it is important to maintain, improve and enhance the City's aesthetic appearance.</p>	<p><b>Consistent:</b> See Section 3.1 Aesthetics for the proposed Projects potential aesthetics impacts. The analysis identified impacts and determined the impacts would be below a level of significance.</p>
<p><b>Policy 3:</b> Air Quality: The City shall place high priority on maintaining and improving local and regional air quality.</p>	<p><b>Consistent:</b> See Section 3.2 Air Quality for the proposed Projects potential air quality impacts. The analysis identified impacts and identified mitigation measures to reduce those impacts to below a level of significance.</p>
<p><b>Policy 4:</b> Archaeological: The City shall preserve and protect archaeological resources for future generations and the Conejo Valley's cultural heritage.</p>	<p><b>Consistent:</b> See Section 3.4 Cultural Resources and Section 3.15 Tribal Cultural Resources for the proposed Projects potential impacts. The analysis identified impacts and identified mitigation measures to reduce those impacts to below a level of significance.</p>
<p>SOURCES: ESA 2022. City of Thousand Oaks 1970.</p>	

**SCAG's 2020–2045 RTP/SCS**

Table 3.10-2 provides a detailed analysis of the Project's consistency with applicable SCAG's 2045 RTP/SCS goals.

**TABLE 3.10-2  
CONSISTENCY OF THE PROJECT WITH APPLICABLE GOALS OF THE 2045 RTP/SCS**

Goal	Analysis of Proposed Project Consistency
<p><b>Goal 1:</b> Encourage regional economic prosperity and global competitiveness.</p>	<p><b>Consistent:</b> This goal pertains to SCAG funding and policies. The Project would not adversely affect the capacity to encourage regional economic prosperity and global competitiveness. As the Project does provide regional economic benefits and does so in a manner consistent with other RTP/SCS goals as discussed below, and within an existing industrial and commercial area, the Project would support SCAG choices regarding this goal.</p>
<p><b>Goal 2:</b> Improve mobility, accessibility, reliability, and travel safety for people and goods.</p>	<p><b>Consistent:</b> The location of the Project site, in proximity to the Promenade at Westlake and multiple regional and local bus lines; the U.S. 101 Freeway and SR 23 South/Westlake Boulevard; and bicycle facilities would maximize mobility and the accessibility to the Project site. The Project site is also located within 0.25 miles of Thousand Oaks Bus Line 43 (TOB Express), which provides bus service along Thousand Oaks Boulevard from The Oaks, City Transportation Center, City Hall, Westlake High School, and the Westlake Industrial area. Specifically, the Project site is located adjacent to the Thousand Oaks Boulevard and Lakeview Canyon Road bus stop, as well as within 0.5 miles of the Agoura Road and Lakeview Canyon Road bus stop. Both the Westlake Boulevard and Lindero Canyon Road provide direct access to the Project site via the U.S. 101 Freeway and SR 23 South/Westlake Boulevard. These roadways have been designed with sufficient capacity to convey the Project's anticipated traffic without creating a significant impact (See Section 3.14 Transportation). Additionally, the Project</p>

Goal	Analysis of Proposed Project Consistency
<b>Goal 3:</b> Enhance the preservation, security, and resilience of the regional transportation system.	would include improvements to Baxter Way by improving traffic flow and reducing vehicle conflicts and interference with pedestrian activity around the Project site.  <b>Consistent:</b> The proximity of the Project site to alternative transit modes, including regional freeways, would support the region's transportation investment and the sustainability of the regional transportation system.
<b>Goal 4:</b> Increase person and goods movement and travel choices within the transportation system.	<b>Consistent:</b> The location of the Project site, in proximity to the U.S. 101 Freeway and SR 23 South/Westlake Boulevard, and multiple local bus stops; pedestrian sidewalks and signalized crossings; and bicycle facilities, would support an increase in person and goods movement and increase the available travel choices within the transportation system.
<b>Goal 5:</b> Reduce greenhouse gas emissions and improve air quality.	<b>Consistent:</b> The Project would develop the building on an infill location close to retail, restaurant, commercial, industrial, and services, educational and religious institutions, and in close proximity to existing public transit stops, which would result in reduced vehicle miles traveled, which also leads to a reduction in associated greenhouse gas (GHG) emissions, as compared to a Project of similar size and land uses at a location without close and walkable access to off-site destinations and public transit stops. The Project would provide a pedestrian-friendly design, promote access from the nearby transit, as well as provide bicycle storage areas for Project residents, employees, and visitors. The Project site is oriented such that visitors and residents would be able to walk through and around the Project site with multiple access points and community connections to the residential development and proposed trails. The Project would also be designed to include building features, such as electric vehicle parking, bicycle parking, and a solar photovoltaic system that would meet the City requirements. All of these implementations would reduce GHG emissions and improve air quality.
<b>Goal 6:</b> Support healthy and equitable communities.	<b>Consistent:</b> The Project would support "healthy and equitable communities" through street and pedestrian improvements and development of recreational uses. The Project's interior roadway system has been designed consistent with City's roadway design criteria.  Internal private drives within the Project site would be designed to accommodate daily vehicular traffic, bicycles, pedestrians, and emergency access to the existing industrial, and proposed residential uses and parking facilities within the Project site. The internal drives will consist of 25-foot-wide, 30-foot-wide, 33-foot-wide, and 36-foot-wide roadways. The main entry drives from Lakeview Canyon Road will have wider widths, 33-foot-wide and 36-foot-wide access drives, as these primary roads funnel traffic into the Project site. Branching off from the main entry drives are narrower access drives with 25-foot-wide and 30-foot-wide roadway widths to accommodate the variety of surface parking configurations off each access drive (single loaded, dual loaded and no on-street parking). Portions of the access drives will have wider road widths to provide for turning movements of larger delivery trucks, trash trucks and fire/emergency vehicles.  Additionally, the Project would provide recreational and amenity spaces for the future residents of the residential buildings to encourage social interactions and outdoor living, including outdoor kitchen areas with barbeques, a fireplace, a swimming pool and spa, sunning decks, fire pits, a dog run and children's nature play areas. In addition, there is an open turf area for picnics and active play. A walk-out roof terrace on each of the residential buildings will provide an intimate space for resident and guest social gatherings and relaxation overlooking the quiet courtyard below.
<b>Goal 7:</b> Adapt to changing climate and support an integrated regional development pattern and transportation network.	<b>Consistent:</b> The Project would develop residential uses within proximity to the U.S. 101 Freeway and SR 23, and multiple local bus stops; pedestrian sidewalks and signalized crossings; and bicycle facilities, thus supporting an integrated regional development pattern and transportation network.
<b>Goal 8:</b> Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	<b>Consistent:</b> This goal pertains to SCAG leveraging new transportation technologies and data-driven solutions that result in more efficient travel. The Project would not adversely affect SCAG's ability to develop more efficient travel consistent with this goal.

Goal	Analysis of Proposed Project Consistency
<b>Goal 9:</b> Encourage development of diverse housing types in areas that are supported by multiple transportation options.	<b>Consistent:</b> Development of the proposed Project includes 264 residential dwelling units, (34 would be dedicated to very low to low-income households). As such, the Project would provide a diverse mix of housing units in various typologies thereby assisting the County in obtaining their regional housing needs allocation (RHNA) goals. In addition, the Project site is in close proximity to existing bicycle and pedestrian routes on both sides of Thousand Oaks Boulevard, Westlake Boulevard, and Lakeview Canyon Road to facilitate non-vehicular movement.
<b>Goal 10:</b> Promote conservation of natural and agricultural lands and restoration of habitats.	<b>Consistent:</b> The Project site does not contain agricultural uses or related operations. As discussed in Section 3.3, <i>Biological Resources</i> , of this Draft EIR, the Project site supports 0.37 acre of Valley Oak Riparian Forest, a California Department of Fish and Wildlife (CDFW) sensitive vegetation community, located in the eastern portion of the Project site near the existing bridge. The Project would not result in any permanent impacts to Valley Oak Riparian Forest; however, encroachment will occur on individual trees as a result of grading and construction activities encroaching upon a few of the tree canopies. Therefore, during construction activities, the Project would implement Mitigation Measure BIO-1, which requires a Qualified Biologist to monitor the encroachment of any sensitive trees and assist the contractor in implementing protective measures to avoid permanent impacts to the sensitive trees. Furthermore, the Project would replace the removed oak and sycamore trees on the Project site as well as off-site within the City consistent with the City's Protected Tree Ordinance. With implementation of mitigation, the Project would not conflict with this goal to promote conservation of natural agricultural lands and restoration of habitats.

SOURCE: ESA 2022.

Based on the analysis presented in Table 3.10-2, the Project would be consistent with applicable 2045 RTP/SCS goals. The Project would locate 264 residential units near the multiple local bus stops operated by the City; the U.S. 101 Freeway and SR 23 South/Westlake Boulevard; and bicycle facilities. As shown in Table 3.10-2, the Project would be consistent with 2020–2045 RTP/SCS goals to encourage economic prosperity; improve mobility, accessibility, reliability, and travel safety; enhance the preservation security, and resilience of the regional transportation system; increase the productivity of the transportation system, reduce GHG emissions and improvement of air quality; support healthy and equitable communities; adapt to climate change and support an integrated regional development pattern; leverage new transportation technologies and data driven solutions that result in more efficient travel; encourage development of diverse housing types; and promote conservation of natural and agricultural lands and restoration of habitats.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Cumulative land use impacts could occur if other related projects in the vicinity of the Project site would result in land use incompatibility impacts in conjunction with the impacts of the proposed Project.

Based on the cumulative project list in Table 3-1, one cumulative project (No. 2, general office building) was identified approximately 0.5 mile east of the Project site. The office building consists of the development of 10,000 sf. building. The development of the office building would be subject to all adopted plans and regulations. Impacts would not lead to significant physical

effects on the environment that are cumulative in nature because all future projects that develop within the area of the proposed Project, including the office building would be subject to the City of Thousand Oaks General Plan, TOMC, and the 2020–2045 RTP/SCS, land use regulations, goals and policies. Because the proposed Project would not conflict with applicable plans, policies, or regulations, the Project would not contribute to cumulative impacts resulting in an impact to land use planning. Therefore, development of the proposed Project would result in less than cumulatively considerable land use impacts.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## 3.10.6 References

City of Thousand Oaks. 1972 – 2022. City of Thousand Oaks General Plan. Available at:  
<https://www.toaks.org/departments/community-development/planning/general-plan>

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## 3.11 Noise

This section analyzes the Project's potential impacts regarding noise and vibration on off-site sensitive receptors resulting from Project construction and operation. The analysis describes the existing noise environment within the Project site, estimates future noise and vibration levels at surrounding land uses associated with construction and operation of the Project, assesses the potential for significant impacts, and identifies mitigation measures to address any potential significant impacts. An evaluation of the potential cumulative noise impacts of the Project and related projects is also provided. This section summarizes the noise and vibration information and analysis provided in **Appendix K, Noise Assumptions and Modeling**, of this Draft EIR, and incorporated by reference herein.

Because of the technical nature of noise and vibration impacts, a brief overview of basic noise principals and descriptors is provided below.

### 3.11.1 Environmental Setting

#### Fundamentals of Noise

##### ***Noise Principals and Descriptors***

Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a liquid or gaseous medium (e.g., air). Noise is generally defined as unwanted sound (i.e., loud, unexpected, or annoying sound). Acoustics is defined as the physics of sound. In acoustics, the fundamental scientific model consists of a sound (or noise) source, a receiver, and the propagation path between the two. The loudness of the noise source and obstructions, or atmospheric factors affecting the propagation path to the receiver determines the sound level and characteristics of the noise perceived by the receiver. Acoustics addresses primarily the propagation and control of sound.<sup>1</sup>

Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) that is measured in decibels (dB), which is the standard unit of sound amplitude measurement. The dB scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound, with 0 dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain. Pressure waves traveling through air exert a force registered by the human ear as sound.<sup>2</sup>

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude, with audible frequencies of the sound spectrum ranging from 20 to 20,000 Hz. The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the sound frequency/sound power level spectrum.<sup>3</sup> The typical human ear is not equally sensitive to this frequency range. As a consequence, when assessing potential noise impacts, sound is measured using an electronic filter that deemphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to these extremely low and extremely high frequencies.

<sup>1</sup> M. David Egan, *Architectural Acoustics* (1988), Chapter 1.

<sup>2</sup> M. David Egan, *Architectural Acoustics* (1988), Chapter 1.

<sup>3</sup> M. David Egan, *Architectural Acoustics* (1988), Chapter 1.

This method of frequency filtering, or weighting, is referred to as A-weighting, expressed in units of A-weighted decibels (dBA), which is typically applied to community noise measurements.<sup>4</sup> Some representative common outdoor and indoor noise sources and their corresponding A-weighted noise levels are shown in **Figure 3.11-1, Decibel Scale and Common Noise Sources**.

### **Noise Exposure and Community Noise**

An individual's noise exposure is a measure of noise over a period of time; a noise level is a measure of noise at a given instant in time, as presented Figure 3.11-1. However, noise levels rarely persist at one level over a long period of time. Rather, community noise varies continuously over a period of time with respect to the sound sources contributing to the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with many of the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources, such as changes in traffic volume. What makes community noise variable throughout a day, besides the slowly changing background noise, is the addition of short-duration, single-event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual.<sup>5</sup>

These successive additions of sound to the community noise environment change the community noise level from instant to instant, requiring the noise exposure to be measured over periods of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts. The following noise descriptors are used to characterize environmental noise levels over time, which are applicable to the Project.<sup>6</sup>

- L<sub>eq</sub>:** The equivalent sound level, is used to describe noise over a specified period of time in terms of a single numerical value; the L<sub>eq</sub> of a time-varying signal and that of a steady signal are the same if they deliver the same acoustic energy over a given time. The L<sub>eq</sub> may also be referred to as the average sound level.
- L<sub>max</sub>:** The maximum, instantaneous noise level experienced during a given period of time.
- L<sub>min</sub>:** The minimum, instantaneous noise level experienced during a given period of time.
- L<sub>x</sub>:** The noise level exceeded a percentage of a specified time period. For instance, L<sub>50</sub> and L<sub>90</sub> represent the noise levels that are exceeded 50 percent and 90 percent of the time, respectively.
- L<sub>dn</sub>:** The average A-weighted noise level during a 24-hour day, obtained after an addition of 10 dBA to measured noise levels between the hours of 10 p.m. to 7 a.m. to account nighttime noise sensitivity. The L<sub>dn</sub> is also termed the day-night average noise level (DNL).
- CNEL:** The Community Noise Equivalent Level (CNEL) is the average A-weighted noise level during a 24-hour day that is obtained after an addition of 5 dBA to measured noise levels between the hours of 7 p.m. to 10 p.m. and after an addition of 10 dBA to noise levels between the hours of 10 p.m. to 7 a.m. to account for noise sensitivity in the evening and nighttime, respectively. CNEL and L<sub>dn</sub> are close to each other, with CNEL being more stringent and generally 1 dBA higher than L<sub>dn</sub>.

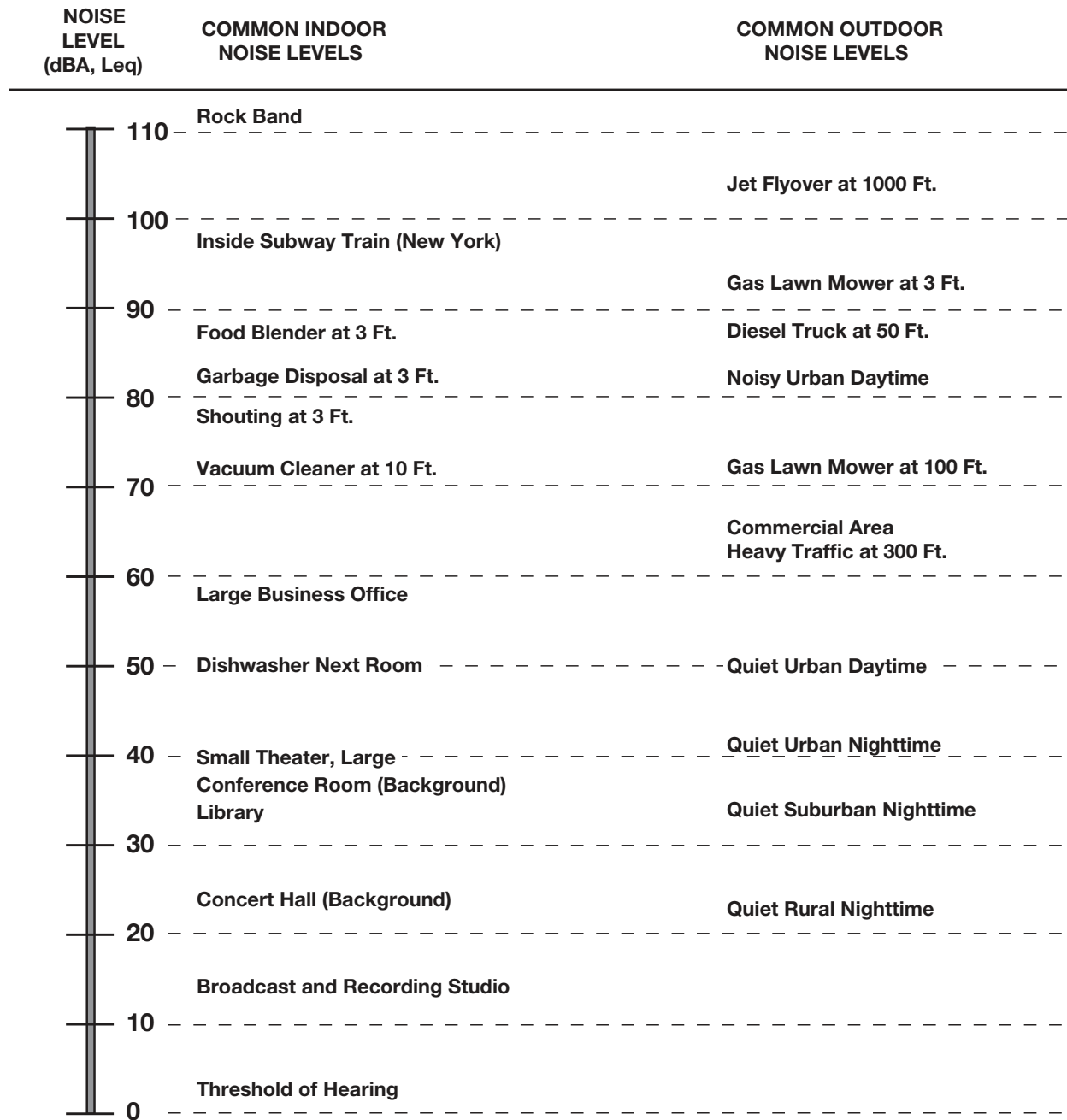
<sup>4</sup> M. David Egan, *Architectural Acoustics* (1988), Chapter 1.

<sup>5</sup> California Department of Transportation, *Technical Noise Supplement (TeNS)* (September 2013), Section 2.2.2.1.

<sup>6</sup> California Department of Transportation, *Technical Noise Supplement (TeNS)* (September 2013), Section 2.2.2.2.



\\EgnyteDrive\onearea\Shared\Projects\2019\201901351\_03 - 1 Baxter Way-Gateway at The Oaks\05 Graphics-GIS-Modeling-USE-AZURE



SOURCE: State of California, Department of Transportation (Caltrans), Technical Noise Supplement (TeNS), October 1998. Available: [http://www.dot.ca.gov/hq/env/noise/pub/Technical Noise Supplement.pdf](http://www.dot.ca.gov/hq/env/noise/pub/Technical%20Noise%20Supplement.pdf)

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**Figure 3.11-1**  
Decibel Scale and Common Noise Sources



### ***Effects of Noise on People***

Noise is generally loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity that is a nuisance or disruptive. The effects of noise on people can be placed into four general categories:

- Subjective effects (e.g., dissatisfaction, annoyance)
- Interference effects (e.g., communication, sleep, and learning interference)
- Physiological effects (e.g., startle response)
- Physical effects (e.g., hearing loss)

Although exposure to high noise levels has been demonstrated to cause physical and physiological effects, the principal human responses to typical environmental noise exposure are related to subjective effects and interference with activities. Interference effects interrupt daily activities and include interference with human communication activities, such as normal conversations, watching television, telephone conversations, and interference with sleep. Sleep interference effects can include both awakening and arousal to a lesser state of sleep.<sup>7</sup>

With regard to the subjective effects, the responses of individuals to similar noise events are diverse and influenced by many factors, including the type of noise, the perceived importance of the noise, the appropriateness of the noise to the setting, the duration of the noise, the time of day and the type of activity during which the noise occurs, and individual noise sensitivity. Overall, there is no completely satisfactory way to measure the subjective effects of noise, or the corresponding reactions of annoyance and dissatisfaction on people. A wide variation in individual thresholds of annoyance exists, and different tolerances to noise tend to develop based on an individual's past experiences with noise. Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted (i.e., comparison to the ambient noise environment). In general, the more a new noise level exceeds the previously existing ambient noise level, the less acceptable the new noise level will be judged by those hearing it. With regard to increases in A-weighted noise level, the following relationships generally occur:<sup>8</sup>

- Except in carefully controlled laboratory experiments, a change of 1 dBA in ambient noise levels cannot be perceived.
- Outside of the laboratory, a 3 dBA change in ambient noise levels is considered to be a barely perceivable difference.
- A change in ambient noise levels of 5 dBA is considered to be a readily perceivable difference.
- A change in ambient noise levels of 10 dBA is subjectively heard as doubling of the perceived loudness.

These relationships occur in part because of the logarithmic nature of sound and the dB scale. The human ear perceives sound in a non-linear fashion; therefore, the dBA scale was developed.

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<sup>7</sup> California Department of Transportation, *Technical Noise Supplement (TeNS)* (September 2013), Section 2.2.1.

<sup>8</sup> California Department of Transportation, *Technical Noise Supplement (TeNS)* (September 2013), Section 2.2.1.

Because the dBA scale is based on logarithms, two noise sources do not combine in a simple additive fashion, but rather logarithmically. Under the dBA scale, a doubling of sound energy corresponds to a 3 dBA increase. In other words, when two sources are each producing sound of the same loudness, the resulting sound level at a given distance would be approximately 3 dBA higher than one of the sources under the same conditions. For example, if two identical noise sources produce noise levels of 50 dBA, the combined sound level would be 53 dBA, not 100 dBA. Three sources of equal loudness together produce a sound level of approximately 5 dBA louder than one source, and 10 sources of equal loudness together produce a sound level of approximately 10 dBA louder than the single source.<sup>9</sup>

### **Noise Attenuation**

When noise propagates over a distance, the noise level decreases with distance depending on the type of noise source and the propagation path. Noise from a localized source (i.e., point source) propagates uniformly outward in a spherical pattern, referred to as “spherical spreading.” Stationary point sources of noise, including stationary mobile sources such as idling vehicles, attenuate (i.e., reduce) at a rate between 6 dBA, for acoustically “hard” sites, and 7.5 dBA for “soft” sites for each doubling of distance from the reference measurement, as the noise energy is continuously spread out over a spherical surface (e.g., for hard surfaces, 80 dBA at 50 feet attenuates to 74 at 100 feet, 68 dBA at 200 feet). Hard sites are those with a reflective surface between the source and the receiver, such as asphalt or concrete surfaces, or smooth bodies of water. No excess ground attenuation is assumed for hard sites and the reduction in noise levels with distance (drop-off rate) is simply the geometric spreading of the noise from the source. Soft sites have an absorptive ground surface, such as soft dirt, grass, or scattered bushes and trees, provides an additional ground attenuation value of 1.5 dBA (per doubling distance), a geometric spreading.<sup>10</sup>

Roadways and highways consist of several localized noise sources on a defined path, hence, are treated as “line” sources, which approximate the effect of several point sources. Noise from a line source propagates over a cylindrical surface, often referred to as “cylindrical spreading.”<sup>11</sup> Line sources (e.g., traffic noise from vehicles) attenuate at a rate between 3 dBA for hard sites, and 4.5 dBA for soft sites for each doubling of distance from the reference measurement.<sup>12</sup> Therefore, a line noise source attenuates less with increased distance than that of a point source.

Additionally, receptors located downwind from a noise source can be exposed to increased noise levels relative to calm conditions, whereas receptor locations upwind can have lowered noise levels. Atmospheric temperature inversion (i.e., increasing temperature with elevation) can increase sound levels at long distances (e.g., more than 500 feet). Other factors such as air temperature, humidity, and turbulence can also have significant effects on noise levels.<sup>13</sup>

<sup>9</sup> California Department of Transportation, *Technical Noise Supplement (TeNS)* (September 2013), Section 2.2.1.1.

<sup>10</sup> California Department of Transportation, *Technical Noise Supplement (TeNS)* (September 2013), Section 2.1.4.2.

<sup>11</sup> California Department of Transportation, *Technical Noise Supplement (TeNS)* (September 2013), Section 2.1.4.1.

<sup>12</sup> California Department of Transportation, *Technical Noise Supplement (TeNS)* (September 2013), Section 2.1.4.1.

<sup>13</sup> California Department of Transportation, *Technical Noise Supplement (TeNS)* (September 2013), Section 2.1.4.3.

## Fundamentals of Vibration

Vibration refers to groundborne noise and perceptible motion. Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors. The motion may be discernible outdoors, but without the effects associated with the shaking of a building, there is less adverse reaction. Vibration energy propagates from a source through intervening soil and rock layers to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Building vibration may be perceived by the occupants as the motion of building surfaces, the rattling of items moving on shelves or hanging on walls, or as a low-frequency rumbling noise. The rumbling noise is caused by the vibrating walls, floors, and ceilings that are radiating sound waves. Annoyance from vibration often occurs when the vibration exceeds the threshold of perception by 10 VdB or less. This is an order of magnitude below the damage threshold for normal buildings.

Typical sources of groundborne vibration are construction activities (e.g., blasting, pile driving, and operating heavy-duty earth-moving equipment), steel-wheeled trains, and occasional traffic on rough roads. Problems with groundborne vibration and noise from these sources are usually localized to areas within approximately 100 feet of the vibration source, although there are examples of groundborne vibration causing interference out to distances greater than 200 feet (FTA 2018). When roadways are smooth, vibration from traffic, even heavy trucks, is rarely perceptible. It is assumed, for most projects, that the roadway surface will be smooth enough that groundborne vibration from street traffic will not exceed the impact criteria; however, construction of the Project could result in groundborne vibration that could be perceptible and annoying. Groundborne noise is not likely to be a problem as noise arriving via the normal airborne path usually will be greater than groundborne noise.

Groundborne vibration has the potential to disturb people as well as to damage buildings. Although it is very rare for mobile source-induced groundborne vibration to cause even cosmetic building damage, it is not uncommon for construction processes such as blasting and the pile driving to cause vibration of sufficient amplitudes to damage nearby buildings (FTA 2018). Groundborne vibration is usually measured in terms of vibration velocity, either the root-mean-square (RMS) velocity or peak particle velocity (PPV). RMS is best for characterizing human response to building vibration, and PPV is used to characterize potential for damage. dB notation acts to compress the range of numbers required to describe vibration. Vibration velocity level in dB is defined as:

$$L_v = 20 \log_{10} [V/V_{ref}]$$

where  $L_v$  is the VdB, “V” is the RMS velocity amplitude, and “ $V_{ref}$ ” is the reference velocity amplitude, or  $1 \times 10^{-6}$  inches per second (inch/sec) used in the United States. **Table 3.11-1** illustrates human response to various vibration levels, as described in the *Transit Noise and Vibration Impact Assessment* (FTA 2018).

Factors that influence groundborne vibration and noise include the following:

- **Vibration Source:** Vehicle/equipment suspension, wheel types and condition, track/roadway surface, track support system, speed, transit structure, and depth of vibration source
- **Vibration Path:** Soil type, rock layers, soil layering, depth to water table, and frost depth
- **Vibration Receiver:** Foundation type, building construction, and acoustical absorption

Among the factors listed above, there are significant differences in the vibration characteristics when the source is underground compared to at the ground surface. In addition, soil conditions are known to have a strong influence on the levels of groundborne vibration. Among the most important factors are the stiffness and internal damping of the soil and the depth to bedrock.

**TABLE 3.11-1  
HUMAN RESPONSE TO DIFFERENT LEVELS OF GROUNDBORNE NOISE AND VIBRATION**

Vibration Velocity Level (VdB)	Noise Level (dBA)		Human Response
	Low Frequency <sup>a</sup>	Mid Frequency <sup>b</sup>	
65	25	40	Approximate threshold of perception for many humans. Low-frequency sound usually inaudible, mid-frequency sound excessive for quiet sleeping areas.
75	35	50	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find transit vibration at this level annoying. Low-frequency noise acceptable for sleeping areas, mid-frequency noise annoying in most quiet occupied areas.
85	45	60	Vibration acceptable only if there are an infrequent number of events per day. Low-frequency noise annoying for sleeping areas, mid-frequency noise annoying even for infrequent events with institutional land uses such as schools and churches.

NOTES: VdB = vibration velocity decibels; dBA = A-weighted decibels.

<sup>a</sup> Approximate noise level when vibration spectrum peak is near 30 Hz.

<sup>b</sup> Approximate noise level when vibration spectrum peak is near 60 Hz.

SOURCE: FTA, 2018, Table 7-1.

Experience with groundborne vibration shows that vibration propagation is more efficient in stiff clay soils than in loose sandy soils, and shallow rock seems to concentrate the vibration energy close to the surface, resulting in groundborne vibration problems at large distance from the source. Factors such as layering of the soil and depth to water table can have significant effects on the propagation of groundborne vibration. Soft, loose, sandy soils tend to attenuate more vibration energy than hard, rocky materials. Vibration propagation through groundwater is more efficient than through sandy soils.

Human annoyance generally occurs within buildings with windows rattling and ground shaking. Receivers in an outdoor setting usually are less sensitive to vibration effect. Existing off-site buildings with noise sensitive receivers in the Project vicinity includes the Los Robles Rehabilitation Center at 1,000 feet from the Project construction area.

Vibration level (VdB) attenuation through soil is represented by the following equation:

$$L_{\text{vdB}}(D) = L_{\text{vdB}}(25 \text{ feet}) - 30 \text{ Log}(D/25)$$

Where D is the distance between the vibration source and the receiver.  $L_{\text{vdB}}(25 \text{ feet})$  is the source vibration level measured at 25 feet. A vibration level at 50 feet is 9 VdB lower than the vibration level at 25 feet. Vibration at 1,000 feet from the source is 48 VdB lower than the vibration level at 25 feet. Therefore, receptors at 1,000 feet from the construction activity may be exposed to groundborne vibration up to 46 VdB.

## **Existing Conditions**

### ***Noise-Sensitive Receptor Locations***

Some land uses are considered more sensitive to noise than others due to the types of activities typically involved at the receptor locations and the effect that noise can have on those activities and the persons engaged in them. Existing land uses on the Project site and in the surrounding areas include industrial, commercial, schools, open space, and a medical facility. Specifically, Westlake High School (classrooms) is located approximately 890 feet to the northeast of the Project site, the Los Robles Rehabilitation Hospital is located approximately 1,200 feet to the east of the Project site, and the Oaks Christian School is located approximately 2,400 feet to the southeast of the Project site. In addition, the Hyatt Regency Hotel is located south of U.S. 101 and southwest of the Project site, and the nearest residential uses are located approximately 1,700 feet south of the Project site beyond the U.S. 101 and south of the existing shopping center.

### ***Vibration-Sensitive Receptor Locations***

Typically, groundborne vibration generated by man-made activities (i.e., rail and roadway traffic, operation of mechanical equipment and typical construction equipment) diminishes rapidly with distance from the vibration source. Construction activities, such as impact pile driving, would have the greatest effect on vibration-sensitive land uses. Energy is lost during the transfer of energy from one particle to another, and, as a result, vibration becomes less perceptible with increasing distance from the source.

With respect to potential structural damage, structures in close proximity (adjacent) to the Project site are considered vibration-sensitive. These include the industrial office buildings to the east beyond Lakeview Canyon Road and the existing commercial buildings within The Promenade at Westlake to the west of the Project site beyond the existing drainage course.

With respect to human annoyance, sensitive land uses include buildings where use of vibration-sensitive equipment is used (e.g., hospitals, research, and manufacturing), residential land uses and buildings where people normally sleep, schools, churches, and doctor's offices.<sup>14</sup> Among the buildings in the vicinity of the Project site, the Los Robles Rehabilitation Hospital is considered most sensitive to vibration for inhabitants inside the medical facility.

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<sup>14</sup> FTA, Transit Noise and Vibration Impact Assessment Manual, Table 6-1, September 2018.

### ***Ambient Noise Measurements***

The predominant existing noise source on the Project site and surrounding areas is traffic noise from the U.S. 101, Westlake Boulevard, Lakeview Canyon Road, Thousand Oaks Boulevard, and other local streets.

On February 16, 2022, short-term (15-minute duration) daytime ambient noise measurements were conducted at locations shown in **Figure 3.11-2, *Ambient Noise Monitoring and Construction Noise Modeling Locations*** that represent the ambient noise environment at or in the vicinity of nearby noise sensitive receptors. A summary of noise measurements is provided in **Table 3.11-2, *Summary of Ambient Noise Measurements***. Average noise levels range from 64.9 dBA to 72.8 dBA  $L_{eq}$ .

**TABLE 3.11-2  
SUMMARY OF AMBIENT NOISE MEASUREMENTS**

<b>Location and Land Uses</b>	<b>Duration</b>	<b>Average <math>L_{eq}</math></b>
R1, Westlake High School	15 minutes	68.0
R2, Los Robles Rehabilitation Hospital	15 minutes	64.9
R3, Oaks Christian School	15 minutes	72.8
R4, Shopping Center Parking Lot	15 minutes	71.0

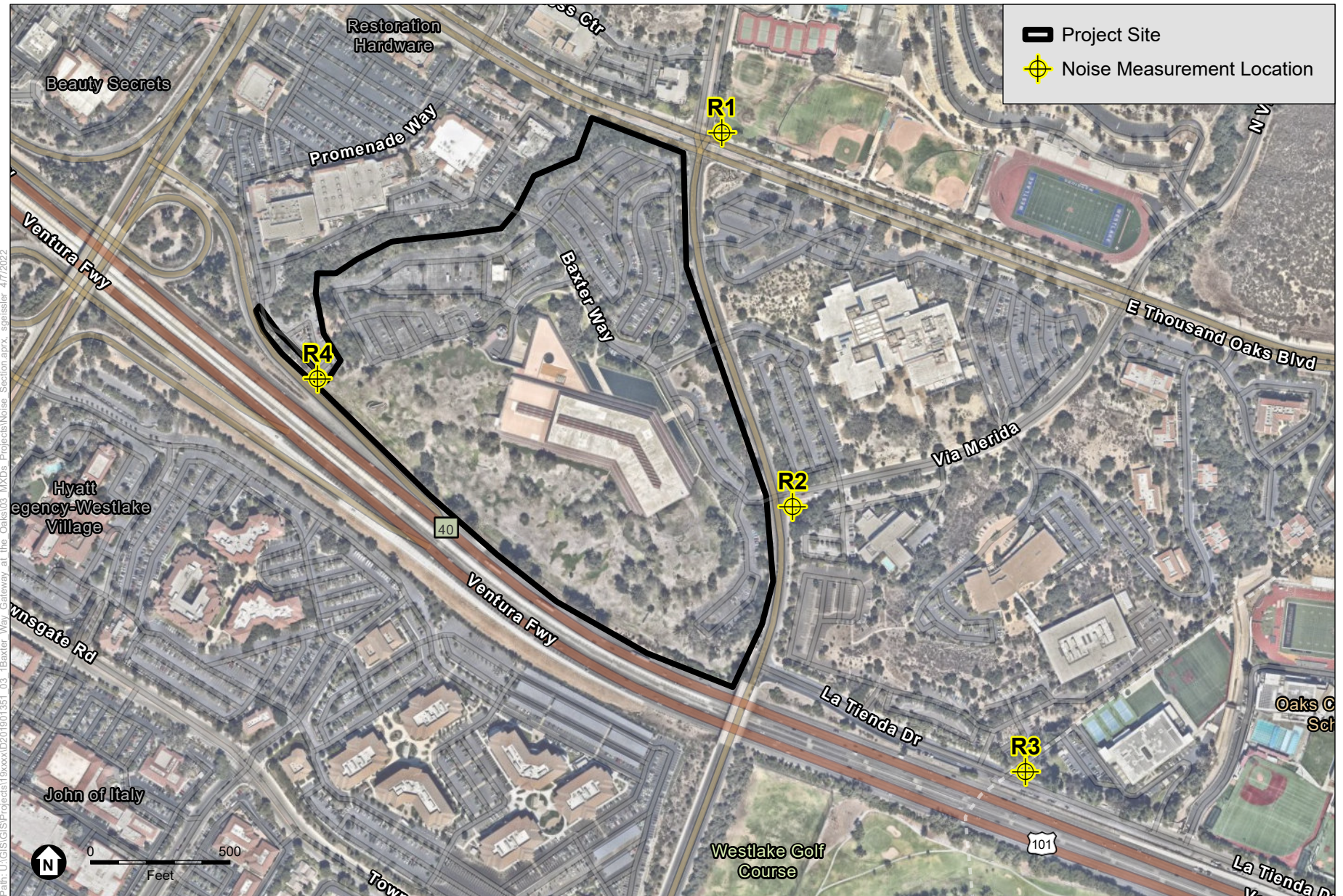
**NOTE:**

The ambient noise measurements were conducted using the Larson-Davis 820 Precision Integrated Sound Level Meter, which is a Type 1 standard instrument as defined in the American National Standard Institute S1.4. All instruments were calibrated and operated according to the applicable manufacturer specifications. The microphone was placed at a height of 5 feet above the local grade at each measurement locations.

SOURCE: ESA 2022

The representative ambient noise locations (R1 through R4), shown in Figure 3.11-2, are described as follows:

- **Measurement Location R1:** Existing noise environment to the northeast of the Project site at the northeast corner of Lakeview Canyon Road and Thousand Oaks Boulevard, near the Westlake High School sports field.
- **Measurement Location R2:** Existing noise environment on the middle-east side of the Project site, at the southeast corner of Lakeview Canyon Road and S. Via Merida, near the Los Robles Rehabilitation Hospital.
- **Measurement Location R3:** Existing noise environment to the southeast of the Project site, along La Tienda Road, at the west end of Oaks Christian School.
- **Measurement Location R4:** Existing parking lot of the shopping center to the west of the Project site, adjacent to the offramp of southbound U.S. 101. This is a non-sensitive off-site receptor location adjacent to the Project site, and the noise level measured at this location would reflect a freeway traffic noise level that is similar to the freeway traffic noise level on the Project site.



SOURCE: Mapbox, 2021

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**Figure 3.11-2**  
Ambient Noise Monitoring and  
Construction Noise Modeling Locations



Because vibration impact of building damages occurs within the buildings, the distance to the nearest sensitive receivers is measured between the nearest off-site sensitive use buildings and the Project construction area boundary. Existing buildings in the Project vicinity include:

- To the east: Guitar Center Corp, approximately 500 feet
- To the west: Westlake Village Marmalade Cafe, approximately 300 feet
- To the south within existing on-site industrial office building: AmeriHome Mortgage Company, approximately 200 feet

### 3.11.2 Regulatory Setting

#### **Federal**

The Noise Control Act of 1972 establishes a national policy to promote an environment for all Americans to be free from noise that jeopardizes their health and welfare.

Information on Levels of Environmental Noise Requisite to Protect Health and Welfare with an Adequate Margin of Safety, commonly referenced as the “Levels Document,” establishes an  $L_{dn}$  of 55 dBA as the requisite level, with an adequate margin of safety, for areas of outdoor uses, including residences and recreation areas (EPA 1974). This document identifies safe levels of environmental noise exposure without consideration of costs for achieving these levels or other potentially relevant considerations.

The Federal Energy Regulatory Commission Guidelines on Noise Emissions from Compressor Stations, Substations, and Transmission Lines, require that

*“the noise attributable to any new compressor stations, compression added to an existing station, or any modification, upgrade, or update of an existing station must not exceed a  $L_{dn}$  of 55 dBA (“A-weighted decibel”) at any preexisting noise-sensitive area (such as schools, hospitals, or residences).”*

This policy was adopted based on the USEPA-identified level of significance of 55  $L_{dn}$  dBA.

#### **Federal Highway Administration**

The purpose of the Federal Highway Administration (FHWA) Noise Abatement Procedure is to provide procedures for noise studies and noise abatement measures to help protect the public health and welfare, supply noise abatement criteria, and establish requirements for information to be given to local officials for use in the planning and design of highways. It establishes five categories of noise-sensitive receptors and prescribes the use of the hourly  $L_{eq}$  as the criterion metric for evaluating traffic noise impacts.

#### **Department of Housing and Urban Development**

The Department of Housing and Urban Development (HUD) regulations set forth the following exterior noise standards for new home construction assisted or supported by the department:

- 65  $L_{dn}$  or less – Acceptable

- 65 L<sub>dn</sub> and < 75 L<sub>dn</sub> – Normally unacceptable, appropriate sound attenuation measures must be provided
- 75 L<sub>dn</sub> – Unacceptable

HUD’s regulations do not contain standards for interior noise levels. Rather a goal of 45 dBA is set forth, and attenuation requirements are geared to achieve that goal.

**Occupational Safety and Health Administration**

The Occupational Safety and Health Administration (OSHA) Occupation Noise Exposure Hearing Conservation Amendment (Federal Register 48 [46], 9738-9785 1983) stipulate that protection against the effects of noise exposure shall be provided for employees when sound levels exceed 90 dBA over an 8-hour exposure period. Protection shall consist of feasible administrative or engineering controls. If such controls fail to reduce sound levels to within acceptable levels, personal protective equipment shall be provided and used to reduce exposure of the employee. Additionally, a Hearing Conservation Program must be instituted by the employers whenever employee noise exposure equals or exceeds the action level of an 8-hour time-weighted average sound level of 85 dBA. The Hearing Conservation Program requirements consist of periodic area and personal noise monitoring, performance and evaluation of audiograms, provision of hearing protection, annual employee training, and record keeping.

**Federal Transit Administration and California Department of Transportation**

The criteria for environmental impact from groundborne vibration are based on the maximum levels for a single event. **Table 3.11-3** lists the potential vibration damage criteria associated with construction activities, as suggested in the *Transit Noise and Vibration Impact Assessment* (FTA 2018).

**TABLE 3.11-3  
 CONSTRUCTION VIBRATION DAMAGE CRITERIA**

Building Category	PPV (inch/sec)	Approximate L <sub>v</sub> <sup>a</sup>
Reinforced-concrete, steel or timber (no plaster)	0.50	102
Engineered concrete and masonry (no plaster)	0.30	98
Non-engineered timber and masonry buildings	0.20	94
Buildings extremely susceptible to vibration damage	0.12	90

NOTES: PPV = peak particle velocity; L<sub>v</sub> = velocity in decibels; inch/sec = inches per second.

<sup>a</sup> Root-mean-square velocity in decibels (VdB) re 1 microinch per second.

SOURCE: FTA 2018, Table 12-3.

Federal Transit Administration (FTA) guidelines show that a vibration level of up to 102 VdB (equivalent to 0.5 inch/sec PPV) (FTA 2018) is considered safe for buildings consisting of reinforced concrete, steel, or timber (no plaster), and would not result in any construction vibration damage. For a non-engineered timber and masonry building, the construction vibration damage criterion is 94 VdB (0.2 inch/sec PPV). The RMS values for building damage thresholds

referenced above are shown in **Table 3.11-4**, which is taken from the *Transportation and Construction Vibration Guidance Manual* (Caltrans 2020).

**TABLE 3.11-4  
GUIDELINE VIBRATION DAMAGE POTENTIAL THRESHOLD CRITERIA**

Structure and Condition	Maximum PPV (inch/sec)	
	Transient Sources <sup>a</sup>	Continuous/Frequent Intermittent Sources <sup>b</sup>
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.20	0.10
Historic and some old buildings	0.50	0.25
Older residential structures	0.50	0.30
New residential structures	1.00	0.50
Modern industrial/commercial buildings	2.00	0.50

NOTES: PPV = peak particle velocity; inch/sec = inches per second.

<sup>a</sup> Transient sources create a single, isolated vibration event, such as blasting or drop balls.

<sup>b</sup> Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

SOURCE: Caltrans 2020, Table 19.

Based on Table 8-3 in the FTA's *Transit Noise and Vibration Impact Assessment* (FTA 2018), interpretation of vibration criteria for detailed analysis is 78 VdB for residential uses during daytime hours. During nighttime hours, the vibration criterion is 72 VdB. For office buildings, the FTA guidelines suggest that a vibration level of 84 VdB should be used for detailed analysis.

## State

California Code of Regulations (CCR) Title 24 establishes the California Building Code (CBC). The most recent building standard adopted by the legislature and used throughout the state is the 2019 version, which took effect on January 1, 2020. The State of California's noise insulation standards are codified in the CBC (Title 24, Part 2, Chapter 12). These noise standards are for new construction in California for the purposes of interior compatibility with exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residences, schools, or hospitals, are near major transportation noises, and where such noise sources create an exterior noise level of 60 dBA CNEL, or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the California Code of Regulations (CCR) Title 24, Part 2, Chapter 12 acceptable interior noise limit for new construction is 45 dBA CNEL.

## California Environmental Quality Act

CEQA is the principal statute governing environmental review of projects occurring in the state and is codified at Public Resources Code (PRC) Section 21000 et seq. CEQA requires lead

agencies to determine if a proposed project would have a significant effect on the environment, including significant effects on historical or unique archaeological resources.

## **Local**

### ***General Plan Noise Element***

The City of Thousand Oaks adopted its latest version of the Noise Element in May 2000. The noise level considered “normally unacceptable” for residential development is 65 dBA CNEL for all categories of residential land use. The noise level considered “normally unacceptable” for office buildings is 75 dBA CNEL.

**Goal N-1:** Achieve and maintain an environment in which noise-sensitive uses are not disturbed by noise that exceeds exposure guidelines established in this Noise Element.

***Policy NI-1:*** Land Use Compatibility for Noise. In establishing the pattern of land uses and setting standards for development within land use categories, the City will consider the need to minimize the potential for conflicts between noise-sensitive land uses and activities and land uses that are normally expected to generate noise.

