



PUBLIC REVIEW DRAFT



CITY OF THOUSAND OAKS

ENVIRONMENTAL IMPACT REPORT
JANSS MARKETPLACE HOTEL PROJECT

August 2023

www.csgenr.com

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Environmental Impact Report

JANSS MARKETPLACE HOTEL PROJECT

SCH No. 2023020431

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G Geotechnical Investigation

H Geotechnical Update/Addendum

I Phase I ESA Report

J Drainage Memos

K Noise Data

L Trip Generation Memos

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Acronyms and Abbreviations

| Acronym/Abbreviation | Definition |
|------------------------|---|
| 2020-2045 RTP/SCS | Southern California Association of Government's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy |
| 2022 AQMP | Ventura County Air Pollution Control District's 2022 Air Quality Management Plan |
| 2022 Scoping Plan | 2022 Scoping Plan for Achieving Carbon Neutrality |
| AB | Assembly Bill |
| ACCM | Asbestos Containing Construction Material |
| AHP | Advisory Council on Historic Preservation |
| Act | Alquist-Priolo Earthquake Fault Zoning Act of 1972 |
| ADA | Americans with Disabilities Act |
| AF | Acre-foot |
| AHERA | Asbestos Hazard Emergency Response Act |
| ANSI | American National Standards Institute |
| Applicant | Verdant Thousand Oaks, LLC |
| ASCE | American Society of Civil Engineers |
| Assembly Bill 32/AB 32 | State of California's California Global Warming Solutions Act of 2006 |
| ASVMRF | Athens Sun Valley Materials Recovery Facility |
| Athens | Athens Services |
| ATP | City of Thousand Oaks Active Transportation Plan |
| Basin | South-Central Coast Air Basin |
| Basin Plan | Los Angeles RWQCB Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, dated September 11, 2014 |
| BAU | Business-as-usual |
| BCE | Before the Common Era |
| BMPs | Best Management Practices |
| BOD | Biochemical oxygen demand |
| BTU | British Thermal Unit |
| Business Plan Act | California Hazardous Materials Release Response Plans Inventory Law of 1985 |
| Business Plans | Hazardous Materials Release Response Plans and Inventories |
| C | Commercial zoning designation |
| C-3 | Community Shopping Center Zoning Designation |
| C-3-H | Community Shopping Center – Height Overlay Zoning Designation |
| CAAQS | California Ambient Air Quality Standards |
| CAL FIRE | California Department of Forestry and Fire Protection |
| Cal/EPA | California Environmental Protection Agency |
| Cal/OSHA | California Division of Occupational Safety and Health |
| Cal-AM/CAWC | California American Water Company |
| CalARP | California Accidental Release |

| Acronym/Abbreviation | Definition |
|-----------------------------|---|
| CalEEMod | California Emission Estimator Model |
| CALGreen | California Green Building Code |
| Caltrans | California Department of Transportation |
| CAPCOA | California Air Pollution Control Officers Association |
| CARB | California Air Resources Board |
| CBC | California Building Code |
| CCAA | California Clean Air Act |
| CCPD | Conejo Creek Diversion Project |
| CCR | California Code of Regulations |
| CDFW | California Department of Fish and Wildlife |
| CEAP | City of Thousand Oaks Climate and Environmental Action Plan |
| CEC | California Energy Commission |
| CERCLA | Comprehensive Environmental Response, Compensation and Liability Act |
| CEQA | California Environmental Quality Act |
| CFC | California Fire Code |
| CFCs | Chlorofluorocarbons |
| CFG | California Fish and Game |
| CHP | California Highway Patrol |
| CHRIS | California Historical Resources Information System |
| CHWMP | County Hazardous Waste/Materials Management Plan for Ventura County |
| City | City of Thousand Oaks |
| CIWMB | California Integrated Waste Management Board |
| CMRF | Crown Material Recovery Facility |
| CMWD | Calleguas Municipal Water District |
| CNDDDB | California Natural Diversity Database |
| CNEL | Community Noise Equivalent Level |
| CNPPA | California Native Plant Protection Act |
| CNPS | California Native Plant Society |
| CNRA | California Natural Resources Agency |
| CO | Carbon Monoxide |
| COD | Chemical oxygen demand |
| Construction General Permit | California General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities |
| Cortese List | Department of Toxic Substances Control's Hazardous Waste and Substances List – Site Cleanup |
| CPA | Clean Power Alliance |
| CPUC | California Public Utilities Commission |
| CRHR | California Register of Historical Resources |
| CRIAs | Community Revitalization and Investment Authorities |
| CRPD | Conejo Recreation and Parks District |
| CUPA | California Unified Program Administration |