***Policy NI-2:*** Reduction of Existing Noise Conflicts at the Source. Recognizing that reduction of noise at the source is normally the most efficient strategy for reducing noise conflicts, and results in the greatest benefit in reducing overall noise exposure, the City will emphasize reducing noise levels at the source as the primary or preferred strategy for reducing potential conflicts.

***Policy NI-3:*** Reduction of Existing Noise Conflicts by Other Means. Where it is not the most feasible measure to reduce noise conflicts at the source, the City will work to provide other protection for noise-sensitive land uses in areas exposed to noise that exceeds or is expected to exceed the noise guidelines for noise-sensitive land uses adopted in this Noise Element.

***Policy NI-4:*** Prevention of Future Noise Conflicts. The City will strive to avoid future noise conflicts between land uses and noise sources or activities that would exceed the noise guidelines for noise-sensitive land uses adopted in this Noise Element.

***Policy NI-5:*** Regulation of Nuisance Noise Sources. The City will maintain and actively enforce a noise ordinance which addresses the problems that may result from time to time from people’s activities, use of mechanical equipment, amplified sound, and other sources of potential noise conflicts between users of property in the City. In regulating such noise sources, the City may consider such factors as noise level, frequency distribution of sound, duration and number of noise events, total content, information content such as music or human speech, time of day, and any other appropriate factors found to relate to human annoyance or interference with human activities.

**Goal N-2:** Preserve quiet and diminish existing noise levels in areas of noise-sensitive uses to the extent reasonable and feasible while permitting development in accordance with the Land Use and Circulation Elements of the General Plan.

**Policy N2-1:** Consider Impact of Noise Increases in Quiet Areas. In evaluating projects for significant adverse environmental effects under the California Environmental Quality Act, the City will consider substantial increases in community noise level to be a potentially significant effect even if these increases do not result in a violation of the City's guidelines for normally acceptable noise levels for noise-sensitive land uses.

### **Municipal Code Noise Ordinance**

The City of Thousand Oaks Municipal Code includes restrictions that are applicable to the Project. These restrictions are on construction activities as well as operational activities as discussed below.

Section 8-11.01 Construction activities restricted to certain hours, in Chapter 11, Hours for Construction Activities, of the City of Thousand Oaks Municipal Code states:

*It shall be unlawful for any person to engage in or conduct any activity in the construction of any building or structure, the moving of earth, or the laying of any pavement, including, but not limited to, the making of any excavation, clearing or grading of surface land, and loading or unloading material, equipment, or supplies, except between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless a permit for each work at different hours or days has first been issued by the Public Works Director. Applications for such permits shall be made in writing to the Public Works Director and shall state the name of the applicant, his business address, the location of the proposed work, the reason for seeking a permit to do such work on Sunday or between 7:00 p.m. and 7:00 a.m., and the estimated time of the proposed operation. No such special permit shall be issued except where the public peace, health, or welfare will not be adversely affected by such issuance or will be harmed by failure to perform the work at the times indicated.*

Section 5-21.03 Loud, unnecessary and unusual noise on property which is the source of noise is restricted as described in the City of Thousand Oaks Municipal Code.

*Notwithstanding any other provisions of this chapter, and in addition thereto, it shall be unlawful for any person to willfully make or continue to make or cause to be made or continued, or allow any animal which is kept by that person on the property which is the source of the noise, to make any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.*

*The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:*

*(a) The level of noise when standing on the property line;*

- (b) Whether the nature of the noise is usual or unusual for the approved use of the property;*
- (c) Whether the origin of the noise is natural or unnatural;*
- (d) The level and intensity of the background or ambient noise, if any;*
- (e) The proximity of the noise source to residential sleeping facilities;*
- (f) The nature and zoning of the area within which the noise emanates;*
- (g) The density of the inhabitation of the area within which the noise emanates;*
- (h) The time of the day and night the noise occurs;*
- (i) The duration of the noise;*
- (j) Whether the noise is recurrent, intermittent, or constant; and*
- (k) Whether the noise is produced by a commercial or noncommercial activity.*

### 3.11.3 Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to noise and groundborne vibration if it would:

- Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (see Impact 3.11-1, below).
- Generate excessive groundborne vibration or groundborne noise levels (see Impact 3.11-2, below).
- Expose people residing or working in the Project area to excessive noise levels (for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport) (see Section 5.1.8 in Chapter 5, *Other CEQA Considerations*).

### 3.11.4 Methodology

#### On-Site Construction Noise

On-site construction noise impacts were projected by determining the noise levels expected to be generated by the different types of construction activities anticipated and calculating the construction-related noise levels produced by the construction equipment assumed at sensitive receptors. More, specifically, the following steps were undertaken to assess construction-period noise impacts:

- Ambient noise levels at surrounding sensitive receptor locations were measured in the vicinity of the Project site (see **Table 3.11-2**).
- For each type of construction equipment expected to be used during each phase of construction, based on information provided by Project Applicant, typical noise levels were obtained from the Federal Highway Administration (FHWA) roadway construction noise model (RCNM).
- The construction noise levels were then calculated for each construction phase using the FHWA RCNM, conservatively, in terms of hourly  $L_{eq}$  based on the standard point source

noise-distance attenuation factor of 6.0 dBA for each doubling of distance, assuming that all of the equipment for each construction phase would be in use concurrently, which is considered a conservative assumption. Since it is not physically possible for equipment to be all located at the same location at the same time, the loudest equipment was assumed to be located at 50 feet while other equipment was located at a staggered distance of 150 feet.

- Construction noise levels, with incorporation of construction noise best management practices as Project Design Features [see **Table 3.11-5** below]), were compared to ambient noise levels plus a 5 dBA increase to determine if construction noise levels could be significant. The increase of 5 dBA over ambient is considered a substantial increase in community noise levels, and therefore a significant impact.

### Off-Site Roadway Noise (Construction and Operation)

Roadway noise levels were projected using the FHWA's Traffic Noise Model (TNM) methodology<sup>15</sup> and the roadway traffic volumes provided in the Project's Traffic Impact Analysis.<sup>16</sup> In addition, freeway traffic volumes were obtained from California Department of Transportation (Caltrans) website. This method allows for the definition of roadway configurations, barrier information (if any), and receiver locations. The model calculates the average noise level at specific locations based on traffic volumes, average speeds, and site environmental conditions. Roadway noise attributable to Project development was calculated in terms of CNEL on the analyzed roadway segments and compared to baseline noise levels that would occur under the "without Project" condition. For construction, Project-related noise along the potential haul route was analyzed.

### Stationary Point-Source Noise (Operation)

Stationary point-source noise levels at the Project site were evaluated by first identifying the noise levels generated by the Project's recreational amenity areas, outdoor stationary noise sources such as rooftop mechanical equipment, parking structure automobile operations, and loading/refuse collection area activity. Second, the hourly  $L_{eq}$  noise level from each noise source were calculated at sensitive receptor property lines. Third, the Project noise levels were compared to existing ambient noise levels to determine if the Project noise levels were in compliance with the general noise standards identified in Section 5-21.03 of the Thousand Oaks Municipal Code. Because the municipal code standards are general, a non-compliance with these standards is determined to occur if a project generates noise levels from stationary noise sources more than 5 dBA over ambient noise levels. The following steps were undertaken to calculate the stationary point-source noise impacts:

- Ambient noise levels at surrounding sensitive receptor locations were measured in the vicinity of the Project Site (see **Table 3.11-2**).
- Typical noise levels generated by each type of stationary point-source noise generator, including mechanical equipment, recreational amenity areas, loading, and parking structure operations, were obtained from measured noise levels for similar equipment/activities and from

<sup>15</sup> The noise prediction model which was developed based on calculation methodologies described in FHWA Traffic Noise Model Technical Manual (1998) and validated with the results from FHWA Traffic Noise Model Version 2.5.

<sup>16</sup> W.G. Zimmerman Engineering, Inc. 1 Baxter Way Traffic Impact Study February 2022.

noise levels published in environmental noise assessment documents for land use development projects or scientific journals, or noise levels from equipment manufacturer specifications.

- Distances between stationary point-source noise generators and surrounding sensitive receptor locations were measured using Project architectural drawings, Google Earth, and site plans.
- Stationary point-source noise levels were then calculated for each sensitive receptor location based on the conservative point source noise-distance attenuation factor of 6.0 dBA for each doubling of distance for acoustically hard or reflective surfaces.
- Noise level increases from stationary point sources, if any, were determined to be substantial if they were more than 5 dBA above ambient noise levels.

For outdoor mechanical equipment, it was assumed that the Project would comply with the requirements of TOMC (Section 5-21.03) to ensure that the maximum noise generated by any and all outdoor mechanical equipment would not exceed the ambient noise level by more than 5 dBA, which is considered a substantial increase in noise levels.

### **Groundborne Vibration and Groundborne Noise (Construction and Operations)**

Groundborne vibration and noise impacts were evaluated for potential building damage and human annoyance impacts. These impacts were determined by identifying the Project's potential vibration sources, estimating the maximum groundborne vibration and noise levels at the distances between the Project's vibration sources and the nearest structure, and groundborne vibration annoyance receptor locations using vibration data from the FTA manual. The groundborne vibration and noise levels were compared to the significance thresholds described above.

Construction activities may generate groundborne vibration and noise from transient sources due to the temporary and sporadic use of groundborne vibration-generating equipment. Construction of the Project would have the potential to cause structure damage to off-site buildings that are located within 50 feet of the Project site. Operation of the Project has no potential to cause structure damage to the Project's own buildings or to off-site buildings that are farther away because the Project would not include any equipment that would generate substantial groundborne vibration or noise levels. Construction and operational activities may generate groundborne vibration and noise levels that could be felt by people as a result of trucks and vehicles driving to and from the Project site. The vibration and noise levels could also be felt from the operation of typical commercial-grade stationary mechanical and electrical equipment used for residential and commercial land uses, such as air handling units, condenser units, and exhaust fans. These pieces of equipment could cause annoyance because groundborne vibration and noise thresholds for human annoyance are much lower than groundborne vibration and noise thresholds for structural damage.

### **Project Design Features for Noise Abatement**

The following Project Design Features are incorporated into the Project and will reduce potential impacts related to noise:



**PDF 2-1:** **Control of Construction Hours.** Construction activities occurring as part of the Project shall be subject to the limitations that state that construction activities may occur between 7:00 a.m. and 7:00 p.m. Mondays through Saturdays. No construction activities shall be permitted outside of these hours or on Sundays and federal holidays unless a variance is granted by the Public Work Director or his or her authorized representative.

**PDF 2-2:** Prior to issuance of grading permits, the City/Project applicant shall incorporate the following measures as a note on the grading plan cover sheet to ensure that the greatest distance between noise sources and sensitive receptors during construction activities have been achieved:

- Construction equipment, fixed or mobile, shall be equipped with properly operating and maintained noise mufflers consistent with manufacturers' standards.
- Construction staging areas shall be located away from off-site sensitive uses during Project construction.
- The Project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site, whenever feasible.

### 3.11.5 Impact Analysis

#### Noise

**Impact 3.11-1: The Project could have significant and cumulatively considerable impacts from the generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.**

#### *Project Impact Analysis*

##### **Construction**

This section includes an overview of the typical methods, equipment, and work force that would be used for construction of the Project. Project construction is estimated to commence in 2023 with construction of the proposed parking structure. Completion of the proposed parking structure is estimated to be 2024 approximately 16 months after commencement. Construction of the proposed residential apartment would commence after the parking structure in 2024. Completion of the residential apartment is estimated to be 2026 approximately 24 months after commencement. Unless otherwise noted, construction activities are anticipated to occur between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, consistent with the City of Thousand Oaks Municipal Code Noise Ordinance.

##### Typical Construction Equipment

Short-term noise impacts would be associated with demolition, grading/excavation, construction, paving, and finishing/coating during construction of the Project. Construction-related short-term noise levels would be higher than current existing ambient noise levels in the

Project area but would no longer occur once the proposed parking structure and residential apartments are completed.

Construction crew commutes and the transport of construction equipment and materials to the Project site would incrementally increase noise levels on access roads leading to the Project site. Although there would be a relatively high single-event noise-exposure potential causing intermittent noise nuisance (passing trucks at 50 feet would generate up to a maximum of 87 dBA  $L_{max}$  over a few seconds), the effect on longer-term (hourly or daily) ambient noise levels would be small when averaged over a long period of time (an hour, 8 hours, or 24 hours) with much lower ambient noise levels. Therefore, short-term construction-related impacts associated with worker commute and equipment transport to the Project site would be less than significant and not require mitigation.

The second type of short-term noise impact is related to noise generated during Project site preparation and on-site construction activities. Construction is completed in discrete steps, each of which has its own mix of equipment, and consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on the Project site, and therefore, the noise levels surrounding the Project site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. **Table 3.11-5, RCNM Default Noise Emission Reference Levels and Usage Factors**, lists construction equipment expected to be used during Project construction, and the noise levels are taken from the *RCNM Default Noise Emission Reference Levels and Usage Factors* which lists typical construction equipment noise levels recommended for noise impact assessments, based on a distance of 50 feet between the equipment and a noise receptor. These noise levels are taken from the FHWA Roadway Construction Noise Model (RCNM) (FHWA 2006). The RCNM is a national model based on the noise calculations and extensive construction noise data compiled for the Central Artery/Tunnel (CA/T) project, one of the largest urban construction projects in the United States where it replaced Boston's deteriorating six-lane elevated Central Artery (I-93) in 1982. The basis for the national model is a spreadsheet tool developed in support of the CA/T project.

**TABLE 3.11-5  
RCNM DEFAULT NOISE EMISSION REFERENCE LEVELS AND USAGE FACTORS**

Equipment Description	Impact Device?	Acoustical Usage Factor	Spec. 721.560 L <sub>max</sub> at 50 Feet (dBA, slow) <sup>a</sup>	Actual Measured L <sub>max</sub> at 50 Feet (dBA, slow) <sup>b</sup>	Number of Actual Data Samples (Count)
All other equipment >5 HP	No	50	85	N/A	0
Backhoe	No	40	80	78	372
Compressor (air)	No	40	80	78	18
Concrete saw	No	20	90	90	55
Crane	No	16	85	81	405
Dozer	No	40	85	82	55
Drum mixer	No	50	80	80	1
Excavator	No	40	85	81	170
Forklift	No	20	85	75	23
Frontend loader	No	40	80	79	96
Generator	No	50	82	81	19
Generator (<25 kVA, variable-message signs)	No	50	70	73	74
Grader	No	40	85	N/A	0
Man lift	No	20	85	75	23
Paver	No	50	85	77	9
Roller	No	20	85	80	16
Soil mix drill rig	No	50	80	N/A	0
Tractor	No	40	84	N/A	0
Welder/torch	No	40	73	74	5

NOTES: dBA = A-weighted decibels; HP = horsepower; N/A = not applicable.

<sup>a</sup> The specification "Spec" limit for each piece of equipment expressed as an L<sub>max</sub> level in dBA "slow" at a reference distance of 50 foot from the loudest side of the equipment.

<sup>b</sup> The measured "Actual" emission level at 50 feet for each piece of equipment based on hundreds of emission measurements performed on CA/T work sites.

SOURCE: FTA 2018, Table 9.1.

### Construction Phasing

Individual pieces of heavy-duty off-road construction equipment that would be used for construction of the Project would generate maximum noise levels of 73 dBA to 90 dBA L<sub>max</sub> at a reference distance of 50 feet from the noise source, as shown in Table 3.11-5. The construction equipment noise levels at a distance of 50 feet (Referenced Maximum Noise Levels) are based on the FHWA RCNM User's Guide,<sup>17</sup> which is a technical report containing actual measured noise data for construction equipment. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full-power operation followed by 3 or 4 minutes at lower power settings. While the operating cycles may involve 1 or 2 minutes of full power operation (generating the maximum sound levels identified in Table 3-11-4), the equipment would be moving

<sup>17</sup> FHWA, Roadway Construction Noise Model, 2006.

around and would not stay at a specific location for the entire cycle. Therefore, adjacent receivers would be exposed to the maximum noise level intermittently rather than continuously.

The Project site includes two parcels totaling 42.9 acres. Construction would occur on approximately 15.6 acres (Planning Area [PA]1 = 8.8 acres; Planning Area [PA]2 = 6.8 acres). Construction is anticipated to begin in 2023 and be completed in 2026. No pile driving or jackhammer would be used on the Project site.

Project construction will include five individual phases in each Planning Area, as shown in **Table 3.11-6, Construction Phasing**.

**TABLE 3.11-6  
 CONSTRUCTION PHASING<sup>a</sup>**

<b>Planning Area</b>	<b>Description</b>
PA1	Demolition
	Grading/Excavation
	Paving
	Construction
	Finishing/Painting
PA2	Demolition
	Grading/Excavation
	Paving
	Construction
	Finishing/Painting

NOTE:  
<sup>a</sup> Based on construction information provided by the Project Applicant.  
 SOURCE: Project Applicant 2022; ESA 2022

**Construction Noise Impacts**

Equipment expected to be used on a maximum activity day includes the following:

- Demolition: 1 concrete/industrial saw; 3 excavators; 2 rubber-tired dozers
- Grading/Excavation: 1 bore/drill rig; 1 excavator; 1 grader; 1 rubber-tired dozer; 3 tractors/loaders/backhoes
- Construction: 1 crane; 3 forklifts; 1 generator; 3 tractors/loaders/backhoes; 1 welder
- Paving: 2 drum mixers; 2 pavers; 2 other equipment; 2 rollers
- Finishing/Coating: 1 man lift; 1 compressor (air)

As stated previously, sound levels are generated from a source, and their dB level decreases as the distance from that source increases. Sound dissipates exponentially with distance from the noise source. For a single point source, sound levels decrease approximately 6 dBA for each doubling of distance from the source. This drop-off rate is appropriate for noise generated by stationary

equipment. If noise is produced by a line source, such as highway traffic or railroad operations, the sound decreases 3 dBA for each doubling of distance in a hard site environment. Line source noise in a relatively flat environment with absorptive vegetation decreases 4.5 dBA for each doubling of distance.

Construction noise is temporary and will cease to occur after completion of the Project construction. It is considered best practice that all construction, maintenance, or demolition activities within the City's jurisdiction be limited to the hours between 7 a.m. and 7 p.m., Monday through Saturday. No construction work shall occur on Sundays and federal holidays.

**Table 3.11-7, *Estimated PA1 Construction Noise Levels at Existing Off-Site Receptors*** lists the estimated construction noise levels during construction of PA1 at the representative off-site sensitive receptors in the vicinity of the Project site where the nearest off-site receivers are located. **Table 3.11-8, *Estimated PA2 Construction Noise Levels at Existing Off-Site Receptors*** lists the estimated construction noise levels during construction of PA2 at the representative off-site sensitive receptors in the vicinity of the Project site where the nearest off-site receivers are located. Receiver location A represents the ambient noise monitoring location at the Westlake High School (R1). Receiver B represents the off-site Los Robles Rehabilitation Center to the east (R2). Receiver C represents the Oaks Christian High School to the southeast (R3). Receiver D represents an existing shopping center parking lot to the south/southwest of the Project Site (R4). Figure 3.11-2 shows these off-site noise modeling locations.

Based on the information in Tables 3.11-6 and 3.11-7, construction activities involving grading on the Project site would expose the nearest noise-sensitive uses (Receiver D or R4 is not noise-sensitive) in the Project vicinity to noise levels reaching up to 75.4 dBA  $L_{eq}$  over a period of one hour. These noise levels would occur at the existing Westlake High School to the north in the Project vicinity. During other construction phases, noise associated with on-site activity would be lower than those during the grading period.

The City has not adopted a numeric threshold for construction equipment or activity noise. However, during construction in Planning Area 1, construction noise levels at Receiver A (R1) (75.4 dBA  $L_{eq}$ ) where Westlake High School is located would potentially exceed the ambient noise level measured at that location (68.0 dBA  $L_{eq}$ ) plus 5 dBA ( $68 + 5 = 73$  dBA  $L_{eq}$ ). Construction noise levels projected at other off-site sensitive receiver locations (R2 and R3) during construction in Planning Area 1 would not exceed the existing ambient noise levels measured at those locations. Similarly, during construction in Planning Area 2, construction noise levels projected at all off-site sensitive receiver locations (R1, R2, and R3) would not exceed their respective ambient noise levels.

Because construction on the Project site would potentially expose adjacent Westlake High School to construction noise levels exceeding the ambient-based noise threshold (ambient noise level + 5 dBA), potential significant construction noise impacts would occur.

**TABLE 3.11-7  
ESTIMATED PA-1 CONSTRUCTION NOISE LEVELS AT EXISTING OFF-SITE RECEPTORS**

<b>Noise Sensitive Receptor</b>	<b>Construction Phases</b>	<b>Distance between Nearest Receptor and Construction Site, feet</b>	<b>Estimated Construction Noise Levels at Noise Sensitive Receptor by Construction Phase, <sup>a</sup> Hourly L<sub>eq</sub> (dBA)</b>
A Existing Westlake High School to the north of the Project Site, along Thousand Oaks Boulevard at Lakeview Canyon Road	Demolition	890 to 1,200 feet	74
	Grading/Excavation		73
	Paving		70
	Construction		75
	Finishing/Painting		64
	<b>Maximum Overlap Noise</b>		<b>75.4</b>
B Existing Los Robles Rehab Center to the east of the Project Site, along Lakeview Canyon Road at Via Merida	Demolition	1,200 to 1,500 feet	63
	Grading/Excavation		62
	Paving		59
	Construction		64
	Finishing/Painting		52
	<b>Maximum Overlap Noise</b>		<b>63.6</b>
C Existing Oaks Christian High School to the southeast of the Project Site, along La Tienda Road	Demolition	2,400 to 2,600 feet	55
	Grading/Excavation		54
	Paving		51
	Construction		55
	Finishing/Painting		44
	<b>Maximum Overlap Noise</b>		<b>55.4</b>
D Existing shopping center parking lot to the southwest of the Project Site, along US 101 southbound offramp	Demolition	150 to 400 feet	62
	Grading/Excavation		60
	Paving		57
	Construction		62
	Finishing/Painting		51
	<b>Maximum Overlap Noise</b>		<b>62.5</b>

NOTES:

- <sup>a</sup> Estimated construction noise levels represent the worst-case condition when noise generators are located closest to the receptors and are expected to last the entire duration of each construction phase.
- <sup>b</sup> During Project construction, there would be some activities in different construction phases or in different Planning Areas occurring at the same time, resulting in overlapping construction noise levels that are higher than construction noise levels from one single phase or from one single Planning Area

SOURCE: ESA 2022.

**TABLE 3.11-8  
ESTIMATED PA-2 CONSTRUCTION NOISE LEVELS AT EXISTING OFF-SITE RECEPTORS**

<b>Noise Sensitive Receptor</b>	<b>Construction Phases</b>	<b>Distance between Nearest Receptor and Construction Site, feet</b>	<b>Estimated Construction Noise Levels at Noise Sensitive Receptor by Construction Phase, a Hourly L<sub>eq</sub> (dBA)</b>
A Existing Westlake High School to the north of the Project Site, along Thousand Oaks Boulevard at Lakeview Canyon Road	Demolition	890 to 1,200 feet	61
	Grading/Excavation		59
	Paving		56
	Construction		61
	Finishing/Painting		50
	<b>Maximum Overlap Noise</b>		<b>61.5</b>
B Existing Los Robles Rehab Center to the east of the Project Site, along Lakeview Canyon Road at Via Merida	Demolition	1,200 to 1,500 feet	58
	Grading/Excavation		57
	Paving		54
	Construction		59
	Finishing/Painting		47
	<b>Maximum Overlap Noise</b>		<b>59.0</b>
C Existing Oaks Christian High School to the southeast of the Project Site, along La Tienda Road	Demolition	2,400 to 2,600 feet	53
	Grading/Excavation		52
	Paving		49
	Construction		53
	Finishing/Painting		41
	<b>Maximum Overlap Noise</b>		<b>53.2</b>
D Existing shopping center parking lot to the southwest of the Project Site, along US 101 southbound offramp	Demolition	150 to 400 feet	75
	Grading/Excavation		74
	Paving		70
	Construction		76
	Finishing/Painting		65
	<b>Maximum Overlap Noise</b>		<b>76.1</b>

## NOTES:

- <sup>a</sup> Estimated construction noise levels represent the worst-case condition when noise generators are located closest to the receptors and are expected to last the entire duration of each construction phase.
- <sup>b</sup> During Project construction, there would be some activities in different construction phases or in different Planning Areas occurring at the same time, resulting in overlapping construction noise levels that are higher than construction noise levels from one single phase or from one single Planning Area

SOURCE: ESA 2022.

## Operations

This section describes the activities relating to operation of the Project, including Project-related vehicular traffic and any on-site noise-generating equipment and activity.

### Traffic Noise Impacts on Off-Site Land Uses

To characterize the Project area's future day/night noise environment, the noise levels attributed to future traffic volumes on local roadways were estimated using a spreadsheet model developed based on the methodologies provided in FHWA Traffic Noise Model (TNM) Technical Manual.<sup>18</sup> In addition, the Caltrans Technical Noise Supplement (TeNS) document states that the peak hour

<sup>18</sup> FHWA, *Federal Highway Administration's Traffic Noise Model, Version 1.0 Technical Manual* (February 1998). [https://www.fhwa.dot.gov/environment/noise/traffic\\_noise\\_model/old\\_versions/tnm\\_version\\_10/tech\\_manual/index.cfm](https://www.fhwa.dot.gov/environment/noise/traffic_noise_model/old_versions/tnm_version_10/tech_manual/index.cfm).

traffic noise level would be equivalent to the  $L_{dn}$  level based on the assumptions of (1) the peak hour traffic volume would be 10 percent of the average daily traffic volume, and (2) the split of daytime and nighttime average daily traffic volume is 85/15 percent.<sup>19</sup>

**Table 3.11-9, Existing Baseline with Project Roadway Noise Levels** lists the existing Baseline and existing Baseline plus Project traffic noise levels. Traffic data is provided by W.G. Zimmerman Engineering, Inc. (February 2022). Adding the Project traffic to the existing conditions would result in increases on off-site land uses located along roadways in the vicinity of the Project site.

**TABLE 3.11-9  
 EXISTING BASELINE WITH PROJECT ROADWAY NOISE LEVELS**

Roadway Segment	Traffic Noise Levels (dBA CNEL)			
	Existing (2022) <sup>a</sup>	Existing (2022) with Project	Increase over Baseline	Significant Increase? <sup>b</sup>
Westlake Blvd b/t Thousand Oaks Blvd and US101 NB Offramp	73.7	73.8	0.1	No
Westlake Blvd b/t US101 NB Offramp and US 101 SB Offramp	74.5	74.6	0.1	No
Westlake Blvd n/o Thousand Oaks Blvd	71.4	71.4	0.0	No
Westlake Blvd s/o US 101 SB Offramp	70.9	70.9	0.0	No
Lakeview Canyon Rd b/t Thousand Oaks Blvd and Baxter Way	67.6	68.1	0.5	No
Lakeview Canyon Rd b/t Baxter Way and Via Merida	66.5	66.6	0.1	No
Lakeview Canyon Rd b/t Via Merida and La Tienda Rd	66.1	66.2	0.1	No
Lakeview Canyon Rd n/o Thousand Oaks Blvd	70.3	70.3	0.0	No
Lakeview Canyon Rd s/o La Tienda Rd	68.7	68.7	0.0	No
Promenade n/o Thousand Oaks Blvd	56.3	56.3	0.0	No
Thousand Oaks Blvd b/t Westlake Blvd and Promenade	73.8	74.0	0.2	No
Thousand Oaks Blvd b/t Promenade and Lakeview Canyon Rd	73.9	74.1	0.2	No
Thousand Oaks Blvd e/o Lakeview Canyon Rd	72.0	72.0	0.0	No
Thousand Oaks Blvd w/o Westlake Blvd	69.9	70.0	0.1	No
Via Merida e/o Lakeview Canyon Rd	70.4	70.4	0.0	No
Via Merida w/o Lakeview Canyon Rd	70.4	70.4	0.0	No
La Tienda Rd e/o Lakeview Canyon Rd	69.7	69.7	0.0	No
US 101 NB Offramp e/o Westlake Blvd	71.2	71.3	0.1	No
US 101 SB Offramp e/o Westlake Blvd	64.5	64.5	0.0	No
US 101 NB Offramp w/o Westlake Blvd	66.1	66.1	0.1	No
US 101 SB Offramp w/o Westlake Blvd	68.5	68.8	0.3	No

NOTES:

Decibel levels were calculated at a distance of 30 feet from the roadway centerline.

<sup>a</sup> Traffic study prepared for the Project identified 2022 traffic volumes as existing conditions.

<sup>b</sup> Threshold used for significant increase is 3 dBA.

<sup>c</sup> No existing sensitive land uses along this roadway segment; future residences proposed on-site would not be exposed to traffic noise levels exceeding 65 dBA CNEL.

SOURCE: ESA 2022

<sup>19</sup> California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol* (September 2013). [http://www.dot.ca.gov/hq/env/noise/pub/TeNS\\_Sept\\_2013B.pdf](http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013B.pdf).



As shown in Table 3.11-9, the existing Baseline plus Project traffic noise levels along the analyzed roadway segments in the Project vicinity would have noise level changes less than the 3 dBA increase which is considered less than a significant noise increase impact. Because the noise level increases on off-site land uses along roadways in the Project vicinity would be less than 3 dBA, the Project would result in a less than significant traffic noise impact.

### **On-Site Project Stationary Noise on Off-Site Land Uses**

#### **On-Site Fixed Mechanical Equipment Noise**

The operation of mechanical equipment typical of developments like the Project, such as air conditioners, fans, and related equipment, may generate audible noise levels. The Project's mechanical equipment would be located on rooftops or within buildings, and would be shielded from nearby land uses to attenuate the noise they would generate and avoid conflicts with adjacent uses. In addition, all mechanical equipment would be designed with appropriate noise control devices, such as sound attenuators, acoustics louvers, sound enclosures, and/or sound screen/parapet walls, to comply with the noise limitation requirements provided in the TOMC and the quantitative restrictions of prohibiting noise from such equipment from causing an increase in the ambient noise level by more than 5 dBA at nearby land uses. Therefore, compliance with the City's code general requirements and the quantitative restrictions would ensure that operation of the Project's fixed mechanical equipment would not increase ambient noise levels by more than 5 dBA at nearby land uses, and thus Project fixed mechanical equipment noise impacts would be less than significant.

#### **Loading Activities and Refuse Service Areas Noise**

The Project requires typical weekly refuse collection services for the apartment uses with refuse trucks accessing the Project site from Lakeview Canyon Road or Thousand Oaks Boulevard to the Project site. The Project would not include an exterior loading dock. Loading activities would be minimal given the nature of residential uses; thus a dedicated loading dock is not needed. Any periodic loading would occur on the paved parking area adjacent to the apartment buildings.

Loading activities, such as truck movements/idling and loading/unloading operations, would generate noise levels of approximately 70 dBA Leq at a reference distance of 50 feet from the noisiest portion of the truck (i.e., to the side behind the cab and in line with the engine and exhaust stacks) based on a noise survey that was conducted by ESA at a loading dock facility. Refuse collection vehicles would travel on Lakeview Canyon Road or Thousand Oaks Boulevard for refuse pickup. Refuse collection generally occurs on a weekly basis and usually lasts for several minutes similar to refuse pickup services for all other uses in the area, which would generate an incidental amount of noise and would result in a less than significant increase in ambient noise levels in the Project area.

#### **On-Site Parking Area Noise**

Parking would be provided within a parking structure at the southwestern corner of the Project site as well as within surface parking area. Sources of noise associated with parking areas typically include engines accelerating, doors slamming, car alarms, horns honking, tire squeals, and people talking. Noise levels at these facilities would fluctuate throughout the day with the amount of vehicle and human activity. Noise levels would generally be the highest in the morning

and evening peak traffic hours when the largest number of vehicles would enter and exit the parking structures.

For the purpose of providing a conservative, quantitative estimate of the noise levels that would be generated by vehicles entering and exiting the Project site, the methodology recommended by FTA for the general assessment of parking-related noise sources was used, as discussed in the Section 3.11.4, *Methodology*, above. Because there are no noise-sensitive receivers located within 500 feet of the proposed parking structure or surface parking area, less than significant noise impacts would occur from the use of the parking structure and surface parking areas.

### ***Cumulative Impact Analysis***

#### **Construction**

Based on a review of the cumulative projects list in Table 3-1 in Section 3.0, there are 24 related projects that could be under construction during the same time as the Project. Although these related projects would occur beyond 500 feet from the Project site, these cumulative construction activities would increase noise levels in the Project vicinity, and the increase in cumulative noise levels could be significant. As discussed above, construction activities associated with the Project would result in a substantial noise increase which would be considered a significant impact. Because the Project would result in a significant construction noise impact, the Project's contribution to cumulative noise levels would be cumulatively considerable.

#### **Operations**

##### **Cumulative Traffic Noise Impacts on Off-Site Land Uses**

**Table 3.11-10, *Cumulative and Cumulative with Project Roadway Noise Levels***, lists the Cumulative Baseline and Cumulative Baseline plus Project traffic noise levels. Adding the Project traffic to the future conditions would result in changes in the traffic noise levels. However, as shown in Table 3.11-10, the addition of Project traffic noise levels would be less than 3 dBA and would be considered less than cumulatively considerable.

**Table 3.11-11, *Existing and Cumulative with Project Roadway Noise Levels***, lists the existing baseline and cumulative baseline plus Project traffic noise levels. Adding the Project traffic to the cumulative conditions would result in changes in the traffic noise levels. As shown in Table 3.11-11, the addition of Project traffic noise levels would result in less than a 3 dBA increase on off-site uses adjacent to the analyzed roadways. Therefore, the Project's increase in traffic noise levels would be less than cumulatively considerable.

**TABLE 3.11-10  
CUMULATIVE AND CUMULATIVE WITH PROJECT ROADWAY NOISE LEVELS**

Roadway Segment	Traffic Noise Levels (dBA CNEL)			
	Cumulative (2030) <sup>a</sup>	Cumulative (2030) with Project	Increase over Baseline (Cumulative 2030)	Significant Increase? <sup>b</sup>
Westlake Blvd b/t Thousand Oaks Blvd and US101 NB Offramp	73.7	73.8	0.1	No
Westlake Blvd b/t US101 NB Offramp and US 101 SB Offramp	74.5	74.6	0.1	No
Westlake Blvd n/o Thousand Oaks Blvd	71.4	71.4	0.0	No
Westlake Blvd s/o US 101 SB Offramp	70.9	70.9	0.0	No
Lakeview Canyon Rd b/t Thousand Oaks Blvd and Baxter Way	67.6	68.1	0.5	No
Lakeview Canyon Rd b/t Baxter Way and Via Merida	66.5	66.6	0.1	No
Lakeview Canyon Rd b/t Via Merida and La Tienda Rd	66.2	66.2	0.0	No
Lakeview Canyon Rd n/o Thousand Oaks Blvd	70.3	70.3	0.0	No
Lakeview Canyon Rd s/o La Tienda Rd	68.7	68.7	0.0	No
Promenade n/o Thousand Oaks Blvd	56.3	56.3	0.0	No
Thousand Oaks Blvd b/t Westlake Blvd and Promenade	73.8	74.0	0.2	No
Thousand Oaks Blvd b/t Promenade and Lakeview Canyon Rd	73.9	74.1	0.2	No
Thousand Oaks Blvd e/o Lakeview Canyon Rd	72.1	72.1	0.0	No
Thousand Oaks Blvd w/o Westlake Blvd	69.9	70.1	0.2	No
Via Merida e/o Lakeview Canyon Rd	70.4	70.4	0.0	No
Via Merida w/o Lakeview Canyon Rd	70.4	70.4	0.0	No
La Tienda Rd e/o Lakeview Canyon Rd	69.7	69.7	0.0	No
US 101 NB Offramp e/o Westlake Blvd	71.2	71.3	0.1	No
US 101 SB Offramp e/o Westlake Blvd	64.5	64.5	0.0	No
US 101 NB Offramp w/o Westlake Blvd	66.1	66.1	0.0	No
US 101 SB Offramp w/o Westlake Blvd	68.6	68.8	0.2	No

## NOTES:

Decibel levels were calculated at a distance of 30 feet from the roadway centerline.

<sup>a</sup> Traffic study prepared for the Project identified 2030 traffic volumes as cumulative conditions.

<sup>b</sup> Threshold used for significant increase is 3 dBA.

SOURCE: ESA 2022

**TABLE 3.11-11  
 EXISTING AND CUMULATIVE WITH PROJECT ROADWAY NOISE LEVELS**

Roadway Segment	Traffic Noise Levels (dBA CNEL)			
	Existing (2022) <sup>a</sup>	Cumulative (2030) with Project	Increase over Existing	Significant Increase? <sup>b</sup>
Westlake Blvd b/t Thousand Oaks Blvd and US101 NB Offramp	73.7	73.8	0.1	No
Westlake Blvd b/t US101 NB Offramp and US 101 SB Offramp	74.5	74.6	0.1	No
Westlake Blvd n/o Thousand Oaks Blvd	71.4	71.4	0.0	No
Westlake Blvd s/o US 101 SB Offramp	70.9	70.9	0.0	No
Lakeview Canyon Rd b/t Thousand Oaks Blvd and Baxter Way	67.6	68.1	0.5	No
Lakeview Canyon Rd b/t Baxter Way and Via Merida	66.5	66.6	0.1	No
Lakeview Canyon Rd b/t Via Merida and La Tienda Rd	66.1	66.2	0.1	No
Lakeview Canyon Rd n/o Thousand Oaks Blvd	70.3	70.3	0.0	No
Lakeview Canyon Rd s/o La Tienda Rd	68.7	68.7	0.0	No
Promenade n/o Thousand Oaks Blvd	56.3	56.3	0.0	No
Thousand Oaks Blvd b/t Westlake Blvd and Promenade	73.8	74.0	0.2	No
Thousand Oaks Blvd b/t Promenade and Lakeview Canyon Rd	73.9	74.1	0.2	No
Thousand Oaks Blvd e/o Lakeview Canyon Rd	72.0	72.1	0.1	No
Thousand Oaks Blvd w/o Westlake Blvd	69.9	70.1	0.2	No
Via Merida e/o Lakeview Canyon Rd	70.4	70.4	0.0	No
Via Merida w/o Lakeview Canyon Rd	70.4	70.4	0.0	No
La Tienda Rd e/o Lakeview Canyon Rd	69.7	69.7	0.0	No
US 101 NB Offramp e/o Westlake Blvd	71.2	71.3	0.1	No
US 101 SB Offramp e/o Westlake Blvd	64.5	64.5	0.0	No
US 101 NB Offramp w/o Westlake Blvd	66.1	66.1	0.0	No
US 101 SB Offramp w/o Westlake Blvd	68.5	68.8	0.3	No

NOTES:

Decibel levels were calculated at a distance of 30 feet from the roadway centerline.

<sup>a</sup> Traffic study prepared for the Project identified 2022 traffic volumes as existing conditions and 2030 traffic volumes as cumulative conditions.

<sup>b</sup> Threshold used for significant increase is 3 dBA.

SOURCE: ESA 2022

### Cumulative Stationary Noise Impacts on Off-Site Land Uses

The implementation of cumulative projects could increase stationary noise sources such as mechanical equipment, loading/unloading activities, and parking areas. Because the nearest cumulative project is greater than 500 feet from the Project site, the stationary noise sources associated with the cumulative projects would not noticeably increase ambient noise levels in the vicinity of the Project site. Because the Project's stationary noise sources from mechanical equipment, loading/unloading activities, and the parking structure would result in less than significant noise impacts, the Project's cumulative impact would be less than cumulatively considerable.

### Cumulative Traffic Noise Impacts on On-Site Land Uses

The City of Thousand Oaks adopted its latest version of the Noise Element in May 2000. The noise level considered “normally unacceptable” for residential development is 65 dBA CNEL for all categories of residential land use and for office uses is 75 dBA CNEL. An exceedance of these standards could result in an interior noise level impact. The interior noise level standard for residences is 45 dBA CNEL while the City does not identify an interior noise level for office uses, but achieving the exterior noise level would achieve a less than significant interior noise level impact for office uses. While CEQA does not require the impact of the environment on a project, as discussed in the CEQA case of *California Building Industry Association vs. Bay Area Air Quality Management District*, the following analysis discusses potential exterior and interior noise exposures to the proposed residential units from cumulative traffic noise levels along U.S. 101, Thousand Oaks Boulevard and Lakeview Canyon Road and the potential exterior noise exposure to the existing on-site industrial office uses from increases in cumulative traffic noise along Lakeview Canyon Road (JD Supra 2015).

As shown in **Table 3.11-12, Freeway Traffic Noise Levels**, traffic noise levels along U.S. 101 between Westlake Boulevard and Lakeview Canyon Road would be 69.8 dBA CNEL at 1,100 feet from the freeway centerline which is the southwestern edge of the proposed on-site residential units. Freeway traffic noise extending to the proposed residential units would be attenuated from the existing on-site industrial office building and the proposed four-story parking garage structure in PA2 as well as partially by the existing landscaped berm located in the southwestern portion of the Project site. The industrial office building, proposed parking structure and the existing landscaped berm would provide shielding and function as a noise barrier for the proposed residential buildings within PA1. Such shielding effect would reduce freeway traffic noise by 5 to 8 dBA or more, for the westernmost and southernmost buildings, respectively. With shielding, the proposed residential units would be exposed to 61.8 to 64.8 dBA CNEL traffic noise from U.S. 101. Therefore, exterior noise levels at the proposed residential units would be less than 65 dBA CNEL.

**TABLE 3.11-12  
FREEWAY TRAFFIC NOISE LEVELS**

Roadway Segment	Traffic Noise Levels (dBA CNEL)
	Future (2030) <sup>a</sup>
<b>US 101 between Westlake Boulevard and Lakeview Canyon Road</b>	
Proposed Residential Buildings (1,100 feet to freeway centerline)	69.8
Shielding Effect from Existing Industrial Office Building and Proposed Parking Structure	5 dBA to 8 dBA
Attenuated Noise Levels at Proposed Residential Units	61.8 dBA to 64.8 dBA

NOTES:

Decibel levels were calculated at the building facade of receivers.

<sup>a</sup> Traffic volumes used for US 101 are projected to year 2030 as future buildout conditions.

SOURCE: ESA 2022

The proposed residential units would be located approximately 100 feet from the centerlines of Lakeview Canyon Road and Thousand Oaks Boulevard. As shown in Table 3.11-11 above, traffic noise levels at 30 feet from the centerline of Lakeview Canyon Road would be 68.1 dBA CNEL

and 30 feet from the centerline of Thousand Oaks Boulevard would be 74.1 dBA CNEL. At the exterior areas of the proposed residential buildings on the Project site, traffic noise would be 62.9 dBA at 100 feet from the centerline of Lakeview Canyon Road and traffic noise would be 68.9 dBA at 100 feet from the centerline of Thousand Oaks Boulevard.

Based on the exterior noise levels from U.S. 101, Lakeview Canyon Road and Thousand Oaks Boulevard, interior noise levels can be determined. Based on the U.S. EPA Protective Noise Levels, Condensed Version of EPA Levels Document (EPA 550/9-79-100, November 1978), standard buildings in warm climate areas would provide a 24 dBA exterior-to-interior noise attenuation with windows and doors closed, and 12 dBA noise attenuation with windows open.

Under the scenario of allowing windows of the proposed residential units facing U.S. 101, Lakeview Canyon Road and Thousand Oaks Boulevard to be open, the exterior to interior noise attenuation would be 12 dBA. Therefore, interior noise levels for residential windows facing U.S. 101 would range from 49.8 dBA to 52.8 dBA which would exceed the City's interior noise standard. Interior noise levels for residential windows facing Lakeview Canyon Road would be 50.9 dBA which would also exceed the City's interior noise standard. Finally, the interior noise levels for residential windows facing Thousand Oaks Boulevard would be 56.9 which would also exceed the City's interior noise standard. Therefore, a significant interior noise level impact would occur on the proposed residential units.

**Significance Determination before Mitigation:** Significant.

### ***Mitigation Measures***

#### **Project and Cumulative Mitigation Measures for Construction**

The following mitigation measures would be necessary for the Project during construction:

**Mitigation Measure N-1:** Prior to the issuance of a grading permit, the grading plans shall provide temporary construction noise barriers so that ambient noise levels at Westlake High School are not exceeded by 5 dB or more. Based on the current ambient noise levels of 68 dBA, noise levels shall not be less than 73 dBA. To achieve a construction noise levels of less than 73 dBA at Westlake High School, a temporary noise barrier with a minimum height of 8 feet above ground shall be installed along the northern Project boundary along Thousand Oaks Boulevard, and continue south along the northeastern Project boundary along Lakeview Canyon Road for 100 feet.

#### **Project and Cumulative Mitigation Measures for Operation**

The following mitigation measures would be necessary for the Project during operations:

**Mitigation Measure N-2:** Prior to the issuance of a building permit, the building plans for the proposed residential units shall provide mechanical ventilation, such as air conditioning, so that interior noise levels do not exceed 45 dBA.

**Significance Determination after Mitigation:** Less than Significant.

With the implementation of Mitigation Measure N-1, construction noise levels from the Project site would be reduced. This reduction would result in a noise contribution to ambient noise levels

from Project construction activities to be less than 5 dBA at Westlake High School. Therefore, construction noise levels would be reduced to less than significant.

With the implementation of Mitigation Measure N-2, the provision of mechanical ventilation would allow windows and doors of the residences to be closed. With the closed windows and doors, the residential buildings would provide an additional 12 dBA exterior to interior noise attenuation beyond the standard building attenuation with windows open of 12 dBA. Therefore, the proposed residential units facing U.S. 101, Lakeview Canyon Road and Thousand Oaks Boulevard to be open, the exterior to interior noise attenuation would be 12 dBA. Therefore, interior noise levels for residential windows facing U.S. 101 would reduce from a range of 49.8 dBA to 52.8 dBA with windows open to 37.8 dBA to 40.8 dBA with windows closed and the provision of mechanical ventilation. Interior noise levels for residential windows facing Lakeview Canyon Road would reduce from 50.9 dBA with windows open to 38.9 dBA with windows closed and the provision of mechanical ventilation. Finally, the interior noise levels for residential windows facing Thousand Oaks Boulevard would reduce from 56.9 dBA with windows open to 44.9 dBA with windows closed and the provision of mechanical ventilation. Therefore, the interior noise levels at the proposed residential units facing U.S. 101, Lakeview Canyon Road and Thousand Oaks Boulevard would be reduced to less than the 45 dBA interior noise standard and result in a less than significant impact.