| Acronym/Abbreviation | Definition |
|----------------------------|---|
| CVB | Conejo Valley Groundwater Basin |
| CVC | California Vehicle Code |
| CVUSD | Conejo Valley Unified School District |
| CWA | Clean Water Act |
| CWC | California Water Code |
| CWD | Camrosa Water District |
| dB | Decibel |
| dBA | A-weighted decibel scale |
| DDD | Dichlorodiphenyldichloroethane |
| DDE | Dichlorodiphenyldichloroethylene |
| DDT | Dichlorodiphenyltrichloroethane |
| DEIR | Draft Environmental Impact Report |
| Design Guidelines | City of Thousand Oaks Architectural Design Review Guidelines for Commercial Projects |
| DOT | Department of Transportation |
| DP | Development Permit |
| DPM | Diesel Particulate Matter |
| DTSC | Department of Toxic Substances Control |
| Du/acre | Dwelling units per acre |
| DWR | Department of Water Resources |
| EIFDs | Enhanced Infrastructure Financing Districts |
| EIR | Environmental Impact Report |
| Emergency Operations Plan | City of Thousand Oaks 2020 Emergency Operations Plan |
| EMFAC2021 | California Air Resources Board Emission FACTor model |
| EOP | Ventura County Emergency Operations Plan |
| EPA | United States Environmental Protection Agency |
| EPCRA | Emergency Planning and Community Right-to-Know Act |
| ERUs | Equivalent residential units |
| EV | Electric vehicle |
| EVA | Electric vehicle access |
| FCAA | Federal Clean Air Act |
| FEMA | Federal Emergency Management Act |
| FFSA | Federal Fire Safety Act |
| Fire Plan | 2018 California Strategic Fire Plan |
| FIRM | Flood Insurance Rate Map |
| FTIP | Federal Transportation Improvement Plan |
| General Plan | City of Thousand Oaks General Plan |
| Geotechnical Investigation | Geotechnical Engineering Investigation prepared by Salem Engineering Group, Inc., dated October 4, 2019 |
| GHG | Greenhouse gas |
| GHw | Gigawatt-hours |

| Acronym/Abbreviation | Definition |
|----------------------|--|
| Gpd | Gallons per day |
| GPU | General Plan Update |
| GSA | Groundwater Sustainability Agency |
| GSP | Groundwater Sustainability Plan |
| GWP | Global Warming Potential |
| H | Height Limit Overlay Zone |
| HCFCs | Hydrochlorofluorocarbons |
| HCTP | Hill Canyon Treatment Plant |
| HFCs | Hydrofluorocarbons |
| HMTA | Hazardous Materials Transportation Act |
| HMTUSA | Hazardous Materials Transportation Uniform Safety Act |
| HQTAs | High Quality Transit Areas |
| HQTC | High Quality Transit Corridor |
| HSC | State of California's Health and Safety Code |
| HVAC | Heating, ventilation, and air condition |
| I-405 | Interstate 405 |
| IBC | International Building Code |
| IEPR | California Energy Commission Integrated Policy Report |
| IPCC | Intergovernmental Panel on Climate Change |
| ITE | Institute of Transportation Engineers |
| kWh | Kilowatt-hours |
| LBPs | Lead-based paints |
| LCFS | Low Carbon Fuel Standard |
| LCP | Landscape Plan Check |
| LID | Low Impact Development |
| LOS | Levels of Service |
| LOS | Level of service |
| Los Angeles RWQCB | Regional Water Quality Control Board, Los Angeles Region |
| LRGC | Los Robles Golf Course |
| LST | Localized Significance Threshold |
| LUST | Leaking Underground Storage Tank |
| MAIT | Multidisciplinary Accident Investigation Team |
| MBTA | Migratory Bird Treaty Act |
| Michael Baker | Michael Baker International, Inc. |
| MLD | Most likely descendant |
| MPO | Metropolitan Planning Organization |
| MS4s | Municipal Stormwater Permitting Program |
| Municipal Code/TOMC | City of Thousand Oaks Municipal Code |
| MW | Megawatt |
| MWDSC | Metropolitan Water District of Southern California |