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## Vibration

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**Impact 3.11-2: The Project would have a less than significant and less than cumulatively considerable impact from the generation of groundborne vibration or groundborne noise levels.**

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### ***Project Impact Analysis***

Because vibration level in RMS is best for characterizing human response to building vibration and vibration level in PPV is best used to characterize potential for damage, this construction vibration impact analysis will discuss the human annoyance using vibration levels in VdB and will assess the potential for building damages using vibration levels in PPV (inch/sec).

Equipment expected to be used on a maximum activity day includes the following:

- Demolition: 1 concrete/industrial saw; 3 excavators; 2 rubber-tired dozers
- Grading/Excavation: 1 bore/drill rig; 1 excavator; 1 grader; 1 rubber-tired dozer; 3 tractors/loaders/backhoes
- Construction: 1 crane; 3 forklifts; 1 generator; 3 tractors/loaders/backhoes; 1 welder
- Paving: 2 drum mixers; 2 pavers; 2 other equipment; 2 rollers
- Finishing/Coating: 1 man lift; 1 compressor (air)

The Project site contains shallow hard bedrock that needs to be removed by large bulldozers. Bulldozers and other heavy-tracked construction equipment generate approximately 87 VdB of

groundborne vibration when measured at 25 feet, based on the *Transit Noise and Vibration Impact Assessment* (FTA 2018). This level of groundborne vibration exceeds the threshold of human perception, which is approximately 65 VdB. Although this range of groundborne vibration levels would result in potential annoyance to sensitive receptors within residential buildings adjacent to the Project site, they would not cause any damage to the buildings. Construction vibration, similar to vibration from other sources, would not have any significant effects on outdoor activities (e.g., those outside the residential buildings in the Project vicinity). As shown in Table 3-2, FTA guidelines show that a vibration level of up to 102 VdB (an equivalent to 0.5 inch/sec PPV) (FTA 2018) is considered safe for buildings consisting of reinforced concrete, steel, or timber (no plaster), and would not result in any construction vibration damage. For a non-engineered timber and masonry building, the construction vibration damage criterion is 94 VdB (0.2 inch/sec PPV). The RMS values for building damage thresholds referenced in **Table 3.11-13, *Vibration Source Amplitudes for Construction Equipment***, were taken from the *Transportation and Construction Vibration Guidance Manual* (Caltrans 2020). Table 3.11-13 further shows the PPV values at 25 feet from the construction vibration source as well as vibration levels in terms of VdB at 25 feet from the construction vibration source.

**TABLE 3.11-13  
 VIBRATION SOURCE AMPLITUDES FOR CONSTRUCTION EQUIPMENT**

Equipment	Reference PPV/L <sub>v</sub> at 25 Feet	
	PPV (inch/sec)	L <sub>v</sub> (VdB)
Vibratory Roller	0.210	94
Earth Mover	0.011	69
Excavator	0.047	81
Wheel Loader	0.076	86
Large Bulldozer	0.089	87
Loaded Trucks	0.076	86
Small Bulldozer	0.003	58

NOTES: PPV = peak particle velocity; L<sub>v</sub> = velocity in decibels; inch/sec = inches per second; VdB = vibration velocity decibels.

SOURCE: FTA 2006, Table 12-2.

**Construction Vibration Structural Damage**

The closest off-site buildings adjacent to the Project site are approximately 200 feet from the nearest construction area on the Project site. Based on Table 3.11-3 and Table 3.11-4, it would take a vibration PPV level of more than 0.2 inch/sec or 0.5 inch/sec to potentially result in any building damages. The Project site contains shallow hard bedrock that needs to be removed by heavy bulldozers. Table 3.11-13 shows that none of the construction activities anticipated on the Project site, including large bulldozers, would result in a vibration level that would reach 0.5 inch/sec PPV at 25 feet from each of the Project construction equipment and/or activities.

Existing buildings in the Project vicinity include Guitar Center Corp to the east, 500 feet; Westlake Village Marmalade Café to the west, 300 feet; and the AmeriHome Mortgage Company



located within the on-site industrial office building south of the proposed construction activities, 200 feet. At 200 feet, where the nearest office building is located, the vibration level would be reduced to 0.009 inch/sec PPV. Even under the condition that the Project site contains shallow hard bedrock that may affect the distance attenuation of the vibration sources, the vibration level from large bulldozer would be lower than the 0.089 inch/sec measured at 25 feet. It would definitely be lower than the vibration damage threshold of 0.210 inch/sec PPV even if no vibration attenuation is achieved through the shallow hard bedrock on the Project site. Off-site buildings are farther away from the proposed construction area than the existing on-site industrial office building and would be exposed to even lower construction vibration levels. Therefore, no building damages would occur as a result of the Project construction.

### Construction Vibration Human Annoyance

The closest off-site groundborne vibration human annoyance receptors (buildings associated with Westlake High School or Los Robles Rehabilitation Hospital) to the Project site are located approximately 1,000 feet from the nearest construction area on the Project site. **Table 3.11-14, Summary of Construction Equipment and Activity Vibration**, lists the projected vibration level from various construction equipment expected to be used on the Project site to the sensitive uses in the Project vicinity. For the Project construction activity, the equipment with the highest vibration generation potential is the large bulldozer, which would generate 87 VdB at 25 feet. With the vibration attenuation through distance divergence, the vibration from Project construction would be reduced by 48 VdB at the nearest buildings at the Los Robles Rehabilitation Center adjacent to the Project site that are at least 1,000 feet from the Project construction area boundary. The highest construction vibration levels at the off-site sensitive buildings adjacent to the Project Site would be 46 VdB or lower. Even under the condition that the Project site contains shallow hard bedrock that may affect the distance attenuation of the vibration sources, the vibration level from large bulldozer would be lower than the 87 VdB measured at 25 feet, even if no vibration attenuation is achieved through the shallow hard bedrock on the Project site.

**TABLE 3.11-14  
SUMMARY OF CONSTRUCTION EQUIPMENT AND ACTIVITY VIBRATION**

Equipment/Activity	Vibration Level (VdB)			
	At 25 Feet	Distance Attenuation	Intervening Terrain <sup>a</sup>	Maximum Vibration Level
<b>Los Robles Rehabilitation Center to the East (1,000 feet)</b>				
Large dozers, front end loaders, grader, backhoe	87	48	0	39
Vibratory rollers <sup>b</sup>	94	48	0	46
Forklift	79	48	0	31

**NOTES:**

The FTA recommended building damage threshold is 0.2 inch/sec or approximately 94 VdB at the receiving property structure or building.

<sup>a</sup> No intervening structure that would provide a damping effect on vibration.

<sup>b</sup> Vibratory rollers represent the construction equipment with the highest vibration potential that would be used on-site. Other equipment would result in a lower vibration when compared to that of large bulldozers.

SOURCE: Compiled by ESA 2022.

As shown in Table 3.11-14, all construction equipment vibration levels would not exceed the FTA's 78 VdB threshold at the nearest noise-sensitive receiver locations during daytime hours or the FTA's 84 VdB threshold for annoyance of occupants in commercial/office buildings.

### **Summary of Construction Vibration Impacts**

The Project site contains shallow hard bedrock that needs to be removed by heavy bulldozers. Table 3.11-14 lists the maximum vibration levels that would result from the on-site construction equipment. The projected maximum construction vibration level during Project construction at the nearest noise-sensitive receiver locations (Westlake High School and the Los Robles Rehabilitation Center) would not exceed the FTA's vibration standards of 78 VdB for sensitive uses (residences) or the FTA's 84 VdB threshold for commercial/office buildings. The Project would result in less than significant construction vibration impacts.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Due to rapid attenuation characteristics of groundborne vibration, only related projects located adjacent to the same sensitive receptors would result in cumulatively considerable vibration impacts. None of the related projects are located adjacent to both the Project and to nearby sensitive receptors identified for the Project. Therefore, construction and operation of the Project, when considered together with related projects, would result in a less than significant vibration impact. Because the Project construction activities would result in a less than significant vibration impact, the Project's contribution to cumulative vibration impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project and Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## 3.12 Population and Housing

This section examines the existing population, housing, and employment conditions in the Project area. The following section assesses existing conditions and compares the differences between forecasts based on the Project and regional growth projections for the City of Thousand Oaks. The discussion of population, housing, and employment provided below is based on the Project, Southern California Association of Governments (SCAG) 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), California Department of Finance (DOF) estimates, and the most recent U.S. Census Bureau Redistricting Data for the City of Thousand Oaks (2020). Historical population, housing, and employment data for the Project area was provided by the DOF. The buildout of the Project would occur within the SCAG 2020–2045 RTP/SCS horizon.

### 3.12.1 Environmental Setting

#### Population

The Project site is located within the City of Thousand Oaks, which encompasses 55.2 square miles, and is situated in the Conejo Valley in southeastern Ventura County, halfway between the cities of Los Angeles and Santa Barbara (U.S. Census Bureau 2022). The DOF estimates that the existing population in the City of Thousand Oaks for the year 2021 is 125,426 persons, representing approximately 15.0 percent of Ventura County’s total population of 835,223 (DOF 2021). The recent population growth of the region from 2010–2020 is an extension of the existing slow growth pattern observed during the 2000–2010 period. While job growth and unemployment drops have characterized the recovery from the Great Recession between December 2007 to June 2009, slower population growth is anticipated not just in the SCAG region but across California and nationwide. Historically, the SCAG region’s population growth has dramatically outpaced the United States—1.7 percent compared to 1.1 percent for the period from 1970 to 2000. However, since 2000, average annual growth rates in the region have been comparable to its decline. Slow growth is expected to continue for the region for the foreseeable future (SCAG 2021).

**Table 3.12-1, *Regional Population 2016–2045 Forecast***, shows population figures for the year 2016 and 2021, and SCAG estimates for year 2045. As shown, population within the City decreased from 129,216 to 125,426 between 2016 and 2021, or 3 percent.

As discussed above, while growth rates are at a historic low, this still results in gradual increases to the total population. In the SCAG region, a 0.6 percent annual growth rate corresponds to about 114,000 new residents annually, or nearly 3 million new residents between 2020 and 2045 (SCAG 2020). SCAG projects the 2045 population for Ventura County will be 947,000, a 13.4 percent increase from 2021. **Table 3.12-2, *Total Housing Units from 2016–2045***, provides DOF population figures for the City of Thousand Oaks and Ventura County in 2016 and 2021, and SCAG projections for 2045 (DOF 2021; SCAG 2020).

**TABLE 3.12-1  
 REGIONAL POPULATION 2016–2045 FORECAST**

Location	2016	2021	2045
City of Thousand Oaks	129,216	125,426	144,700
Total Population within Ventura County	849,335	835,223	947,000

SOURCES: DOF 2021; DOF 2016; SCAG 2020.

## Housing

According to data provided by the DOF, there were 47,925 housing units within the City of Thousand Oaks in 2016 and 48,169 housing units in 2021 (DOF 2021). The housing stock increased by 0.5 percent between 2016 and 2021. Table 3.12-2 shows the total number of available housing units within Ventura County and the City of Thousand Oaks, between 2016–2045.

**TABLE 3.12-2  
 TOTAL HOUSING UNITS FROM 2010–2045**

Location	2016	2021	2045	Persons Per Household (2021)
City of Thousand Oaks	47,925	48,169	51,300	2.60
Total Housing Units within Ventura County	273,286	292,100	306,000	2.86

SOURCES: DOF 2021; DOF 2016; SCAG 2020, SCAG, 2019.

## Vacancy Rate

According to the DOF, housing is in short supply in the County (5.3 percent vacancy rate) and even shorter supply within the City of Thousand Oaks (3.7 percent vacancy rate) (DOF 2021). Both areas have vacancy rates less than the national vacancy rate of 9.9 percent.<sup>1</sup>

## Employment

In December 2021, the California Employment Development Department (CA EDD) estimated that there were 59,900 jobs in the City of Thousand Oaks (CA EDD 2021). Based on the CA EDD labor force data, the jobs in Thousand Oaks represented approximately 15.8 percent of total Ventura County employment (average of 379,991 jobs in 2021 based on monthly data). In 2016 there were 403,100 jobs in Ventura County. This constitutes a job decrease of 6 percent in the County between 2016 and 2021. **Table 3.12-3, *City of Thousand Oaks and Ventura County Employment, 2016–2045***, shows the employment historic data and projections between 2016 and 2045.

<sup>1</sup> According to the DOF the City of Thousand Oaks currently has 1,805 vacant units and 46,364 occupied units (3.7 percent vacancy rate). Ventura County has 15,607 vacant units and 292,100 occupied units (5.3 percent vacancy rate). According to the U.S. Census Bureau: Decennial Census Data from 2020: The national vacancy rate is 9.866 percent (13,681,156 vacant units and 126,817,580 occupied units).

**TABLE 3.12-3  
 CITY OF THOUSAND OAKS AND VENTURA COUNTY EMPLOYMENT, 2016–2045**

Location	2016	2021	Percent Change	2045	Percent Change from 2021 to 2045
Project Area (City of Thousand Oaks)	62,800	59,900	-5%	80,000	+34%
Ventura County	403,100	379,991	-6%	389,000	+2%

SOURCES: CA EDD 2021; CA EDD 2016; SCAG 2020.

## 3.12.2 Regulatory Framework

### Federal

No federal regulations related to population and housing apply to the Project.

### State

#### ***California Building Standards Code***

In 2001, California consolidated the Uniform Building, Plumbing, Electrical, and Mechanical codes into the California Building Standards Code, which is contained in Title 24 of the California Code of Regulations. The California Building Standards Code contains 11 parts: Electrical Code, Plumbing Code, Administrative Code, Mechanical Code, Energy Code, Residential Building Code, Historical Building Code, Fire Code, Existing Building Code, Green Building Standards Code, and the Reference Standards Code. These codes promote public health and safety and ensure that safe and decent housing is constructed in the state. The codes serve to protect residents from hazards and risks, and are not considered to be undue constraints to housing production. The 2019 California codes became effective in January 2020 (DGS 2020).

#### ***The Housing Crisis Act of 2019 (Senate Bill 330)***

Through the passage of the Housing Crisis Act of 2019 (Senate Bill 330), codified in the Government Code, effective January 1, 2020, the state legislature has declared a statewide housing emergency. The goal of the Housing Crisis Act is to suspend certain restrictions on development of new housing and encourage local governments to approve more housing development projects.

### Regional

#### ***SCAG Regional Growth Management Policies***

The Southern California Association of Governments (SCAG) is recognized by the state and federal governments as the regional planning agency for the six-county south coast region that includes Ventura County. In 2004, SCAG adopted a voluntary regional growth strategy known as the Compass Blueprint. SCAG’s Compass Blueprint is an advisory or voluntary plan that promotes mixed-use development, better access to jobs, conservation of open space, public/private partnerships, and user-fee infrastructure financing, improving the capacity and efficiency of movement of goods, reducing vehicle miles traveled (VMT), improving air quality,

improving housing availability and affordability, renovating urban cores, and creating over 500,000 high-paying jobs (SCAG 2007).

Further elaborating on the Compass Blueprint, the Regional Comprehensive Plan (RCP), which was adopted by SCAG in 2008, is a major advisory plan prepared by SCAG that addresses important regional issues like housing, traffic/transportation, water, and air quality. The RCP serves as a framework for decision-making by local governments, assisting them in meeting federal and state mandates for growth management, mobility, and environmental standards, while maintaining consistency with regional goals regarding growth and changes through the year 2045 and beyond (SCAG 2020). Further, the RCP lays the groundwork for the more robust 2016 and 2020 updates of the Regional Transportation Plan/Sustainable Communities Strategies (RTP/SCS's), which essentially truncate the RCP, and recommends key roles and responsibilities for public and private sector stakeholders and invites them to implement reasonable policies that are within their control.

In 2020, the Regional Council of SCAG adopted Connect SoCal (2020–2045 Regional Transportation Plan/Sustainable Communities Strategy), the most recent update of the SCAG RTP/SCS. Connect SoCal, also referred to as the 2020–2045 RTP/SCS, was developed to increase mobility for the region's residents and visitors (SCAG 2020). Furthermore, the 2020–2045 RTP/SCS commits to reducing emissions from transportation sources to comply with SB 375, improving public health, and meeting the National Ambient Air Quality Standards. The 2020–2045 RTP/SCS envisions combining transportation and land use elements in order to achieve emissions reduction targets set by the California Air Resources Board (CARB).

As part of a triennial process of updating the federally mandated RTP, SCAG is responsible for producing socioeconomic forecasts and developing, refining, and maintaining macro and small-scale forecasting models. These forecasts are developed in close consultation with a Technical Advisory Committee consisting of local government and other public agencies, California Department of Finance (DOF), County Transportation Commissions and other major stakeholders.

The forecasts are developed in five-year increments through the year 2035 in the 2008 RTP and 2012–2035 RTP/SCS, through the year 2040 in the 2016–2040 RTP/SCS, and through the year 2045 in the most recent 2020–2045 RTP/SCS.

The forecast is relied upon for preparation of the RTP, the Air Quality Management Plan (AQMP), RTIP, and the Regional Housing Needs Allocations (RHNA). Consistency with the growth forecast, at the subregional level, is one criterion that SCAG uses in exercising its federal mandate to review “regionally significant” development projects for conformity with regional plans. SCAG's current forecast is the one prepared for the 2020–2045 RTP, which utilizes 2010 Census and 2016 American Communities Survey (ACS) data as a baseline.

Based on SCAG's 2020 Forecast, the annual household growth (0.83 percent) is expected to outpace both population growth (0.61 percent) and employment growth (0.62 percent) within the SCAG region (SCAG 2020).



### **SCAG Regional Housing Needs Assessment**

State Housing Law mandates that local governments, through Councils of Governments (such as SCAG), identify existing and future housing needs in a Regional Housing Needs Assessment (RHNA). The RHNA provides recommendations and guidelines to identify housing needs within cities and unincorporated areas but does not impose requirements as to housing development. SCAG, as the regional planning agency, is responsible for allocating the RHNA to each local jurisdiction within its region. The 6th Cycle Final RHNA adopted by SCAG on March 22, 2021, for the planning period of 2021–2029 has identified a future housing need of 2,621 for the City of Thousand Oaks to be accommodated within the 7-year RHNA planning period (SCAG 2021).

**Table 3.12-4, RHNA Needs by Income Category for The City of Thousand Oaks**, shows the RHNA allocation for the City.

**TABLE 3.12-4  
 RHNA NEEDS BY INCOME CATEGORY FOR THE CITY OF THOUSAND OAKS**

<b>Income Category</b>	<b>6th Cycle RHNA Need</b>	<b>5th Cycle RHNA Need</b>	<b>5th Cycle RHNA Production (2021)</b>	<b>5th Cycle RHNA Attainment (%)</b>
Very Low	735	47	16	34%
Low	494	32	2	6.25%
Moderate	532	36	267	100%
Above Moderate	860	77	397	100%
<b>Total</b>	<b>2,621</b>	<b>192</b>	<b>682</b>	<b>60%</b>

SOURCES: SCAG 2021; California Department of Housing and Community Development 2021.

## **Local**

### **City of Thousand Oaks General Plan**

The City of Thousand Oaks General Plan contains policies that regulate the use of land within the City, including the Project site and its vicinity, and provides a long-term vision for the future physical evolution of the City as it seeks to achieve its desired future. Following are goals and policies of the Housing Element that are relevant to the Project.

### **Housing Element**

The Housing Element is one of seven mandatory elements of the City’s General Plan. The Housing Element provides an overview of demographics, household, housing stock, economic, and regulatory factors affecting housing development and affordability within the Project area. The Housing Element sets forth a series of goals and implementing policies to address a variety of housing issues, including identifying vacant and underutilized sites to accommodate the City’s Regional Housing Needs Allocation (RHNA). The RHNA is a state-mandated number of units by income category for which a jurisdiction must identify adequate development potential. The 2021–2029 City of Thousand Housing Element identifies adequate sites, densities, and appropriate development standards for development in the City. The draft 6th Cycle 2021–2029 Housing Element was previously reviewed by Planning Commission on September 27, 2021, and has been reviewed by the California Department of Housing and Development. On January 10,

2022, the Planning Commission reviewed and made a recommendation to approve the Housing Element to City Council. The following goals in the 2021–2029 Housing Element that are relevant to the Project:

**Goal 1:** Provide a wide range of housing opportunities for persons of all income levels.

**Goal 2:** Provide housing opportunities for persons with special needs.

**Goal 4:** Preserve existing affordable housing opportunities.

**Goal 5:** Affirmatively further fair housing.

### 3.12.3 Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to population and housing if it would:

- Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (see to Impact 3.12-1, below).
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (see Section 5.1.9 in Chapter 5, *Other CEQA Considerations*).

### 3.12.4 Methodology

The focus of environmental analysis prepared under CEQA is a project’s potential to cause effects on the physical environment.<sup>2</sup> Accordingly, the State CEQA Guidelines state that while economic or social information may be included in an EIR, or may be presented in whatever form the lead agency desires; social and economic effects shall not be treated as significant effects on the environment.<sup>3</sup> The CEQA Guidelines make clear that there must be a physical change resulting from a project directly or indirectly for an impact to be considered significant.<sup>4</sup>

Social and economic effects, including employment, are relevant CEQA issues to the extent that a chain of cause and effect can be traced from a project through anticipated social and economic changes resulting from that project, to physical changes caused in turn by the economic and social changes (CEQA Guidelines, Sections 15131(a) and 15064(f)). If a project’s physical impacts would cause social or economic effects, the magnitude of the social or economic effects may be relevant in determining whether a physical impact is “significant” (CEQA Guidelines Section 15131(b)). If the physical change causes adverse economic or social effects on people, those

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<sup>2</sup> “Environment” means the physical conditions that exist within the area that will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance (Pub. Res. Code §21060.5).

<sup>3</sup> CEQA Guidelines §15131(a) and 15064(f); see also Public Resources Code §21100 and 21151. “Significant effect on the environment” means a substantial, or potentially substantial adverse change in the environment (Pub. Res. Code §21068).

<sup>4</sup> See discussion following CEQA Guidelines §15131.

adverse effects may be used as the basis for determining that the physical change is significant (CEQA Guidelines, Section 15064(f)).

Population growth impacts are based on an analysis of the number of people anticipated during construction of, and at build out of the Project. The scale of population during construction and at build out is then compared with official population growth forecasts for the project region (i.e., the City of Thousand Oaks). The Project area's population and growth that would result from Project implementation was examined in the context of existing and projected population for the City. If build out of the Project would exceed growth projections, the resulting growth would be determined to be "substantial." However, the determination of whether the Project represents a significant impact, is whether the Project would induce additional growth that would result in significant impacts to the environment.

### 3.12.5 Impacts Analysis

#### Induce Population Growth

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**Impact 3.12-1: The Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) and would result in less than significant and less than cumulatively considerable inducement impacts.**

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#### ***Project Impact Analysis***

As described in Chapter 2, Project Description, the Proposed Project would introduce a total of 264 residential units to the area, which would increase the population within the Project site and in the area. The Project includes the removal of surface parking areas for the construction of a parking structure, four residential buildings with subterranean parking, surface parking, and infrastructure and circulation improvements. The Project site does not contain any housing or residential units.

#### **Construction**

Although the Project is likely to induce some growth as a result of construction, including utilities and associated utility lines, the growth is not considered to be substantial, and it would not significantly increase existing population numbers within the City. It is anticipated that construction workers would commute from the local area and would be existing residents of Ventura County and the SCAG region. Therefore, construction activities associated with the Project would result in less than significant growth inducement impacts in the Project vicinity.

#### **Operation**

The Project would induce population growth with the introduction of 264 residential units; however, according to SCAG's 2020–2045 RTP/SCS Demographic and Job Forecast, the amount of population growth anticipated in the City of Thousand Oaks between the year 2021 through 2045 would be 15 percent.

According to DOF population and housing data, there are approximately 2.6 persons per household within the City of Thousand Oaks (DOF 2021). Following this growth rate, the Project would add approximately 687 people to the City of Thousand Oaks with the development of 264 residences, substantially less than the anticipated growth in population by year 2045 (19,274 additional persons).

In accordance with defined future housing needs, the City must balance land use activities to accommodate future housing development and meet RHNA's state housing law compliance for different affordability levels. The Project would be located adjacent to major transportation corridors and employment opportunities, and would provide appropriate housing stock to accommodate future growth within the City. Moreover, in consideration of other residential land uses and housing development occurring within the County, the anticipated 687 new residents are within the forecasted population growth of the Housing Element planning cycle. The draft RHNA for the 2021 to 2029 Housing Element planning cycle allocates 2,621 housing units to the City of Thousand Oaks. The Project includes the construction of affordable housing units; 16 units to be designated for very low income residents and 18 units to be designated for low income residents. The proposed affordable housing units will assist in meeting the City's RHNA requirements.

In addition, the planned employment growth within the City is expected to be a 34 percent increase over 2021 employment, an increase of 20,100 employment opportunities. The Project's increase in population growth through additional housing would provide additional employees to assist in meeting the City's planned employment growth. Because the increase in population and housing units would be consistent with the planned growth for the City of Thousand Oaks, the Project would result in less than significant growth inducement impacts in the Project vicinity.

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

The Project would provide housing options within the City and County, and thereby contribute to an increase in local residents. However, because housing is in short supply in the County (5.3 percent vacancy rate) and even shorter supply within the City of Thousand Oaks (3.7 percent vacancy rate), and because the Project would result in a relatively small percentage (4 percent of the anticipated population increase in the City of Thousand Oaks by 2045)<sup>5</sup>, the contribution to cumulative population growth as a result of the Project would not result in a cumulatively considerable impact.

The cumulative context for population and housing growth is the projects listed in **Table 3-1, Cumulative Projects**, in Chapter 3.0 Environmental Setting, which include projects that are similar nature or proposed use of development, are in geographic proximity to the Project, or may involve similar infrastructure that may result in a cumulative impact.

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<sup>5</sup> Based on the anticipated population of 19,274 persons within Thousand Oaks by 2045, the Project's 687 new residents would result in 4 percent of the anticipated population growth.

Of the 24 related projects listed in Table 3-1, 17 include residential developments, totaling 1,255 units that would accommodate a population of approximately 3,263 persons.<sup>6</sup> Based on the RHNA for the 2021 to 2029 Housing Element planning cycle, a total of 2,621 additional housing units would be allocated for the City of Thousand Oaks. When combined with the Project's 264 units and estimated population of 687 persons, cumulative residential development amounts to approximately 1,942 units and approximately 3,950 persons.

By 2026, development of the Project in conjunction with applicable related projects in the City would account for approximately 20.5 percent (1,942 units) of the anticipated growth in housing units in the City of Thousand Oaks, and 14 percent of the anticipated growth in total residents.

Because development of the Project and the related projects would help address a portion of housing demand and serve anticipated population growth in the Project area as well as providing additional employees within the City to accommodate the planned increase in employment, the Project's contribution to growth inducing impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## 3.12.6 References

California Department of Housing and Community Development. 2021. APR Dashboard – Housing Element Open Data Project. Available at: <https://www.hcd.ca.gov/community-development/annual-progress-reports.shtml>. Accessed on November 8, 2021.

California Employment Development Department (CA EDD). 2021. Labor Force and Unemployment Rate for Cities and Census Designated Places. Available at: <https://www.labormarketinfo.edd.ca.gov/data/labor-force-and-unemployment-for-cities-and-census-areas.html>. Accessed on March 25, 2022.

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<sup>6</sup> Based on a rate of 2.6 persons per household, the Project combined with other cumulative projects (3,263 residents) would result in approximately 3,950 additional residents.

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SCAG. 2021. Regional Housing Needs Assessment (RHNA), *6<sup>th</sup> Cycle Final*. Adopted March 22, 2021. Available at: [https://scag.ca.gov/sites/main/files/file-attachments/6th\\_cycle\\_final\\_rhna\\_allocation\\_plan\\_070121.pdf?1646938785](https://scag.ca.gov/sites/main/files/file-attachments/6th_cycle_final_rhna_allocation_plan_070121.pdf?1646938785). Accessed on March 25, 2022.

U.S. Census Bureau. 2022. Profile Report for the City of Thousand Oaks, California. Available at <https://data.census.gov/cedsci/profile?g=1600000US0678582>. Accessed on February 20, 2022.

## 3.13 Public Services and Recreation

This section identifies and evaluates issues related to public services and recreational facilities serving the proposed Project. It includes a description of existing services facilities including fire protection, police services, schools, libraries and recreational facilities and an evaluation of potential impacts associated with implementation of the Project. A discussion of applicable state, local, and regional plans and/or programs is also included. This section is based on multiple data sources, including written correspondence and coordination with public service providers.

### 3.13.1 Environmental Setting

#### Fire Protection

The City of Thousand Oaks is within the Ventura County Fire Prevention District, and fire prevention and suppression services are provided by the Ventura County Fire Department (VCFD). The VCFD has approximately 600 employees and 33 fire stations throughout Ventura County. Battalion 3 commands the Conejo Valley area, and its headquarters are located at 325 W Hillcrest Drive in Thousand Oaks. The Battalion Chief commands the eight fire stations located in the Conejo Valley that serve the City of Thousand Oaks. The nearest fire station to the Project site is VCFD Station 31, Westlake, approximately 1.3 miles to the northwest.

The VCFD has a goal of a first unit on scene within 8.5 minute (with 5-minute travel time) for suburban areas 90 percent of the time and extinguish 95 percent of all wildfires at 10 acres or less. The strategy of crew deployment is to spread crews across a community for quick response to keep emergencies small and with positive outcomes, without spreading the crews so far apart that they cannot amass together quickly during a major emergency (VCFPD 2017). The majority of Thousand Oaks is within 2 miles of a fire station, which allows VCFD to meet its response time goals. Four additional stations are regularly available to assist the eight located within the Conejo Valley. These are Station 40 Mountain Meadows in Moorpark, and Station 44 Wood Ranch in Simi Valley, and two stations west of the City (Station 52 Mission Oaks and Station 54 Camarillo, both in Camarillo). The VCFD also has a number of mutual aid or automatic aid agreements with other fire service agencies including Los Angeles County and the City of Los Angeles, which are employed on an as-needed basis. Los Angeles County Fire Station 144 is approximately 1.2 miles directly south of the Project site. In addition, every emergency response institution within the State of California is bound by the terms of the California Disaster and Civil Defense Master Mutual Aid Agreement, which creates a statewide mutual aid network wherein facilities throughout the state can be mustered to render mutual aid to divert natural or human-made disasters. Emergency response institutions also use the same incident response system, which allows easy collaboration.

#### Police Protection

Since its incorporation in 1964, Thousand Oaks has contracted with the Ventura County Sheriff's Department (VCSD) for law enforcement services. The VCSD East County Patrol Station, located approximately 2.1 miles east of the Project site would service the Project site. The East County Police Station and the Thousand Oaks Police Department share a 58,000-square-foot facility located in the northeastern part of the City. The Police Department is a full-service

provider to the citizens of Thousand Oaks. In addition to the City of Thousand Oaks, the East County Station provides police services to unincorporated areas such as Lynn Ranch, Casa Conejo, Kelley Estates, Hidden Valley, Oak Park, and Bell Canyon. The VCSD headquarters are located at 800 South Victoria Avenue in the City of Ventura, located approximately 25.8 miles west of the Project Site. The VCSD has seven patrol stations throughout the county and one that provides police protection services to the City of Thousand Oaks.

## Public Schools

The Project site is located within the Conejo Valley Unified School District (CVUSD) boundaries for elementary (grades K–5), middle (grades 6–8), and high schools (grades 9–12). The Project site is within the Westlake Hills Elementary school attendance area, the Colina Middle School attendance area, and the Westlake High School attendance area (CVUSD 2022). Students within the Project site boundary could be served by the following three K–12 schools:

- Westlake High School, located at 100 N. Lakeview Canyon Road and approximately 0.4 miles north from the Project site
- Colina Middle School, located at 1500 E Hillcrest Drive and approximately 3.8 miles northwest from the Project site
- Westlake Hills Elementary School, located at 3333 S. Medicine Bow Court approximately 1.7 miles north from the Project site

**Table 3.13-1** provides enrollment data and capacity for the 2020–2021 school year for the schools that serve the Project site.

**TABLE 3.13-1  
 EXISTING CVUSD SCHOOLS SERVING THE PROJECT AREA**

School/Type	Location	Grade Level	Enrollment 2020–2021 <sup>a</sup>	School's Capacity <sup>b</sup>
Westlake Hills Elementary School	3333 S. Medicine Bow Court Westlake Village, CA 91362	K–5	424	725
Colina Middle School	1500 E. Hillcrest Drive Thousand Oaks, CA 91362	6–8	878	1,392
Westlake High School	100 N. Lakeview Canyon Road Westlake Village, CA 91362	9–12	2,198	2,314

NOTES:

<sup>a</sup> This number is student enrollment data provided by the California Department of Education.

<sup>b</sup> Capacity data according to correspondence with Debra Hanna, CVUSD Planning Specialist.

SOURCES: DOE 2022; Hanna 2022.

According to the California Department of Education (DOE), enrollment within CVUSD shown an overall district-wide decline over the past five school years. As shown in **Table 3.13-2** below, DOE data indicates that during the 2020–2021 school year there were a total of 17,397 students enrolled in CVUSD, an 8 percent decline compared to the 18,918 students enrolled in the 2016–2017 school year (DOE 2022).



**TABLE 3.13-2  
 CVUSD ENROLLMENT TRENDS**

School	Student Enrollment					Change	Percentage Change
	2016–2017	2017–2018	2018–2019	2019–2020	2020–2021	2016–17 to 2020–21	2016–17 to 2020–21
Westlake Hills Elementary School	492	502	501	560	424	-68	-13.8%
Colina Middle School	990	996	1,007	939	878	-112	-11.3%
Westlake High School	2,320	2,194	2,280	2,310	2,198	-122	-5.3%
District-wide (K–12)	18,918	18,733	18,408	18,345	17,397	-1,521	-8.0%

SOURCE: DOE 2022.

The identified pupil-per-home yield (generation rates) per grade level for all types of residential homes is provided in the District’s Measure I Facilities Master Plan 2017. The CVUSD 2017 generation rates include the following:

- Single Family Units
  - Elementary School (K–5) - 0.1549 students per residential unit
  - Middle School (6–8) - 0.0976 students per residential unit
  - High School (9–12) - 0.1511 students per residential unit
- Multi-Family Units
  - Elementary School (K–5) - 0.1426 students per residential unit
  - Middle School (6–8) - 0.0713 students per residential unit
  - High School (9–12) - 0.0978 students per residential unit

The CVUSD requires the payment of fees for all development and construction projects exceeding 500 square feet within the boundaries of the District pursuant to Education Code 17620 and Government Code 65995. The current 2020 fees are \$3.36 per square foot of residential development and \$0.54 per square foot of commercial/senior citizen dwelling units (CVUSD 2022).

## Parks

The Conejo Recreation and Park District provides the City of Thousand Oaks with parks and recreation services. In 1962, voters created the Conejo Recreation & Park District. The District serves nearly 140,000 Conejo Valley residents by maintaining more than 50 parks and recreation facilities, offering thousands of classes each year, hosting dozens of community events, and, in cooperation with the City of Thousand Oaks, caring for more than 15,000 acres of open space and 140 miles of trails via the Conejo Open Space Conservation Agency (COSCA). The District consists of 91 full-time, 53 regular part-time, and approximately 325 part-time/seasonal employees, contract instructors who supply recreational offerings. Additionally, the District heavily relies on more than 1,000 volunteers each year.

District facilities within the City of Thousand Oaks include the following:

- Borchard Community Center, approximately 9.1 miles west of the Project site
- Cameron Center, approximately 6 miles west of the Project site
- Community pools (Community Pool at CLU, Thousand Oaks High School Pool, Newbury Park High School Pool)
- Conejo Community Center approximately 5.7 miles west from the Project site
- Crowley House approximately 2 miles north from the Project site
- Dos Vientos Center approximately 11 miles west of the Project site
- Goebel Adult Center approximately 4.9 miles north of the Project site
- Hillcrest Center for the Arts approximately 6 miles west of the Project site
- McCrea Ranch Visitor Center approximately 10 miles from the Project site
- Therapeutic Recreation approximately 10 miles north of the Project site
- Teen Center approximately 4.9 miles north of the Project site
- Thousand Oaks Community Center approximately 7.4 miles north of the Project site.

The District's annual operating budget for the general fund is \$20,000,000, approximately 70% of which comes from property taxes. Approximately 6 cents of every base property tax dollar is allocated to the District. Residents are able to take advantage of the District's facilities and recreational services through partnerships with local government agencies; the City of Thousand Oaks, Ventura County, Conejo Valley Unified School District, service clubs, and non-profit organizations. The Park and Dedication Fees and Quimby Fees are included in the City of Thousand Oaks Municipal Code. These fees aim to provide for parks, recreational facilities, and open space areas for the health, safety, and general welfare of future residents and owners of the property and to encourage the City's orderly development. Under this title, the code requires dedication of land, payment of fees, or both for park and recreational purposes as a condition of a residential development permit (CRPD 2022).

## **Public Libraries**

The Project site is serviced by Thousand Oaks Library, which is comprised of one main facility, The Grant R. Brimhall Library, located at 1401 E. Janss Road in Thousand Oaks, approximately 4.8 miles from the Project site; and one branch library, the Newbury Park Branch, located at 2331 Borchard Road in Newbury Park, located 7.7 miles from the Project site. The Library's materials collection includes books, online resources, periodicals and audio-visual materials. Public services provided by the library include the following:

- Reference services for adults and children (either in person or by phone);
- Programs (reader's resources, literary and cultural programs, literacy services, teens and kids' library services, etc.)

- Virtual library and electronic reference sources (electronic information databases, video recordings, oral history tapes, etc.); audiobooks, research databases, K–12 digital resources, reading suggestions, and virtual programs and activities
- Internet Access (Public computers with internet access are available)

The Thousand Oaks Library main facility, Grant R. Brimhall Library, was opened in 1982. The 62,000 square foot building was expanded by adding an additional 22,000 square feet to accommodate an improved Children's Services area, quiet study rooms, and additional seating and shelving capacity in 2006.

The Newbury Park Branch Library opened in 1991. The Newbury Park facility houses both the Newbury Park Branch Library and the Library System's Technical Services Department. The building also houses the Thousand Oaks Community Gallery, where local artists can showcase their work (City of Thousand Oaks 2022).

### 3.13.2 Regulatory Setting

#### **Federal**

There are no federal regulations that would apply to public services associated with the proposed Project.

#### **State**

##### ***California Department of Forestry and Fire Protection (CAL FIRE)***

Under Title 14 of the California Code of Regulations (CCR), CAL FIRE has the primary responsibility for implementing wildfire planning and protection for State Responsibility Areas (SRAs). CAL FIRE is responsible for identifying fire hazard severity zones (FHSZ) throughout California. The FHSZs on CAL FIRE maps are based on fuel loading, slope, fire history, weather, and other factors. The FHSZs are ranked Moderate to Very High and are designated within a Federal Responsibility Area, SRA or Local Responsibility Area (LRA). Local agencies have the responsibility to designate, by ordinance, very high fire hazard severity zones (VHFHSZs) within their jurisdictions.

##### ***Quimby Act (Government Code 66477)***

State Subdivision Map, Section 66477 (Quimby Act) allows the legislative body of a city or county, by ordinance, to require the dedication of land, the payment of in-lieu fees, or a combination of both, for park and recreational purposes as a condition of approval for a final tract map or parcel map. The Quimby Act requires that developers dedicate land or pay fees for parkland acquisition. The goal of the Quimby Act is to require developers to help mitigate the impacts to parkland of new residential development.

##### ***Senate Bill 50***

SB 50 or the Leroy F. Greene School Facilities Act, provides funding for education facilities, K–12 facilities, modernization of older schools, additional funding for districts in hardship situations, and funding for class size reduction. SB 50 provides that no land use proposal can be

denied because of insufficient school capacity. It also provides the mandated CEQA mitigation fee for schools that would be affected by a development project. This measure consists of an impact fee levied on a square footage basis for residential and commercial development.

## **Local**

### ***City of Thousand Oaks General Plan***

#### **Safety Element**

**Policy D-2:** Continue to provide adequate fire protection and prevention services to meet the needs of the community and continue to support inter-jurisdictional fire protection agreements.

**Policy D-6:** Continue to strive for 5-minute response time to all fire and life safety emergency responses.

**Policy D-7:** Provide adequate fire flow for all new developments in accordance with the CBC and adopted Amendments (or the most current edition of the CBC as adopted).

**Policy D-8:** Equip new buildings with an automatic fire sprinkler system in accordance with the CBC and Ventura County Fire Protection District Ordinance.

**Policy D-10:** Provide for minimum widths and clearances for new development projects in accordance with:

- Municipal Code requirements (Sections 9-3.1015 and 9-3.1016);
- Standards specified in the City of Thousand Oaks Road Standards and construction specifications in effect at the time of construction; and
- Any other standard and specific conditions required by the Fire Department in the permit application.

#### **Open Space Element**

The Open Space Element states that policies related to recreational open space, such as parks and playfields are contained in the Conejo Recreation and Park District's (CRPD) Master Plan.

### ***Conejo Recreation and Park District***

#### **2013 Master Plan**

The CRPD follows a national standard of 10 acres of parkland per 1,000 persons. These 10 acres are broken down into the following categories.

Community Park	1.25 acres per 1,000 persons
Playfield	1.25 acres per 1,000 persons
Neighborhood Park	2.50 acres per 1,000 persons
District-wide Park	5.00 acres per 1,000 persons

As shown above, the community parks, playfield, and neighborhood parks account for 5 acres of the total 10 acres per 1,000 persons. The District-wide parks provide the additional 5 acres per 1,000 persons.

### 3.13.3 Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to public services and recreation if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:
  - Fire protection (see Impact 3.13-1, below).
  - Police protection (see Impact 3.13-2, below).
  - Schools (see Impact 3.13-3, below).
  - Parks (see Impact 3.13-4, below).
  - Other public facilities (see Impact 3.13-5, below).
- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (see Impact 3.13-6, below).
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (see Impact 3.13-7, below).

### 3.13.4 Methodology

The potential for adverse impacts on public services and recreation has been evaluated based on information concerning current service levels and the ability of the service providers to accommodate the increased demand created by the development of the Project. The determination of impact significance is focused on whether new or expanded governmental facilities would be required to maintain adequate levels of service and whether construction of such facilities would result in significant impacts on the physical environment.

Potential recreational impacts associated with the Project are evaluated based on proximity of the Project site to designated recreational facilities. In addition, the potential impacts of the Project on recreational facilities were evaluated based on whether implementation of the Project could result in increased use of existing recreational resources, or whether implementation of the Project could necessitate the construction or expansion of recreational facilities.

## 3.13.5 Impact Analysis

### Fire Protection

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**Impact 3.13-1: The Project would have less than significant and less than cumulatively considerable physical environmental impacts from construction activities associated with the provision of, or the need for, new fire protection facilities in order to maintain acceptable performance objectives.**

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#### ***Project Impact Analysis***

The analysis of fire protection focuses on the fire protection demand for Project. The Project area receives fire protection services by VCFD. The closest existing fire station to the Project site is Station No. 31, Westlake Fire Station, located at 151 Duesenberg Drive, approximately 1.3 miles northeast of the Project site. The Westlake Fire Station is staffed daily by five firefighters and houses Medic/Engine 31; and is joined by Rescue 31 to form a Medic/Rescue/Engine combination providing support company services in the eastern Conejo Valley and Brush Engine 331 (VCFD 2020). In addition to Fire Station No. 31, several other VCFD fire stations in the surrounding area would be able to provide fire protection safety services to the Project site, if needed. The proposed residential and parking structure buildings will include fire sprinklers. The proposed residential apartments will include a Class A roof assembly which is a class of roof that is effective against fire test exposure, and eave or soffit venting that will not allow combustible embers to enter. The parking structure will be built out of concrete and steel and therefore extremely resistant to fire. Implementation of the proposed Project would increase population by approximately 687 persons and housing growth by 264 apartment units on the Project site. Based on a discussion with VCFD staff, the implementation of the Project would not require new or altered fire protection facilities to provide adequate fire services (Dearden, pers.com. 2022). Therefore, the Project would result in less than significant impacts associated with fire services.

**Significance Determination before Mitigation:** Less than Significant.

#### ***Cumulative Impact Analysis***

Implementation of the proposed Project and cumulative projects would increase population and housing growth within the Project vicinity. Along with the proposed Project, cumulative development would result in the development of approximately 1,255 residential units with an anticipated increase of approximately 3,950 residents. Cumulative development is also expected to include the construction of 395,590 non-residential uses along with the proposed Project's 339,783-square foot parking structure. The implementation of the cumulative projects will increase the need for fire protection services in the Project vicinity. However, based on a discussion with VCFD, this cumulative increase would not require new or altered fire protection facilities to provide adequate fire services to the cumulative development (Dearden, pers.com. 2022). Because the Project would result in less than significant impacts to fire services, the Project's contribution to the cumulative impacts associated with the need for fire protection services would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

## ***Mitigation Measures***

### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## **Police Protection**

**Impact 3.13-2: The Project would have less than significant and less than cumulatively considerable physical environmental impacts from construction activities associated with the provision of, or the need for, new police protection facilities in order to maintain acceptable performance objectives.**

### ***Project Impact Analysis***

The Project would result in a population increase of 687 people (see Section 3.12. Population and Housing). Thus, the Project could increase the demand for additional police protection facilities and services. The Project area receives police protection services by the Ventura County Sheriff's Department (VCSD). VCSD has indicated that implementation of the proposed Project would create additional patrol service calls in the Project area. However, it is not anticipated that additional facilities or personnel would be needed (Brady, pers. com, 2022). The Project site is surrounded by existing urban uses including commercial to the west, office to the north, school to the northeast, commercial to the east and south. Because no additional police protection facilities would be required to serve the Project, the implementation of the proposed Project would result in a less than significant impact on police protection services.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

As mentioned previously, the Project area and surrounding location receives police protection services by the Ventura County Sheriff's Department. Cumulative growth within the Project vicinity would increase the demand for police protection services. This increased intensity from Project and cumulative development within Thousand Oaks is expected to increase patrol service calls. However, as indicated by VCSD, it is not anticipated that additional facilities would be needed to serve cumulative growth (Brady, pers. com., 2022). The existing services provided by VCSD would be adequate to serve the cumulative projects, and no new facility or alteration of an existing facility would be required to serve cumulative growth. Therefore, the Project's police protection impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

***Mitigation Measures***

**Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

**Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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**Schools**

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**Impact 3.13-3: The proposed Project would result in less than significant and less than cumulatively considerable adverse physical impacts associated with the provision for, or the need for, new or physically altered school facilities.**

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***Project Impact Analysis***

Implementation of the Project would result in development of 264 multifamily residential units with an estimated population increase of approximately 687 people (see Section 4.12, Population and Housing). This increase in residential population would increase student enrollment at local schools. Based on CVUSD pupil-per-home yield (student generation rates), and as shown in **Table 3.13-3**, it is anticipated that the proposed Project would generate a total of 83 new students within the CVUSD.

**TABLE 3.13-3  
STUDENTS GENERATED BY THE PROJECT**

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School Type (Grades)	Student Generation Rate Applied	Residential Units	Students Generated
K-5	0.1426 student per unit	264	38
6-8	0.0713 student per unit	264	19
9-12	0.0978 student per unit	264	26
<b>Total</b>		<b>264</b>	<b>83</b>

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NOTE: Individual amounts in the "Students Generated" columns were rounded up to the nearest whole number. The "Total" row provides an aggregate of these individual rounded amounts.

SOURCE: CVUSD 2017

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**Table 3.13-1** shows the latest enrollment data (2020–2021 school year) for each of the schools that would serve students generated by the Project and planned capacity. As shown in Table 3.13-1, and



according to CVUSD Planning Specialist Debora Hanna, there is currently available capacity to serve the students generated by the proposed Project (Hanna 2022). Even though there is currently available capacity at the schools that could adequately serve the Project, the Project Applicant will be required to pay school impact fees in accordance with SB 50 as required for any new development within the service boundary of the CVUSD. Implementation of the Project would result in less than significant impacts to schools.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Cumulative growth in the Project vicinity would result in a substantial increase in residential population and housing. This substantial increase could result in the need to expand or construct new school facilities in the Project vicinity. In a discussion with Debra Hanna, Planning Specialist at CVUSD, assuming that 100 percent of already approved residential development projects would be developed, sold and occupied, pupils projected to be generated by these additional dwelling units cannot be accommodated at their normal schools of attendance. The Board of Education has found that the donation of designated school sites to the District and/or additional facility construction would be required to accommodate cumulative growth. The construction of new school facilities could result in potential significant environmental effects. This cumulative increase in student population within CVUSD would result in the need to expand or construct new school facilities within the CVUSD service area. In accordance with SB 50, each cumulative project would be required to pay school impact fees and payment of these fees would result in less than significant school facility impacts. Because the Project would result in less than significant impacts on schools, the Project's school impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

## Parks

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**Impact 3.13-4: The Project would have less than significant and less than cumulatively considerable physical environmental impacts from construction activities associated with the provision of, or the need for, new or physically altered parks in order to maintain acceptable performance objectives for parks.**

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### ***Project Impact Analysis***

The proposed Project includes construction of 264 residential apartment units that are estimated to result in approximately 687 new residents. The additional residents will create a demand for additional park facilities. Based on a City standard of 5 acres per 1,000 persons, the Project would generate the need for approximately 3.4 acres of parkland.

The implementation of the proposed Project will result in the provision of various recreational uses. These uses will include the Gateway Garden that links the residential buildings to the proposed parking structure, Pool Terrace, Residents' Terrace that connects the proposed fitness and lounge spaces and includes a barbeque island and seating/dining areas, a central gathering lawn to provide passive recreation and open play area (The Green), a children's play space (The Oak Yard), Watershed Garden, small gathering space around a fire pit (The Patio), Dog Park, and central hub for resident and social activities (The Courtyard). In addition to the provision of recreational uses, the Project will be required to comply with Municipal Code Section 9-3.1602, *Dedication of land for park and recreational purposes*. Compliance with this code standard requires either the dedication of land, the payment of fees, or a combination of both for park or recreational purposes as a condition of project approval. With the provision of onsite recreational uses as well as compliance with Municipal Code Section 9-3.1602, the Project impacts on parks would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Implementation of the cumulative development identified in Table 3-1 as well as the proposed Project would result in the development of approximately 1,519 residential units and the generation of approximately 3,950 new residents. Based on the City's standard of 5 acres per 1,000 persons, cumulative development along with the Project would generate the need for approximately 19.75 acres. As with the proposed Project, each cumulative project would be required to comply with the City park standard identified in Municipal Code Section 9-3.1602. Compliance with this code standard would require each cumulative project to dedicate land, pay fees, or a combination of both to reduce its potential impact on parks to less than significant. Because the Project would provide onsite recreational uses as well as comply with Municipal Code Section 9-3.1602, the Project impacts on parks would be less than cumulatively significant.

**Significance Determination before Mitigation:** Less than Significant.

## ***Mitigation Measures***

### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## **Other Public Facilities – Libraries**

**Impact 3.13-5: The proposed project would result in less than significant and less than cumulatively considerable physical environmental impacts from construction activities associated with the provision for, or the need for, new or physically altered other public facilities such as libraries.**

### ***Project Impact Analysis***

The implementation of the proposed Project would result in approximately 687 new residents within the City. This increase in residents would increase the demand for library services within the City. The addition of 687 residents represents a 0.5 percent increase in the City's current population of 125,426 (DOF 2021). This increase in residential population would nominally increase demand for library services within the City. As a result, the Project would not require the construction of new library branches or expand existing library branches to serve the Project residents. Therefore, Project impacts associated with other public facilities such as public libraries would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Cumulative projects including the proposed Project would increase the City's population by approximately 3,950 residents. The cumulative development represents an approximately 3.1 percent increase in the City's current population of 125,426. This increase in residential population would nominally increase demand for library services within the City. As a result, cumulative development would not require the construction of new library branches or expand existing library branches to serve the cumulative development. Because the Project would result in less than significant impacts on library services, the implementation of the Project would result in less than cumulatively considerable impacts on public facilities such as library services.

Project residents. Therefore, Project impacts associated with other public facilities such as public libraries would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

***Mitigation Measures***

**Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

**Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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**Increase Use of Recreational Facilities**

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**Impact 3.13-6: The Project would have less than significant and less than cumulatively considerable impacts from the increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.**

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***Project Impact Analysis***

The proposed residential apartments include various recreational and other amenities including a Gateway Garden that links the residential buildings to the proposed parking structure, Pool Terrace, Residents' Terrace that connects the proposed fitness and lounge spaces and includes a barbeque island and seating/dining areas, a central gathering lawn to provide passive recreation and open play area (The Green), a children's play space (The Oak Yard), Watershed Garden, small gathering space around a fire pit (The Patio), Dog Park, and central hub for resident and social activities (The Courtyard). There is a potential that new residents may use surrounding parks and recreational facilities; however, this increase in use would be limited because of the available amenities to be provided by the Project. As a result, the Project would not cause or accelerate a substantial physical deterioration of existing public park and recreational facilities. As such, impacts on parks and other recreational facilities would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

***Cumulative Impact Analysis***

As stated above, cumulative development represents an approximately 3.1 percent increase in the City's current population of 125,426. This increase in residential population would nominally increase demand for park and recreational facilities within the City. As with the proposed Project, each cumulative project would be required to comply with the City park standard identified in Municipal Code Section 9-3.1602. Compliance with this code standard would require each cumulative project to dedicate land, pay fees, or a combination of both. This compliance would reduce the cumulative use of existing park and recreational facilities within the City so that no

substantial deterioration of parks and recreational facilities would occur. Cumulative impacts would be less significant. Because the Project would result in less than significant impacts related to the deterioration of existing parks and recreational facilities, the Project contribution to cumulative impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## **Recreational Facilities Physical Effect on Environment**

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**Impact 3.13-7: The Project would have less than significant and less than cumulatively considerable impacts from the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.**

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### ***Project Impact Analysis***

The implementation of the proposed Project would result in approximately 687 new residents within the City. This increase in new residents would result in a demand for recreational facilities. The Project includes various recreational amenities and would be required to comply with Municipal Code Section 9-3.1602, *Dedication of land for park and recreational purposes*. Compliance with this code standard requires either the dedication of land, the payment of fees, or a combination of both for park or recreational purposes as a condition of project approval. The implementation of the Project would not require the construction or expansion of recreational facilities, and as a result, the Project's impact would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Implementation of cumulative development represents an approximately 3.1 percent increase in the City's current population. This increase in residential population would increase demand for recreational facilities; however, this increase would not be considered substantial. As with the proposed Project, each cumulative project would be required to comply with the City park standard identified in Municipal Code Section 9-3.1602. Because the cumulative projects would not result in a substantial increase in residential population or demand, there would not be a need

to expands existing recreational facilities at the same time as constructing the cumulative projects. Therefore, the cumulative development would result in a less than significant cumulative impact. Because the Project would result in less than significant impacts on recreational facilities, the Project's contribution to adverse impacts associated with the construction or expansion of recreational facilities would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## 3.14 Transportation

This section evaluates the potential for impacts related to transportation generated by construction and operation of the proposed multi-family housing and parking structure at One Baxter Way. This section describes existing regional and local transportation facilities that would be used to access the Project site; summarizes applicable regulations related to transportation; and evaluates the potential impacts related to transportation that may result from implementing the Project; and identifies mitigation to minimize potential impacts. The analysis in this section is based in part on the Traffic Impact Study (TIS) prepared for the Project (WGZE 2022a; Iteris 2022), included as **Appendix L** to this Draft EIR.

### 3.14.1 Environmental Setting

#### Regional Setting

The Project site is located in the southern portion of the City of Thousand Oaks in Ventura County. The regional transportation network consists of an extensive network of roadways, local transit systems, and pedestrian and bicycle facilities. Existing roadways in the general vicinity of the proposed Project are depicted in Figure 2-2. Regional access to the Project site is provided via the Ventura Freeway (US-101) and State Route 23 (SR-23), which are described below.

**US-101** is a four- to ten-lane freeway traversing the west coast of the United States in a north-south orientation. US-101 provides regional access to Los Angeles County to the east, and to Ventura County to the west. US-101 travels in a northwest-southeast direction and consists of five lanes in each direction along the majority of the southern boundary of the Project site. The freeway provides access to the Project site via the Westlake Boulevard off-ramp to the west and the Lindero Canyon Road off-ramp to the east.

**SR-23** is a four- to six-lane highway oriented in north-south direction. SR-23 provides access to Moorpark to the north and to communities in the Santa Monica Mountains and Malibu to the south. SR-23 enters Ventura County from Los Angeles County as Westlake Boulevard, which has an interchange with US-101. SR-23 is constructed as a grade-separated highway facility for approximately eight miles from US-101 to SR-118.

#### Local Roadways

The Project site is located on the southwest corner at the intersection of Thousand Oaks Boulevard and Lakeview Canyon Road. Various roadways surrounding the Project site provide local access as identified in Figure 2-2. Local access to the Project area is provided by the following roadways:

**Lakeview Canyon Road** provides one lane in each direction with a two-way center lane oriented in the north-south direction, south of Thousand Oaks Boulevard. Lakeview Canyon is classified as a minor arterial street per the California Road System – Functional Classification System. The posted speed limit on Lakeview Canyon Road is 40 miles per hour (mph) and 25 mph north of Thousand Oaks Boulevard when children are present. On-street parking is

permitted on both sides of Lakeview Canyon Road. Class II bicycle lanes are provided to the south of Thousand Oaks Boulevard.

**Thousand Oaks Boulevard** operates as a four to six-lane divided street oriented in the east-west direction. Thousand Oaks Boulevard provides a connection between Westlake Boulevard and Lakeview Canyon Road, and the surrounding neighborhood. Thousand Oaks Boulevard is classified as a minor arterial street per the California Road System – Functional Classification System. The posted speed limit is 45 mph from Westlake Boulevard to Lakeview Canyon Road. No on-street parking is permitted on Thousand Oaks Boulevard except for east of Lakeview Canyon Road.

**Westlake Boulevard** operates as a six-lane divided street oriented in the north-south direction. Westlake Boulevard is classified as a minor/principal arterial street per the California Road System – Functional Classification System. The posted speed limit on Westlake Boulevard is 40 mph south of Thousand Oaks Boulevard and 50 mph north of Thousand Oaks Boulevard. No on-street parking is permitted on Westlake Boulevard.

## Traffic Volumes

Average Daily Traffic (ADT) counts for the roadways in the immediate vicinity of the proposed Project are shown in **Table 3.14-1**.

**TABLE 3.14-1  
EXISTING ROADWAY VOLUMES IN THE PROJECT AREA (VEHICLES PER DAY)**

Roadway Segment	ADT
Westlake Boulevard	44,000
Thousand Oaks Boulevard	23,321
Lakeview Canyon Road	5,956
US-101 (SR-23 South Junction)	156,000
SR-23 South (US-101 Junction)	25,500

NOTE: ADT = average daily traffic.  
SOURCES: WGZE 2022b; Caltrans 2020.

## Public Transit

Public transit in the Project vicinity is provided by Thousand Oaks Transit. The nearest bus route that services the Project site is Thousand Oaks Bus Route 43 (TOB Express), with hourly stops at the corner of Thousand Oaks Boulevard and Lakeview Canyon Road. Thousand Oaks Bus Route 44 (Crosstown Route), located in proximity to the Project site, also services the general area with stops at Thousand Oaks Boulevard and Westlake Boulevard every other hour. Both the TOB Express and the Crosstown Route provide service connections to the Thousand Oaks Transportation Center with its network of bus routes throughout the region. Regular service hours for the bus routes are from approximately 6:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 7:00 p.m. on Saturdays (Thousand Oaks Transit 2020). In addition, Los Angeles

Department of Transportation (LADOT) and Metro service the general vicinity with bus stops along Aguora Road, approximately 0.5-mile south of the Project site. The nearest train station is the Moorpark Amtrak/Metrolink station, approximately 10 miles north of the Project site.

## **Bicycle Facilities**

The existing bicycle facility network in the City consists of multi-use paths, bicycle lanes, and shared bicycle routes. The three types of bicycle facility are described as follows:

- Class I (Multi-Use Paths or “Bicycle Paths”): physically separated from motor vehicle travel routes, with exclusive rights-of-way for non-motorized users like bicyclists and pedestrians.
- Class II (Bicycle Lanes): one-way route types that carry bicycle traffic in the same direction as the adjacent motor vehicle traffic. They are typically located along the right side of the street, between the adjacent travel lane and curb, road edge, or parking lane.
- Class III: (Bicycle Routes): a suggested bicycle path of travel marked by signs designating a preferred path between destinations. They are recommended where traffic volumes and roadway speeds are fairly low (35 mph or less).

Overall, the City of Thousand Oaks contains 112.2 miles of existing bikeways, with over 76 percent consisting of Class II Bicycle Lanes on major arterials. The closest bikeways to the Project site include Class II Bicycle Lanes on Westlake Boulevard, Lakeview Canyon Road, and South Via Merida. In addition, a Class III Bicycle Route is provided on Thousand Oaks Boulevard on the north side of the Project site. Thousand Oaks Boulevard segments east of Via Merida provide a Class II Bicycle Lane (City of Thousand Oaks 2019).

## **Pedestrian Facilities**

The pedestrian network in Thousand Oaks is largely made up of sidewalks along roadways (68 percent), followed by trails (23 percent), roadways with missing sidewalks (9 percent), and by greenbelts (1 percent). In addition to the existing facilities, there are designated crossing guard locations throughout the city to help children safely cross streets, and to remind drivers of the presence of potentially vulnerable pedestrians (City of Thousand Oaks 2019). In the Project vicinity, existing sidewalks, crosswalks, and pedestrian signals facilitate pedestrian movement on both sides of Thousand Oaks Boulevard, Westlake Boulevard, and Lakeview Canyon Road. However, pedestrians are prohibited from crossing Thousand Oaks Boulevard at the western leg of the Lakeview Canyon Road/Thousand Oaks Boulevard intersection. Sidewalks are not provided on the west side of Lakeview Canyon Road north of the intersection.

### **3.14.2 Regulatory Setting**

#### **State**

##### ***California Department of Transportation (Caltrans)***

Caltrans manages interregional transportation, including management and construction of the California highway system. Caltrans has the responsibility to coordinate and consult with local jurisdictions when proposed local land use planning and development may impact State highway facilities. Pursuant to Public Resources Code § 21092.4, for projects of statewide, regional, or

area-wide significance, the lead agency must consult with transportation planning agencies and public agencies that have transportation facilities that could be affected by a project. The Project area includes two highways that fall under Caltrans' jurisdiction—US-101 and SR-23.

In addition, Caltrans' construction practices require temporary traffic control planning “when the normal function of a roadway, or private road open to public travel, is suspended” (FHWA 2012). Caltrans requires that permits be obtained for transportation of oversized loads and licenses be obtained for transportation of certain materials.

### ***California Vehicle Code (CVC)***

The CVC provides requirements for ensuring emergency vehicle access regardless of traffic conditions. Sections 21806(a)(1), 21806(a)(2), and 21806(c) define how motorists and pedestrians are required to yield the right-of-way to emergency vehicles.

### ***Senate Bill No. 743 and CEQA Guidelines for Transportation Analysis***

Approved in 2013, Senate Bill (SB) 743 amended the CEQA Guidelines to provide an alternative to level of service (LOS) for evaluating transportation impacts. In accordance with Senate Bill (SB) 743, the new CEQA Guidelines Section 15064.3, subdivision (b) was adopted in December 2018 by the California Natural Resources Agency. These revisions to the CEQA Guidelines criteria for determining the significance of transportation impacts are primarily focused on projects within transit priority areas and shift the focus from automobile delay to reduction of greenhouse gas (GHG) emissions, creation of multimodal networks, and promotion of a mix of land uses. Automobile delay, as measured by LOS and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA. The intent of this legislation is to balance the need for traffic LOS standards with the need to build infill housing and mixed-use commercial developments within walking distance of mass transit facilities, downtowns, and town centers. In doing so, this legislation aims to provide greater flexibility to local governments to balance these sometimes-competing needs. However, a jurisdiction may still adopt LOS as a performance standard for analyzing traffic conditions and maintaining throughput on its highway system.

The Governor's Office of Planning and Research (OPR) has adopted changes to the CEQA Guidelines that identify vehicle miles traveled (VMT) as the most appropriate metric to evaluate a project's transportation impacts (OPR 2018). Vehicle miles traveled, or VMT, is a measure of the total number of miles driven to or from a development and is sometimes expressed as an average per trip or per person. OPR stated that lead agencies, including the City of Thousand Oaks, had until July 1, 2020, to implement the new VMT requirements. Based on these changes, the City established an internal policy for evaluating VMT impacts associated with the operation of new development projects. The City utilizes screening criteria in order to provide CEQA relief to projects that support the State's GHG emission goals. It was determined in the TIS that the proposed Project does not meet any of the City's screening criteria. As such, a CEQA Transportation Analysis was prepared to evaluate VMTs against the City's recommended thresholds (WGZE 2022a; Iteris 2022). Neither OPR nor the City of Thousand Oaks have adopted specific VMT metrics or thresholds of significance for construction-related traffic. Many jurisdictions in Southern California consider construction-related traffic to cause adverse but not

lasting intersection deficiencies because, while sometimes inconvenient, construction-related traffic efforts are temporary.

## Regional

### ***Southern California Association of Governments***

In compliance with SB 375, on September 3, 2020, the Southern California Association of Governments (SCAG) Regional Council adopted the 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (2020–2045 RTP/SCS), also known as Connect SoCal, a long-range visioning plan that incorporates land use and transportation strategies to increase mobility options and achieve a more sustainable growth pattern while meeting GHG reduction targets set by the California Air Resources Board (CARB). The 2020–2045 RTP/SCS contains baseline socioeconomic projections that are used as the basis for SCAG’s transportation planning, as well as the provision of services by the six-county region of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties.

The 2020–2045 RTP/SCS’ “Core Vision” prioritizes the maintenance and management of the region’s transportation network, expanding mobility choices by co-locating housing, jobs, and transit, and increasing investment in transit and complete streets. Strategies to achieve the “Core Vision” include, but are not limited to, Smart Cities and Job Centers, Housing Supportive Infrastructure, Go Zones, and Shared Mobility. The 2020–2045 RTP/SCS intends to create benefits for the SCAG region by achieving regional goals for sustainability, transportation equity, improved public health and safety, and enhancement of the regions’ overall quality of life. These benefits include, but are not limited to, a five-percent reduction in VMT per capita, nine-percent reduction in vehicle hours traveled, and a two-percent increase in work-related transit trips.

SCAG policies are directed towards the development of regional land use patterns that contribute to reductions in vehicle miles and improvements to the transportation system. The goals of the 2020–2045 RTP/SCS are as follows:

1. Encourage regional economic prosperity and global competitiveness.
2. Improve mobility, accessibility, reliability, and travel safety for people and goods.
3. Enhance the preservation, security, and resilience of the regional transportation system.
4. Increase person and goods movement and travel choices within the transportation system.
5. Reduce greenhouse gas emissions and improve air quality.
6. Support healthy and equitable communities.
7. Adapt to a changing climate and support an integrated regional development pattern and transportation network.
8. Leverage new transportation technologies and data-driven solutions that result in more efficient travel.
9. Encourage development of diverse housing types in areas that are supported by multiple transportation options.
10. Promote conservation of natural and agricultural lands and restoration of habitats.

## Local

### ***City of Thousand Oaks Road Design and Construction Standards***

The 2018 City Road Design and Construction Standards (City Council Resolution 2018-024) was adopted May 15, 2018, by the Thousand Oaks City Council as an update to the 2003 standards, rescinding City Council Resolution 2003-059. The manual provides recommendations for engineering and design of both private and public projects, as applicable. The manual includes specifications on design and construction, road cross sections, road design, storm drains, pedestrian access ramps, driveway design, traffic control, and other miscellaneous elements of roadways, such as bus turnouts and lighting (City of Thousand Oaks 2018a).

### ***City of Thousand Oaks General Plan***

The City of Thousand Oaks regulates traffic and circulation through the implementation of adopted policies and programs within the City of Thousand Oaks General Plan, which prescribes goals, policies and action items to regulate traffic within the City. The General Plan contains policy statements that serve as a framework for evaluating proposed projects in regard to their potential to effect proposed development within the City. The General Plan Land Use and Circulation Map determines existing roadway network classifications in the City of Thousand Oaks according to a hierarchy based on right-of-way width, ranging from two- to six-lane roads, and a separate classification for freeways (City of Thousand Oaks 2020, 2018b). The following policies are established in the Circulation Element and would be applicable to the Project:

- A "T" shaped highway system--the Route 101 and Route 23 Freeways--shall continue to provide a primary link with other regional communities and serve as major connectors within the local street and highway system.
- Improvements to local freeways minimizing diversion of through traffic to City streets shall be encouraged.
- A mass transit system to provide City and area-wide circulation and meet community needs should be maintained and enhanced.
- A variety of transportation modes should be encouraged.
- A City-wide system of pedestrian and bicycle facilities that provide safe, continuous accessibility to all residential, commercial and industrial areas, to the trail system and to the scenic bike route system shall be provided and maintained.
- Local traffic should be moved through the City on arterial streets to protect collector and neighborhood streets from traffic impacts.
- Access to industrial areas shall be via major arterials to minimize impacts to residential areas.
- Street improvements should focus on enhancing access to Thousand Oaks Boulevard, Moorpark Road and other major arterials.
- The City shall balance vehicular circulation requirements with aesthetic, pedestrian, bicycle and equestrian needs which affect the quality of life.
- The City shall maintain a Level of Service C on all roads and at all intersections. Lower levels of service may be tolerated to preserve or enhance landscaping and aesthetic integrity.

In addition, the General Plan Safety Element includes the following policy related to emergency access that would be applicable to the Project:

***Policy D-10:*** Provide for minimum road widths and clearances for new development projects in accordance with: Municipal Code requirements (Sections 9-3.1015 and 9-3.1016); Standards specified in the City of Thousand Oaks Road Standards and construction specifications in effect at the time of construction; and any other standard and specific conditions required by the Fire Department in the permit application.

### ***City of Thousand Oaks Active Transportation Plan***

The City adopted the 2019 Active Transportation Plan (ATP) to provide planning guidance for non-motorized travel infrastructure improvements that make multimodal transportation safer and more enjoyable. Additionally, the ATP seeks to educate and to promote active transportation to increase bicycling and walking throughout the City as a way to reduce VMT and GHG emissions. Existing conditions related to existing bicycle and pedestrian infrastructure are provided in the ATP to guide the location and type of new or upgraded facility recommendations.

The ATP bicycle facility recommendations include upgrading the existing Class III Bicycle Route on Thousand Oaks Boulevard to a Class II Bicycle Lane. This upgrade is considered a high priority under the ATP. However, the ATP notes that more support from the community and further study is needed, since the proposed upgrades involve reducing one lane on each side of Thousand Oaks Boulevard and potential parking removal (City of Thousand Oaks 2019).

### ***Thousand Oaks Boulevard Specific Plan***

The Project is outside the boundaries of the Thousand Oaks Boulevard Specific Plan. However, as the Project site is adjacent to Thousand Oaks Boulevard, the synergistic relationship between the two specific plan areas was closely evaluated as part of the development of The Oaks Specific Plan. The Thousand Oaks Boulevard Specific Plan states that the long-range vision for Thousand Oaks Boulevard is to:

*...recognize that Thousand Oaks Boulevard has unique characteristics and opportunities that warrant the adoption of separate development policies that will lead to the creation of a viable, self-sustainable, pedestrian safe and friendly downtown core for our community.*

The Thousand Oaks Boulevard Specific Plan contains guidelines that are to:

*...act to guide the planning process...for creating a viable, self-sustaining, pedestrian safe and friendly downtown core.*

### ***Thousand Oaks Guidelines for Development within the Corridors of the Route 101 and Route 23 Freeways***

In July 1991, the City of Thousand Oaks adopted Resolution No. 91-172, “A Resolution of the City Council of Thousand Oaks Establishing Guidelines for Development within the Corridors of the Route 101 and 23 Freeways”. In the recitals of the Resolution, the need for the Guidelines is stated as:

*...through good urban design, there can be created an overall freeway corridor image which will make Thousand Oaks visually distinct from surrounding communities, retaining the special qualities of the landscape which attracted people to the area originally, and generally improve the aesthetic conditions along the freeway corridors by providing a sequence of attractive views for visitors and residents alike...*

The Guidelines for Development within the Corridors of the Route 101 and Route 23 Freeways (“Guidelines”) apply “to all property which is located wholly or partially within 1,000 feet of the centerlines of the 101 and 23 Freeways”. The Guidelines pertain to the Project, as a portion of it is located within 1,000 feet of the centerline of US-101. The Project has been designed in full compliance with the Guidelines.

### 3.14.3 Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to transportation if it would:

- Conflict with a program, plan, ordinance or policy addressing the circulation system including transit, roadway, bicycle and pedestrian facilities (see Impact 3.14-1, below).
- Conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) (see Impact 3.14-2, below).
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (see Impact 3.14-3, below).
- Result in inadequate emergency access (see Impact 3.14-4, below).

### 3.14.4 Methodology

Analysis of traffic-related impacts of the Project rely on the TIS prepared for the Project, included as **Appendix L** to this Draft EIR (WGZE 2022a; Iteris 2022). The TIS includes an operational analysis of eight intersections along Lakeview Canyon Road, Thousand Oaks Boulevard, and Westlake Boulevard that would be used by construction-related traffic to access the Project site. However, this intersection analysis is based on transportation performance metrics (i.e., delay, LOS) that are no longer used to determine a CEQA transportation impact per SB 743 and CEQA Guidelines Section 15064.3, subdivision (b). Discussion of this portion of the TIS is, therefore, not included in the Project impact discussion.

#### ***Project Consistency with Applicable Plans and Policies***

The methodology for evaluating the Project’s impacts related to transportation focuses on its consistency with statewide, regional, and local plans adopted for the purpose of reducing impacts to transportation facilities. The evaluation of consistency with such plans is the basis for determining the significance of the Project’s transportation-related operational impacts on the environment. A consistency analysis is provided and describes the Project’s compliance with relevant regulations and the goals and strategies outlined in the applicable portions of the City of



Thousand Oaks General Plan, the Thousand Oaks Boulevard Specific Plan, the SCAG 2020–2045 RTP/SCS, and the Ventura County General Plan.

To evaluate the significance of the Project’s construction-related traffic impacts, the analysis compares the number of peak daily vehicle trips that would occur on local roadways during construction to existing traffic data for the local roadways.

### ***Vehicle Miles Traveled***

In order to comply with SB 743 and the City’s administrative policy on CEQA transportation analysis, the evaluation of the Project’s potential VMT impacts relies on the CEQA Transportation Assessment included in the TIS, which used the Ventura County Transportation Model (VCTM) to generate the VMT statistics (Iteris 2022). This land-use based model, which is a subarea model of SCAG’s travel demand model, is consistent with the 2016 SCAG RTP/SCS travel-demand model assumptions and inputs. The model consists of a 2016 base year scenario and 2040 future year scenario. For the purposes of this analysis, the 2016 base year scenario is utilized. It should be noted the land use and travel patterns of the VCTM are generally considered the region-wide standard for existing and baseline conditions analysis. The VCTM consists of a detailed traffic analysis zone (TAZ) structure in the City of Thousand Oaks. The Project’s TAZ (60198401) contains only commercial and office land uses in the base year model scenario.

As described above in Section 3.14.2, *Regulatory Setting*, it was determined in the TIS that the Project does not meet any CEQA transportation screening criteria. The City has adopted an administrative policy stating that thresholds of significance shall be determined on a case-by-case basis. For the purposes of this Project, the TIS determined that a significant impact would occur if the VMT per capita exceeds the citywide average VMT per capita. The proposed Project is both residential and commercial, thus the VMT will be reported as:

- Residential VMT per Capita, household VMT calculated as Home-Based Production VMT /Residential Population.

In order to determine the Project’s potential level of impact, a new VCTM scenario including the proposed Project land use within TAZ 60198401 was prepared, utilizing the existing/baseline year of the model. Residential land use information for the Project was added to the land use information currently included as part of the base year model scenario. From this new model scenario output, the following metrics were evaluated to inform the significant impact determination:

- Project TAZ daily residential VMT per capita
- Citywide average daily residential VMT per capita

### ***Geometric Design Features***

For vehicle, bicycle, and pedestrian safety impacts associated with the Project, the proposed facilities are reviewed in light of applicable engineering and design standards for development projects, which prohibit incompatible designs that would substantially increase a transportation hazard.

### ***Emergency Access***

An emergency access impact is considered significant if implementation of the Project would result in inadequate access to accommodate emergency vehicles. Specifically, the evaluation considers whether the Project would create conditions that would substantially affect the ability of drivers to yield the right-of-way to emergency vehicles or preclude the ability of emergency vehicles to access streets near the Project site.

## **3.14.5 Impact Analysis**

### **Circulation Programs, Plans, Ordinances, and Policies**

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**Impact 3.14-1: The Project could result in significant and cumulatively considerable impacts related to a program, plan, ordinance or policy addressing the circulation system including transit, roadway, bicycle and pedestrian facilities.**

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### ***Project Impact Analysis***

#### **Construction-Related Traffic**

As described in Section 2.8, *Project Characteristics*, the Project would construct a multi-family residential development with subterranean parking (Planning Area 1), and a four-story parking structure (Planning Area 2) at the Project site. Construction of the Project would occur over two phases as follows: Phase 1 (Planning Area 2) is anticipated to begin in 2023 and be completed in approximately 16 months; and Phase 2 (Planning Area 1) is anticipated to begin in 2024 and be completed in approximately 24 months in the year 2026. Construction of the Project would increase the number of vehicles using local roadways on a daily basis and could affect performance of the circulation system.

During Phase 2, construction periods involving building construction and architectural coating are anticipated to overlap for approximately one month. This one-month period represents the heaviest period of daily construction vehicle trips that would be generated by the Project, and would require up to 712 daily worker vehicle trips and 148 daily vendor trips for equipment delivery. Daily truck haul trips would peak during Phase 1 construction periods involving demolition, grading, and paving activities, when the Project would require up to 340 daily truck haul trips over a period of approximately 106 days to transport demolition materials, fill, and soils to/from the Project site (Refer to **Appendix H**, *Greenhouse Gas Emissions Assumptions and Modeling Data*).

As described above, peak construction trip generation is anticipated to occur during Phase 2, assuming a one-month overlap of building construction and architectural coating activities (up to 860 daily construction vehicle trips). Outside of this one-month period, the number of haul trucks, worker vehicles, and vendor vehicle trips to the Project site would be greatly reduced, as no other periods (demolition, grading, paving, building construction, and architectural coating) are anticipated to overlap during either Phase. Thus, during construction the number of daily trips on local roadways would not be expected to exceed 860 total construction vehicle trips per day. As discussed in Section 3.14.1, *Environmental Setting*, access to the Project site is primarily provided by three nearby roads, as well as US-101 and the southern segment of SR-23. Existing traffic data

for these roadways indicate that daily volumes on these roadways are as follows: Lakeview Canyon Road (5,956 ADT); Thousand Oaks Boulevard (23,231 ADT); Westlake Boulevard (44,000 ADT). An additional 860 daily total construction vehicles trips would represent a temporary increase of 14 percent on Lakeview Canyon Road, 3.7 percent on Thousand Oaks Boulevard, 1.9 percent on Westlake Boulevard. Further, the above estimates and calculated percentages assume that all construction vehicles would use each roadway/freeway. In reality, truck and vehicle trips would likely require minimal use of City streets due to the close proximity of the site to US-101. Therefore, construction-related impacts on the local circulation system performance would be less than significant.

**Operational Traffic**

Through the operational life of the Project, the new residential building with subterranean parking and the four-story parking structure would generate an additional 1,148 ADT on Westlake Boulevard, 1,325 ADT on Thousand Oaks Boulevard, 1,325 ADT on Lakeview Canyon Boulevard (WGZE 2022b). Similar to the construction traffic increases discussed above, the increased traffic volume that would result from operation of the Project would be minor relative to existing traffic volumes, and would not exceed the carrying capacity of local streets and freeways. As a result, operational impacts on the circulation system would be considered less than significant.

**Consistency with Programs, Plans, Ordinances and Policies**

The analyses below demonstrate that the Project would not cause a significant environmental impact due to conflict with any transportation program, plan, ordinance, or policy addressing the circulation system including transit, roadway, bicycle and pedestrian facilities, as included in the City of Thousand Oaks General Plan, the Thousand Oaks Boulevard Specific Plan, the City of Thousand Oaks Bicycle Facilities Master Plan, the City of Thousand Oaks Active Transportation Plan, and the SCAG RTP/SCS.

City of Thousand Oaks General Plan Consistency

**Table 3.14-2** evaluates the consistency of the Project with applicable General Plan policies addressing the circulation system. No conflicts with the policies of the General Plan would occur as a result of the Project.

**TABLE 3.14-2  
 PROJECT CONSISTENCY WITH APPLICABLE POLICIES OF THE CITY OF THOUSAND OAKS GENERAL PLAN**

Policy	Would the Project conflict?
<p><b>Policy 1:</b> A "T" shaped highway system--the Route 101 and Route 23 Freeways--shall continue to provide a primary link with other regional communities and serve as major connectors within the local street and highway system.</p>	<p><b>No Conflict.</b> Regional access to the Project site would occur via US-101 and SR-23. Development of the Project would largely be confined to the Project site and no physical alterations to off-site roadways, including US-101 and SR-23, would occur. The Project would contribute to increases in traffic on these freeways. As described previously, local roadways and freeways have been designed with sufficient capacity to convey the Project's anticipated traffic flow without creating a significant impact. US-101 and Route-23 would continue to provide a primary link with other regional communities and serve as major connectors within the local street and highway system.</p>

Policy	Would the Project conflict?
<b>Policy 3:</b> A mass transit system to provide City and area-wide circulation and meet community needs should be maintained and enhanced.	<b>No Conflict.</b> Development of residential units in close proximity to local bus stops may contribute to increased use of the City transit system. However, the Project would not impede the City's ability to maintain or enhance the transit network.
<b>Policy 4:</b> A variety of transportation modes should be encouraged.	<b>No Conflict.</b> The location of the Project site, in proximity to the Promenade at Westlake and multiple regional and local bus lines; US-101 and SR-23 South/Westlake Boulevard; and the provision of bicycle facilities would encourage a variety of transportation modes in support of the Project.  In addition to vehicle parking that would be provided at the Project site, residents and visitors of the Project would be within walking/bicycling distance of retail uses along the Promenade, and walking/bicycling paths at the Project site would connect the Project to these retail uses. The Project would include 154 bicycle parking stalls for residents and 22 short-term bicycle parking racks for guests. Further, the Project site is located in close proximity to Thousand Oaks Bus Line 43 (TOB Express), with hourly stops at the corner of Thousand Oaks Boulevard and Lakeview Canyon Road.
<b>Policy 5:</b> A City-wide system of pedestrian and bicycle facilities that provide safe, continuous accessibility to all residential, commercial and industrial areas, to the trail system and to the scenic bike route system shall be provided and maintained.	<b>No Conflict.</b> The Project will provide pedestrian, bicycle, and vehicular circulation with linkages between the residential apartments, proposed parking structure and the existing industrial office building. Vehicular, pedestrian/bicyclist access to Thousand Oaks Boulevard, the existing commercial shopping uses within the Promenade, and the local bikeway/pedestrian network would be provided by the Project. In order to ensure pedestrian/bicycle safety of the internal driveway, the Project's circulation facilities would be designed to comply with City of Thousand Oaks Public Works design and engineering standards regarding their width, geometry, and placement at the Project site.
<b>Policy 6:</b> Local traffic should be moved through the City on arterial streets to protect collector and neighborhood streets from traffic impacts.	<b>No Conflict.</b> Primary access to the site would occur from major roadways including Lakeview Canyon Road, Thousand Oaks Boulevard, and Westlake Boulevard. During construction, the Project would implement a Traffic Control Plan that will show all signage, striping, delineated detours, flagging operations, and any other devices that will be used to guide motorists, bicyclists, and pedestrians to allow for adequate access and circulation to the satisfaction of the City, as applicable.
<b>Policy 7:</b> Access to industrial areas shall be via major arterials to minimize impacts to residential areas.	<b>No Conflict.</b> Local access to the existing industrial office building at the Project site would continue to occur primarily from major local roads including Lakeview Canyon Road, Thousand Oaks Boulevard, and Westlake Boulevard.
<b>Policy 8:</b> Street improvements should focus on enhancing access to Thousand Oaks Boulevard, Moorpark Road and other major arterials.	<b>No Conflict.</b> The Project would allow vehicular, pedestrian and bicyclist ingress and egress within an existing easement to and from Thousand Oaks Boulevard. Primary access would continue to occur via Lakeview Canyon Road.
<b>Policy 9:</b> The City shall balance vehicular circulation requirements with aesthetic, pedestrian, bicycle and equestrian needs which affect the quality of life.	<b>No Conflict.</b> As described previously, construction and operation of the Project would not result in significant impacts on the circulation system. In addition to providing residents with facilities for parking and bicycle/pedestrian use, the Project would implement a landscape plan and construct recreation and amenity spaces at the site to increase the aesthetic quality of the site and the quality of life for residents and visitors.
<b>Policy 10:</b> The City shall maintain a Level of Service C on all roads and at all intersections. Lower levels of service may be tolerated to preserve or enhance landscaping and aesthetic integrity.	<b>No Conflict.</b> Analysis of LOS at surrounding signalized intersections along Thousand Oaks Boulevard, Westlake Boulevard, and Lakeview Canyon Road was conducted as part of the TIS (Refer to Appendix L of this Draft EIR). Project-related delays at the surrounding intersections were found to remain mostly unchanged and would not provide a noticeable level of impact. The Project is forecast to result in no traffic impact at the remaining study intersections.

Policy	Would the Project conflict?
<p><b>Policy D-10:</b> Provide for minimum road widths and clearances for new development projects in accordance with: Municipal Code requirements (Sections 9-3.1015 and 9-3.1 016); Standards specified in the City of Thousand Oaks Road Standards and construction specifications in effect at the time of construction; and any other standard and specific conditions required by the Fire Department in the permit application.</p>	<p><b>No Conflict.</b> Project design would comply with all applicable regulations as required by this policy, including but not limited to the following: The Project’s circulation facilities would be designed to comply with City of Thousand Oaks Public Works design and engineering standards regarding their width, geometry, and placement at the Project site. In addition, the Project would comply with Ventura County Fire Department (VCFD) regulations applicable to emergency access, and California Building Code (CBC) requirements.</p>
<p>SOURCES: ESA 2022. City of Thousand Oaks 2022.</p>	

City of Thousand Oaks Active Transportation Plan Consistency

**Table 3.14-3** provides a detailed analysis of the Project’s consistency with applicable ATP goals. Implementation of internal private drives and bicycle amenities, which would connect to the existing pedestrian/bicycle network and retail uses at the Promenade, would encourage active transportation by residents and visitors in support the goals of the ATP. Therefore, the Project would not conflict with goals of the ATP.

**TABLE 3.14-3  
 PROJECT CONSISTENCY WITH APPLICABLE GOALS OF THE CITY OF THOUSAND OAKS ACTIVE  
 TRANSPORTATION PLAN**

Goals	Would the Project conflict?
<p><b>Goal 1:</b> Develop an active transportation friendly environment.</p>	<p><b>No Conflict.</b> The Project would include internal private drives at the Project site that would connect pedestrians and bicyclists to the surrounding pedestrian/bikeway network. Residents and visitors of the Project would be within walking/bicycling distance of retail uses along the Promenade, and walking/bicycling paths at the Project site would connect the Project to these retail uses. The Project would include 154 bicycle parking stalls for residents and 22 short-term bicycle parking racks for guests. The development of bicycle and pedestrian facilities in proximity to existing uses would contribute to an active transportation friendly environment in support of this goal.</p>
<p><b>Goal 2:</b> Identify an integrated network of walkways and bikeways to connect the neighborhoods to destinations and activity centers.</p>	<p><b>No Conflict.</b> See discussion above regarding the Project’s provision of pedestrian and bicycle facilities in proximity to the existing pedestrian/bicycle network and retail uses at the Promenade. The provision of these facilities would provide residents and visitors with bicycle/pedestrian access to destinations and activity centers in support of this goal.</p>
<p><b>Goal 3:</b> Encourage development of local plans.</p>	<p><b>No Conflict.</b> The Project would be implemented as part of the Oaks Specific Plan that includes the implementation of the Gateway at the Oaks Multi-Family Residential and a parking structure. The provision of bicycle/pedestrian facilities as part of the Specific Plan would support this goal.</p>
<p>SOURCES: ESA 2022. City of Thousand Oaks 2019.</p>	

SCAG 2020–2045 RTP/SCS Consistency

**Table 3.14-4** summarizes General Plan policies that are relevant to the Project. The location of the Project site in proximity to the Promenade at Westlake; multiple regional and local bus lines; US-101 and SR 23 South/Westlake Boulevard; and the provision of pedestrian and bicycle facilities would provide multi-modal accessibility to the Project site. Therefore, the Project would be consistent with applicable policies of the General Plan.

**TABLE 3.14-4  
 PROJECT CONSISTENCY WITH APPLICABLE GOALS OF SCAG’S 2020–2045 RTP/SCS**

Goal	Would the Project conflict?
<p><b>Goal 2:</b> Improve mobility, accessibility, reliability, and travel safety for people and goods.</p>	<p><b>No Conflict.</b> The location of the Project site, in proximity to the Promenade at Westlake and multiple regional and local bus lines; US-101 and SR-23 South/Westlake Boulevard; and the provision of bicycle facilities would maximize mobility and the accessibility to the Project site. Residents and visitors of the Project would be within walking/bicycling distance of retail uses along the Promenade, and walking/bicycling paths at the Project site would connect the Project to these retail uses. The Project would include 154 bicycle parking stalls for residents and 22 short-term bicycle parking racks for guests. In addition, the Project site is located in close proximity to Thousand Oaks Bus Line 43 (TOB Express), with hourly stops at the corner of Thousand Oaks Boulevard and Lakeview Canyon Road. TOB Express and other bus stops in the Project vicinity provide service connections to the Thousand Oaks Transportation Center as well as the network of bus routes throughout the region.</p> <p>Both the Westlake Boulevard and Lindero Canyon Road provide direct access to the Project site via US-101 and SR 23 South/Westlake Boulevard. Local roadways and freeways have been designed with sufficient capacity to convey the Project’s anticipated traffic flow without creating a significant impact.</p> <p>The factors above would improve mobility, accessibility, and travel safety in support of this goal.</p>
<p><b>Goal 3:</b> Enhance the preservation, security, and resilience of the regional transportation system.</p>	<p><b>No Conflict.</b> See discussion above regarding the Project’s location near US-101 and SR 23 South/Westlake Boulevard, public transit, and the provision of pedestrian and bicycle amenities near the Project’s residential uses. The proximity of the Project site to various transportation modes would support the region’s transportation investment and the sustainability of the regional transportation system in support of this goal.</p>
<p><b>Goal 4:</b> Increase person and goods movement and travel choices within the transportation system.</p>	<p><b>No Conflict.</b> See discussion above regarding the Project’s location near US-101 and SR 23 South/Westlake Boulevard, public transit, and the provision of pedestrian and bicycle amenities near the Project’s residential uses. These Project characteristics would not conflict with the goal to increase in person and goods movement and travel choices within the transportation system.</p>
<p><b>Goal 5:</b> Reduce greenhouse gas emissions and improve air quality.</p>	<p><b>No Conflict.</b> The Project would include internal private drives at the Project site that would connect pedestrians and bicyclists to the surrounding pedestrian/bikeway network. These facilities would have the effect of encouraging non-auto transportation, which would result in GHG emission reductions. Six percent of parking spaces within the proposed parking structure will be pre-plumbed to accommodate electric vehicle charging. The proposed residential garages would be pre-plumbed to have ten percent of parking spaces to accommodate future electric vehicle charging.</p> <p>Based on the above, the Project’s proposed transportation facilities would serve to reduce GHG emissions and improve air quality, in support of this goal.</p>

Goal	Would the Project conflict?
<b>Goal 6:</b> Support healthy and equitable communities.	<p><b>No Conflict.</b> The Project would support healthy and equitable communities through circulation improvements and development of recreational uses.</p> <p>Internal private drives within the Project site would be designed to accommodate daily vehicular traffic, bicycles, pedestrians, and emergency access to the existing industrial, and proposed residential uses and parking facilities within the Project site. The internal drives will consist of 25-foot-wide, 30-foot-wide, 33-foot-wide, and 36-foot-wide roadways. The main entry drives from Lakeview Canyon Road will have wider widths, 33-foot-wide and 36-foot-wide access drives, as these primary roads funnel traffic into the Project site. Branching off from the main entry drives are narrower access drives with 25-foot-wide and 30-foot-wide roadway widths to accommodate the variety of surface parking configurations off each access drive (single loaded, dual loaded and no on-street parking). Portions of the access drives will have wider road widths to provide for turning movements of larger delivery trucks, trash trucks and fire/emergency vehicles.</p> <p>In addition, a network of pedestrian trails interconnecting the existing and proposed uses would be implemented. The proposed layout of the Project will provide minimal distance between active job locations that will reduce car trips and promote walkability within the Project site.</p>
<b>Goal 7:</b> Adapt to changing climate and support an integrated regional development pattern and transportation network.	<p><b>No Conflict.</b> See discussion above regarding the Project's location near US-101 and SR 23 South/Westlake Boulevard, public transit, and the provision of pedestrian and bicycle amenities near the Project's residential uses. The Project's development would support an integrated regional development pattern and transportation network, which would in turn serve to reduce GHG emissions in support of this goal.</p>
<b>Goal 8:</b> Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	<p><b>No Conflict.</b> This goal pertains to SCAG leveraging new transportation technologies and data-driven solutions that result in more efficient travel. The Project would not adversely affect SCAG's ability to develop more efficient travel consistent with this goal.</p>
<b>Goal 9:</b> Encourage development of diverse housing types in areas that are supported by multiple transportation options.	<p><b>No Conflict.</b> See discussion above regarding the Project's location near US-101 and SR 23 South/Westlake Boulevard, public transit, and the provision of pedestrian and bicycle amenities near the Project's residential uses. The Project provides 264 apartment homes ranging from studios to two-bedroom apartments. Of the 264 residences, there would be 16 on-site affordable studio homes for very low-income residents and 18 on-site affordable studio homes for low-income residents. As such, the Project would support this goal to encourage development of diverse housing types in areas that is supported by multiple transportation options.</p>
SOURCES: ESA 2022. SCAG 2020.	