| Acronym/Abbreviation | Definition |
|-----------------------------|---|
| MWh | Megawatt-hours |
| NAAQS | National Ambient Air Quality Standards |
| NAHC | Native American Heritage Commission |
| NESHAP | National Emission Standards for Hazardous Air Pollutants |
| NFP | National Fire Plan |
| NHPA | National Historic Preservation Act |
| NHTSA | National Highway Traffic Safety Administration |
| NIMS | National Incident Management System |
| NMA | Neighborhood Mobility Area |
| NOA | Notice of Availability |
| NOC | Notice of Completion |
| NOI | Notice of Intent |
| NOT | Notice of Termination |
| NPDES | National Pollutant Discharge Elimination System |
| NRHP | National Register of Historic Places |
| NWL | National and working lands |
| OES | California Office of Emergency Services |
| OPCs | Organochlorine-containing termiticides |
| Park Master Plan | Conejo Recreation and Park District Master Plan |
| PCBs | Polychlorinated Biphenyls |
| PFCs | Perfluorocarbons |
| PGA | Priority Growth Areas |
| Phase I ESA | Phase I Environmental Site Assessment prepared by Priority One Environmental, Inc., dated July 25, 2022 |
| POST | California Commission on Peace Officer Standards and Training |
| ppb | Parts per billion |
| PPE | Personal protective equipment |
| ppm | Parts per million |
| PPV | Peak particle velocity |
| PRDs | Permit registration documents |
| Project | Janss Marketplace Hotel Project |
| Project Area of Disturbance | 1.21-acres of anticipated disturbed area for development |
| Project Footprint | 0.83-acre, 36,300 square-foot area of development |
| Project Site | 21.63-acre parcel |
| Property Owner | Thousand Oaks Marketplace, LP |
| PVC | Polyvinyl chloride |
| QSD | Qualified SWPPP Developer |
| RCB | Reinforced concrete box |
| RCP | Reinforced concrete pipe |
| RCRA | Resource Conservation and Recovery Act |

| Acronym/Abbreviation | Definition |
|-----------------------|---|
| Records Review | Cultural Resources Records Review |
| RHNA | Regional Housing Needs Assessment |
| RMS | Root mean square (velocity) |
| ROG | Reactive Organic Gases |
| RPI | California Native Plant Society's Rare Plant Inventory |
| RPS | Renewables Portfolio Standard |
| RWQCB | Regional Water Quality Control Board |
| SAFE | Safer Affordable Fuel-Efficient Vehicles Rule |
| SB | Senate Bill |
| SB 100 | Senate Bill 100 |
| SB 32 | Senate Bill 32 |
| SCAG | Southern California Association of Governments |
| SCAQMD | South Coast Air Quality Management District |
| SCCIC | South Central Coast Information Center |
| SCE | Southern California Edison |
| SCP | Site Cleanup Program |
| SDC | Seismic Design Category |
| Seismic Act | Seismic Hazards Mapping Act |
| SEMS | California Standardized Emergency Management System |
| SGMA | Sustainable Groundwater Management Act |
| SHMP | State Multi-Hazard Mitigation Plan |
| SJVAPCD | San Joaquin Valley Air Pollution Control District |
| SLCPs | Short-lived climate pollutants |
| SMP | Stormwater Management Program |
| SoCalGas | Southern California Gas Company |
| SOIs | Spheres of Influence |
| SQUIMP | Stormwater Quality Urban Impact Mitigation Plan |
| SR 23 | State Route 23 |
| SR 33 | State Route 33 |
| SRA | State Responsibility Area |
| Strategic Plan | California Public Utilities Commission Energy Efficiency Strategic Plan |
| SUP | Special Use Permit |
| SVLRC | Simi Valley Landfill and Recycling Center |
| SWAT | Special Weapons and Tactics Team |
| SWP | State Water Project |
| SWPPP | Storm Water Pollution Prevention Plan |
| SWRCB | State Water Resources Control Board |
| TAC | Toxic Air Contaminant |
| TDS | Total dissolved solids |
| Thousand Oaks Library | Grant R. Brimhall Library |