## Summary

As described in above evaluations, the Project would not conflict with the various applicable transportation programs and plans. Therefore, the Project would result in a less than significant impact related to an applicable plan, ordinance, or policy addressing the circulation system including transit, roadway, bicycle and pedestrian facilities.

**Significance Determination before Mitigation:** Less than Significant.

## Cumulative Impact Analysis

The potential for cumulative transportation impacts exists where there are multiple projects proposed in a common geographic area that have overlapping construction schedules and/or project operations that together could result in a substantial contribution to increased traffic levels

(e.g., due to material delivery or worker commutes) throughout the surrounding roadway network. The cumulative projects considered in the analysis are listed in Table 3-1 and illustrated in Figure 3-1 in Chapter 3 of this Draft EIR. Cumulative projects 2, 4, and 15 located in southeastern City areas would be nearest to the Project site. However, construction and operation of all cumulative projects listed in Table 3-1 are considered for the potential to affect traffic levels on local roadways in proximity to the Project, including on Thousand Oaks Boulevard, Westlake Boulevard, Lakeview Canyon Road, and US-101. The potential for cumulative impacts would vary based on the scale, location, and timing of the cumulative projects.

The construction-related traffic trips associated with all of the cumulative projects would be short-term and temporary in nature. Construction schedules associated with the cumulative projects could overlap and result in a cumulative increase in traffic volumes on the local roadway network. However, this cumulative increase would result in a less than significant impact on the capacities of the local roadways. Because the Project would result in less than significant construction traffic impacts on the local roadways, the Project's contribution to cumulative construction traffic impacts would be less than cumulatively considerable.

The implementation of cumulative developments would permanently affect traffic in the area due to a greater number of people living in the area and traveling to/from the residences in their cars. Operational traffic associated with all cumulative projects (without the Project) are anticipated to generate up to 50 additional vehicle trips per day on Thousand Oaks Boulevard, Westlake Boulevard, and Lakeview Canyon Road. The Project, combined with the cumulative projects, would generate an additional 1,345 daily vehicle trips on Lakeview Canyon Road, 1,375 daily vehicle trips on Thousand Oaks Boulevard, and 1,188 daily vehicle trips on Westlake Boulevard (WGZE 2022b). The permanent increase in daily trips associated with the cumulative projects, including the new mid- to large-scale residential and mixed used development projects (Cumulative Projects 6 through 13, 15, 17, 18, 22 and 24), are part of the planned growth within the City of Thousand Oaks and would not be expected to increase stress on traffic systems and transportation routes that would reduce the effectiveness of the circulation system. Therefore, cumulative traffic volumes would result in less than significant impacts to the transportation systems. Because the Project would result in less than significant impacts on the local transportation system, the Project's contribution to cumulative traffic impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.



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## Vehicle Miles Traveled

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**Impact 3.14-2: The Project would result in a less than significant and less than cumulatively considerable impact related to CEQA Guidelines Section 15064.3, Subdivision (b).**

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### ***Project Impact Analysis***

As discussed above in Section 3.14.4, *Methodology*, a significant VMT impact would occur if the VMT per capita under the Project would exceed the citywide average VMT per capita. The TIS prepared for the Project concluded that the Citywide average daily VMT per capita is 15.26 and the daily VMT per capita under the proposed Project would be 8.99. As the Project TAZ's daily residential VMT per capita is approximately 41 percent less than the Citywide average daily residential VMT per capita, the Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b). Therefore, impacts would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

The VMT analysis prepared for the Project evaluated VMT impacts under the TAZ in relation to the regional area. As the Project would result in a less than significant impact on VMT due to an increase in VMT for the Project site, the Project's contribution to cumulative VMT impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance after Mitigation:** Less than Significant.

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## Design Hazards

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**Impact 3.14-3: The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses.**

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### ***Project Impact Analysis***

The existing roads and freeways that are adjacent to the Project site are part of an established roadway network. Thousand Oaks Boulevard and Lakeview Canyon Road have 108-foot-wide

and 84-foot-wide rights-of way, respectively. The adjacent commercial center to the west of the Project site, the Promenade at Westlake Village (Promenade), includes existing interior roads and pedestrian facilities providing ingress and egress to Thousand Oaks Boulevard, as well as a bridge/pathway providing vehicular, bicyclist, and pedestrian access to the Project site. The adjacent roadway network and existing circulation facilities do not contain sharp curves or dangerous intersections.

As described in Chapter 2, primary access to the Project site would remain off of Lakeview Canyon Drive at two separate entrances (Baxter Way and Via Mercado). The operational analysis of these two driveways conducted as part of the TIS determined that Project-generated traffic would not cause any operational deficiencies that could lead to hazardous conditions for vehicles, pedestrians, or bicyclists. The existing bridge across the drainage would continue to allow vehicular, pedestrian and bicyclist ingress and egress within an existing easement to and from Thousand Oaks Boulevard as well as provide connectivity between the Project site and the Promenade. The Project would implement internal private drives and would be designed to accommodate daily vehicular traffic, bicycles, pedestrians and emergency vehicles access to the proposed residential apartments, parking structure, as well as the existing industrial office building. The Project would provide access from the ground level of the parking structure to the ground level of the existing industrial office building with an at-grade crossing of its vehicular access. No off-site improvements are proposed that would have the potential to result in geometric design hazards on the adjacent roadways. In the event that encroachment into the public right-of-way were necessary (i.e., construction activities related to extensions of utilities to the Project site), work would be coordinated with the City to provide adequate notification and a construction-phase traffic control plan in accordance with the City's Standard Design and Construction Criteria for traffic control.

The proposed circulation and parking facilities would be designed to comply with City of Thousand Oaks Public Works design and engineering standards regarding their width, geometry, and placement at the Project site. Further, bicycle and pedestrian facilities would provide adequate sight distance, sidewalks, and pedestrian movement controls to meet the City's requirements to protect pedestrians and bicyclists. The sight distance evaluation would be required to consider proposed landscaping, fencing, and other components that could affect circulation safety at the Project site. Through compliance with City standards, Project impacts related to geometric design and incompatible uses would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

With regard to design hazards, the Project would not result in significant hazards related to geometric design features. Each cumulative Project would be reviewed by the City to ensure compliance with the City's requirements relative to the provision of safe access for vehicles, pedestrian, and bicyclists, which would incorporate standards for adequate sight distance, sidewalks, crosswalks, and pedestrian movement controls to protect pedestrian and enhance bicycle safety. Furthermore, since Project modifications are largely confined to the Project site, a combination of impacts with other related projects that could potentially lead to cumulative

impacts is not expected. Therefore, the Project's contribution to cumulative impacts associated with hazardous design conditions would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## **Emergency Access**

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**Impact 3.14-4: The Project would result in less than significant and less than cumulatively considerable impacts related to emergency access.**

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### ***Project Impact Analysis***

#### **Construction**

As described above for Impact 3.14-1, construction of the Project would not substantially increase traffic amounts in the surrounding circulation systems, as peak daily vehicle trips generated during construction would be temporary, and minor in comparison to existing traffic amounts. Thus, the proposed construction activities would not generate construction traffic that could potentially affect emergency access to the Project site and surrounding uses. Further, utility extensions to the Project site that would require construction activities within roadway rights-of-way would be coordinated with the City to provide adequate notification and a construction-phase traffic control plan in accordance with the City's Standard Design and Construction Criteria for traffic control. Emergency access would be maintained at all times as no road closures would be necessary. Due to the short-term nature of the construction activities, and standard traffic controls during construction activities, the Project would result in a less than significant impact on emergency access during construction activities.

#### **Operation**

The Project site is located in an established urban area that is well served by local emergency service providers, including Ventura County Fire Station 31, Westlake (151 Duesenberg Drive) and Thousand Oaks Police Department (2100 Thousand Oaks Blvd), located approximately 1.1 miles and 1.8 miles northwest of the Project site, respectively. In addition, multiple routes exist in the area for emergency vehicles and evacuation, including the adjacent Thousand Oaks Boulevard, Lakeview Canyon Road, Westlake Boulevard, and US-101. Emergency vehicles would enter the

Project site via one of two existing entrances along Lakeview Canyon Road. The operational analysis of these two driveways conducted as part of the TIS determined that Project-generated traffic would not cause any operational deficiencies that could impede or delay emergency vehicle access to the Project site or adjacent roadways. As described above for Impact 3.14-1, operation of the Project would not result in substantial vehicle trips that would affect the surrounding circulation system. Further, emergency vehicles have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic.

As described in Section 3.17, *Wildfire*, the Ventura County Fire Department (VCFD) enforces particular design and access standards determined by the California Building Code (CBC) or other regulatory agencies that are designed to ensure a development does not impact emergency access or evacuation plans. These requirements include that all building exteriors can be accessed by fire lanes or within sufficient proximity to a fire hydrant or standpipe, that fire access lanes have sufficient turning radius at all turns in the road, and that there is sufficient water flow for firefighting operations, among other requirements. The conceptual design of the internal access roads has been approved by the VCFD to provide for turning movements of larger deliver trucks, trash trucks, and fire/emergency vehicles. In addition, the Project would not remove existing access roads or install barriers that could impede emergency vehicle access to the Project area. For these reasons, the Project would result in less than significant impacts related to emergency access.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

During the City's development review process, emergency access is evaluated for all pending development projects within the City's Planning Area. Two means of ingress and egress are required for all major development projects, including subdivisions and commercial/industrial sites, and adequate road and driveway widths are required to provide access to fire trucks, along with turnouts and turnaround areas, where deemed necessary. Similar to the Project, all cumulative projects in the region would be required to comply with applicable regulations of the City, Ventura County, and the CBC for maintaining emergency access. Further, if any cumulative project requires a traffic control plan, these plans would be identified as a requirement during review of construction plans and they would be required to comply with the City's Standard Design and Construction Criteria for traffic control. Therefore, cumulative impacts to emergency access would be less than significant. Because the Project would also result in less than significant impacts to emergency access, the Project's impact would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

### Cumulative Mitigation Measures

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## 3.15 Tribal Cultural Resources

This section provides an assessment of potential impacts related to tribal cultural resources that could result from implementation of the Project. Tribal cultural resources are analyzed in a standalone section of this Draft EIR, separate from other types of cultural resources (i.e., historical, archaeological, paleontological, human remains, which are addressed in Section 3.4 “Cultural Resources”), in accordance with the revisions to CEQA Guidelines Appendix G, as approved by the Office of Administrative Law on September 27, 2016. This section recognizes that California Native American Tribes have expertise concerning identification, evaluation, and mitigation of their tribal cultural resources.

“Tribal cultural resources” are defined as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant (Public Resources Code [PRC] subdivision 21074(a)). A cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. A historical resource, unique archaeological resource, or non-unique archaeological resource may also be a tribal cultural resource if it meets these criteria.

The analysis in this section is based, in part, on the results of a Sacred Lands File (SLF) search from the California Native American Heritage Commission (NAHC) and Assembly Bill 52 (AB 52) and Senate Bill 18 (SB18) consultation with California Native American Tribes that are traditionally and culturally affiliated with the geographic area in which the Project is located and who have requested in writing to be informed by the lead agency.

### 3.15.1 Environmental Setting

#### Ethnographic Setting

The Project is located in territory traditionally occupied by the Ventureño Chumash. Ventureño territory extended from the Pacific coast in the vicinity of Ventura in the west to the area between Sespe and Piru Creeks in the east, and from the headwaters of Sespe Creek in the north to the area around Malibu Creek in the south (Kroeber 1925; Grant 1978). However, by the Mission period Ventureño territory extended just east of Piru Creek (King 1975; Glassow et al. 2007). The Ventureño Chumash were bounded by the Tataviam to the east, the Gabrielino-Tongva to the southeast, the Emigdiano Chumash to the north, and the Barbareño, Ynezeño, and Cuyama Chumash to the northwest.

The Chumash were hunter-gatherers and lived in permanent villages. The size of Chumash villages ranged considerably from the coastal areas to the inland areas with many villages on the coast having several hundred occupants (Grant 1978), whereas villages inland were significantly smaller, sometimes containing only a couple dozen inhabitants (Grant 1978). At the beginning of the Mission period, it is estimated that the overall Chumash population ranged from 8,000 to

10,000 (Kroeber 1925), with a population estimate for the Ventureño ranging from 2,500 to 4,200 (Grant 1978). Chumash villages were most abundantly located along the coast and were often situated on high ground adjacent to a river or stream that flowed into the ocean or along the borders of sloughs or wetlands (Grant 1978). Ventureño villages were often located near permanent, reliable water sources and were most abundant along the Ventura River, Santa Clarita River, and Calleguas Creek. The Ventureño village located in closest proximity to the Project is *Hipuk*, located in what is presently the community of Westlake, approximately 1.5 miles southeast of the Project area (Kroeber 1925; Glassow et al. 2007). The village of *Hipuk*, or *Ypuc/Ipuc*, was encountered by the 1770 Crespi expedition and described as home to 30 individuals (King and Parson 2000). In 1966, the archaeological remains of *Hipuk* (CA-LAN-186 and -242) were destroyed by the construction of Westlake.

Chumash subsistence included both terrestrial and maritime resources. Amongst terrestrial plant resources, the acorn, collected mainly from the California live oak, was the most important. Additional plant resources included pine nuts, wild cherry, cattail, California laurel berries, and chia sage seeds. Mule deer, coyote, and fox were hunted using the bow and arrow, and smaller game was taken using deadfalls and snares. Migratory birds such as ducks and geese were also hunted. In addition to terrestrial resources, the Chumash utilized an array of maritime resources including shellfish, sea mammals, and pelagic and schooling fish. Large fish and sea mammals such as seals, sea otters, and porpoises were hunted with harpoons (Grant 1978). Dip nets, seines, and line and hook were used for smaller fish (Grant 1978).

Chumash villages were composed of a patrilineal descent group and usually had at least one chief, known as the *wot* or *wocha*, whose position was inherited but was subject to village approval. Chumash dwellings were hemispherical structures constructed by driving pliable wooden poles into the ground, bending them towards the center of the dwelling, and tying them together (Grant 1978). The wooden pole frame was then covered with interwoven grass mats. While accompanying the Portola expedition, Father Juan Crespi noted that Chumash dwellings could be up to 50 feet in diameter and hold up to 70 people (Grant 1978). Most villages contained one or more sweat houses that were semi subterranean and consisted of a wooden pole frame covered with earth. Additional village structures included store houses and ceremonial enclosures.

Not much is known of the religion practiced by the Chumash. Father Olbés of the Santa Barbara mission noted a Chumash deity called *sup*, and, although the Chumash had no figures or idols of the deity, they made offerings of seeds and feathers to show their acknowledgement and gratitude for the blessings given them (Grant 1978). Additionally, Chumash rock art sites, such as Painted Cave of San Marcos Pass located near the City of Santa Barbara and Burro Flats Painted Cave located in the northwestern portion of the San Fernando Valley, may have represented shrines or sacred areas. Many of the pictographs present at rock art sites consist of geometric figures as well as animal figures and are painted in vibrant colors that may have been painted while under the influence of the hallucinogenic ceremonial drink, toloache, which is associated with the *Chinigchinich* religion of the Gabrielino-Tongva (Grant 1978). The Chumash buried their dead with the body being bound in a flexed position (Kroeber 1925). The graves of prominent individuals were marked with planks containing images or from which the possessions of the deceased were hung.



The Chumash were one of the first native Californian groups encountered by Juan Rodriguez Cabrillo when he sailed into the Santa Barbara Channel Island region in 1542-43 (Grant 1978; Kroeber 1925). The Gaspar de Portola expedition passed through Chumash territory on its way to Monterey Bay in 1769. Between 1772 and 1804, five missions, including Missions San Luis Obispo (1772), San Buenaventura (1782), Santa Barbara (1786), La Purisima Concepcion (1787), and Santa Ynez (1804) were established in Chumash territory. The establishment of the missions fractured the traditional culture of the Chumash, and by 1834, when the missions were secularized, the Chumash population had declined dramatically as a result of European diseases (Grant 1978).

## **Identification of Tribal Cultural Resources**

### ***Sacred Lands File Search***

The California Native American Heritage Commission (NAHC) maintains a confidential Sacred Lands File (SLF) that contains sites of traditional, cultural, or religious value to the Native American community. The NAHC was contacted on December 6, 2021, to request a search of the SLF. The NAHC responded to the request in a letter dated February 11, 2022. The results of the SLF search conducted by the NAHC indicate that Native American cultural resources are not known to be located within the Project area.

### ***Assembly Bill 52 and Senate Bill 18 Consultation***

On February 11, 2022, pursuant to AB 52 and SB 18 (discussed below in Section 3.15.2, *Regulatory Framework*), which requires government-to-government consultation within the CEQA process, the City sent written requests for consultation to 13 Native American representatives from 12 California Native American Tribes (**Table 3.15-1**). The majority of the tribes contacted were identified in the response from the NAHC, and several others were identified from other City projects. The 12 tribes contacted include the Barbareño/Ventureño Band of Mission Indians, the Chumash Council of Bakersfield, the Coastal Band of the Chumash Nation, the Fernandeno Tataviam Band of Mission Indians, the Gabrieleno Band of Mission Indians-Kizh Nation, the Gabrieleno/Tongva San Gabriel Band of Mission Indians, the Gabrielino/Tongva Nation, the Gabrielino Tongva Indians of the California Tribal Council, the Gabrielino Tongva Tribe, the Northern Chumash Tribal Council, the San Luis Obispo County Chumash Council, and the Santa Ynez Band of Chumash Indians. The letters included a description of the proposed Project and provided a map figure depicting the Project location.

Beverly Folkes (Chumash/Fernandeno/Gabrielino) of the Native American Monitoring Group was contacted via telephone to provide monitoring during the Extended Phase 1 Investigation (described in Section 3.4, *Cultural Resources*), and was also invited to consult under AB 52 and SB 18.

To date, the County has received two responses requesting consultation. In a letter dated February 17, 2022, Andrew Salas, Chairperson of the Gabrielino Band of Mission Indians – Kizh Nation responded to the City's outreach letter and requested consultation regarding the Project. A consultation meeting is scheduled for April 14, 2022. Beverly Folkes was consulted via telephone

on March 25, 2022, and requested continued involvement in the Project including notification when the Draft EIR is publicly available.

**TABLE 3.15-1  
 SUMMARY OF AB 52 AND SB 18 CONSULTATION EFFORTS**

Contact	Tribe/Organization	Date Letter Mailed	Response
Andrew Salas, Chairperson	Gabrieleno Band of Mission Indians -Kizh Nation	2/11/2022	In a letter dated 2/17/2022 Chairman Salas requested consultation regarding the Project
Anthony Morales, Chairperson	Gabrieleno/Tongva San Gabriel Band of Mission Indians	2/11/2022	—
Charles Alvarez	Gabrielino Tongva Tribe	2/11/2022	—
Christina Conley, Tribal Consultant and Administrator	Gabrielino Tongva Indians of the California Tribal Council	2/11/2022	—
Fred Collins, Spokesperson	Northern Chumash Tribal Council	2/11/2022	—
Jairo Avila, Tribal Historic and Cultural Preservation Officer	Fernandeño Tataviam Band of Mission Indians	2/11/2022	—
Julie Tumamait-Stenslie, Chairperson	Barbareño/Ventureño Band of Mission Indians	2/11/2022	—
Julio Quair, Chairperson	Chumash Council of Bakersfield	2/11/2022	—
Kenneth Kahn, Chairperson	Santa Ynez Band of Chumash Indians	2/11/2022	—
Mariza Sullivan, Chairperson	Coastal Band of the Chumash Nation	2/11/2022	—
Mark Vigil, Chief	San Luis Obispo County Chumash Council	2/11/2022	—
Robert Dorame, Chairperson	Gabrielino Tongva Indians of the California Tribal Council	2/11/2022	—
Sandonne Goad, Chairperson	Gabrielino / Tongva Nation	2/11/2022	—

## 3.15.2 Regulatory Setting State

### **Assembly Bill 52**

Assembly Bill 52 (AB 52) was approved by California State Governor Edmund Gerry “Jerry” Brown, Jr. on September 25, 2014. The act amended California PRC section 5097.94, and added PRC sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 applies specifically to projects for which a Notice of Preparation (NOP) or a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (MND) will be filed on or after July 1, 2015. The primary intent of AB 52 was to include California Native American Tribes early in the environmental review process and to establish a new category of resources related to Native Americans that require consideration under CEQA, known as tribal cultural resources. PRC subdivisions 21074(a)(1) and (2) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe” that are either included or determined to be eligible for inclusion in the California Register or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by

substantial evidence. On July 30, 2016, the California Natural Resources Agency adopted the final text for tribal cultural resources update to Appendix G of the *CEQA Guidelines*, which was approved by the Office of Administrative Law on September 27, 2016.

PRC section 21080.3.1 requires, within 14 days after a lead agency determines an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency must provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC section 21073) and who have requested in writing to be informed by the lead agency (PRC subdivision 21080.3.1(b)). Tribes interested in consultation must respond in writing within 30 days after receipt of the lead agency's formal notification and the lead agency must begin consultation within 30 days after receiving the tribe's request for consultation (PRC subdivisions 21080.3.1(d) and (e)).

PRC subdivision 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, project alternatives or appropriate measures for preservation, and mitigation measures. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC subdivision 21080.3.2(b)).

If a California Native American tribe has requested consultation pursuant to PRC section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with PRC subdivision 21080.3.1(d) and the California Native American tribe has failed to request consultation within 30 days, then the lead agency may certify an EIR or adopt an MND without further requirements for consultation (PRC subdivisions 21082.3(d)(2) and (3)).

PRC subdivision 21082.3(c)(1) states any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is 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 without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, then that information 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.

### **Senate Bill 18**

Senate Bill 18 (SB 18) (Statutes of 2004, Chapter 905), which went into effect January 1, 2005, requires local governments (city and county) to consult with Native American tribes before making certain planning decisions and to provide notice to tribes at certain key points in the planning process. The intent is to "provide California Native American tribes an opportunity to

participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places” (Governor’s Office of Planning and Research, 2005).

The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level, land use designations are made by a local government. The consultation requirements of SB 18 apply to general plan or specific plan processes proposed on or after March 1, 2005.

According to the *Tribal Consultation Guidelines: Supplement to General Plan Guidelines* (Governor’s Office of Planning and Research, 2005), the following are the contact and notification responsibilities of local governments:

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government’s jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code Section 65352.3).
- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county’s jurisdiction. The referral must allow a 45-day comment period (Government Code Section 65352). Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.
- Local government must send a notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code Section 65092).

### 3.15.3 Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to tribal cultural resources if it would:

Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC subdivision 5020.1(k) (see Impact 3.15-1 below).
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC section 5024.1. In applying the criteria set forth in subdivision (c) of PRC section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe (see Impact 3.15-2 below).

### 3.15.4 Methodology

Under CEQA, the evaluation of impacts to tribal cultural resources consists of two-parts: (1) identification of tribal cultural resources within the Project or immediate vicinity through AB 52 and SB 18 consultation, as well as the results of SLF and California Historical Resources Inventory System (CHRIS) records searches, and review pertinent academic and ethnographic literature for information pertaining to past Native American use of the Project; and (2) a determination of whether the Project may result in a “substantial adverse change” in the significance of the identified resources

### 3.15.5 Impact Analysis

#### Listed Tribal Cultural Resource

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**Impact 3.15-1: The Project would have no impact and no contribution to a cumulative impact on a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC subdivision 5020.1(k).**

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#### ***Project Impact Analysis***

Resource CA-VEN-271 (prehistoric archaeological site), discussed in detail above in Section 3.4, *Cultural Resources*, has not been formally evaluated for its eligibility for listing in the CRHR or local register for its significance and cultural value to California Native American Tribes as a tribal cultural resource pursuant to PRC Section 21074(a)(1). Rather, pursuant to PRC Section 21074(a)(2), CA-VEN-271 is being treated as a tribal cultural resource at the discretion of the lead agency based on substantial evidence as described in 3.15-2 below. Therefore, no impacts to tribal cultural resources listed or eligible for listing in the CRHR or for local register listing as defined in PRC Section 21074(a)(1) would occur.

**Significance Determination before Mitigation:** No Impact.

#### ***Cumulative Impact Analysis***

The Project would not cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in a local register listing. Therefore, the Project would not contribute to a cumulatively significant impact to tribal cultural resources listed or eligible for listing in the CRHR or in a local register listing.

**Significance Determination before Mitigation:** No Impact.

#### ***Mitigation Measures***

##### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** No Impact.

### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** No Impact.

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### **Non-Listed Tribal Cultural Resource**

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**Impact 3.15-2: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC section 5024.1. In applying the criteria set forth in subdivision (c) of PRC section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

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#### ***Project Impact Analysis***

Pursuant to PRC Section 21074(a)(2) and as mentioned in 3.15-1 above, CA-VEN-271 is being treated as a tribal cultural resource at the discretion of the lead agency based on substantial evidence consisting of deposits that are Native American in origin, prehistoric in age, and include midden and a large and varied artifact assemblage. As described in Section 3.4, *Cultural Resources*, the proposed industrial office walkway design would encroach within the mapped boundary for CA-VEN-271. The proposed design would extend into the portion of the site mapped as containing midden deposits and to depths that would intrude into the deposits. Therefore, Project-related ground-disturbing activities associated with proposed industrial office walkway design has the potential to physically impact this resource and, as a result, could cause a substantial adverse change in the significance of a tribal cultural resource, and as a result the Project could result in a potential significant impact.

**Significance Determination before Mitigation:** Significant.

#### ***Cumulative Impact Analysis***

Development of the Project, in combination with other projects in the area, has the potential to contribute to a cumulatively significant impact to a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. Because the implementation of the Project could result in significant impacts to a California Native American tribe resource that is considered a tribal cultural resource, the Project's contribution to a potential significant cumulative impact would be cumulatively considerable.

**Significance Determination before Mitigation:** Significant.

#### ***Mitigation Measures***

##### **Project Mitigation Measures**

Implementation of Mitigation Measures CUL-1 through CUL-5 is required.

**Mitigation Measure TCR-1:** Prior to the start of Project ground disturbance, the City shall coordinate with California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project as defined in PRC section 21073 and who have expressed interest in the Project as a result of the AB 52 and SB 18 consultation process (consulting tribes). Coordination shall include but not be limited to timing and locations of Project-related ground disturbance subject to Native American monitoring, protocols for the discovery of cultural materials and/or funerary remains encountered during all ground-disturbing activities, and treatment and final disposition of cultural materials and funerary remains identified. Prior to the start of ground-disturbing activities, the results of the City’s coordination shall be documented in a confidential consultation summary report and agreed-upon procedures shall be included in the Cultural Resources Monitoring and Treatment Plan required under Mitigation Measure CUL-4. Following completion of construction, procedures implemented shall be documented in the Cultural Resources Monitoring Report required under Mitigation Measure CUL-4.

**Significance Determination after Mitigation:** Less than Significant.

Mitigation Measures CUL-1 through CUL-5, presented in Section 3.4, *Cultural Resources*, include requirements for Native American participation in cultural resources sensitivity training, document review, monitoring, and tribal consultation regarding cultural values of resources encountered. The implementation of these cultural resources mitigation measures and Mitigation Measure TCR-1 would reduce potential impacts to the site’s significance as a tribal cultural resource to less than significant.

#### **Cumulative Mitigation Measures**

Implementation of Mitigation Measures CUL-1 through CUL-5, and TCR-1 is required.

**Significance Determination after Mitigation:** Less than Significant.

With implementation of Mitigation Measures CUL-1 through CUL-5, and TCR-1, as described above, the Project would result in less than cumulatively considerable impacts to a California Native American tribe resource that is considered a tribal cultural resource.

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### 3.15.6 References

- Glassow, M., L. Gamble, J. Perry, and G. Russell. 2007. “Prehistory of the Northern Bight and the Adjacent Transverse Ranges”. In *California Prehistory: Colonization, Culture, and Complexity*. Terry L. Jones and Kathryn A. Klar, eds., pp. 191-214. Lanham, MD: Alta Mira Press.
- Grant, Campbell. 1978. Chumash: Introduction, in *California*, edited by R.F. Heizer, pp. 505-508 Handbook of North American Indians, Vol. 8, W. C. Sturtevant, general editor, Smithsonian Institution, Washington, D.C.
- King, Chester. 1975. The Names and Location of Historic Chumash Villages. *The Journal of California Anthropology*, 2(2): 171-179.

King, Chester and Jeff Parsons. 2000. *Malu liwini* - Archaeological Record of Settlement and Activity in the Simi Hills. On file at the South Central Coastal Information Center, California State University, Fullerton.

Kroeber, A. L. 1925. *Handbook of Indians of California*. Dover Publications, Inc., New York.



## 3.16 Utilities and Service Systems

The purpose of this section is to assess the potential effects of the Project on water supply and service, wastewater collection and treatment, storm water drain systems, energy utility systems, and solid waste disposal and landfill capacity. This section is based on comparisons of existing and anticipated levels of service with development of the Project, in addition to other service commitments. This section describes the existing and proposed utility systems setting and potential effects from implementation of the Project.

### 3.16.1 Environmental Setting

#### Water Supply

The California Water Service (CWS) Westlake District currently provides water for the Project site. The CWS Westlake District's service area encompasses approximately 8,200 acres located in the eastern part of Ventura County within the City of Thousand Oaks, about 40 miles northwest of Los Angeles. The service area is hilly, with elevations ranging from 900 feet to 1,675 feet above sea level (CWS 2021). The CWS Westlake District serves a population of approximately 19,477 (year 2020) via 6,915 connections as of 2020 (CWS 2021).

Water supply for the CWS Westlake District is a combination of purchased imported water and recycled water with the majority of supply being imported water from the Calleguas Municipal Water District (CMWD) which is a member agency of the Metropolitan Water District (MWD). Groundwater is not considered to be a viable supply for the District and is not currently a source of water supply. In the year 2020, the District delivered 7,066 acre-feet (AF) of water to end users with residential water use accounts accounting for 68 percent of total use (CWS 2021).

The Tapia Water Reclamation Facility (WRF), jointly owned and operated by Las Virgenes Municipal Water District (LVMWD) and Triunfo Water and Sanitation District (TWSD), provides the wastewater service and recycled water for the Westlake District service area. The Tapia WRF currently treats 9.5 million gallons per day (MGD) of wastewater (CWS 2021). During the summer months, 100 percent of the recycled water from the Tapia WRF is used for irrigation of commercial property, parks, golf courses, and school grounds. During the winter months, a smaller amount of wastewater is recycled due to lower recycled water needs by the District. The remainder is discharged to Malibu Creek.

#### Wastewater

Through its partnership with the LVMWD, TWSD provides wastewater collection and treatment services to more than 30,000 people. The TWSD service area includes Oak Park, Lake Sherwood, Bell Canyon, and the Westlake Village and North Ranch portions of Thousand Oaks. The Project Site is located Westlake Village. The TWSD operates 120 miles of wastewater collection pipeline and maintains 12,300 sewer service connections. Four pump stations and a half-mile of pressure

mains feed into the Tapia WRF, located along Malibu Canyon Road in unincorporated Los Angeles County.<sup>1</sup>

Wastewater treatment at Tapia WRF includes screening, grit removal, primary and secondary clarification, aeration, tertiary filtration, disinfection, and de-chlorination. Tapia WRF has a treatment capacity of 16 million gallons per day (GPD) and currently averages approximately 9.5 million GPD. The WRF include six aeration tanks, 12 filters for tertiary treatment, and an on-site state-certified water quality laboratory that conducts tests to assure that all potable and recycled water served meets stringent state and federal health standards.<sup>2</sup>

## Storm Water Drainage

The Project's drainage is tributary to School House Canyon, which feeds downstream to Westlake Lake. Currently, the site drains in two discharge points as shown on Figure 2-15 in Chapter 2, *Project Description* of this Draft EIR. The northern portion of the site is current paved with 13.75 acres of impervious surface that discharges into an existing 30-inch reinforced concrete pipe (RCP) and outlets to the School House Canyon adjacent to the site. The southern portion of the site is paved with 8.70 acres of impervious surface that discharges to an existing 30-inch asbestos cement pipe (ACP) and then to School House Canyon.

## Solid Waste Management

The City contracts with Athens Trash Service for solid waste collection and disposal services for Thousand Oaks (City of Thousand Oaks 2022). Athens Trash Service serves 38,000 homes and 1,200 commercial customers in the City (Athens Services 2022). The closest active landfill to the Project would be the Simi Valley Landfill & Recycling Center, which is located in Simi Valley approximately 8.5 miles to the north of the site. As of March 2022, Simi Valley Landfill & Recycling Center has a permitted throughput of 9,250 tons per day, and has a remaining capacity of 82,954,873 cubic yards (CalRecycle 2022). The landfill's cease operation date is anticipated to be in the year 2063.

## Telecommunications

Communications services would be provided by Frontier via existing facilities located in the northeast corner of the Project site. Cable services would be provided by Spectrum via existing facilities located in the northeast corner of the Project site.

### 3.16.2 Regulatory Setting

#### State

#### ***California Urban Water Management Planning Act***

The 2020 Urban Water Management Plan (UWMP) has been prepared in accordance with the Urban Water Management Planning Act (Act), as amended, California Water Code Division 6,

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<sup>1</sup> Triunfo Water & Sanitation District. Wastewater Collection and Treatment. <https://www.triunfowd.com/sewer-service/#tapia-facility>. Accessed March 22, 2022.

<sup>2</sup> Las Virgenes Municipal Water District. Tapia Water Reclamation Facility. <https://www.lvmwd.com/about-us/joint-powers-authority/wastewater-services/tapia-water-reclamation-facility>. Accessed March 22, 2022.

Part 2.6, §10610 through 10657. The Act became part of the California Water Code (CWC) with the passage of AB 797 during the 1983–1984 regular session of the California legislature. The Act requires every urban water supplier that provides water for municipal purposes to more than 3,000 connections or supplying more than 3,000 AF of water annually to adopt and submit a plan every five years to the California Department of Water (DWR). The Act was amended in 2009 with the adoption of SBX7-7 and Assembly Bill 2242, which amends the Water Code and adds Section 10631.5.

### ***Assembly Bill 2242***

AB 2242 amends the California Water Code which became effective on March 15, 2018. AB 2242 amends California Water Code Section 10610.2 to add Section 10631.5, which states that in addition to the requirements of Section 10631, an urban water supplier shall include an assessment of the reliability of their water service to its customers during normal, dry, and multiple dry years in its urban water management plan. This also should include a repeat of the five consecutive historic driest years the urban water supplier has experienced. In addition, as part of an assessment of the reliability of water service, an urban water supplier shall consider the reliability of its water service given the combination of supplies available to it, possible supply augmentation measures it is able to take, and the demand management measures it would likely implement in those scenarios.

### ***California Senate Bill 610***

SB 610 is also known as the Water Supply Assessment statute, which is under the California Senate Bill 1262 (SB 1262), which became effective on January 1, 2017. SB 1262 amends California Water Code Section 10910 and California Government Code Section 66473.7 in an initial attempt to incorporate requirements under California's Sustainable Groundwater Management Act (SGMA). SGMA was adopted in 2014 and requires groundwater to be managed sustainably in California's groundwater basins by local public agencies and groundwater sustainability agencies (GSAs). SB 1262 amended two existing statutes that require, as part of the approvals for certain types of projects, a specific analysis of whether there is a sufficient water supply to serve the project; Water Code Section 10910 (SB 610) and Government Code Section 66473.74. SB 610 applies to any proposed development that is both: Subject to CEQA and is a project under California Water Code Section 10912, which defines "project" as any of the following:

- (1) A proposed residential development of more than 500 dwelling units.
- (2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
- (3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.
- (4) A proposed hotel or motel, or both, having more than 500 rooms.
- (5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

(6) A mixed-use project that includes one or more of the projects specified in this subdivision.

(7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

If SB 610 applies to a development, a WSA (SB 610 assessment) is required. The assessment is prepared by either the water supplier or the lead agency for the project. The Project consists of 264 housing units and a WSA is not required.

### ***California Sustainable Groundwater Management Act***

The Sustainable Groundwater Management Act of 2014, passed in September 2014, is a comprehensive three-bill package that provides a framework for the sustainable management of groundwater supplies by local authorities. The Sustainable Groundwater Management Act requires the formation of local groundwater sustainability agencies to assess local water basin conditions and adopt locally-based management plans. Local groundwater sustainability agencies must be formed by June 30, 2017. The Sustainable Groundwater Management Act provides 20 years for groundwater sustainability agencies to implement plans, achieve long-term groundwater sustainability, and protect existing surface water and groundwater rights. The Act also provides local groundwater sustainability agencies with the authority to: require registration of groundwater wells, measure and manage extractions, require reports and assess fees, and request revisions of basin boundaries, including establishing new sub-basins. Furthermore, under the Sustainable Groundwater Management Act, groundwater sustainability agencies responsible for high- and medium-priority basins must adopt groundwater sustainability plans within five to seven years, depending on whether the basin is in critical overdraft.

### ***State Water Resources Control Board Statewide General Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems Order No. 2006-0003-DWQ***

The Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (SWRCB Order No 20006-0003-DWQ) applies to sanitary sewer systems that are greater than one-mile-long and collect untreated or partially treated wastewater to a publicly-owned treatment facility. The goal of Order No. 2006-0003 is to provide a consistent statewide approach for reducing Sanitary Sewer Overflows (SSOs), accidental overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from sanitary sewer systems by requiring that:

1. In the event of an SSO, all feasible steps must be taken to control the released volume and prevent untreated wastewater from entering storm drains, creeks, etc.
2. If an SSO occurs, it must be reported to the SWRCB using an online reporting system developed by the SWRCB.
3. All publicly owned collection system agencies with more than one mile of sewer pipe in the State must develop a Sewer System Management Plan (SSMP), which must be updated every five years.

### ***California Integrated Waste Management Act of 1989 (AB 939)***

The California Integrated Waste Management Act of 1989 redefined solid waste management in terms of both objectives and planning responsibilities for local jurisdictions and the state. AB 939

was adopted in an effort to reduce the volume and toxicity of solid waste that is landfilled and incinerated by requiring local governments to prepare and implement plans to improve the management of waste resources. AB 939 requires each of the cities and unincorporated portions of counties throughout the state to divert a minimum of 25 percent of the solid waste sent to landfills by 1995 and 50 percent diverted by 2000. To attain these goals for reductions in disposal, AB 939 established a planning hierarchy utilizing new integrated solid waste management practices. These practices include source reduction, recycling and composting, and environmentally safe landfill disposal and transformation. Other state statutes pertaining to solid waste include compliance with the California Solid Waste Reuse and Recycling Act of 1991 (AB1327), which requires adequate areas for collecting and loading recyclable materials within a project site. As a new waste generator, the proposed Project would be subject to the requirements of these solid waste provisions, as enforced by the City.

### ***California Assembly Bill 341***

In 2011, AB 341 established a State policy goal that no less than 75 percent of solid waste be reduced, recycled, or composted by 2020, and requiring CalRecycle to provide a report to the Legislature that recommends strategies to achieve the policy goal by January 1, 2014. AB 341 also mandated local jurisdictions to implement commercial recycling by July 1, 2012.

## **Regional**

### ***Regional Water Quality Control Board***

Each RWQCB is required to develop, adopt, and implement a Basin Plan for its respective region. A Basin Plan is the master policy document that contains description of the legal, technical, and programmatic bases of water quality regulation in each region. Basin Plans identify beneficial uses of surface waters and groundwater within the corresponding region; specify water quality standards and objectives for both surface and groundwater; and develop the actions necessary to maintain the standards to control nonpoint and point sources of pollutants to the state's waters. All discretionary projects requiring permits from the RWQCB such as waste and pollutant discharge permits, must implement Basin Plan requirements and take into consideration the beneficial uses to be protected.

The Project area is located within the jurisdiction of the Los Angeles Regional Water Quality Control Board (LARWQCB), which is Region 4 of the nine RWQCBs. The proposed Project is subject to the LARWQCB Basin Plan (LARWQCB 2014). Refer to Section 3.9, Hydrology and Water Quality, of this Draft EIR for details and the beneficial uses designated in the Basin Plan applicable to the proposed Project.

### ***Recycled Water***

The California Water Code defines recycled water (alternatively called reclaimed water) as “water which, as a result of treatment of waste [water], is suitable for a direct beneficial use or a controlled use that would not otherwise occur.” Recycled water is wastewater that has been highly purified through multiple stages of treatment to meet stringent and protective health and safety standards set by the California Department of Public Health (CDPH). Federal laws provide regulation of recycled water through the Water Pollution Control Act of 1972 (also referred to as the CWA) and its related

amendments. However, California has primary responsibility for the development of regulations regarding the treatment and distribution of recycled water and operation of recycled water facilities. The following laws govern the use of recycled water in California:

- California Health and Safety Code (Division 104; Part 12);
- California Water Code (Division 7; Chapters 2, 6, 7, and 22);
- California Code of Regulations, Title 22 (Division 4; Chapters 1, 2, and 3); and
- California Code of Regulations, Title 17 (Division 1; Chapter 5).

Recycled water laws are enforced by CDPH and the RWQCB. Recycled water must meet CDPH water quality reuse criteria, as specified in Sections 60301 through 60355 of Title 22 of the CCR. These regulations provide specific treatment requirements as well as water quality criteria appropriate for the intended use of the recycled water. In addition, the order specifies prohibitions on the application of recycled water to ensure that this water does not enter a surface water body or otherwise degrade surface or groundwater quality. Recycled water that is treated to higher standards (i.e., advanced treatment) can be discharged to surface water bodies, including water bodies that allow body-contact water recreational activities (Section 60301.620).

An agency that produces recycled water must submit a notice of intent and technical report to both the RWQCB and CDPH, including a description of the existing or proposed treatment, storage, and transmission facilities for water reuse; the types of applications for which the recycled water will be used; a description of the agency's water reuse permit program; a description of the reuse program administration specifying how the permitting system for regulating users will be implemented and how compliance with the CDPH reuse criteria will be approved; and any additional site-specific information that is appropriate. The order becomes effective upon written approval of the notice of intent by the RWQCB.

The producer of recycled water must establish and enforce rules and regulations for recycled water uses that govern the design and construction of recycled water facilities and the reuse of recycled water in accordance with CDPH reuse criteria. The producer must also develop a water reuse monitoring program in accordance with the self-monitoring requirements of the order, submit an annual monitoring report to the RWQCB, and conduct periodic inspections of the user's facilities and operations to monitor and assure compliance with the conditions of the producer's permit.

The CDPH has prepared draft Groundwater Recharge Reuse regulations for the use of recycled water for recharge of groundwater by surface spreading or subsurface injection, and a separate National Pollutant Discharge Elimination System (NPDES) permit is required for use of recycled water for these purposes.

### ***National Pollutant Discharge Elimination System, General Construction Storm Water Permit***

RWQCB administers the NPDES stormwater permitting program in the Central Valley region. Construction activities disturbing one acre or more of land are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated

with Construction Activity (NDPES General Construction Permit). The County must submit a Notice of Intent to RWQCB to be covered by the General Construction Permit prior to the beginning of construction. The NDPES General Construction Permit requires the preparation and implementation of a SWPPP. The SWPPP must be prepared before construction begins.

### ***Ventura County Integrated Regional Water Management Plan***

The Regional Water Management Plan (IRWMP) is a collaborative effort, includes Ventura County, and is a consortium of local cities, wholesale and retail water agencies, special districts, the County of Ventura, and non-governmental agencies interested in promoting and implementing integrated regional water management planning efforts in Ventura County (WCVC 2022). This group forms the Watersheds Coalition of Ventura County. An IRWMP, is a voluntary and comprehensive non-regulatory planning document prepared on a region-wide scale that identifies broadly-supported priority water resources projects and programs with multiple benefits. The process of creating an IRWMP is locally-driven and includes input from many diverse stakeholders. An IRWMP investigates a broad spectrum of water resource issues including water supply, flood management, water quality, environmental restoration, recreation, land use, environmental justice, stakeholder involvement, and far-reaching community and statewide interests.

The first IRWMP was completed in 2006. An updated plan, prepared in accordance with all the current requirements, was completed by the Watersheds Coalition of Ventura County in December of 2014 and the plan was amended in 2019. The County receives wholesale water deliveries from three retailers: Calleguas MWD, Casitas MWD, and United WCD. In the year 2018, a total of 120,461 acre-feet (AF) of water was delivered to retailers and end-users within the County (WCVC 2019).