| Acronym/Abbreviation | Definition |
|----------------------------------|--|
| TMDL | Total maximum daily load |
| Tongva | Gabrieleño |
| TOT | Thousand Oaks Transit |
| TOWMP | Thousand Oaks Water Master Plan |
| TPA | Transit Priority Area |
| Trip Generation Memo | Trip Generation Comparison Memorandum for the Proposed Homewood + Home 2 Hotel Project in the City of Thousand Oaks, prepared by Kimley-Horn on January 20, 2022 |
| TTM | Tentative Tract Map |
| U.S. 101 | Highway 101 |
| UBC | Uniform Building Code |
| USFWS | United States Fish and Wildlife Service |
| USGS | United States Geological Survey |
| UWMP/TOUWMP | City of Thousand Oaks 2020 Urban Water Management Plan |
| VCAPCD | Ventura County Air Pollution Control District |
| VCFD | Ventura County Fire Department |
| VCHCA | Ventura County Health Care Agency |
| VCSO/TOPD | Ventura County Sheriff's Office/Thousand Oaks Police Department |
| VCSQMP | Ventura Countywide Stormwater Quality Management Program |
| VCTM | Ventura County Transportation Model |
| VCWWD6 | Ventura County Water Works District 6 |
| Ventura County Stormwater Manual | Ventura County Technical Guidance Manual for Stormwater Quality Control Measures Manual |
| VHFHSZ | Very High Fire Hazard Severity Zone |
| VMT | Vehicle miles traveled |
| VOC | Volatile Organic Compound |
| WDRs | Water discharge requirements |
| WSAS | Water Supply Alternatives Study |

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1.0 Executive Summary

1.1 Introduction

The City of Thousand Oaks (City) is the Lead Agency under the California Environmental Quality Act (CEQA) and has determined that an Environmental Impact Report (EIR) is required for the Janss Marketplace Hotel Project (project) (State Clearinghouse No. 2023020431). This EIR has been prepared in conformance with CEQA (California Public Resources Code [PRC] Section 21000 et seq.); CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.); and the rules, regulations, and procedures for implementation of CEQA, as adopted by the City of Thousand Oaks. The principal CEQA Guidelines sections governing content of this document include Article 9 (Contents of Environmental Impact Reports) (Sections 15120 through 15132), and Section 15161 (*Project EIR*).

This Executive Summary encapsulates the contents and findings of the Draft Project Environmental Impact Report (Draft EIR, or EIR), which has been prepared by the City to assess the environmental consequences of the proposed Janss Marketplace Hotel Project (project). This Executive Summary Section is provided pursuant to CEQA and the State CEQA Guidelines Section 15123:

1. An EIR shall contain a brief summary of the proposed action and its consequences. The language of the summary should be as clear and simple as reasonably practical.
2. The summary shall identify:
 - a. Each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect;
 - b. Areas of controversy known to the lead agency including issues raised by agencies and the public; and
 - c. Issues to be resolved, including the choice among alternatives and whether or how to mitigate significant effects.
3. The summary should normally not exceed 15 pages.

1.2 Project Location

The proposed Janss Marketplace Hotel Project (project) site is located within the City of Thousand Oaks (City), in the eastern portion of Ventura County. The City is located in the Conejo Valley, halfway between Los Angeles and Santa Barbara, twelve miles east of the Pacific Ocean, and is immediately north of the Santa Monica Mountains. The community consists of rolling hills and tens of thousands of oak trees. Surrounding cities include Simi Valley and Moorpark to the north, Westlake Village and Agoura Hills to the east, Camarillo to the west, and Malibu to the south.