## **Local**

### ***City of Thousand Oaks General Plan***

#### **Water Supply Reclamation and Conservation**

***Policy CO-17:*** Continue to ensure the provision of water in quantities sufficient to satisfy current and projected demand.

***Policy CO-18:*** Continue to encourage water conservation measures in new and existing developments.

***Policy CO-19:*** Encourage the use of reclaimed water for irrigation purposes.

***Policy CO-20:*** Continue to develop and utilize groundwater resources to reduce the Planning Area's dependence upon imported water.

### **3.16.3 Thresholds of Significance**

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to utilities and service systems if it would:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications

facilities, the construction or relocation of which could cause significant environmental effects (see Impact 3.16-1, below).

- Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years (see Impact 3.16-2, below).
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments (see Impact 3.16-3, below).
- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (see Impact 3.16-4, below).
- Comply with federal, state, and local management and reduction statutes and regulations related to solid waste (see impact 3.16-5, below).

### 3.16.4 Methodology

The potential for adverse impacts on utilities and service systems has been evaluated based on information concerning current service levels and the ability of the service providers to accommodate the increased demand created by the future development of the Project.

#### ***Water/Sewer, Storm Drains, and Other Public Utilities Capacity***

The analysis of water and sewer infrastructure capacity focuses on the magnitude of the change in demand for water supplies and wastewater treatment from development of the Project, based on the projected increase in water demand and wastewater generation for the Project. From the estimated increase in water demand and wastewater generation, an analysis of whether any infrastructure improvements, beyond those proposed as part of the Project, would be necessary to provide service to the Project. Impacts are considered significant if the Project would result in the need for construction of water facilities and wastewater facilities that could result in a significant impact on the environment.

The analysis of the Project's impact on storm water drainage facilities identifies the general increase or decrease in stormwater that is anticipated to occur from development of the Project, and identifies the existing drainage infrastructure that serves the Project site. Impacts would be considered significant if the Project would result in a substantial increase in stormwater that would result in the need to construct or expand drainage facilities that could cause a significant impact on the environment.

#### ***Water Supply***

The analysis of water supply is focused on the nature and magnitude of the change in levels of water use from development of the Project. The primary resources used for this analysis include the CWS UWMP. The projected increase in water demand is compared to future available supplies. The demand generated by the Project compared to water supplies available determines whether an impact from implementation of Project would occur. If implementation of the Project would result in new or expanded water supply entitlements, a significant impact could occur.



In addition, if the projected water demand associated with the Project is accounted for in the most recently adopted UWMP, the analysis incorporates the supporting information from the UWMP.

### ***Landfill Capacity***

The analysis of the Project's impact on landfill facilities identifies solid waste that is anticipated to be generated during both construction and operation of future development of the Project. The analysis identifies the anticipated amount of non-hazardous construction debris and operational solid waste that would be generated from implementation of the Project and the amount that would be disposed of in landfills after compliance with recycling/diversion requirements. The estimated population generated from the Project was multiplied by the per capita solid waste generation.

The results (i.e., solid waste after recycling/diversion) are compared with the available capacity of the landfill serving the Project to assess the significance of the Project's solid waste generation during construction and Project operation. Impacts would be considered significant if the Project would result in a substantial increase in solid waste that would affect landfill capacity, such that a new or expanded landfill facility would be required; the development of which could result in an impact on the environment.

## **3.16.5 Impact Analysis**

### **New or Expanded Facilities**

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**Impact 3.16-1: The Project would have a less than significant and less than cumulatively considerable physical environmental impacts from construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, or telecommunications facilities in order to maintain acceptable service.**

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### ***Project Impact Analysis***

#### **Water**

Water facilities would be provided from the existing backbone infrastructure (8-inch and 10-inch lines) which serve the existing on-site structure via its connection to the 12-inch water main in Lakeview Canyon Road. Eight-inch water lines will loop the proposed residential buildings and the proposed parking structure in the surrounding access drives, extending from existing on-site facilities, to provide a robust and redundant system for domestic, fire safety, and irrigation services. Fire hydrants will be located along the on-site access drives, per Ventura County Fire Department requirements for spacing, access and fire flow for emergency services. Water stub outs for service from the water system will be provided to connect to future industrial park uses. Implementation of the water plan consists of connections to existing facilities. No expansion of existing or the construction new off-site facilities are required and therefore, impacts to the environment from new or expanded water facilities would be less than significant.

#### **Wastewater Treatment**

Wastewater generated at the Project site is treated at the Tapia WRF. As discussed under Impact 3.16-3, the facility has sufficient remaining capacity to treat the full increase in sewage attributable to the Project. Additionally, goals and policies in the General Plan aim to conserve

water, and in turn, the generation of wastewater. Therefore, implementation of the proposed Project is not expected to require or result in the relocation or construction of new or expanded water treatment facilities, and impacts would be less than significant.

### **Stormwater Drainage**

The Project would involve the introduction of residential uses into the Project area. Future development of the Project would provide the necessary connections, extensions, and upgrades as required to serve the Project Site. As part of the Project, associated public utility plans have been developed to identify these anticipated facilities.

The Project would have three main drainage areas. The eastern drainage area is east of existing industrial office building along Lakeview Canyon Road, which drains to the ravine in School House Canyon, which flows generally running south to north. The northwest drainage area is north and west of the existing on-site structure fronting along School House Canyon, draining with flows generally running east and west. The southern drainage area consists of the existing industrial office building and the large, landscaped berm, which fronts along the 101 Freeway, with flows generally running to the south and being collected in an inlet that connects into the 101 Freeway's storm drain system.

The on-site storm drain system will be reconfigured from the existing storm drain system to realign portions of the system which run through the proposed residential buildings and the proposed parking structure. To minimize any disturbance to the natural drainage, the reconfigured storm drain system will utilize all existing outlet structures discharging into School House Canyon. No improvements are proposed or required.

The drainage plan would recapture stormwater, with on-site design features that maximize landscape areas and tree canopies to allow runoff to infiltrate. This design will also minimize surface flows across impervious areas by retaining rainwater in storm events to minimize stormwater runoff throughout the Project. Site design and building configuration minimize impervious surfaces by utilizing a four-level parking structure and subterranean parking for the proposed residential uses, thereby providing more landscape areas than the existing surface parking area configuration, to collect runoff and allow infiltration. Additionally, Best Management Practices (BMPs) for stormwater treatment will be provided and the storm drain system at the Project will comply with Low Impact Development and Regional Water Quality Control Board (RWQCB) regulations per the MS4 permit to mitigate site runoff and promote water quality. Implementation of the drainage plan consists of connections to existing facilities. Therefore, impacts to the environment from the construction of new or expanded stormwater drainage facilities would be less than significant.

### **Electric Power, Natural Gas, and Telecommunication Facilities**

Electrical service would be fed off the primary SCE Distribution Vault located at the northwest corner of Thousand Oaks Boulevard and Lakeview Canyon Road, via a main line extension in Lakeview Canyon Road, which connects into the existing on-site system for the existing on-site use. To serve the Project, existing on-site facilities would require relocation within the internal access drives to avoid conflict with portions of the Project where residential buildings would be located.

Natural gas infrastructure would extend from the north side of Thousand Oaks Boulevard in a main line in Lakeview Canyon Road with lateral connections into the residential buildings. Existing service to the existing on-site structure would be rerouted from its current alignment, which traverses its parking structure location, and would be located within the access drives, which run along the west and south sides of the parking structure to the existing structure's gas meter at the west end of the building. Although natural gas infrastructure is proposed to be installed, the Project would not include the use of natural gas. The infrastructure is proposed to be installed for a potential future use.

Communications services will be provided via existing facilities located in the northwest corner of the Project which are fed off Lakeview Canyon Road. Conduit for the Project would follow the electrical alignment in the on-site access roads.

The demand for electricity, natural gas and telecommunications within the Project Site would increase. However, development of the Project would not require or result in the relocation or construction of new or expanded facilities off-site facilities, the construction or relocation of which could cause significant environmental effects. See Section 3.4, Energy, of this Draft EIR, for more information regarding Project electricity usage and potential impacts to the energy supply and demand within the Project area.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Cumulative water, wastewater, storm drain, electricity, natural gas, and telecommunications infrastructure impacts are considered on a system-wide basis and are associated with the capacity of existing and planned infrastructure from local responsible agencies. The cumulative system discussed below includes the Project area water and wastewater systems, associated conveyance systems, City storm drains, and other public utility grids in the City.

The Project land uses are not projected to exceed the existing capacities of the water lines, trunk sewers, stormwater facilities, and other public utilities within the Project areas. However, these local utilities and service systems could require upgrades or expansions as cumulative development occurs. These improvements could result in significant environmental impacts associated with air quality and greenhouse gas emissions, noise and traffic safety during construction activities. Therefore, cumulative development could result in significant cumulative impacts. Because the Project would not result in significant impacts associated with new or expanded facilities within the Project area, the Project's contribution to cumulative impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

**Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## Water Supplies

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**Impact 3.16-2: The Project would have less than significant and less than cumulatively considerable environmental effects related to providing sufficient water supplies to serve the Project during normal, dry and multiple dry years.**

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### *Project Impact Analysis*

Water supply for the CWS Westlake District is a combination of purchased imported water and recycled water with the majority of supply being imported water from the Calleguas Municipal Water District (CMWD) which is a member agency of the Metropolitan Water District (MWD). **Table 3.16-1** illustrates CWS Westlake District's projected potable water supplies and demands by five-year increments under normal, single-dry-year, and multiple-dry-year conditions. According to the UWMP for CWS Westlake District, water supplies from CMWD are sufficient to meet projected demands under normal, single-dry-year, and multiple-dry-year conditions. In times when supplies are curtailed, the CMWD has significant amount of water stored in the Las Posas Sub-basin that can be extracted, storage capacity of 8,000 AF in Lake Bard, and future supply from treatment of local groundwater that is currently too saline for potable use (CWS 2021). In the year 2020, the CWS Westlake District had a per capita water use of 324 gallons per capita per day (GPCD) (CWS 2021). According to an estimated population of 2.6 persons per household in the City of Thousand Oaks (see Chapter 3.12, Population and Housing), the proposed Project would result in a population increase of 687 persons (264 units \* 2.6 person per household), resulting in an estimated increase in water demand of 222,588 GPD. The UWMP concluded that CWS Westlake District has sufficient supply to meet the demands of all its customers, including that of the CWS Westlake District, through the year 2045.

**TABLE 3.16-1  
 PROJECTED WATER USE (AF) <sup>a</sup>**

	2025	2030	2035	2040	2045
<b>Normal Year</b>					
Supply	7,379	7,254	7,257	7,252	7,272
Demand	7,379	7,254	7,257	7,252	7,272
<b>Single Dry Year</b>					
Supply	7,554	7,426	7,429	7,424	7,445
Demand	7,554	7,426	7,429	7,424	7,445
<b>Multiple Dry Years</b>					
Supply	7,662	7,533	7,536	7,530	7,552
Demand	7,662	7,533	7,536	7,530	7,552

NOTE:

<sup>a</sup> Volumes are in units of acre feet (AF).

SOURCE: CWS Westlake District 2021

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Cumulative water supply impacts are considered on a purveyor service area basis and are associated with the adequacy of the primary sources of water that include groundwater, imported water, and recycled water.

As described above, the CWS Westlake District’s UWMP provides projections for water supply and demand through 2045 that includes imported water and recycled water sources, and shows that with anticipated growth per SCAG projections, there would be sufficient supply. Furthermore, all development is required to meet water conservation goals. As a result, cumulative development would result in less than significant cumulative impacts to water supply.

Because development of the Project as well as cumulative projects would result in less than significant impacts, the implementation of the Project would result in less than cumulatively considerable impacts to water supply.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## Wastewater Treatment Capacity

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**Impact 3.16-3: The Project would have less than significant and less than cumulatively considerable effects on wastewater treatment capacity to serve the Project's projected demand in addition to the provider's existing commitments.**

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### ***Project Impact Analysis***

Development of the Project would generate new land uses where there are currently surface parking lots and would, therefore, result in an increased generation of wastewater flows from the Project site. It is estimated that about 80 percent of the per capita water consumption becomes wastewater flows (Metcalf & Eddy 1979). As discussed above, water demand for the proposed Project is estimated to be 222,588 GPD. Assuming that 80 percent of water consumption becomes wastewater flows, the proposed Project would generate approximately 178,070 GPD of wastewater.

Wastewater from the Project would be treated at the Tapia WRF. The Tapia WRF has a treatment capacity of 16 million GPD and currently treats 9.5 million gallons per day (MGD) of wastewater (CWS 2021). Based on current treatment levels and the design capacity, the facility has sufficient remaining capacity to treat the full increase in sewage attributable to the proposed Project. Therefore, the impact with respect to wastewater treatment capacity would be less than significant.

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

The geographic scope for cumulative impacts related to wastewater facilities includes cumulative projects located within the service area of the Tapia WRF. As wastewater from related projects may not all be conveyed to the Tapia WRF, it is conservatively assumed that the combined Project plus related project wastewater generation would be conveyed to Tapia WRF. Assuming all wastewater from operation of the Project plus related projects were all conveyed to Tapia WRF, an increase of 1,023,840 GPD of wastewater would require treatment.<sup>3</sup> This increase in wastewater represents approximately 16 percent of the remaining capacity of 6.5 million GPD. Thus, the additional wastewater flows from cumulative development including the Project would not substantially or incrementally impact the remaining capacity of the Tapia WRF. In addition, future development of new treatment plans, upgrades and improvements to existing capacity, development of new technologies will ultimately determine future available capacity. Therefore, Project impacts on the wastewater treatment systems would not be cumulatively considerable, and cumulative impacts would be less than significant.

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<sup>3</sup> According to an estimated cumulative plus Project population of 3,950 (see Chapter 3.12, Population and Housing), the proposed Project would result in an increase in water use of 1,279,800 gallons per day (3,950 persons \* 324 (AESTERISK?) gallons per capita per day), resulting in an estimated increase in wastewater generation of 1,023,840 GPD.

**Significance before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## **Landfill Capacity**

**Impact 3.16-4:** The Project would have less than significant and less than cumulatively considerable impacts due to generation of solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or impairing attainment of solid waste reduction goals.

### ***Project Impact Analysis***

The Simi Valley Landfill & Recycling Center would service the solid waste needs of the Project. The Simi Valley Landfill & Recycling Center, which is located in Simi Valley approximately 8.5 miles to the north of the site. As of March 2022, Simi Valley Landfill & Recycling Center has a permitted throughput of 9,250 tons per day, and has a remaining capacity of 82,954,873 cubic yards (CalRecycle 2022). The landfill's cease operation date is anticipated to be in the year 2063.

#### **Construction**

The construction of the proposed Project would create solid waste with the demolition of existing surface parking. Construction waste would also consist of green waste from the removal of vegetation. Solid waste disposal would comply with applicable federal, State, and local regulations. The removed material would be loaded in a dump truck and hauled to a permitted facility for recycling or disposal. The solid waste generated would not exceed daily permitted throughput and would not exceed the capacity of solid waste facility. Impacts would be less than significant.

#### **Operation**

The proposed Project would generate a small fraction of the daily allowed tonnage at the Simi Valley Landfill & Recycling Center and would be subject to County and State requirements regarding the diversion of solid waste from landfills. The Project would include development of 264 apartment units and a four story parking structure. Operation of the proposed Project would increase the amount of solid waste that would require ultimate disposal at Simi Valley Landfill & Recycling Center. Based on the Air Quality analysis prepared for the proposed Project, located in Appendix H of this Draft EIR, it is anticipated that development of the Project would result in approximately 121.5 tons of solid waste a year, which is approximately 0.33 tons of solid waste

per day. At this rate, the Project would account for approximately 0.003 percent of the average daily throughput of the Simi Valley Landfill & Recycling Center. All residential solid waste generated at the Project site would be picked up in accordance with applicable City policies and procedures. The proposed Project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste to aid in the attainment of solid waste reduction goals. Therefore, impact to solid waste infrastructure would be less than significant.

**Significance before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

The estimated remaining capacity for the Simi Valley Landfill & Recycling Center is approximately 82,954,873 cubic yards (CalRecycle 2022). It is anticipated that the landfill will be available to accept solid waste until 2063. Therefore, growth anticipated to occur could be accommodated by the landfill. The proposed Project would result in the generation of approximately 0.33 tons of solid waste per day. Because the Project would represent less than 0.1 percent of the current landfill's remaining capacity, the Project impact would be less than significant, and the contribution of the Project's impact on solid waste infrastructure would be less than cumulatively considerable.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## **Compliance with Solid Waste Regulations and Statutes**

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**Impact 3.16-5: The Project would have less than significant and less than cumulatively considerable effects associated with compliance to solid waste federal, State, and local management and reduction statutes and regulations.**

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### ***Project Impact Analysis***

As previously discussed under Impact 3.16-4, the daily amount of waste to be disposed of per day would not exceed the maximum permitted throughput (tons per day). The Project would adhere to the requirements of the City and the provisions of AB 341, which focuses on increased waste recycling to reduce daily waste removal. The overall site construction and operational waste stream would not exceed the available permitted capacity and permitted daily throughput of



relevant landfills. Therefore, the Project would comply with all federal, State, and local statutes related to solid waste disposal, and impacts would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

As discussed in Impact 3.16-4, growth anticipated to occur within the Project area could be accommodated by the existing landfills. Therefore, cumulative development is expected to result in a less than significant effect on current landfills' remaining capacity. Cumulative development is expected to comply with all federal, State, and local statutes related to solid waste disposal, and impacts would be less than cumulatively significant. Because the Project would comply with all federal, State, and local statutes related to solid waste disposal, the Project's contribution to cumulative solid waste impacts would be less than cumulatively considerable.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## 3.16.6 References

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## 3.17 Wildfire

This section addresses the potential impacts of the proposed Project related to wildfire; a wildfire is an uncontrolled fire in an area of combustible vegetation generally occurring in rural areas and wildland-urban interface fires are wildfires that result in disastrous property losses. The analysis in this section is based on the project plans, California Department of Forestry and Fire Protection (CAL FIRE) Ventura County Fire Hazards Severity Zone Maps, and the *Wildfire Technical Study* prepared by Envicom Corporation in April 2022 (**Appendix M**).

### 3.17.1 Environmental Setting

#### Existing Conditions

To the north of the Project site on the opposite side of Thousand Oaks Boulevard, is an undeveloped ridge of protected open space approximately 250 acres in size running north-south between Westlake Boulevard and Lakeview Canyon Road (see **Figure 3.17-1, Proximity to Open Space**). Parallel to it, on the east side of Lakeview Canyon Road, is another undeveloped ridge approximately 140 acres in size. These ridges are the closet areas of undeveloped open space to the site (within approximately 330 feet), and they are two in a series of four ridges that run north-south, and one that runs east-west. These protected areas, which are owned by the Conejo Open Space Conservation Agency and designated the North Ranch Open Space, comprise a non-contiguous area that is 2,604 acres in size. Starting from the north-south trending ridge between Westlake Boulevard and Lakeview Canyon Road, the North Ranch Open Space extends roughly 1.5 miles to the east and west, and roughly 3.25 miles to the north. This open space is connected to a large 31,000+ acre undeveloped expanse of the Simi Hills that stretches east and north for several miles. North Ranch Open Space is the only undeveloped open space within 1 mile of the Project site. It is mostly comprised of protected ridges; the majority of foothills, canyons, and valleys between the ridges are developed and would all be considered wildland-urban interface (WUI) area. The open space contains primarily sage scrub habitat with patches of oak woodlands on the north-south ridges to the north.

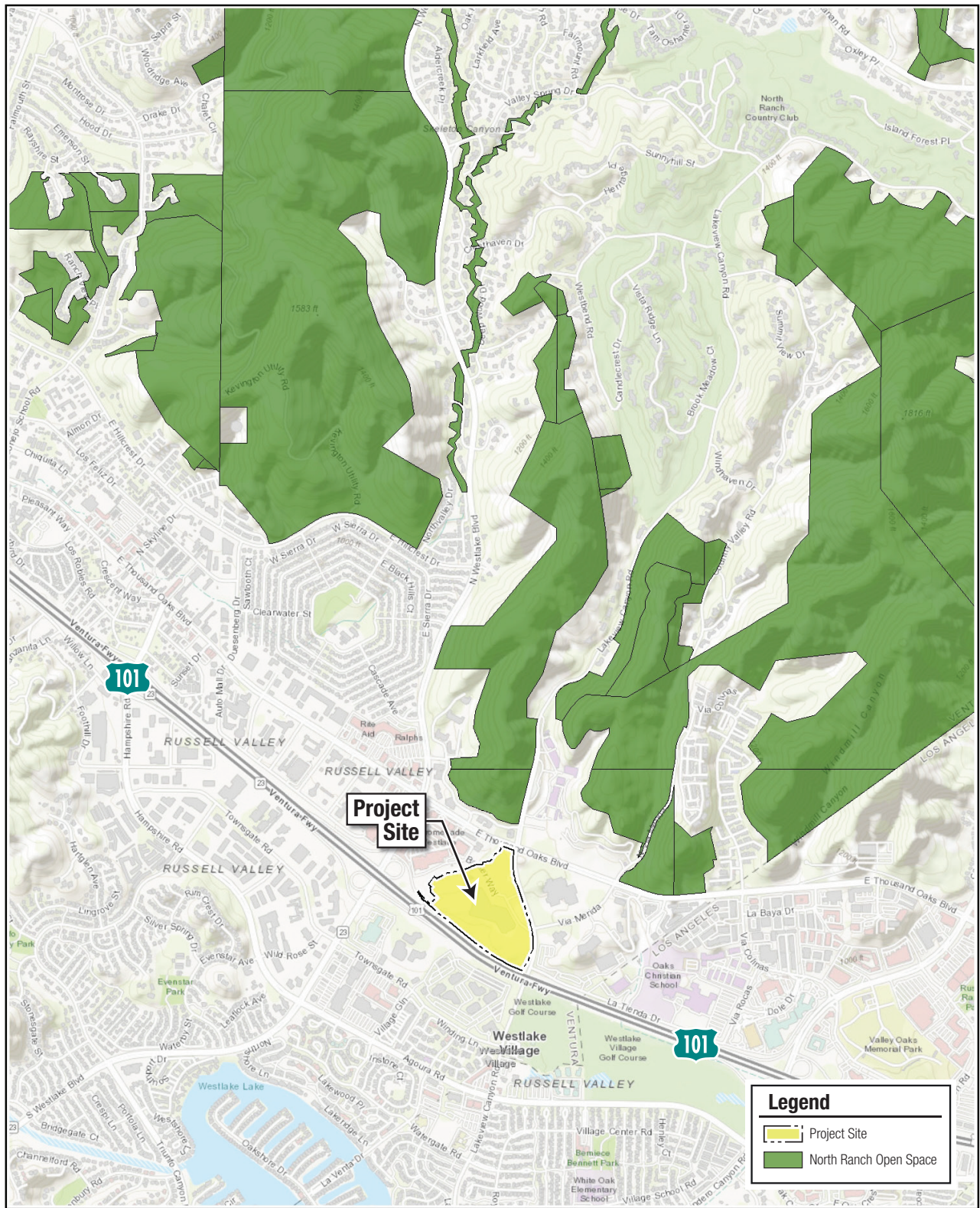
#### Wildfire

Southern California's Mediterranean climate areas are characterized by winter rains over a period of 3 to 4 months, followed by practically no precipitation for the rest of the year, with high temperatures through the summer and fall. Wildfires are a regular occurrence, and the native ecology is adapted to it, with numerous plant species dependent upon fire for propagation. The frequency of wildfire in any part of Southern California will be dependent on several factors such as topography, vegetation type and composition, wind, and temperature. Prior to European colonization, fires would either be started by lightning strikes or deliberately set by native people in order to manage the landscape for various purposes. In both cases the timing of fires was linked closely to climate conditions as lightning normally only occurs at certain times of the year, and fires set deliberately would be conducted when weather allowed control of the fires. Post colonization, the amount of area burned annually declined dramatically as forests were logged, valleys converted to agriculture, and fire suppression became the de-facto method of fire management (CAL FIRE 2018). The number, frequency, and location of fire occurrences have since become decoupled from

climate conditions because the vast majority of fires now are accidentally caused by human activity (Kramer 2019). The result is too much fire in certain instances, resulting in vegetation type conversion wherein high-quality habitat, like sage scrub or chaparral, will be converted to low-quality habitat like non-native grassland; and too little fire in others, particularly lower montane ecosystems, resulting in unusually high fuel loads and very destructive fires (CAL FIRE 2018). As human settlement continually encroaches into wildlands, more high-quality habitat is lost, and more people and structures are put into areas at high risk of wildfire.

Fire season in a typical year in Southern California runs from June to September, though in years of drought and Santa Ana winds wildfires can also occur between October and April (Jin 2015). Santa Ana winds originate from the Great Basin and upper Mojave Desert. They move west across these areas and then turn southwest as they drop from the higher elevations of the Transverse Ranges into coastal California. The winds increase in speed as they funnel through mountain passes, and gain in temperature as well. The result is strong, warm, very dry winds that sweep through the most heavily populated areas between the high desert and the ocean. Apart from the Santa Ana winds phenomenon, the number and size of wildfires have overall been increasing in the last decades owing to anthropogenic induced climate change. Since 1985, the number of wildfires and areas burned by wildfire in the west have continually increased due to rising temperatures, increased drought, and earlier snowmelt, and the length of fire season has increased so that it is nearly year-round in some places (Schoennagel 2017). Climate change effects do not cause more wildfires as most fires are caused by human activity, rather they extend wildfire conditions into more places and across a greater time span by reducing moisture in the landscape. It has been observed that the frequency of days with extreme (95th percentile) fire weather during the autumn season in California has more than doubled since the early 1980s (Goss 2020). There were 3,356 fires in California between 1979 and 2009, and total acres burned reached 7.08 million acres, which is 1.6 times more than average burn area since 1979 (Buechi 2021).

Of the 20 largest wildfires in California history, 12 have occurred since 2017. The 8 largest fires have all occurred since 2017, with the two largest—the August Complex fire (totaling 1,032,648 acres) and the Dixie fire (totaling 963,309 acres)—occurring in 2020 and from July 2021 until the end of October 2021, respectively. The third-largest fire occurred in 2020 and was less than half the size of the Dixie fire (CAL FIRE 2022a). According to California’s Fourth Climate Change Assessment Statewide Summary Report, if greenhouse gas emissions continue to rise at current rates, by the end of the century there could be a 77 percent increase in mean area burned (compared to 1961–1990), a 178 percent increase in the maximum area burned, and extreme wildfires (i.e., fires larger than 24,710 acres, or 10,000 hectares) could occur 50 percent more frequently (Westerling 2018). It should be noted that it is not so much the amount of area that burns in any given year that presents a significant environmental impact—though of course all fires produce environmentally harmful carbon dioxide, carbon monoxide, and fine particulate matter—rather, where and when those wildfires occur, and how frequently they repeat in any given location. The consequences of the current human-induced wildfire regime produce more and different impacts than a regime of natural fire occurrence and careful management.



Source: ESRI World Topographic Map Background Image, 2022. Map Source: City of Thousand Oaks Online Map, 2021



D201901351.03 - 1 Baxter Way-Gateway at The Oaks.05 Graphics-GIS-Modeling-USE AZURE

SOURCE: Envicom, 2022

The Oaks Specific Plan

**Figure 3.17-1**  
Proximity to Open Space



## Wildland-Urban Interface

The WUI is the transition zone between human development and natural, undeveloped land. It is the area where structures intermingle with wildland vegetation or are in the vicinity of large areas of wildland vegetation. The WUI is where the majority of wildfire building losses occur because it creates a condition where fire can move easily between structural and vegetative fuel. Between 1985 and 2013, 82 percent of all buildings destroyed by wildfire in California were in the WUI (Kramer 2019). California indirectly addresses the WUI issue through identification and regulation of Fire Hazard Severity Zones (FHSZ). Firefighting within the WUI is much more complex than fighting a strictly urban fire or wildland fire because the presence of structures and people means priority must be given to protecting private property or human life, and battling the wildland fire becomes a secondary priority. Although the California Building Code defines the WUI as any area within a FHSZ, many areas in the state within a FHSZ would not necessarily be considered WUI (University of Wisconsin 2022).

WUI areas are continually increasing throughout California because, practically speaking, housing development that isn't infill or on former agricultural land is most likely encroaching into undeveloped wildland or rangeland, creating new or expanding existing WUI area. Between 1990 and 2000 two-thirds of all housing growth in Southern California occurred in WUI (Hammer 2007). In 2010, approximately 33 percent of all housing units in California were located within the WUI (Martinuzzi 2015).

Approximately 85 percent of fires in California are caused by human activities, and 75 percent of the buildings destroyed by wildfire are located within the wildland-urban interface (Kramer 2019). With a continuing increase in population and a relative lack of urban infill development opportunity due to zoning restrictions, it is estimated by the year 2060 housing will continue to expand into the WUI and 22 percent of remaining forest and rangeland (scrub, grassland, and oak woodland) within Southern California will be converted to housing (CAL FIRE 2018). Structures in the WUI are at greater risk of being burned simply because the WUI is where fuel (wildlands) and people meet, and an increase in WUI is therefore an increase in fire hazard. Infill urban development and redevelopment are considered by the planning profession and fire experts alike to be the best means of increasing housing stock without increasing wildfire risk in general (Moritz 2020). Urban landscapes are far less susceptible to the hazards of wildfire and fire in general, compared to exurban or suburban WUI development. Compact, urban development is also much easier to defend from wildfire, and with a smaller firefighting force. Redevelopment also helps achieve goals related to climate resiliency and other aspects of livability that greenfield development into the WUI cannot.

## Wildfire History

According to the City of Thousand Oaks Safety Element, 36 fires occurred in or near the City between 1952 and 2013.<sup>1</sup> Within this time period, two fires came into close proximity to the Project site, the 1970 Clampitt Fire, and the 1982 Dayton Canyon Fire. According to California Department of Forestry and Fire Protection (CAL FIRE) records, the perimeter of the Clampitt Fire reached the area where the office building now stands, and the perimeter of the Dayton

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<sup>1</sup> CAL FIRE records more fires within the same time frame in the vicinity; it may be City records only include fires that entered City limits.

Canyon Fire included the hill nearest to the Project site to the north. At the time of the Clampitt Fire in 1970, there was no development on the Project site or on either side of it for 0.25 miles, and no development in the hills north of the site (UCSB 1982). In 1982, at the time of the Dayton Fire, the office building was constructed, as was Westlake High School and one office building at the corner of Westlake Boulevard and Thousand Oaks Boulevard, at the base of the hill there.

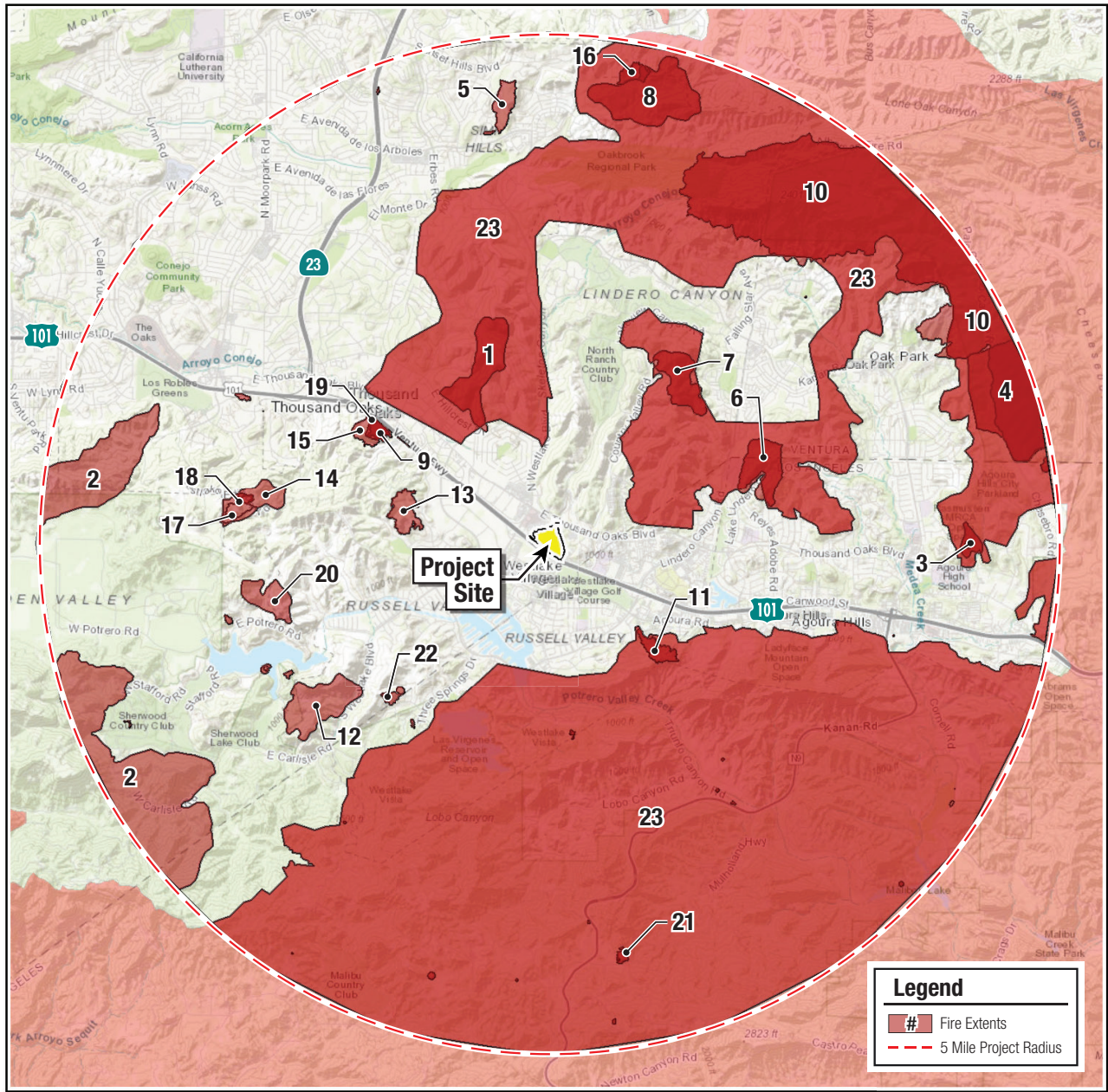
Since 1952, several fires over 10,000 acres in size have reached the Conejo Valley or the hills immediately surrounding it; the largest by far being the 2018 Woolsey Fire, which consumed nearly 97,000 acres. The Woolsey Fire began November 8, 2018, south of Simi Valley at the site of the former Santa Susana Field Laboratory. When the Woolsey Fire began, the Camp Fire in northern California and the Hill Fire near Camarillo were already underway. The Woolsey Fire quickly moved south and southwest, powered by Santa Ana winds. The fire burned most of the North Ranch Open Space, except for the two ridges nearest to the Project site, and otherwise it largely bypassed the City. The fire crossed the 101 Freeway on November 9 between Agoura Hills and Calabasas and made its way to the Pacific Ocean on the same day, burning a large swath of the Santa Monica Mountains south of the City. According to after action reports from Los Angeles County and Ventura County, regional resources that would normally be available during such a large event were not available, owing to the Camp and Hill Fires occurring at the same time. Despite this, 25,000 people were successfully evacuated during the Woolsey Fire, and casualties were limited to three persons.

As explained above, the two protected ridges nearest to the Project site were burned in the 1982 Dayton Canyon Fire, but have not burned since. Those ridges will be subject to wildfire again at some point in the future, but the interval between fires in the surrounding area suggests that the local fire regime is fairly “normal,” with relatively few fires overlapping within the last 30-year period. **Figure 3.17-2, Fire History Map**, lists all of the wildfires over 5 acres in size within 5 miles of the Project site within the last 30 years.<sup>2</sup> The wildfire occurrence interval (time between wildfires) within the entire survey area ranges from 0 to 5 years, with an average of 1.2 years. However, most of the area depicted either has only burned once during the last 30 years or hasn’t burned at all. Therefore, within this data set the wildfire occurrence interval for any discreet location within the study area is 30 years or more, and most properties have not been seriously threatened by wildfire more than once in a 30-year period. Of those areas that have burned more than once within this period, the interval of overlapping fire ranges from three to 27 years.

Chapparral and sage scrub habitat, which are the dominant plant communities in the area, have a “natural” fire return interval of anywhere between 20 to over 100 years, with chapparral burning slightly less frequently than sage scrub (CAL FIRE 2018). This is how often one would expect such habitat to burn absent human ignition. A localized fire return interval somewhere within that timeframe when could be considered within the average range, broadly speaking. Although any sizable wildfire is a traumatic event that is remembered for years, the wildfire history of the area suggests that the local wildfire regime is within an average range, and that the overall threat of wildfire in the open space around the City would not appear to be severely out of sync with what could be considered a “normal” wildland fire regime.

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<sup>2</sup> Wildfires under 5 acres are still drawn on the map but are not listed in the table as most tend to be controlled burns.



Source: ESRI World Topographic Map Background Image, 2021. Map Source: CalFire, 2020.

No.	Year	Name	Acres
1	1991	Westlake	180.19
2	1993	Green Meadows	38,477.86
3	1994	Toth Fire	24.89
4	1994	Palocomado	651.66
5	1997	Autumn	46.85
6	1997	Rhapsody Fire	122.17
7	1998	Ranch	107.96
8	2001	Westlake Incident	278.60

No.	Year	Name	Acres
9	2005	Freeway	14.86
10	2005	Topanga	23,394.76
11	2006	Westlake	33.91
12	2006	Sherwood	167.95
13	2007	Foothill	55.62
14	2009	Rancho	56.45
15	2010	Hampshire	41.61
16	2015	Bannister	25.01

No.	Year	Name	Acres
17	2015	Potrero	29.25
18	2015	Potrero 2	43.49
19	2016	Rancho	19.58
20	2016	Sherwood	78.70
21	2017	Mulholland	7.37
22	2017	Brook	10.04
23	2018	Woolsey	96,945.79



SOURCE: Envicom, 2022

The Oaks Specific Plan

**Figure 3.17-2**  
Fire History Map





## Fire Protection Responsibility

The Project site is located within a Local Responsibility Area (LRA) for purposes of fire protection (i.e., an area where the local government is responsible for wildfire protection). The City of Thousand Oaks is within the Ventura County Fire Prevention District, and fire prevention and suppression services are provided by the Ventura County Fire Department (VCFD). The VCFD has approximately 600 employees and 33 fire stations throughout Ventura County. Battalion 3 commands the Conejo Valley area, and its headquarters are located at 325 W Hillcrest Drive in Thousand Oaks. The Battalion Chief commands the eight fire stations located in the Conejo Valley that serve the City of Thousand Oaks. The nearest fire station to the Project site is VCFD Station 31, Westlake, approximately 1.1 miles to the northwest.

The VCFD has a goal of a first unit on scene within 8.5 minute (with 5-minute travel time) for suburban areas 90 percent of the time and extinguish 95 percent of all wildfires at 10 acres or less. The strategy of crew deployment is to spread crews across a community for quick response to keep emergencies small and with positive outcomes, without spreading the crews so far apart that they cannot amass together quickly during a major emergency (VCFPD 2017). The majority of Thousand Oaks is within 2 miles of a fire station, which allows VCFD to meet its response time goals. Four additional stations are regularly available to assist the eight located within the Conejo Valley. These are Station 40 Mountain Meadows in Moorpark, and Station 44 Wood Ranch in Simi Valley, and two stations west of the City (Station 52 Mission Oaks and Station 54 Camarillo, both in Camarillo). The VCFD also has a number of mutual aid or automatic aid agreements with other fire service agencies including Los Angeles County and the City of Los Angeles, which are employed on an as-needed basis. Los Angeles County Fire Station 144 is approximately 1.2 miles directly south of the Project site. In addition, every emergency response institution within the State of California is bound by the terms of the California Disaster and Civil Defense Master Mutual Aid Agreement, which creates a statewide mutual aid network wherein facilities throughout the state can be mustered to render mutual aid to divert natural or human-made disasters. Emergency response institutions also use the same incident response system, which allows easy collaboration.

Wildfires near a VCFD station are first addressed by that station. Response levels are based on type of incident, location, weather conditions, existing or potential emergencies, resources available and the information the VCFD is working with. Staffing levels and the staffing of specialized resources are adjusted according to existing or potential conditions. The closest available resource, plus the closest available resources of the type needed, respond to incidents. The minimum response team to a wildland fire is two engines, one Battalion Chief, and seven firefighters. The full response team would include the Battalion Chief, 5 engines, a water tender truck, dozer, 2 helicopters, and multiple hand crews (VCFD 2022a). Once on the site personnel determine the needs of the incident and responses are adjusted accordingly.

In extraordinary wildfire circumstances mutual aid and automatic aid agreements are key for a rapid response, and this is true for all firefighting operations throughout the state. The response to the Woolsey Fire illustrates this well. At the time of the Woolsey Fire, the VCFD was fully engaged in battling the Hill Fire, which at the time appeared to be a greater threat. The starting location of the Woolsey Fire activated the Mutual Threat Zone Plan, a mutual-aid response

agreement between the Ventura County, Los Angeles County and Los Angeles City Fire Departments. All three organizations dispatched resources to the Woolsey Fire, and once the Hill Fire advanced into the burn scar left by the 2013 Springs Fire, firefighters were able to contain that fire, freeing additional resources to contend with the Woolsey Fire.

The Camp Fire in northern California was occurring simultaneously, and this did not allow northern or central California resources to move south, as would normally be the case. Because Santa Ana winds had created perfect fire conditions throughout the state, and no central or northern California resources would be available to move south, other Southern California firefighting agencies had to retain many of their assets, otherwise their locales would be vulnerable to the same conditions. Ultimately, approximately half of the requested resources were provided for the Woolsey Fire. In effect, the 2018 simultaneous occurrences of the Camp, Hill, and Woolsey Fires exhausted the capabilities of the mutual aid system. During the initial stages of the Hill and Woolsey fires, the Ventura County, Los Angeles County and Los Angeles City Fire Departments were all engaging in fire perimeter control, structure defense, and life safety actions. Once the Woolsey Fire entered the complex terrain of the Santa Monica Mountains as it headed toward the ocean, and it became clear mutual aid resources had been exhausted, the Woolsey Fire command team strategically shifted all resources to prioritize life safety actions. That is, the responders could not focus on containing the fires or saving structures, but rather had to shift focus to saving people. This resulted in single-family houses within the WUI being lost, but casualties being limited to three people, and 250,000 people successfully evacuated despite the speed of the fire and constraint on resources (County of Los Angeles 2019).

During peak firefighting operations, VCFD, supplemented by the fire mutual aid system, brought nearly 4,000 emergency response personnel, 577 fire engines and 22 aircraft to combat the Woolsey Fire. A total of 295 structures within Ventura County were either damaged or destroyed, but no major population centers were impacted. During the fire, the Ventura County Sheriff's Office issued evacuation orders to more than 80,000 Ventura County residents using door-to-door notifications, VC Alert notifications, Wireless Emergency Alerts, the Emergency Alert System, news outlets, websites, social media, and community liaisons. Six emergency shelters served over 9,000 meals and snacks, and five animal shelters cared for 356 displaced animals. The VC Emergency website had more than two million unique page views and the emergency hotline received over 43,000 calls for incident information (County of Ventura 2020).

## **Emergency Access**

Emergency access will be provided via Lakeview Canyon Road. There are currently two entrances off of Lakeview Canyon Road for the office building. Both entrances will remain and will continue to provide emergency access to the site. The primary entrance is designated as Baxter Way and will serve as the primary entrance for the proposed apartment buildings. Additionally, a bridge (on an easement in favor of the Project) provides a connection between the subject property and the Promenade shopping center and is wide enough for fire access.

Within the vicinity of the Project site, the City's Safety Element designates Westlake Boulevard, Thousand Oaks Boulevard, and Lakeview Canyon Road all as evacuation routes. The boulevards have a design capacity of 1,600 vehicles per hour for each lane.

## 3.17.2 Regulatory Setting

### Federal

The Project site is located within a Local Responsibility Area (LRA) for purposes of fire protection (i.e., an area where the local government is responsible for wildfire protection), and therefore, the federal wildfire regulations do not apply to the Project site or in the immediate area. The federal National Incident Management System (NIMS) provides a shared vocabulary, systems, and processes to prevent, protect against, mitigate, respond to and recover from disaster, and would be relevant should a wildfire event become extraordinary and require federal support. NIMS is intended to standardize response to emergencies involving multiple jurisdictions or multiple agencies and is complementary to the state SEMS system. Both systems utilize the ICS as their core field operations protocol so that all parties are essentially speaking the same language.

### State

#### ***California Governor's Office of Emergency Services***

The Governor's OES oversees and coordinates emergency response preparedness of other state agencies and produces the State of California State Hazard Mitigation Plan. The 2018 State Hazard Mitigation Plan represents the state's primary hazard mitigation guidance document that includes discussions on wildfire and structural fire hazards and provides mitigations for effective wildfire suppression planning. The Hazard Mitigation Plan also includes goals and objectives related to reducing risks associated with wildfire. The OES also regulates the SEMS (discussed above) which creates the statewide framework within which the State, counties, and local governments coordinate responses during emergency events.

#### ***California Department of Forestry and Fire Protection***

CAL FIRE is the California Department of Forestry and Fire Protection. It is dedicated to the fire protection and stewardship of over 31 million acres of the state's wildlands. Sections 51175 – 51189 of the California Government Code define CAL FIRE's responsibility for identifying FHSZ throughout California. The FHSZs on CAL FIRE maps are based on fuel loading, slope, fire history, weather, and other factors as directed by California Public Resources Code, Sections 4201 – 4204, and California Government Code, Sections 51175 – 51189. FHSZs are ranked from Moderate to Very High and are designated within a Federal Responsibility Area, State Responsibility Area (SRA), or LRA, which indicate the jurisdiction as belonging to a federal agency, CAL FIRE, or local agency, respectively. The agency that performs firefighting activities can be different from the responsible agency if there is a contract agreement in place. Local agencies have the responsibility to designate, by ordinance, very high fire hazard severity zones (VHFHSZ) within their jurisdictions, per sections 51178.5 and 51179 of the Government Code. The current VHFHSZ areas that include a portion of the Project site are illustrated in **Figure 3.17-3, VHFHSZ Boundaries**.



Source: Google Satellite Imagery, March 8, 2020. Map Source: City of Thousand Oaks Online Map, 2021



D:\201901351\_03 - 1 Baxter Way-Gateway at The Oaks\05 Graphics-GIS-Modeling-USE AZURE

SOURCE: Envicom, 2022

The Oaks Specific Plan

**Figure 3.17-3**  
VHFHSZ Boundaries



### ***The Board of Forestry and Fire Prevention***

The Board of Forestry and Fire Protection (Board) is a Governor-appointed body within CAL FIRE. It is responsible for developing the general forest policy of the state, determining guidance policies for CAL FIRE, and represents the state's interest in federal forestland within California. The Board is charged with developing policy to protect all wildland forest resources in California not under federal jurisdiction. These resources include major commercial and non-commercial stands of timber, areas reserved for parks and recreation, woodlands, brush-range watersheds, and all private and state lands that contribute to California's forest resource wealth. The Board develops and adopts the Strategic Fire Plan pursuant to broad direction provided under Public Resources Code (PRC) Sections 4114 and 4130. The 2019 Strategic Fire Plan organizes the State's vision and values regarding fire management and provides direction for CAL FIRE's statewide planning and implementation of fire protection services, activities, and regulation. The Board is also responsible for reviewing the safety element of cities or counties that contain VHFHSZs. The Board responds with findings and recommended changes regarding policies and land use in VHFHSZs that will protect life, property, and natural resources from unreasonable risks associated with wildfires, and the methods and strategies for wildfire risk reduction and prevention within VHFHSZs. The County Board of Supervisors or City Council must consider the Board's recommendations and respond in writing if any of the recommendations are not accepted.

### ***State Fire Safe Regulations***

The project is located within a Local Responsibility Area (LRA) Very High Fire Severity Zone (VHFHSZ) and shall comply with the minimum standards of the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Article 6, Subchapter 2, "SRA/VHFHSZ Fire Safe Regulations" (CCR T-14 FSR), unless modified by more restrictive local ordinances and requirements.

### ***California Building Code***

The CBC contains three chapters that address fire safety:

#### **Chapter 7, Fire and Smoke Protection Features**

Chapter 7 regulates materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.<sup>28</sup> Chapter 7 applies to all permitted structures.

#### **Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure**

Chapter 7A establishes minimum standards for the protection of life and property by increasing the ability of a building located in any Fire Hazard Severity Zone to resist the intrusion of flames or burning embers projected by a vegetation fire and contributes to a systematic reduction in conflagration losses. Chapter 7A applies to all new buildings located within a FHSZ and wherever local regulation may require. The proposed Project is subject to Chapter 7A requirements and project structures will, therefore, meet all ignition-resistant construction standards of the chapter. This chapter of the CBC defines WUI as any area within a FHSZ for regulatory purposes.

## **Chapter 9, Fire Protection Systems**

Chapter 9 is known as the California Fire Code (CFC), which incorporates by adoption the International Fire Code with California amendments. The CFC specifies when fire protection systems are required, and specifies the design, installation, and operation of those systems. It addresses requirements for buildings, facilities, storage, and processes, and addresses safe storage, and use of hazardous materials, as well. Fire sprinkler requirements, fire flow standards, and emergency access roads standards are components of the CFC. Chapter 9 requirements are applicable throughout the state.

### **California Public Resources Code**

California PRC Section 4290 requires minimum fire safety standards related to defensible space that are applicable to residential, commercial, and industrial building construction in SRA lands and lands classified and designated as VHFHSZs. These regulations include road standards for fire apparatus access, standards for signs identifying roads and buildings, fuel breaks and green belts, and minimum water supply requirements. These regulations do not supersede local regulations, which are equal to or exceed minimum regulations required by the state.

California PRC Section 4291 requires a reduction of fire hazards in SRA lands around buildings located adjacent to a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered in flammable material. It is required to maintain 100 feet of defensible space around all sides of a structure, but not beyond the property line unless required by state law, local ordinance, rule, or regulations. Further, California PRC Section 4291 requires the removal of dead or dying vegetative materials from the roof of a structure, and trees and shrubs must be trimmed from within 10 feet of the outlet of a chimney or stovepipe.

### **California Government Code**

Section 51182 of the California Government Code applies defensible space requirements to VHFHSZs within LRA lands or otherwise designated by the local agency. It requires maintenance of 100 feet of defensible space around all sides of a structure and allows local agencies to determine if such space should extend beyond property lines. It allows the intensity of fuel management activities to vary with more intense fuel reduction used closer to the structure, within 5 to 30 feet, than used beyond that distance. The regulations in Section 51182 are based upon regulations promulgated by the State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal.

### **Assembly Bill 38**

On October 2, 2019, Governor Newsom signed Assembly Bill (AB) 38 related to fire safety. California AB 38 established a 5-year pilot program requiring Cal OES and CAL FIRE to work together to fund a fire retrofit program to help communities and owners of homes built prior 2008 building codes to harden their homes and make them more likely to survive wildfires. It also requires that local agencies conduct inspections and provide education on fire hardening improvements when real estate transactions occur within a VHFHSZ.

## **Regional**

### ***Ventura County Fire Code***

The Board of Directors of the Ventura County Fire Protection District, adopted by reference the 2019 CBC, including portions of the 2018 International Fire Code, and portions of Title 19 of the California Code of Regulations, with amendments, to produce the Ventura County Fire Code (VCFC). The VCFC includes Appendix W, which establishes minimum requirements in WUI Areas to increase the ability of a building to resist the intrusion of flame or burning embers being projected by a vegetation fire. The appendix includes provisions for the identification of Hazardous Fire Areas that require applicable Defensible Space provisions included in this VCFC and enforced by the Fire Code Official and applicable state and local fire-resistive building standards that are required and enforced by the local building official. Appendix W consolidates the County's approach to regulating properties within Very High Fire Hazard Severity Zones (VHFHSZs). The Code also provides regulation of water supplies necessary for fire protection and fire protection systems related to wildfire and standard construction activities or certain use permits. In addition, landscape plans are subject to review according to the provisions in the Code related to defensible space standards within VHFHSZs and local Hazardous Fire Areas. VCFD Ordinance 29 establishes minimum and cumulative design and maintenance standards for emergency fire access roads within the jurisdictional boundaries of the Ventura County Fire Protection District. The standards apply to public and private property, and includes road design, signage, and marking requirements and provisions for enforcement. The standards are based upon those established in Section 1270 of Title 14 of the California Code of Regulations.

### ***Ventura County Fire Department***

The City is within the VCFD for firefighting services within the City. In addition to a portion of the site being within the VHFHSZ, the VCFD designates that portion within their High Fire Area (HFA) designation. VCFD created the Fire Hazard Reduction Program to coordinate fire prevention efforts within VHFHSZ areas, acknowledging "A working partnership between property owners, their neighbors, and the Ventura County Fire Department is the best defense against disastrous fires." (VCFD 2022b) The Wildland Fire Action Plan is a guidance document produced by the VCFD that provides education and direction to homeowners within VHFHSZs.

### ***Ventura County Sheriff Office of Emergency Services, Emergency Operations Plan***

The Emergency Operations Plan (EOP) is the County's preparedness document designed to be read, understood, and exercised prior to an extraordinary emergency. It designates the County of Ventura as part of the California Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS). It clarifies each element of the emergency management organizations and their responsibilities in the maintenance of appropriate and current Standard Operating Procedures resource lists and checklists that detail how assigned responsibilities are performed to support implementation of the EOP and to ensure an effective response during a major disaster. The EOP delineates the organization, framework, and command hierarchy for the County's response to major disasters.

## Local

### ***City of Thousand Oaks General Plan***

The City's General Plan Safety Element provides policies to address Wildfires. The element identifies the risks inherent in living within a fire-adapted landscape and acknowledges that the protection of life and property within VHFHSZs cannot be accomplished by the fire department alone but is dependent upon property-owners maintaining defensible space in the proper manner (i.e., fuel modification requirements). Following are the City's General Plan Safety Element goal and policies regarding Wildfires that are applicable to the Project.

**Goal S-6:** Prevent the loss of life and property due to uncontrolled wildfire in the urban/wildland interface through the cooperation of the Ventura County Fire Protection District and property owners living in these areas.

***Policy D-2:*** Continue to provide adequate fire protection and prevention services to meet the needs of the community and continue to support inter-jurisdictional fire protection agreements.

***Policy D-3:*** Inspect buildings susceptible to fire damage and abate hazardous conditions as necessary.

***Policy D-6:*** Continue to strive for 5-minute response time to all fire and life safety emergency responses.

***Policy D-7:*** Provide adequate fire flow for all new developments in accordance with the CBC and adopted Amendments (or the most current edition of the CBC, as adopted).

***Policy D-8:*** Equip new buildings with an automatic fire sprinkler system in accordance with the CBC and Ventura County Fire Protection District Ordinance.

***Policy D-10:*** Provide for minimum road widths and clearances for new development projects in accordance with:

- Municipal Code requirements (Section 9-3.1015 and 9-3.1016);
- Standards specified in the City of Thousand Oaks Road Standards and construction specifications in effect at the time of construction; and
- Any other standard and specific conditions required by the Fire Department in the permit application.

***Policy D-12:*** Establish defensive barriers in the urban/wildland interface to protect against wildfire. Specifically, this shall include:

- Establish and maintain a 100-foot defensible perimeter around each habitable structure along the urban wildland interface. Provide for the removal of annual fuels within the defensive perimeter.
- Provide any fire suppression resource from any agency the opportunity to successfully protect structures and other valuable properties during a wildfire threat.



- Protect the watershed fire areas from exposure to structure fires in the urban/wildland interface areas.

**Policy D-16:** Coordinate with Ventura County Fire Protection District as determined to be necessary in order to identify suitable fuel management and prescribed burning areas.

**Policy D-17:** Work with the Ventura County Fire Protection District, the Conejo Open Space Conservation Agency and other agencies, as appropriate, to implement fuel management and post fire recovery plans that conserve wildlife habitat while protecting public safety.

**Policy D-18:** Review the very high fire hazard severity zone map with the Ventura County Fire Protection District in order to update City information.

### **City of Thousand Oaks Municipal Code**

Section 8-1.02 of the Municipal Code adopts the CBC by reference with certain amendments. Adoption of the CBC includes Chapters 7, 7A, and 9 (the California Fire Code) as described above. By necessity, the City's building code provisions regarding fire safety are either identical to or more stringent than those found in the CBC.

### **City of Thousand Oaks Emergency Operations Plan**

This EOP addresses the City's planned response to extraordinary emergency situations associated with natural disasters, technological incidents, and national security emergencies. The plan helps maintain the City's ability to prepare, respond and recover from a variety of emergency incidents, and satisfies the SEMS requirements per Title 19 of the California Code of Regulations and the National Incident Management System. The plan establishes that the City utilizes the precepts of the Incident Command System (ICS), SEMS, and NIMS in emergency response operations, and delineates the resources and hierarchy of command response as it relates to the City's assets, authority, responsibilities, and organizational structure.

## **3.17.3 Thresholds of Significance**

According to Appendix G of the State CEQA Guidelines, the proposed Project could have a potentially significant impact with respect to wildfire if it would be:

- Located in or near state responsibility areas or lands classified as very high fire hazard severity zones, substantially impair an adopted emergency response plan or emergency evacuation plan (see Impact 3.17-1, below).
- Located in or near state responsibility areas or lands classified as very high fire hazard severity zones, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire (see Impact 3.17-2, below).
- Located in or near state responsibility areas or lands classified as very high fire hazard severity zones, require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment (see Impact 3.17-3, below).

- Located in or near state responsibility areas or lands classified as very high fire hazard severity zones, expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes (see Impact 3.17-4, below).

### 3.17.4 Methodology

The Project's potential impacts associated with wildfires were evaluated using a variety of resources, including CAL FIRE maps showing FHSZs, FRAP database, and fire history.

### 3.17.5 Impact Analysis

#### Emergency Plans

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**Impact 3.17-1: The Project is located in or near state responsibility areas or lands classified as very high fire hazard severity zones; however, less than significant and less than cumulatively considerable effects would be associated with the impairment of an adopted emergency response plan or emergency evacuation plan.**

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#### ***Project Impact Analysis***

The Project is located in an LRA with portions of the site within a VHFHSZ (CAL FIRE 2022b). There are three primary documents that govern the framework for emergency response in the City of Thousand Oaks; these are the City's 2020 Emergency Operations Plan, the City's General Plan 2014 Safety Element, and the 2021 Ventura County Operational Area Emergency Operations Plan. Impairment of emergency response or emergency evacuation plans might occur if the Project introduced conditions that place a burden on emergency responders during an emergency response situation or impair the implementation of emergency response planning. Examples might include creating steep grades or undersized roadways that responders must navigate, or bottlenecks created by project placement or design that could impair orderly emergency access to or from the Project site or within the vicinity. This could occur during construction or during operations.

#### **Construction**

During construction of the proposed Project, all equipment staging would occur within the property, and workers' vehicles would be parked on the property. Construction material hauling vehicles would require minimal use of City streets due to the close proximity of the site to the U.S. 101 freeway ramps. Because there are no proposed changes to the existing improvements within the right-of-way of Lakeview Canyon Road, there will be no need to disrupt traffic during construction. All utilities lines will be extended from existing utilities on-site, so there will be no need to place lines in Lakeview Canyon Road. In the event that encroachment into the public right-of-way were necessary, work would be coordinated with the City to provide adequate notification and a construction-phase traffic control plan, including warning signs, traffic cones, and/or flagmen, as necessary. As such, Project construction activities would not substantially impede emergency vehicle access or impair an emergency response plan or evacuation plan. Therefore, Project construction activities would result in less than significant effects associated with the impairment of an adopted emergency response plan or emergency evacuation plan.

## Operations

The Project would redevelop a portion of an existing office site with apartment buildings containing a total of 264 units, plus accompanying landscaping and surface parking, on a new parcel created for the Project that currently contains surface parking. In addition, a four-story parking structure will be constructed on the parcel containing the existing office building. The VCFD enforces particular design and access standards determined by the CBC or other regulatory agencies that are designed to ensure a development does not impact emergency access or evacuation plans. These requirements include that (1) all building exteriors can be accessed by fire lanes or within sufficient proximity to a fire hydrant or standpipe, (2) fire access lanes have sufficient turning radius at all turns in the road, and (3) there is sufficient water flow for firefighting operations, among other requirements.

Internal circulation routes around the Project buildings double as fire access lanes, and each exterior façade is within sufficient distance of a lane or proposed standpipe. Precise location of fire hydrants or standpipes will be placed according to VCFD specification, and fire-flow, sprinkler systems, and fire alarm systems will all be subject to review and approval of the VCFD. The design of the Project and the buildings will conform to all regulatory requirements regarding fire safety, and, therefore, would result in a less than significant impact on emergency response plans to the development.

Primary and secondary access to the Project will be taken from Lakeview Canyon Road, with the southerly driveway acting as the secondary point of ingress/egress. Fire access is also possible from the west side of the Project site via the bridge connection between the Project site and the existing commercial shopping center. Lakeview Canyon Road, Thousand Oaks Boulevard, and Westlake Boulevard are all designated evacuation routes. Lakeview Canyon Road provides connection to Thousand Oaks Boulevard, which connects to Westlake Boulevard, which provides access to U.S. 101. Lakeview Canyon Road also provides access to a bridge over U.S. 101 and Agoura Road, which connects to U.S. 101 via Lindero Canyon Road. Thousand Oaks Boulevard also provides east-west travel as an alternative to U.S. 101. From the Project site, U.S. 101 freeway entrances are within 0.5 and 1.5 miles by roadway, and Thousand Oaks Boulevard is less than 700 feet from the Project site. All of the routes to U.S. 101 are along large-capacity major arterial roads, besides Lakeview Canyon Road itself which is an arterial road sized to allow 5 lanes. Such roads are typically designed to accommodate 1,600 vehicles per hour through intersections.

Ventura County Sheriff's OEC would have primary responsibility for coordinating evacuations, though the VCFD may direct evacuations during a wildfire. Evacuation warnings or evacuation orders are issued according to conditions as wildfires are inherently dynamic and unpredictable. Multiple factors such as weather conditions, fuel loads, recent fire history, road conditions, available resources, etc., may influence the ordering and timing of evacuation orders, but it is the experience and training of the emergency response agencies, operating within the framework of the SEMS and ICS, which effectuates evacuation decisions. Evacuation warnings and orders may be made in a phased manner according to vulnerability, location, or other factors, which would enable traffic surges on roadways to be minimized over time allowing for more orderly flow of vehicles exiting an evacuation area. Once a warning or order is issued, it is important to note that

the timely evacuation of residential properties depends upon timely cooperation from the individual residents under evacuation orders.

To assist in public awareness and preparation for wildfires, the Ready Set Go! (RSG) Program was developed within the state and is now utilized nationwide, managed by the International Association of Fire Chiefs. RSG is an educational and awareness campaign focused on helping residents living in high fire areas prepare for the eventuality of living through wildfire. The VCFD RSG program consists of outreach and information available from the department (VCFD 2022c). The VCFD consolidates emergency preparedness outreach and information into two primary public documents, the Ready Ventura County Emergency Preparedness Guide, and the RSG Wildfire Action Plan (Action Plan) guidebook. The Action Plan emphasizes that practical limits on firefighting resources requires individual residents to take responsibility for their response to wildfire.

The Action Plan explains that properties in the WUI are under direct threat of wildfire, while properties within 1 mile of a wildfire would be within the ember zone, where structures are vulnerable to wind-driven embers from a wildfire. The Project site is within the ember zone of the open space to the north, and wind-borne embers would be the biggest wildfire risk to the property. This threat is addressed by the fire-hardening of the structures.

The proposed Project provides sufficient fire access to the site, travel distance from the site to U.S. 101 freeway or other evacuation routes are short, and evacuation routes themselves have multiple travel lanes each designed to accommodate 1,600 vehicles per hour. Also, the Project is not within the WUI; it is in an urbanized setting, and there is a lack of wildland area susceptible to wildfire between it and evacuation routes. The Project would not substantially impact an adopted emergency response or evacuation plan. Therefore, Project operational activities would result in less than significant effects associated with the impairment of an adopted emergency response plan or emergency evacuation plan.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Evacuation proceedings would not be substantially impaired by the Project because evacuations by their nature often overwhelm roadways, and the Project's cumulative contribution to such a situation would not be significant. Streets are not designed to accommodate all vehicles in an area all at once, regardless of the setting. This makes evacuations unique because all vehicles on the roadway at once is not traffic, but an extraordinary, temporary, and rare emergency circumstance. It is not practical, and likely not possible, to design roadways or road networks for the purposes of evacuation. The physical conditions that will allow for successful evacuations from a site threatened by wildfire are as follows:

- Adequate fire access to the site
- Multiple routes for evacuation within a short distance that lead away from the site and away from wildfire areas
- Being located outside of the WUI so that evacuation does not require traveling through areas susceptible to wildfire and where firefighters may be battling wildfire

These physical conditions are in place, but new uses will not interfere any more with evacuation proceedings than nearby existing uses within the same physical context would. Therefore, the implementation of cumulative development would result in a less than significant cumulative impact. In addition, the Project's contribution to the cumulative impact would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant

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## **Exacerbate Wildfire Risk**

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**Impact 3.17-2: The Project is in or near state responsibility areas or lands classified as very high fire hazard severity zones; however, due to slope, prevailing winds, and other factors, the Project would result in less than significant and less than cumulatively considerable impacts associated with wildfire risks and exposure of Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.**

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### ***Project Impact Analysis***

Development near the ridge of a vegetated slope can exacerbate wildfire risk to a structure because fires burn up slopes much faster than on a flat or down sloping area. Development within an area where winds naturally accelerate as they travel through, such as in the gap between two mountains, surrounded by or close to upwind vegetation, could exacerbate wildfire risk as well. The Project is located in a generally flat area surrounded by development. The exception are the hills north of the Project site. Prevailing winds in the area tend to blow to the southeast from May to September and southwest from September to February, with more variable patterns between March and May. Santa Ana winds generally blow to the southwest. Prevailing winds then travel through the open space before reaching the site; however, the geography of the area does not cause winds to accelerate significantly as that would require more dramatic topography. The Project, therefore, is not placed in an area where it significantly exacerbates wildfire risk due to slope or prevailing winds, or other geographical factors.

Although located partially within a very high fire hazard severity zone, the Project is an urban infill redevelopment of an existing industrial office site and does not increase the WUI. It would

redevelop an existing industrial office property and establish residences at a density of 30 units per acre, within an area surrounded by commercial and office uses. Infill properties are the preferred and logical location for new residential density as far as wildfire safety is concerned. Such projects do not expand development into the WUI, and in that regard do not exacerbate wildfire risk. New development that increases the WUI, like a residential subdivision surrounded by open space, increase both the risk for wildfire occurring and the risk of wildfire to life and property. The existing School House Canyon drainage that contains valley oak riparian forest vegetation is wooded and would be near the proposed apartment buildings, and the drainage area constitutes wildlands. It is a narrow area bordered on both sides by development, easily accessible to firefighters, and the vegetation there receives a great deal more water than the nearby hills as runoff from nearby streets is directed to it. Vegetation surrounding the drainage area will then normally be much more hydrated throughout the year compared to vegetation in the nearby open space. Effectively the creek is a semi-natural landscape feature and would not create a greater risk of fire than, for example, street trees or other municipal landscaping.

The Project is within the ember zone of wildfires that could occur in nearby open space. The apartment buildings, however, will be fire-hardened pursuant to provisions found in Chapter 7A of the CBC. Chapters 7, 7A, and 9 of the CBC regulate building materials, structural design as it relates to fire containment, safety features, and fire sprinkler systems. Chapter 7A provisions harden the structure against wildfires, but also serve to further reduce the likelihood of the development burning out of control. Chapter 7A compliant features include a Class A roof assembly, which is the class of roof that is effective against severe fire test exposure, and eave or soffit venting that will not allow combustible embers to enter. The flat non-combustible roof and vertical non-combustible cladding on the exterior walls, constructed of a combination of cement plaster and fiber cement panels present a fireproof shell to the exterior with no system venting that will allow burning embers inside. The parking structure will be built out of concrete and steel, and fire-sprinklered, and therefore extremely resistant to any fire. The fire safe project features, in combination with the buildings being fire-sprinklered, would assure risks associated with development of catching fire and spreading fire that exposes Project occupants to the pollutant concentrations of a wildfire would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Each cumulative project located within either a State-designated SRA or LRA VHRHSZs and within areas characterized by hills and mountains would be evaluated and would be required to adhere to applicable Fire Code and Building Code requirements to reduce potential wildfire risk and exposure of occupants to pollutant concentrations from a wildfire. Adherence to all regulatory requirements would minimize potential impacts related to exposure to and the uncontrolled spread of a wildfire. Therefore, cumulative development would result in less than significant wildfire impacts that could expose occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Because the Project would result in less than significant wildfire risks that expose occupants to the pollutant concentrations of a wildfire, the Project's contribution with regard to wildfire would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

## ***Mitigation Measures***

### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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## **Infrastructure**

**Impact 3.17-3: The Project is located in or near state responsibility areas or lands classified as very high fire hazard severity zones; however, the Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, and therefore, the Project would result in a less than significant and less than cumulatively considerable impacts related to wildfire impacts from infrastructure.**

### ***Project Impact Analysis***

The Project is an urban infill development that will not require the installation of infrastructure to address the risk of wildfire. The site is served with existing infrastructure for water, sewers, and electricity; thus, there is no need for expansion of infrastructure into the WUI or other areas susceptible to wildfire. The Project does not require the installation of roads, fuel breaks, emergency water sources, power lines, or other utilities within proximity of a natural open space area, and, therefore, impacts would be less than significant.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

Related projects may require associated infrastructure, such as roads, fuel breaks, and power lines that could exacerbate fire risk that may result in temporary or ongoing impacts to the environment. These projects would be reviewed by their respective jurisdictions for land use and zoning consistency and compliance with applicable design requirements. The placement of infrastructure would occur in conformance with applicable fire codes to minimize the potential fire risk such as siting and design, and therefore cumulative development would result in less than significant impacts. Because the Project would not require installation of associated infrastructure that would exacerbate fire risk, the Project's contribution to wildfire impacts from the installation of infrastructure would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

#### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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### **Post Fire Impacts**

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**Impact 3.17-4: The Project is located in or near state responsibility areas or lands classified as very high fire hazard severity zones; however, the Project would result in less than significant and less than cumulatively considerable impacts from the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.**

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### ***Project Impact Analysis***

The Project consists of redevelopment of a portion of an existing industrial office site. Neither the Project site nor the surrounding area is within a floodplain or flood area. The site contains relatively flat terrain, and the geology of the site has proven stable with decades of use on it and the adjacent parcel. Because the buildings to be constructed will be fire-hardened and sprinklered, plus the primarily urban nature of the site, a catastrophic fire on the site would be highly unlikely. However, if one were to occur on-site, no landslide or downslope or downstream flooding condition would be created, as the building site is located on relatively flat terrain.

Landslides, runoff, and post-fire slope instability can also result from heavy rains outside of actual flooding. To determine the Project's potential impact in this regard, there is an evaluation of whether it is possible for the Project to cause a wildfire that would spread to the nearest wildlands, which are the hills to the north of the Project site. The proposed new apartment buildings will be built according to current Fire Codes and each will be sprinklered, so it would be unlikely that a fire in one of the buildings would spread catastrophically before being extinguished by firefighters. Information from the U.S. Fire Administration's National Fire Incident Reporting System and the National Fire Protection Association indicate that in structural fires where sprinkler systems were present (within the 2010 to 2014 study period), death rates were 87 percent lower than those without, the firefighter injury rate was 67 percent lower, and sprinklers were effective at controlling the fire in 96 percent of the fires in which they operated (Ahrens 2017). The presence of sprinklers and a fire alarm system together greatly reduce the probability that any accidental interior fire on the property could burn out of control. The exterior safeguards (i.e., provisions of CBC Chapter 7A) greatly reduce the probability that an accidental exterior fire could be ignited. In addition, the probability of an accidental exterior fire burning out



of control would be reduced with the Project's site design of circulation to provide ready access for firefighting resources, the placement of standpipes, the implementation of water pipelines meeting fire flow requirements that would be reviewed and approved by the VCFD to assure adequate access to water for firefighting, and close proximity of VCFD Station 31, Westlake, which is just over 1 mile from the Project site to the northwest. The most possible, but still improbably, means by which the Project could create a wildfire is if activity at the Project site resulted in igniting a fire within the vegetation surrounding the 80-foot- to 130-foot-wide wooded drainage that runs between Thousand Oaks Boulevard and the U.S. 101 freeway. Such a scenario, however, is not likely. There are outdoor propane barbecues available for use to the tenants, and a propane fire "pit", but neither feature is used to burn material like wood or paper, and both are situated far from the creek (roughly 280 feet and 360 feet, respectively), separated from it by the apartment buildings, and surrounded by irrigated landscaping. Due to the proposed location of the fire "pit", the use of the "pit" would not result in catching vegetation surrounding the creek on fire. The parking structure will merely store cars, and likewise would not be likely to result in a fire outside of the structure.

The site conditions of the proposed Project, regulatory safeguards in place, and close proximity of firefighting resources, reduce potential impacts regarding exposing people or structures to significant risks including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes. Therefore, the Project would result in less than significant impacts associated with potential post-fire effects.

**Significance Determination before Mitigation:** Less than Significant.

### ***Cumulative Impact Analysis***

All related projects located within SRA and LRA VHFHSZ areas could expose people or structures to risks from downslope or downstream flooding or landslides as a result of post-fire instability. All projects would be required to adhere to their respective jurisdiction's zoning and land use designations and codes, State and local fire codes, and regulations associated with drainage and site stability. These regulations, policies, and codes would reduce the potential for exposing people or structures to risks from downslope or downstream flooding or landslides as a result of post-fire instability. Therefore, cumulative development would result in less than significant cumulative impacts. Because the Project would not expose people or structures to significant risks due to post-fire slope instability or drainage changes, the Project's contribution to post-fire wildfire impacts would be less than cumulatively considerable.

**Significance Determination before Mitigation:** Less than Significant.

### ***Mitigation Measures***

#### **Project Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

### **Cumulative Mitigation Measures**

No mitigation measures are required.

**Significance Determination after Mitigation:** Less than Significant.

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# CHAPTER 4

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## Alternatives

In accordance with CEQA Guidelines Section 15126.6, this chapter of the Draft Environmental Impact Report (Draft EIR) contains a comparative assessment of alternatives to The Oaks Specific Plan (proposed Project). The primary purpose of this chapter is to describe a reasonable range of alternatives to the proposed Project that could feasibly attain most of the basic objectives of the proposed Project, but would avoid or substantially lessen any of the significant effects of the proposed Project, and to evaluate the comparative merits of the alternatives.

With regard to the purpose of the consideration of alternatives, CEQA Guidelines Section 15126.6(b) states:

*Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.*

Identification of alternatives to the proposed Project is guided by the following considerations set forth under CEQA Guidelines Section 15126.6:

- An EIR need not consider every conceivable alternative to the proposed Project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting alternative include:
  - Failure to meet most of the basic Project objectives;
  - Infeasibility; or
  - Inability to avoid significant effects.

Alternatives to the proposed Project must be considered even if they would impede, to some degree, the attainment of Project objectives or be more costly (CEQA Guidelines Section 15126.6(b)). However, the range of alternatives addressed in an EIR need not be exhaustive, and is governed by a “rule of reason,” which requires the EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6(f)). Of the alternatives considered, the EIR need examine in detail only those that the lead agency determines could feasibly attain most of the basic objectives of the proposed Project, but would avoid or substantially lessen any of the significant effects of the proposed Project. An EIR need not

consider an alternative whose effects cannot be reasonably ascertained, whose implementation is remote and speculative, or an alternative that would not substantially lessen or avoid the significant effects of the proposed Project. CEQA Guidelines Section 15126.6(d) states that if an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternatives shall be discussed, but “in less detail than the significant effects of the project as proposed.” Furthermore, CEQA Guidelines Section 15126.6(f)(3) notes that, “an EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.”

CEQA Guidelines Section 15364 defines feasible as “capable of being accomplished in a successful manner with a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” The determination of the feasibility of alternatives to the proposed Project may include, but is not limited to, factors such as: site suitability, economic viability, infrastructure availability, general plan consistency, regulatory and jurisdictional limitations, and whether the proposed Project proponent can reasonably acquire, control or otherwise have access to an alternative Project site (CEQA Guidelines Section 15126.6(f)(1)).

A comparison of impacts associated with the proposed Project and alternatives is provided herein. In several cases, the description and severity of the impact may be the same under each scenario when compared with the CEQA Thresholds of Significance (i.e., both scenarios would result in a less than significant impact). However, the actual degree of impact may be slightly different under each scenario, and this relative difference is the basis for a conclusion of greater or lesser impacts. In addition, unless otherwise noted, the alternatives analysis assumes that all applicable mitigation measures identified for the proposed Project could also be implemented for a given alternative.

## **4.1 Proposed Project Summary**

### **4.1.1 Objectives**

As stated in Chapter 2, the primary objectives for the proposed Project are to:

- Provide apartment housing in an area developed with existing uses and near existing public transportation.
- Provide apartment housing in close proximity to existing commercial shopping.
- Provide high-quality residential apartment development that includes affordable housing units and would assist in fulfilling the City’s regional housing needs.
- Provide housing opportunities that provide minimal distance to active job locations.
- Retain existing trees that screen views from Thousand Oaks Boulevard and Lakeview Canyon Road into the Project site.
- Provide open space and amenities within the proposed apartment development.
- Provide adequate on-site parking to accommodate both the proposed apartments and existing on-site use.

## 4.1.2 Project Characteristics

The proposed Project includes the implementation of two Planning Areas: Planning Area 1 (multi-family residential) is proposed within Parcel 1 and Planning Area 2 (existing industrial park) is proposed within Parcel 2. Planning Area 1 includes the construction of 264 residential units within four buildings, subterranean parking with 274 parking spaces, 161 surface parking spaces, hardscape, landscape, and grading. The residential buildings would include three floor levels of residences and one subterranean level for parking. Planning Area 2 includes the construction of a four-story parking structure that includes 925 parking spaces to replace surface parking that will be removed to accommodate the proposed parking structure and residential development. In addition to the structured parking spaces, the Project includes the construction of 187 new surface parking spaces for the existing industrial office building as well as a pedestrian walkway from the existing industrial office building to the proposed parking structure.

## 4.2 Alternatives Considered But Rejected

In accordance with CEQA Guidelines Section 15126.6(c), an EIR should identify alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for rejection. According to the CEQA Guidelines, “among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.” An Alternative that was considered and rejected as infeasible includes an Alternative Site:

Alternative Site: The potential of developing the proposed Project at an alternative site in the City of Thousand Oaks was considered. A consideration of the feasibility of an alternative site may include assessing whether the Project Applicant could reasonably acquire, control or otherwise have access to an alternative site. The Project Applicant does not own or have access to a site within the City of Thousand Oaks that is of sufficient size to accommodate the proposed Project. Therefore, the proposed Project has been rejected for the purposes of the alternative analysis in this Draft EIR.

## 4.3 Alternatives to the Project

The No Project Alternative and two alternatives to the proposed Project are described in this Draft EIR and are considered to represent a reasonable range of alternatives to the Project.

The following sections describe each alternative, discuss each alternative’s ability to meet the objectives of the proposed Project (see summary in **Table 4-1**), and provide a comparative evaluation of environmental impacts. As provided in Section 15126.6(d) of the CEQA Guidelines, the significant effects of these alternatives are identified in less detail than the analysis of the proposed Program in Chapter 3 of this Draft EIR.

- No Program/No Development (Alternative 1)
- Alternative Pedestrian Walkway (Alternative 2)
- Alternative Design (Alternative 3)

**TABLE 4-1  
ABILITY OF ALTERNATIVES TO MEET PROJECT OBJECTIVES**

<b>Objective</b>	<b>Project</b>	<b>Alternative 1: No Project/No Development</b>	<b>Alternative 2: Alternative Pedestrian Walkway</b>	<b>Alternative 3: Alternative Design</b>
Provide apartment housing in an area developed with existing uses and near existing public transportation.	Yes	No	Yes	Yes
Provide apartment housing in close proximity to existing commercial shopping.	Yes	No	Yes	Yes
Provide high-quality residential apartment development that includes affordable housing units and would assist in fulfilling the City's regional housing needs.	Yes	No	Yes	Yes
Provide housing opportunities that provide minimal distance to active job locations.	Yes	No	Yes	Yes
Retain existing trees that screen views from Thousand Oaks Boulevard and Lakeview Canyon Road into the Project Site.	Yes	No	Yes	Yes
Provide open space and amenities within the proposed apartment development.	Yes	No	Yes	Yes
Provide adequate on-site parking to accommodate both the proposed apartments and existing on-site use.	Yes	No	Yes	Yes

### 4.3.1 Alternative 1: No Project/No Development

The CEQA Guidelines require EIRs to evaluate the “no project” alternative to allow decision makers to compare the impacts of approving the proposed Project with the impacts of not approving the proposed Project. In accordance with CEQA Guidelines section 15126.6(e)(2), *“the ‘no project’ analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.”*

For this Draft EIR, the “no project” alternative is referred to as the “No Program/No Development”. Based on input from City staff, the existing zoning designation and the specific development conditions that exist do not permit additional structural development on the Project site without an additional approval of a discretionary action. Therefore, it is appropriate that the No Project is also considered No Development on the site. Under this alternative, the existing surface parking would remain and no additional development would occur. As stated above, this alternative was selected for evaluation because the CEQA Guidelines Section 15126.6(e) requires the evaluation of a No Project Alternative which, in this case, is the No Program/No Development Alternative.



### 4.3.2 Alternative 2: Alternative Pedestrian Walkway

Alternative 2 includes a similar development as the proposed Project; however, this alternative includes a focused design revision of the proposed pedestrian walkway between the existing industrial office building and the proposed parking structure to avoid a known prehistoric archaeological site. As with the proposed Project, this alternative would include the construction of 264 residential units within four buildings, subterranean parking with 274 parking spaces, 161 surface parking spaces, hardscape, landscape, and grading. Similar to the Project, this alternative includes the construction of a four-story parking structure that includes 925 parking spaces and the construction of 187 new surface parking spaces for the existing industrial office building.

### 4.3.3 Alternative 3: Alternative Design

Alternative 3 includes a revision to the multi-family residential apartment buildings proposed under the Project. This alternative would also retain the proposed 4-story parking structure and the proposed pedestrian walkway. The proposed revision would include the removal of residential Building B (B1 and B2) and increase the height of Building A (A1 and A2) to accommodate the same number of units as the proposed Project. This Alternative would increase the height of Building A (A1 and A2) to six floors to accommodate 264 residential units and the subterranean parking would include two subterranean levels to accommodate 274 parking spaces. Under this alternative design, a portion of the existing surface parking located within the area of Building B proposed under the Project would be retained. A portion of the existing surface parking would be utilized to accommodate recreational amenities. The area adjacent to the existing School House drainage northeast of the existing vehicular bridge would be retained so that no impacts to existing trees in this area would occur.

## 4.4 Summary Comparison of Environmental Effects Among the Proposed Project and Alternatives

**Table 4-2** provides a summary comparison, by individual issue area, for the proposed Project and for each alternative to the proposed Project. The significance level (Significant and Unavoidable [SU], Less than Significant and Mitigated [LSM], Less than Significant [LS], and No Impact [NI]) for each issue area within each environmental topic area is provided. In addition, a comparative determination of the alternative's impact to the impact associated with the proposed Project is provided. The comparative evaluation is represented as Less (L); Equivalent (E); or Greater (G) than the impacts identified for the proposed Project.

**TABLE 4-2  
SUMMARY OF IMPACTS OF ALTERNATIVES COMPARED TO THE PROPOSED PROGRAM**

<b>Environmental Topic</b>	<b>Proposed Project</b>	<b>Alternative 1: No Project/ No Development</b>	<b>Alternative 2: Alternative Pedestrian Walkway</b>	<b>Alternative 3: Alternative Design</b>
<b>Environmental Issues Addressed in Section 3 of this EIR</b>				
<b>3.1 Aesthetics</b>				
Scenic Vistas	LS	NI (L)	LS (E)	LS (E)
Scenic Highway	LS	NI (L)	LS (E)	LS (G)
Visual Character	LS	NI (L)	LS (E)	LS (G)
Light and Glare	LS	NI (L)	LS (E)	LS (E)
<b>3.2 Air Quality</b>				
Air Quality Plan	LS	NI (L)	LS (E)	LS (G)
Air Quality Standard	LSM	NI (L)	LSM (G)	LSM (G)
Substantial Pollutant Concentrations	LS	NI (L)	LS (E)	LS (G)
Other Emissions (including odors)	LS	NI (L)	LS (E)	LS (E)
<b>3.3 Biological Resources</b>				
Effect on Species	LS	NI (L)	LS (E)	LS (L)
Riparian Habitat	LSM	NI (L)	LSM (E)	LS (L)
State or Federally Protected Wetlands	LSM	NI (L)	LS (E)	LS (L)
Wildlife Corridor and Nursery Sites	LSM	NI (L)	LS (E)	LS (L)
Local Policies or Ordinances Protecting Biological Resources	LSM	NI (L)	LS (E)	LS (L)
<b>3.4 Cultural Resources</b>				
Historical Resources	LSM	NI (L)	LSM (L)	LSM (L)
Archeological Resources	LSM	NI (L)	LSM (L)	LSM (L)
Human Remains	LSM	NI (L)	LSM (E)	LSM (E)
<b>3.5 Energy</b>				
Energy Resources	LS	NI (L)	LS (E)	LS (G)
Conflict with State or Local Energy Plan	LS	NI (L)	LS (E)	LS (E)
<b>3.6 Geology, Soils, and Seismicity</b>				
Earthquakes	LS	NI (L)	LS (E)	LS (E)
Seismic Ground Shaking	LS	NI (L)	LS (E)	LS (E)
Seismic-Related Ground Failure	LS	NI (L)	LS (E)	LS (E)
Landslides	LS	NI (L)	LS (E)	LS (E)
Soil Erosion or Loss of Topsoil	LS	NI (L)	LS (E)	LS (E)
Unstable Geologic Location	LS	NI (L)	LS (E)	LS (E)
Expansive Soils	LS	NI (L)	LS (E)	LS (E)
Paleontological Resources	LSM	NI (L)	LSM (E)	LSM (E)
<b>3.7 GHG Emissions</b>				
Greenhouse Gas Emissions	LS	NI (L)	LS (E)	LS (G)
Conflict with an Applicable Plan	LS	NI (L)	LS (E)	LS (G)

<b>Environmental Topic</b>	<b>Proposed Project</b>	<b>Alternative 1: No Project/ No Development</b>	<b>Alternative 2: Alternative Pedestrian Walkway</b>	<b>Alternative 3: Alternative Design</b>
<b>3.8 Hazards and Hazardous Materials</b>				
Routine Transport, Use, or Disposal of Hazardous Materials	LS	NI (L)	LS (E)	LS (E)
Accident Conditions	LS	NI (L)	LS (E)	LS (E)
Hazardous Materials Near Schools	LS	NI (L)	LS (E)	LS (E)
Hazardous Materials Site	LS	NI (L)	LS (E)	LS (E)
Emergency Plans	LS	NI (L)	LS (E)	LS (E)
Wildland Fires	LS	NI (L)	LS (E)	LS (E)
<b>3.9 Hydrology and Water Quality</b>				
Water Quality Standards and Waste Discharge Requirements	LS	NI (L)	LS (E)	LS (E)
Groundwater Recharge Supplies	LS	NI (L)	LS (E)	LS (E)
Drainage Patterns	LS	NI (L)	LS (E)	LS (E)
Groundwater Management Plan	LS	NI (L)	LS (E)	LS (E)
<b>3.10 Land Use and Planning</b>				
Conflict with Applicable Plans, Policies, or Regulations	LS	NI (L)	LS (E)	LS (G)
<b>3.11 Noise</b>				
Exceedance of Established Noise Standards	LSM	NI (L)	LSM (E)	LSM (G)
Vibration	LS	NI (L)	LS (E)	LS (G)
<b>3.12 Population and Housing</b>				
Induce Population Growth	LS	NI (L)	LS (E)	LS (E)
<b>3.13 Public Services and Recreation</b>				
Fire Protection	LS	NI (L)	LS (E)	LS (E)
Police Protection	LS	NI (L)	LS (E)	LS (E)
Schools	LS	NI (L)	LS (E)	LS (E)
Parks	LS	NI (L)	LS (E)	LS (E)
Other Public Facilities – Libraries	LS	NI (L)	LS (E)	LS (E)
Increase use of Recreational Facilities	LS	NI (L)	LS (E)	LS (E)
Recreational Facilities Physical Effect on Environment	LS	NI (L)	LS (E)	LS (E)
<b>3.14 Transportation</b>				
Circulation Programs, Plans, Ordinances, and Policies	LS	NI (L)	LS (E)	LS (E)
Vehicle Miles Traveled	LS	NI (L)	LS (E)	LS (E)
Design Hazards	LS	NI (L)	LS (E)	LS (E)
Emergency Access	LS	NI (L)	LS (E)	LS (E)

Environmental Topic	Proposed Project	Alternative 1: No Project/ No Development	Alternative 2: Alternative Pedestrian Walkway	Alternative 3: Alternative Design
<b>3.15 Tribal Cultural Resources</b>				
Listed Tribal Cultural Resources	NI	NI (E)	NI (E)	NI (E)
Non-Listed Tribal Cultural Resource	LSM	NI (L)	LSM (L)	LSM (E)
<b>3.16 Utilities, Service Systems, and Energy</b>				
New or Expanded Facilities	LS	NI (L)	LS (E)	LS (E)
Water Supplies	LS	NI (L)	LS (E)	LS (E)
Water Treatment Capacity	LS	NI (L)	LS (E)	LS (E)
Landfill Capacity	LS	NI (L)	LS (E)	LS (E)
Compliance with Solid Waste Regulations and Statutes	LS	NI (L)	LS (E)	LS (E)
<b>3.17 Wildfire</b>				
Emergency Plans	LS	NI (L)	LS (E)	LS (E)
Exacerbate Wildfire Risk	LS	NI (L)	LS (E)	LS (L)
Infrastructure	LS	NI (L)	LS (E)	LS (E)
Post Fire Impacts	LS	NI (L)	LS (E)	LS (E)
NI = No Impact LS = Less than Significant LSM = Less than Significant with Mitigation SU = Significant and Unavoidable (L) Less = Less impact compared to the proposed Project (E) Equivalent = Same impacts compared to the proposed Project (G) Greater = Greater impact compared to the proposed Project				
SOURCE: ESA, 2022				

## 4.5 Environmental Analysis of No Project/No Development (Alternative 1)

### 4.5.1 Aesthetics

The implementation of the proposed Project would introduce new structures to an area that is currently a surface parking lot. The proposed residential apartment buildings would have an approximate average height of 36 feet with a maximum height of approximately 47 feet. The proposed parking structure would have an approximate average height of 47 feet with a maximum height of approximately 57 feet. These proposed structures would be similar in scale and mass as the existing adjacent industrial office building and surrounding development.

According to the Thousand Oaks General Plan, scenic vistas are located to the west of the Project site (Conejo Ridge and Santa Monica Mountains) and scenic highways (Thousand Oaks Boulevard, Westlake Boulevard, and U.S. 101 Freeway) are located in the vicinity of the Project site. In addition, the U.S. 101 Freeway is considered an eligible scenic highway per the California State Scenic Highway System Map. Visual simulations show that the proposed residential buildings and parking structure would not impact scenic vistas from the U.S. 101 Freeway, and

impacts would be considered less than significant. The Project would be consistent with the Guidelines for Development within the Corridors of the Route 101 and Route 23 Freeways and the Project would not substantially damage views within the U.S. 101 Freeway, resulting in less than significant impacts. The addition of the proposed residential apartment buildings, parking structure, and associated surface parking would introduce light and glare sources to the Project area, including lighting to illuminate parking areas, driveways, doorways, walkways, and signs, as well as light and glare emitted from windows and vehicle headlights. All light sources associated with the Project would be shielded and/or aimed so that no substantial illumination would occur outside of the Project site boundary, and lighting would be designed to improve safety and to add visual interest to the Project site, including accentuating key landscape and architectural features. Increases of light and glare associated with the Project would be less than significant.

Under the No Project/No Development Alternative, the existing surface parking would remain and no change to the Project site would occur. Therefore, impacts to scenic vistas or views from U.S. 101 would not occur. No impact to the provisions in the Guidelines for Development within the Corridors of the Route 101 and Route 23 would occur. In addition, this Alternative would not increase light and glare from the Project site and would result in no light or glare impacts. This Alternative would have less impacts compared to the proposed Project.

## 4.5.2 Air Quality

Implementation of the proposed Project would result in increases in air emissions from construction and operational activities. Prior to the implementation of mitigation measures, significant increases in reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>) during construction activities would occur. With the implementation of Mitigation Measures AQ-1, AQ-2 and AQ-3, construction emissions would be reduced to less than significant. Increases in operational emissions would be less than significant. In addition, the proposed Project would result in less than significant impacts related to toxic air contaminants and potential odors.

Under Alternative 1, no development would occur on the Project site, and no increases in construction or operational emissions would result. In addition, there would be no potential odor emissions from the Project site. The implementation of Alternative 1 would have no impact related to air emissions which result in a lesser impact compared to the Project.

## 4.5.3 Biological Resources

The proposed Project could have significant effects on sensitive vegetation communities (valley oak forest and valley oak riparian forest) that constitute riparian habitat. Mitigation Measures BIO-1 through BIO-3 would reduce potential significant effects to less than significant. Construction activities associated with the proposed Project could also result in significant impacts on nesting birds. The implementation of Mitigation Measure BIO-4 would reduce the potential impacts to less than significant. Implementation of the proposed Project would also result in significant impacts related to protected trees pursuant to the City of Thousand Oaks Municipal Code. Implementation of Mitigation Measures BIO-1 through BIO-6 would reduce the potential impacts to less than significant. The proposed Project would result in less than significant impacts with regard to special-status species and would not conflict with the

provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

With the implementation of Alternative 1, no development would occur on the Project site, and therefore, no impacts to sensitive vegetation communities, nests, wetland habitat, and protected trees would occur compared to the development of the proposed Project. This Alternative would have less impacts compared to the proposed Project.

#### 4.5.4 Cultural Resources

Implementation of the proposed Project would result in significant impacts on historical resources. Implementation of Mitigation Measures CUL-1 through CUL-5 would reduce potential impacts to less than significant levels. The Project could also result in significant impacts to archaeological resources. Mitigation measures CUL-1 and CUL-3 through CUL-5 would reduce potential impacts to less than significant levels. Potential impacts to human remains would be reduced to less than significant with implementation of Mitigation Measure CUL-6.

With the implementation of Alternative 1, no development would occur on the Project site and no ground disturbance could lead to potential impacts to historical or archaeological resources or to human burials. Therefore, the implementation of Alternative 1 would result in less impacts compared to the proposed Project.

#### 4.5.5 Energy

The proposed Project would result in an increase in energy demand. The Project would not cause wasteful, inefficient, and unnecessary consumption of energy during construction or operation. In addition, the Project would not conflict with or obstruct state or local plans for renewable energy and energy efficiency. Implementation of the proposed Project would result in less than significant impacts.

With the implementation of Alternative 1, no development would occur on the Project site, and no increase in energy demand would occur. Therefore, no impacts would occur compared to the development of the proposed Project.

#### 4.5.6 Geology and Soils

Implementation of the proposed Project would result in a less than significant impacts related to seismic ground shaking, ground failure such as liquefaction, landslides, soil erosion or topsoil loss, unstable geologic location, or expansive soils due to the requirements to comply with existing California Building Code and City of Thousand Oaks regulations. Implementation of the proposed Project would result in potentially significant impacts to paleontological resources. Implementation of Mitigation Measures GEO-1 through GEO-4 would reduce impacts to less than significant.

With the implementation of Alternative 1, no development and grading activities would occur on the Project site. Therefore, no geotechnical or paleontological impacts would occur compared to the proposed Project's less than significant impacts.

### 4.5.7 Greenhouse Gas Emissions

The proposed Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Further, the proposed Project would result not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Implementation of the proposed Project would result in less than significant impacts with regard to greenhouse gas emissions.

Under Alternative 1, no development would occur on the Project site, and no increases in construction or operational emissions would result. The implementation of Alternative 1 would have no impact related to greenhouse gas emissions compared to the proposed Project's less than significant impacts.

### 4.5.8 Hazards and Hazardous Materials

The proposed Project would result in less than significant impacts to the public or the environment through the routine transport, use, or disposal of hazardous materials. The proposed Project would result in less than significant impacts to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Although the Project is located within one-quarter mile of Westlake High School, less than significant construction and operational hazardous materials impacts would occur. The proposed Project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. In addition, the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Finally, the proposed Project would not expose people or structures to a significant risk involving wildland fires, and therefore, impacts would be less than significant.

Under Alternative 1, no development would occur on the Project site, and there would be no potential exposure of persons to increased hazards. The implementation of Alternative 1 would have no impact.

### 4.5.9 Hydrology and Water Quality

Implementation of the proposed Project would result in less than significant impacts related to water quality standards and waste discharge requirements and on groundwater recharge supplies, drainage patterns, and conflicts with groundwater management plan.

Under Alternative 1, no development would occur on the Project site and would result in no impacts related to water quality standards and waste discharge requirements, and no impacts to groundwater supplies and recharge, drainage patterns, and conflicts with a groundwater management plan. This Alternative would have less impacts compared to the proposed Project.

### 4.5.10 Land Use and Planning

The development of the proposed Project would be consistent with the 2020-2045 RTP/SCS as well as the applicable policies of the City of Thousand Oaks General Plan. The Project would result in less than significant land use policy impacts.

Under Alternative 1, no development would occur on the Project site. The implementation of Alternative 1 would have no land use policy impacts. This Alternative would have less land use impacts compared to the proposed Project.

### 4.5.11 Noise

Implementation of the proposed Project could result in significant construction noise impacts on Westlake High School. Implementation of Mitigation Measure N-1 would reduce potential construction noise to less than significant. Operation of the proposed Project would not expose off-site sensitive receptors to significant increases in ambient noise. The potential exposure of future on-site residences to significant noise levels would be reduced to less than significant with the implementation of Mitigation Measure N-2. The proposed Project would result in less than significant impacts related to vibration.

Under Alternative 1, no development would occur on the Project site. Off-site sensitive receptors would not be exposed to increased ambient noise due to Project construction or operation, and the exposure of on-site persons from off-site noise sources would not occur. The implementation of Alternative 1 would have no impact compared to the proposed Project's less than significant noise impacts after the implementation of mitigation measures.

### 4.5.12 Population and Housing

The population and housing units associated with the proposed Project would be within growth projections and therefore, the development of the proposed Project would not induce substantial unplanned growth. The proposed Project would result in less than significant growth inducement impacts.

Under Alternative 1, no development would occur on the Project site that could increase population or housing within the City of Thousand Oaks. The implementation of Alternative 1 would have no impact compared to the Project's less than significant impacts.

### 4.5.13 Public Services and Recreation

The proposed Project would not result in the need for additional fire or police services or facilities. The proposed Project would not result in the need for additional school, park, library, or recreation facilities. Impacts related to public services and recreation would be less than significant.

Under Alternative 1, no development would occur on the Project site that could result in increased demand on public services or recreation facilities. The implementation of Alternative 1 would have no impact compared to the Project's less than significant impacts.



#### 4.5.14 Transportation and Traffic

Implementation of the proposed Project would be consistent with applicable transportation plans and policies. The proposed Project would result in less than significant impacts related to the generation of vehicle miles traveled (VMT). The proposed Project would also result in less than significant impacts related to a geometric design of roadway facilities and would have less than significant impacts associated with the provision of emergency access.

Under Alternative 1, no development would occur on the Project site that could result in increased VMT or alterations to existing roadway geometry or emergency access. The implementation of Alternative 1 would have no impact compared to the Project's less than significant impacts.

#### 4.5.15 Tribal Cultural Resources

Implementation of the proposed Project would not result in impacts to listed tribal cultural resources. No impact would occur. The Project could result in significant impacts to non-listed tribal cultural resources. Implementation of Mitigation Measures CUL-1 through CUL-5 and Mitigation Measure TCR-1 would reduce impacts to less than significant levels.

With the implementation of Alternative 1, no development would occur on the Project site and no ground disturbance could lead to potential impacts. Therefore, no impacts would occur compared to the development of the proposed Project's less than significant impacts after the implementation of mitigation measures.

#### 4.5.16 Utilities and Service Systems

The proposed Project would increase demand for water supplies, wastewater treatment and landfills. There are sufficient water supplies, wastewater treatment capacity, and landfill capacity to serve the Project and no new or expanded facilities are required. Therefore, impacts would be less than significant. The Project would comply with all solid waste regulations and statutes and impacts would be less than significant.

Under Alternative 1, no development would occur on the Project site that could result in increased demand on utilities or service systems. The implementation of Alternative 1 would have no impact compared to the Project's less than significant impacts.

#### 4.5.17 Wildfire

The Project site is located adjacent to a Very High Fire Hazard Severity Zone (VHFHSZ). Under the Project, adherence to existing state and local fire codes and building codes would ensure that fire safety measures are implemented and impacts regarding wildfires would be less than significant.

Under Alternative 1, no development would occur on the Project site. The implementation of Alternative 1 would have no impact, and therefore would have less impacts compared to the Project.

## 4.5.18 Conclusion

Alternative 1, No Program/No Development, would not result in the addition of any residential units or a parking structure on the Project site. Implementation of Alternative 1 would result in no environmental effects compared to the proposed Project's less than significant impacts after the implementation of mitigation measures. Although no environmental effects would occur, Alternative 1 would not meet any of the Project objectives.

## 4.6 Environmental Analysis of Alternative 2: Alternative Pedestrian Pathway

### 4.6.1 Aesthetics

The Project Site's appearance would be altered in a similar manner as the Project. The number, size, and scale of the buildings under Alternative 2 would be the same as the Project. As with the Project, Alternative 2 would not impact scenic vistas from the U.S. 101 Freeway. Alternative 2 would remain consistent with the Guidelines for Development within the Corridors of the Route 101 and Route 23 Freeways. Measures to shield and/or reduce new sources of light and glare would be the same as the Project.

Neither the Project nor Alternative 2 would substantially alter the existing public scenic vista from the U.S. 101 Freeway, conflict with the Guidelines for Development within the Corridors of the Route 101 and Route 23 Freeways, or result in substantial increases in light and glare. Therefore, Alternative 2's impacts would be less than significant and similar to the Project.

### 4.6.2 Air Quality

Implementation of the proposed Project would result in increases in air emissions from construction and operational activities. Prior to the implementation of mitigation measures, significant increases in reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>) during construction activities would occur. With the implementation of Mitigation Measures AQ-1, AQ-2 and AQ-3, construction emissions would be reduced to less than significant. Increases in operational emissions would be less than significant. In addition, the proposed Project would result in less than significant impacts related to toxic air contaminants and potential odors.

Alternative 2 includes an alternative path from the existing industrial building to the proposed parking structure. Because the amount of development that would occur under this Alternative would be the same as the proposed Project, the amount of construction activities would be similar. With the alternative pedestrian walkway, slightly less grading would occur compared to the Project's pedestrian walkway. Because slightly less grading would occur, slightly less air emissions during construction activities would occur and less impacts compared to the Project. Even though slightly less impacts would occur, this Alternative would still be required to implement Mitigation Measures AQ-1, AQ-2 and AQ-3 to reduce potential significant emissions to less than significant. Both Alternative 2 and the Project would result in the same less than significant impacts related to toxic air contaminants and potential odors.

### 4.6.3 Biological Resources

The implementation of Alternative 2 would result in a modification of the proposed Project that is near the existing industrial office building. The potential significant impacts to sensitive vegetation communities and wetland habitat along the western boundary of the site, nests, and protected trees under the proposed Project would also occur under this Alternative. As with the Project, the implementation of Mitigation Measures BIO-1 through BIO-6 would reduce this Alternative's impacts to biological resources to less than significant.

### 4.6.4 Cultural Resources

Alternative 2 would include similar construction activities as the proposed Project. However, construction activities associated with the pedestrian walkway would be modified under this Alternative compared to the Project. Under the Project, the proposed pedestrian pathway is designed to extend within native soils in an area identified as a midden area where prehistoric archaeological resources were previously discovered. Mitigation Measures CUL-1 through CUL-5 would be required to be implemented to reduce potential impacts to resources within this midden area as well as unknown resources in other areas proposed for grading. With the implementation of this Alternative area, potential impacts to the midden area would be avoided; however, this Alternative would still be required to implement Mitigation Measures CUL-1 through CUL-5 to reduce potential impacts to unknown resources to less than significant. As with the proposed Project, this Alternative would be required to implement Mitigation Measure CUL-6 to reduce potential impact to unknown human burial areas. Overall, this Alternative would result in less impacts to cultural resources compared to the proposed Project.

### 4.6.5 Energy

Under Alternative 2, the same level of construction activity and operational intensity would result. The number, size, and scale of the buildings under Alternative 2 would be the same as the Project. Therefore, less than significant impacts related to the wasteful, inefficient, and unnecessary consumption of energy and conflicts with state or local plans for renewable energy and energy efficiency similar to the Project would occur.

### 4.6.6 Geology and Soils

Under Alternative 2, the same level of construction activity and operational intensity would result. The number, size, and scale of the buildings under Alternative 2 would be the same as the Project. Therefore, less than significant impacts related to seismic ground shaking, ground failure such as landslides, soil erosion or topsoil loss, unstable geologic location, or expansive soils would occur, similar to the proposed Project.

### 4.6.7 Greenhouse Gas Emissions

Under Alternative 2, the same level of construction activity and operational intensity would result. The number, size, and scale of the buildings under Alternative 2 would be the same as the Project. Therefore, less than significant impacts related to the generation of greenhouse gas

emissions and conflicts with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of greenhouse gases would occur, similar to the proposed Project.

### 4.6.8 Hazards and Hazardous Materials

Under Alternative 2, the same level of construction activity and operational intensity would result. The number, size, and scale of the buildings under Alternative 2 would be the same as the Project. Therefore, less than significant impacts related to the routine use, accident conditions, schools, hazardous materials site listing, emergency plans, and wildfires would occur, similar to the proposed Project.

### 4.6.9 Hydrology and Water Quality

Under Alternative 2, a similar level of construction activity and operational intensity would result. The number, size, and scale of the buildings under Alternative 2 would be the same as the Project. Therefore, as with the proposed Project, this Alternative would result in the same less than significant impacts related to water quality standards and waste discharge requirements, groundwater recharge supplies, drainage patterns, and conflicts with groundwater management plan.

### 4.6.10 Land Use and Planning

Under Alternative 2, the same level of construction activity and operational intensity would result. The number, size, and scale of the buildings under Alternative 2 would be the same as the Project. Therefore, less than significant impacts related to applicable plans, policies, or regulations would occur, similar to the proposed Project. Alternative 2 would also result in less than significant impacts, similar to the Project, associated with consistency with the 2020-2045 RTP/SCS and the applicable policies of the General Plan.

### 4.6.11 Noise

Under Alternative 2, the same level of construction activity and operational intensity would result. The number, size, and scale of the buildings under Alternative 2 would be the same as the Project and sensitive receptors would be exposed to the same level of construction and operational noise source as the Project. Similar to the Project, Mitigation Measure N-1 would reduce construction noise to less than significant levels and Mitigation Measure N-2 would reduce the level of noise future residents of the Project would be exposed to. Similar to the Project, impacts related to vibration would be less than significant.

### 4.6.12 Population and Housing

Under Alternative 2, the same level of construction activity and operational intensity would result. The number, size, and scale of the buildings under Alternative 2 would be the same as the Project. Alternative 2 would result in the same level of population generation and would not, like the Project, induce substantial unplanned growth due to the substantial increase in housing units. Therefore, less than significant impacts related to potential growth impacts would occur, similar to the proposed Project.

### 4.6.13 Public Services and Recreation

Under Alternative 2, the same level of construction activity and operational intensity would result. The number, size, and scale of the buildings under Alternative 2 would be the same as the Project. Alternative 2 would result in the same level of population generation and would not, like the Project, result in the need for additional fire, police, schools, park, library, and recreational facilities. Therefore, less than significant impacts related to increased demand for public services and recreational facilities would occur, similar to the proposed Project.

### 4.6.14 Transportation and Traffic

Under Alternative 2, the same level of construction activity and operational intensity would result. The number, size, and scale of the buildings under Alternative 2 would be the same as the Project. Alternative 2 would generate the same VMT as the Project. Therefore, less than significant impacts related to consistency with applicable transportation plans and policies, VMT generation, geometric design of roadway facilities, and emergency access would occur, similar to the proposed Project.

### 4.6.15 Tribal Cultural Resources

Under Alternative 2, the existing known resource that could be found to be a tribal cultural resource would be primarily avoided. However, since this Alternative would still result in the excavation of native soils in the vicinity of the known resource, there is a potential significant impact could occur as with the proposed Project. Similar to the Project, implementation of Mitigation Measures CUL-1 through CUL-5 and Mitigation Measure TCR-1 would reduce potential impacts to less than significant levels. However, since this Alternative would primarily avoid the known portion of the resources, this Alternative would result in less potential impact than the proposed Project.

### 4.6.16 Utilities, Service Systems and Energy

Under Alternative 2, the same level of construction activity and operational intensity would result. The number, size, and scale of the buildings under Alternative 2 would be the same as the Project. Alternative 2 would result in the same level of population generation and would not, like the Project, result in the need for new or expanded utility facilities, water supplies, wastewater treatment capacity, or landfill capacity. Therefore, less than significant impacts related to increased demand for public services and recreational facilities would occur, similar to the proposed Project.

### 4.6.17 Wildfire

Under Alternative 2, the same level of construction activity and operational intensity would result. The number, size, scale, and location of the buildings under Alternative 2 would be the same as the Project. Alternative 2, like the proposed Project, would adhere to existing state and local fire codes and building codes and would ensure that fire safety measures are implemented. Therefore, less than significant impacts related to wildfire would occur, similar to the proposed Project.

### 4.6.18 Conclusion

Under Alternative 2, the same environmental impacts to aesthetics, biological resources, energy, geology and soils, greenhouse gas, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services and recreation, transportation, utilities and wildfire would occur with this Alternative compared to the Project. Less impacts could occur on cultural resources, paleontological resources and tribal cultural resources while slightly greater air quality impacts would occur compared to the Project. Overall, less environmental impacts would occur with this Alternative compared to the Project. In addition, this Alternative would meet all of the Project objectives.

## 4.7 Environmental Analysis of Alternative 3: Alternative Design

### 4.7.1 Aesthetics

The Project site's appearance would be substantially altered under Alternative 3 due to the proposed six story height of the multi-family residential structures. It is anticipated that views from U.S. 101 of the proposed residential buildings could be available due to the six story height. The size and scale of the proposed buildings under Alternative 3 would not be similar to the size and scale of the development surrounding the Project site. As a result, the residential structures under this Alternative would substantially alter the visual character of the project vicinity. This alternative could be inconsistent with the Guidelines for Development within the Corridors of the Route 101 and Route 23 Freeways. This Alternative is anticipated to result in similar new sources of light and glare and would result in similar less than significant light and glare impacts. Overall, this Alternative would result in greater aesthetic impacts compared to the proposed Project.

### 4.7.2 Air Quality

Implementation of Alternative 3 would include a greater amount of soil excavation compared to the Project because two subterranean levels of parking for the proposed residential buildings would be implemented. With a greater amount of soil excavation, a greater number of trucks would be required to export soil from the site compared to the Project. A greater number of export trucks would result in a greater amount of NO<sub>x</sub> and ROG emissions compared to the Project. Although this Alternative would result in a greater amount of construction air emissions, the implementation of Mitigation Measures AQ-1, AQ-2 and AQ-3 is expected to reduce construction air emissions to less than significant. Similar to the proposed Project, Alternative 3 would result in less than significant impacts related to toxic air contaminants and potential odors. Overall, this Alternative is anticipated to result in greater air quality impacts compared to the Project.

### 4.7.3 Biological Resources

The implementation of Alternative 3 would retain the existing surface parking along the western boundary of the Project site, northeast of the existing pedestrian bridge. By retaining the existing surface parking, no impacts to sensitive vegetation communities and wetland habitat along the western boundary of the site and northeast of the existing pedestrian bridge would occur. However,

this alternative would still result in impacts to sensitive vegetation communities and wetland habitat along the western boundary near the proposed parking structure. The implementation of the same mitigation measures as required for the Project (Mitigation Measures BIO-1 through BIO-3) would reduce this Alternative's impacts to less than significant. In addition, since this Alternative would not include the construction of residential buildings A1 and A2, this alternative is also estimated to result in approximately nine less protected trees that would need to be removed compared to the Project. Therefore, there would be potential less impacts on bird nests and protected trees under this Alternative. Although there would be less impacts on bird nests and protected trees, this Alternative would still be required to implement Mitigation Measures BIO-4 through BIO-6 to reduce impacts to bird nests and protected birds because this Alternative would still include the removal of protected trees due to grading activities.

#### 4.7.4 Cultural Resources

Construction activities associated with Alternative 3 would result in less surface area disturbance, but greater disturbance of native soil where cultural resources could be discovered. Greater disturbance of native soil would occur because this Alternative would include two levels of subterranean parking under the two proposed multi-family residential buildings. As with the proposed Project, this Alternative would result in the same potential impact to a known prehistoric archaeological site and require the implementation of Mitigation Measures CUL-1 through CUL-5 to reduce potential impacts to less than significant. Because less surface area disturbance would occur under this Alternative, there would be less potential impacts to unknown resources. In addition, this Alternative would result in less potential impacts to unknown human burial areas, but this Alternative's impact would still require the implementation of Mitigation Measure CUL-6. Overall, this Alternative would result in less impacts to cultural resources compared to the proposed Project.

#### 4.7.5 Energy

Under Alternative 3, there would be two multi-family residential buildings compared to four with the Project. However, the residential buildings under this Alternative would result in a similar massing of structure as the Project since this Alternative would include six floor of residential units. Under the development of the Alternative 2, an increased level of earth movement activities would result in greater construction activity and greater demand on diesel fuel for construction equipment. Although this Alternative would result in less than significant impacts related to the wasteful, inefficient, and unnecessary consumption of energy and conflicts with state or local plans for renewable energy and energy efficiency, this Alternative's impacts would still be greater compared to the Project.

#### 4.7.6 Geology and Soils

Implementation of Alternative 3 would expose future populations and structures on the Project site to geologic hazards. However, exposure to geotechnical hazards under this Alternative would result in less than significant impacts. These potential less than significant impacts relate to seismic ground shaking, ground failure such as landslides, soil erosion or topsoil loss, unstable

geologic location, or expansive soils. These geotechnical impacts associated with Alternative 3 would be the same as the proposed Project.

### 4.7.7 Greenhouse Gas Emissions

Under Alternative 3, the same number of multi-family residential units would be constructed as the proposed Project; however, the height and bulk of the structures under Alternative 2 would be greater compared to the Project. Construction activities associated with this Alternative are anticipated to result in greater excavation compared to the Project. Greater excavation would result in a greater number of haul trucks exporting soil. This increase in excavation would result in greater greenhouse gas emissions during construction compared to the Project. Although this Alternative would result in less than significant impacts, this Alternative would result in greater greenhouse gas emissions compared to the Project.

### 4.7.8 Hazards and Hazardous Materials

With the implementation of Alternative 3, the same number of residential units and the same proposed parking structure would be developed on the site as the proposed Project. Construction and operational activities associated with this Alternative would result in the similar use of hazardous materials and result in similar less than significant hazards as the Project. As with the Project, this Alternative would result in less than significant impacts related to the routine use, accident conditions, schools, hazardous materials site listing, emergency plans, and wildfires.

### 4.7.9 Hydrology and Water Quality

Implementation of Alternative 3 would reduce the footprint of the proposed multi-family residential buildings and could result in less impervious surfaces compared to the Project. The reduction of impervious surfaces would result in less impacts on drainage patterns compared to the Project; however, under the Project, potential impacts on drainage patterns would be less than significant. This Alternative would include an increase depth of excavation to accommodate an additional level of subterranean parking. This increase in depth could result in encountering and impacting groundwater and therefore require dewatering as a mitigation measure. Overall, this Alternative would result in similar hydrology and water quality impacts as the Project.

### 4.7.10 Land Use and Planning

Under Alternative 3, the proposed multi-family residential buildings would be six stories that would conflict with the height requirements established in the site vicinity. All other land use policies related to setbacks, landscaping, lighting and specific uses as well as applicable policies within the 2020-2045 RTP/SCS would result in the same less than significant impacts as the proposed Project. Overall, the implementation of this Alternative would result in greater impact to land use policies compared to the proposed Project.

### 4.7.11 Noise

With the development of Alternative 3, a greater amount of excavation activities would occur related to the subterranean levels for the residential parking compared to the Project. Because this



Alternative would result in greater excavation activities, a greater number of haul trucks would be required and therefore, a greater amount of construction noise would be generated. Although greater noise impacts would occur compared to the Project, the implementation of Mitigation Measure N-1 would reduce construction noise to less than significant levels. Similar to the Project, Mitigation Measure N-2 would reduce the level of noise future residents of the Project would be exposed to. Due to greater construction activity, impacts related to vibration would be greater than the Project, but remain less than significant.

#### 4.7.12 Population and Housing

Under Alternative 3, the same number of residential units and residential population would occur as the proposed Project. Alternative 3 would not induce substantial unplanned growth. Therefore, less than significant impacts related to potential growth impacts would occur, similar to the proposed Project.

#### 4.7.13 Public Services and Recreation

Under Alternative 3, the same number of residential units and residential population would occur as the proposed Project. Because this Alternative would result in the same level of residential population generation as the Project, this Alternative would result in the same less than significant impacts on fire, police, schools, park, library, and recreational facilities. Therefore, less than significant impacts related to increased demand for public services and recreational facilities would occur, similar to the proposed Project.

#### 4.7.14 Transportation and Traffic

Under Alternative 3, the same operational intensity would result as proposed under the Project. Alternative 3 would also generate the same VMT as the Project. Therefore, less than significant impacts related to consistency with applicable transportation plans and policies, VMT generation, geometric design of roadway facilities, and emergency access would occur, similar to the proposed Project.

#### 4.7.15 Tribal Cultural Resources

Similar to the proposed Project, this Alternative would not result in impacts to listed tribal cultural resources. In addition, similar to the Project, this Alternative could result in significant impacts to non-listed tribal cultural resources. Implementation of Mitigation Measures CUL-1 through CUL-5 and Mitigation Measure TCR-1 would reduce impacts to less than significant levels. Therefore, impacts associated with this Alternative would be the same as the proposed Project.

#### 4.7.16 Utilities, Service Systems and Energy

Under Alternative 3, the same operational intensity would result. The number, size, and scale of the buildings under Alternative 3 would be the same as the Project. Alternative 3 would result in the same level of population generation and would not, like the Project, result in the need for new or expanded utility facilities, water supplies, wastewater treatment capacity, or landfill capacity.

Therefore, less than significant impacts related to increased demand for public services and recreational facilities would occur, similar to the proposed Project.

### 4.7.17 Wildfire

The implementation of Alternative 3 would retain the existing surface parking along the western boundary of the Project site, northeast of the existing pedestrian bridge. By retaining the existing surface parking and locating the multi-family residential buildings further away from the very high fire hazard severity zone that is located within School House Canyon drainage as well as a narrow portion of the site, less potential wildfire impacts would occur compared to the Project. Both this Alternative and the proposed Project would adhere to existing state and local fire codes and building codes and would ensure that fire safety measures are implemented. Therefore, less than significant impacts related to wildfire would occur as identified for the proposed Project.

### 4.7.18 Conclusion

Under Alternative 3, greater impacts to aesthetics, air quality, energy, greenhouse gas, land use and planning would occur compared to the Project. Less impacts to biological resources, cultural resources, and wildfire impacts would occur under this Alternative compared to the Project. The same impacts to geology and soils, hazards and hazardous materials, population and housing, public services and recreation, transportation, tribal cultural resources and utilities would occur with this Alternative as with the proposed Project. Overall, this Alternative would result in greater environmental impacts compared to the proposed Project. In addition, this Alternative would meet all of the Project objectives.

## 4.8 Environmentally Superior Alternative

As required by CEQA Guidelines Section 15126.6, one of the alternatives must be identified as an Environmental Superior Alternative. The Environmentally Superior Alternative is the one that would result in the fewest or least significant environmental impacts. If the Environmental Superior Alternative is the No Project Alternative (No Project/No Development), which is the case with the conclusions in this alternatives analysis, then an Environmentally Superior Alternative must be selected from the remaining alternatives.

Alternative 2 would result in less environmental impacts compared to the impacts resulting from the implementation of the proposed Project and implementation of Alternative 3. Alternative 2 would reduce the degree of significant impacts related to cultural and tribal cultural resources; however, the potential for impacts to these resources would be significant prior to the implementation of the Project mitigation measures. After the implementation of the required mitigation measures, potential impacts to cultural and tribal cultural resources from Alternative 2 would be less than significant similar to the proposed Project. Alternative 2 is considered the environmentally superior alternative and as shown in Table 4-1 above, Alternative 2 would be able to meet each of the Project objectives.

# CHAPTER 5

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## Other CEQA Considerations

This chapter describes the effects that were found not to be significant in the Notice of Preparation/Initial Study; significant and unavoidable environmental impacts due to Project implementation; significant irreversible environmental changes; and growth inducing impacts associated with the proposed project. As described in Chapter 2, *Project Description*, the analysis describes the potential impacts from implementation of The Oaks Specific Plan (proposed Project).

### 5.1 Effects That Were Found Not to be Significant

As required by Section 15128 of the CEQA Guidelines, an EIR shall contain a brief discussion stating the reasons why various possible effects of a project were determined not significant and are, therefore, not discussed in detail in the EIR. In accordance with the CEQA Guidelines, this section discusses the environmental issue areas where impacts were found to not be significant. These discussions address the CEQA Guidelines Appendix G for each of the environmental topic areas where the proposed Project would result in either a less than significant impact or no impact. These discussions are the same as those provided in the Notice of Preparation/Initial Study that was distributed for public review on January 27, 2022.

#### 5.1.1 Agricultural and Forestry Resources

**Issue 1: Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

The proposed Project would be constructed on land designated by the California Department of Conservation's (DOC) Farmland Mapping and Monitoring Program (FMMP) as Urban/Built Up Land.<sup>1</sup> Construction and operation of the proposed Project would not result in a change to the designation nor would the proposed Project result in the conversion of any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. Therefore, no impact would occur.

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<sup>1</sup> California Department of Conservation (DOC). 2021. Important Farmland Maps: Ventura County. Available online at: <https://maps.conservation.ca.gov/DLRP/CIFF/>.

**Issue 2: Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

The Project site is not located on land under a Williamson Act Contract and is not located on land zoned for agricultural use.<sup>2</sup> The proposed Project would be located on land zoned as M-1 Zone (Industrial Park Zone). As a result, implementation of the proposed Project would not conflict with existing zoning or agricultural use or a Williamson Act contract. No impact would occur.

**Issue 3: Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

**Issue 4: Would the Project result in the loss of forest land or conversion of forest land to non-forest use?**

The City of Thousand Oaks General Plan Land Use Elements and zoning maps do not include zoning categories related to forest land, timberland, or timberland zoned as Timberland Production (City of Thousand Oaks, 2015)<sup>3</sup>. The proposed Project site is currently designation as industrial and is zoned as Industrial Park (M-1). Therefore, the Project would not conflict with existing zoning for forested land or timberland nor convert timberland or forested land to other uses. No impact would occur.

**Issue 5: Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

The Project area is not located on land designated as Prime Farmland, Unique Farmland, Farmland of Statewide Importance, timberland, or forest land. Therefore, implementation of the proposed Project would not convert farmland or forestland. No impact would occur in regard to agricultural resources.

## 5.1.2 Biological Resources

**Issue 1: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

Based on a review of the CDFW, California Regional Conservation Plans, and existing conditions reports for the City of Thousand Oaks, there are no Habitat Conservation Plans or other approved habitat conservation plans located on the Project site.<sup>4</sup> No impact would occur.

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<sup>2</sup> City of Thousand Oaks. 2021. City of Thousand Oaks General Plan Zoning. Available at <https://www.toaks.org/about-us/about-thousand-oaks/online-mapping>, accessed December 6, 2021.

<sup>3</sup> City of Thousand Oaks. 2021. City of Thousand Oaks General Plan Land Use Map. Available at <https://www.toaks.org/home/showdocument?id=330>, accessed December 6, 2021.

<sup>4</sup> City of Thousand Oaks, 2020. Background Environmental Report prepared for the TO2045 General Plan Update. January 2020.

### 5.1.3 Geology and Soils

**Issue 1: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

The proposed Project would not include the installation or use of septic tanks or alternative wastewater disposal systems. Therefore, no construction or operational impacts associated with septic tanks or alternative wastewater disposal systems would occur.

### 5.1.4 Hazards and Hazardous Materials

**Issue 1: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?**

The nearest airport to the Project site is Camarillo Airport, which is approximately 15 miles to the west. Van Nuys Airport is approximately 19 miles to the east of the Project site. As such, the proposed Project would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and the Project would not result in a safety hazard or excessive noise for people residing or working in the Project area. No impact would occur.

### 5.1.5 Hydrology and Water Quality

**Issue 1: In flood hazard, tsunami, or seiche zones, would the Project risk release of pollutants due to Project inundation?**

The proposed Project area is located within the Federal Emergency Management Act (FEMA) Flood Zone X, indicating a moderate to low risk for flooding.<sup>5</sup> Seiches are large waves generated in enclosed bodies of water in response to ground shaking. Tsunamis are sea waves generated by large-scale disturbance of the ocean floor that induces a rapid displacement of the water column above. The Project site is located approximately nine miles northeast of the Pacific Ocean and would not be subject to the maximum force of a Pacific Ocean tsunami. The Project site is 0.75 miles northeast of the nearest enclosed body of water (Westlake Lake) and 1.7 miles from the Westlake Reservoir. Although the Project site is in close proximity of enclosed bodies of water, dam inundation maps for the Westlake Reservoir indicate that the Project site is located at a higher elevation and would not be affected by a seiche or dam inundation.<sup>6</sup> Therefore, the Project would not risk release of pollutants due to Project inundation within flood hazard, tsunami, or seiche zones. A less than significant impact would occur.

<sup>5</sup> Federal Emergency Management Agency (FEMA), 2018. Flood Insurance Rate Map, Los Angeles County, California and Incorporated Areas, Map No. 06111C0989F, April 4, 2018.

<sup>6</sup> California Department of Water Resources, 2018. Westlake Reservoir DWR Dam No. 1073, National ID No. CA00904, Los Angeles County, CA., Sunny Day Failure Inundation Maps. Prepared September 21, 2018.

## 5.1.6 Land Use and Planning

### **Issue 1: Would the Project physically divide an established community?**

The proposed Project is located in an urban area in the City of Thousand Oaks. The uses surrounding the Project site include U.S. 101 to the south, the Promenade shopping center to the west, Thousand Oaks Boulevard to the north, and Lakeview Canyon Road to the south. The proposed apartments and parking structure would be separated from the existing Promenade shopping center by the existing northeast to southwest drainage. The uses north of Thousand Oaks Boulevard include offices; Westlake High School is located northeast of the Project site. East of the Project site are office uses. Approximately 0.5 mile northwest of the site are residential uses. The established community in the Project vicinity includes a mix of land uses. The addition of the proposed apartments and parking on the Project site would not result in a division of the existing established community in the Project vicinity, and therefore, less than significant impacts would occur.

## 5.1.7 Mineral Resources

### **Issue 1: Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

No significant mineral resources exist within the Thousand Oaks planning area; mineral resources are not inventoried in the General Plan, and it contains no policies related to mineral resources.<sup>7</sup> According to the United States Geological Survey (USGS) Mineral Resources Data System, the Project area is not identified as a known mineral resource area and does not have a history of mineral extraction uses.<sup>8</sup> Therefore, the proposed Project would not result in the loss of availability of a known mineral resource, and no impact would occur.

### **Issue 2: Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

The proposed Project area is not currently used for mineral extraction and is not known as a locally important resource recovery site. Further, the Project area is not delineated on the City of Thousand Oaks General Plan for mineral resource recovery uses.<sup>9</sup> Therefore, no impact would occur.

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<sup>7</sup> City of Thousand Oaks, 2013. City of Thousand Oaks General Plan, Conservation Element, amended October 22, 2013.

<sup>8</sup> United States Geological Survey (USGS). 2020. Mineral Resources Data System. Available <https://mrdata.usgs.gov/mineral-resources/mrds-us.html>. Accessed December 8, 2020.

<sup>9</sup> City of Thousand Oaks, 2013. City of Thousand Oaks General Plan, Conservation Element, amended October 22, 2013.

### 5.1.8 Noise

**Issue 1: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?**

The proposed Project would not locate noise-sensitive uses within an airport land use plan area, within 2 miles of a public airport or public use airport, or within the vicinity of a private airstrip, heliport, or helistop. While the City of Thousand Oaks is beneath the flight paths for approaches and departures from Los Angeles International Airport and Burbank Airport, its distance from these facilities means that aircrafts are normally at a relatively high altitude and are widely dispersed resulting in no substantial noise impact when compared to background traffic noise. Other airports that result in air traffic over the City include the Oxnard, Camarillo, Santa Monica, and Van Nuys Airports, the nearest of which is approximately 15 miles east of the Project site. Additionally, there are no heliports or helistops within the vicinity of the Project site. Therefore, the proposed Project would not result in an exposure of noise-sensitive uses to excessive noise levels from such uses. No impact would occur.

### 5.1.9 Population and Housing

**Issue 1: Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

The existing conditions of the Project site are either surface parking, landscaping or existing industrial office building. Implementation of the proposed Project would not displace any existing housing through construction or operation. Therefore, the Project would not impact existing people or housing. No impact would occur.

## 5.2 Significant and Unavoidable Environmental Impacts

CEQA Guidelines Section 15126.2(c) requires that an EIR describe any significant impacts that cannot be avoided, including those impacts that can be mitigated but not reduced to a less than significant level. Chapter 3, *Environmental Impact Analysis*, of this EIR describes the potential environmental impacts of the proposed Project and recommends mitigation measures to reduce impacts, where feasible. Analysis of environmental impacts caused by the proposed Project has been performed, and is contained in Chapter 3 of the EIR.

The proposed Project would not result in any Project or cumulative significant impacts which cannot be reduced to less than significant.

## 5.3 Significant Irreversible Environmental Changes

Section 21100(b)(2)(B) of CEQA and Section 15126.2(d) of the CEQA Guidelines require that an EIR include a detailed statement setting forth “[a]ny significant effect on the environment that would be irreversible if the project is implemented.” (PRC Section 21100(b)(2)(B)). “Significant

irreversible environmental changes” include the use of nonrenewable natural resources during the initial and continued operation of the Project, should this use result in the unavailability of these resources in the future. Primary impacts and, particularly, secondary impacts generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with a project. Irretrievable commitments of these resources are required to be evaluated in an EIR to ensure that such consumption is justified (CEQA Guidelines Section 15126.2(d)).

Approval of the proposed Project would cause irreversible environmental changes consisting of the following:

Project construction and operation would result in an irretrievable loss of, and irreversible commitment of, natural resources. Located in an urbanizing area, the Project would require the commitment of natural resources and materials such as lumber and steel and the use of fossil fuels. Construction and operation of the proposed Project would emit pollution into the air from, construction machines and vehicles, and from vehicles traveling to and from the Project site during operation. The Project would also consume fossil fuels (petroleum and natural gas), and electricity generated by fossil fuels and other non-renewable resources during operation.

The proposed Project would require imported water for potable use. Water supply for the Project would be a combination of purchased imported water and recycled water with the majority of supply being imported water from the Calleguas Municipal Water District (CMWD) which is a member agency of the Metropolitan Water District (MWD). According to the UWMP prepared for the Project vicinity by the California Water Service, Westlake District, there is sufficient supply to meet the demands of all its customers through the year 2045.

## 5.4 Growth-Inducing Impacts

CEQA Guidelines Section 15126.2(e) requires an EIR discuss the potential growth-inducing impacts of a proposed project. The CEQA Guidelines provide the following guidance for such discussion:

*Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.*

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement would result if a project involved construction of new housing. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises) or if it would involve a



substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Under CEQA, growth is not considered necessarily detrimental or beneficial.

Based on the CEQA definition above, assessing the growth-inducement potential of the proposed Project involves answering the question:

“Would implementation of the proposed project directly or indirectly support economic expansion, population growth, or residential construction?”

Community development is one of the chief public services needed to support growth. While residential development plays a role in supporting additional growth, it is not the single determinant of such growth. Other factors, including General Plan policies, land use plans, and zoning, public schools, transportation services, and other important public infrastructure, also influence business and residential population growth. Economic factors, in particular, greatly affect development rates and locations.

### 5.4.1 Methodology

This section evaluates how the proposed Project could affect population growth in the region. The growth anticipated in the region has been identified in regional transportation plans such as the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and local General Plans prepared by local land use agencies and municipalities.

As noted, growth inducement itself is not necessarily an adverse impact. It is the potential consequences of growth, the secondary effects of growth, which may result in environmental impacts. Potential secondary effects of growth could include increased demand on other public services; increased traffic and noise; degradation of air quality; loss of plant and animal habitats; and the conversion of agriculture and open space to developed uses. Growth inducement may result in adverse impacts if the growth is not consistent with the land use plans and growth management plans and policies for the area, as “disorderly” growth could indirectly result in additional adverse environmental impacts. Thus, it is important to assess the degree to which the growth accommodated by a project would or would not be consistent with applicable land use plans.

To determine direct growth-inducement potential, the proposed Project was evaluated to verify whether an increase in population or employment, or the construction of new housing would occur as a direct or indirect result of the proposed Project. If either of these scenarios occurred, the proposed Project could result in direct growth-inducement within the region.

## 5.4.2 Growth Inducement Potential

### Direct Growth

Implementation of the proposed Project would result in an increase in population within the City of Thousand Oaks. As previously mentioned in Chapter 2 of this Draft EIR, the proposed Project would include the development of 264 dwelling units. As previously described in Section 3.12, *Population and Housing*, of this Draft EIR, the proposed Project would result in approximately 687 people. This population estimate is based on an estimated 2.6 persons per unit.<sup>10</sup> These rates were extrapolated from the persons per unit for the City of Thousand Oaks that were identified by the California Department of Finance.

Housing units within the City are projected to increase by 19,274 units between 2021 and 2045. The addition of 264 residential units that are part of the proposed Project would be within the planned housing growth anticipated within the City.

The proposed Project consists of residential units and a parking garage and would not include uses that would generate long-term employment opportunities.

Therefore, the implementation of the proposed Project would not result in substantial direct growth-inducement.

### Secondary Effects of Growth

Population growth can result in secondary environmental effects that could be significant. The environmental impact analysis conducted for cumulative development within the Project vicinity identified that there would be no significant environmental impacts associated with growth. Secondary effects of growth typically found to be significant and unavoidable include air quality degradation, hydrology and water quality modification and degradation, traffic congestion, transportation demand increase, increased noise, and increased demand on utilities.

One impact of growth is the potential for out-growing existing employment opportunities within an area. The proposed Project consists of residential uses and a parking structure and would not result in direct or indirect increases of long-term employment opportunities.

The proposed Project would include new infrastructure such as water distribution lines and sewer lines, serving just the Project site. These facilities would support the demand of the proposed Project and would not create additional capacity available to the region or area. As such, the proposed Project would not increase the City's infrastructure beyond that which is necessary to serve the proposed Project, and the proposed Project would not induce unplanned growth.

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<sup>10</sup> Department of Finance (DOF), 2021. Sheet E-5 Population and Housing Estimates for Cities, Counties, and the State. May 2021. Available at: <https://dof.ca.gov/forecasting/demographics/estimates/estimates-e5-2010-2021/>. A, accessed on March 18, 2022.

# CHAPTER 6

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## Report Preparation

### 6.1 Lead Agency

#### City of Thousand Oaks

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Thousand Oaks, California 91362  
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Kelvin Parker, Community Development Director

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Kathy Naoum, *Transportation Planner*

### 6.2 EIR Consultant

#### Environmental Science Associates (ESA)

Address: 16755 Von Karman Avenue, Suite 200  
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Phone (949) 753-7001

Michael Houlihan, AICP, *Project Manager*

Monica Strauss, MA, RPA, *Project Director and Principal Investigator*

Olivia Chan, *Senior Technical Associate*

Kevin Smith, *Senior Technical Associate*

Michael Vader, *Senior Cultural Specialist*

Alan Sako, *Senior Air Quality, Greenhouse Gas, and Energy Specialist*

Ryan Gilmore, *Senior Biologist*

Anna Millar, *Technical Analyst*

Kevin Argueta, *Environmental Planner*

Russell Shapiro, PhD, *Paleontologist*

Fatima Clark, *Cultural Resources Specialist*

Sara Dietler, *Cultural Resources Specialist*

Christopher Lockwood, *Cultural Resources Specialist*

Miranda Rodriguez, *Cultural Resources Specialist*

Salpi Bocchierian, *Cultural Resources Specialist*

Cheri Velzy, *Air Quality Specialist*

Anitra Rice, *Air Quality, Greenhouse Gas, and Energy Specialist*

Michelle Le, *Air Quality Specialist*

Victoria Hsu, *Greenhouse Gas and Energy Specialist*

Tony Chung, *Noise Analyst*

Jonathan Chen, *Greenhouse Gas and Energy Specialist*

Tim Witwer, *Energy Analyst*

Shadde Rosenblum, *Transportation Planner*

Andray Cardoza, *Environmental Planner*

Jason Nielson, *Senior GIS Analyst*

Stephan Geissler, *Senior GIS Analyst*

Denise Kaneshiro, *Graphics Technician*

Nicole Sanchez-Sullivan, *Publications Services Manager*

Gary Gick, *Publications Specialist*

Aaron Guzman, *Publications Specialist*

Darrien Williams, *Document Production*

## **6.3 Technical Consultants**

### **Specific Plan**

Kennedy Wilson

### **Architecture**

KTGY

### **Landscape Architecture**

RELM

### **Biological Technical Report and Arborist Report**

HELIX Environmental Planning, Inc.

Dudek

### **Geotechnical Reports and Phase I Environmental Site Assessment**

Leighton and Associates, Inc.

**Hydrology and Water Quality Reports**

Hunsaker & Associates Irvine, Inc.

**Traffic Impact Study and Vehicle Miles Traveled Analysis**

W.G. Zimmerman Engineering, Inc.

Iteris

**Wildfire Technical Study**

Envicom Corporation

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