The project footprint is located within the central portion of the City, at 225 North Moorpark Road. Highway 101 (U.S. 101) is located approximately 1,040 feet south, West Wilbur Road borders the site to the west, North Moorpark Road borders the site to the east, and West Hillcrest Drive borders the site to the south. The site is situated within the Janss Marketplace, an outdoor shopping mall, for which regional access is provided via U.S. 101. The existing building on the project footprint was a Marshalls retail store until 2017 and is currently occupied by Reign of Terror Haunted House and USA Vein Clinics. Within the Janss Marketplace, the project footprint is on the northern end, on the western side of the mall, and is located across the service road from the parking structure at the northwest corner of the shopping center.

1.3 Project Summary

The proposed project includes the construction of a five-story, 216-room, approximately 133,000 square-foot hotel. The structure would include an open-air courtyard within the center of the building composed of two levels, the first floor consisting of a patio and event area, and the second floor consisting of a pool deck. The building footprint would cover approximately 36,300 square-feet (0.83-acres). The first-floor square footage would be split between hotel and retail space, with the former occupying approximately 17,500 square-feet of indoor space and approximately 5,200 square-feet of an outdoor courtyard, totaling 22,700 square-feet of hotel use on the ground floor. The retail space would occupy approximately 13,300 square-feet. Additionally, exterior patios would be planned for future retail tenants on the first floor. The remaining floors would be approximately 28,900 square-feet each, and the second floor would have an outdoor pool, deck, and planter area of approximately 2,300 square feet. The 216-room hotel would have 173 king rooms and 43 double-queen rooms. Primary components of the first floor would include a front desk and hotel management offices, a sundry store for hotel guests, three meeting rooms, a bar, a commercial kitchen and dining room, a fitness room, restrooms, two laundry rooms, and work areas. The courtyard on the first floor would include an event area and patio with outdoor dining. The remaining space on the first floor would be occupied by retail and a service corridor on the northern and eastern sides of the building. The main entrance for the hotel would be located on the western side of the building, setback from the access road. A secondary entrance for the hotel would be located on the eastern side of the building, accessed from the pedestrian walkway internal to the Janss Marketplace. The retail spaces would be accessible along the north and east sides of the building.

Primary access to the proposed building would be from a service road located east of West Wilbur Road and west of North Moorpark Road, and the main entrance would be located on the western side of the building, setback from the access road. The retail spaces would be accessible from the north and east sides of the building. Parking would be provided utilizing the existing 2,642 parking spaces within Janss Marketplace; of those spaces, it is expected that the hotel guests would predominantly park in the parking structure adjacent to Wilbur Road, which has approximately 1,396 spaces, conveniently located across from the project site. In addition, utility hookups would be installed from existing lines in proximity to the site. Landscaping would be installed in three primary planters. A combination of wall-mounted, recessed, and emergency light fixtures would be installed on-site to provide lighting in the outdoor areas and at entrances, and would be controlled via an astronomical time clock.

The project would require grading on-site to allow for project implementation, but significant changes in finish elevations are not expected. Project grading, following demolition of the existing use, would involve the entire 52,576 square-foot (1.21-acre) project disturbance area. Pedestrian paths of travel on the north, east and west sides of the hotel are anticipated to be improved. It is anticipated that site grading would require 84 cubic yards of cut, 28 cubic yards of fill, and the export of 56 cubic yards of soil. No soil will be imported. Pile driving is not required to construct the hotel.

The proposed project is anticipated to include minimal drainage improvements, such as upgraded filtration, to be consistent with the City's stormwater regulations. The existing project area of disturbance is already developed for commercial use and current drainage flows to the west, toward the drive aisle located west of the building, and into a nearby catch basin. The proposed drainage pattern would match the existing conditions and runoff would flow west into nearby catch basins. The impervious area would remain approximately the same as existing conditions, so runoff flow rates and volumes would be similar to the existing conditions.

The 27.16-acre parcel's airspace is to be subdivided into three parcels for property conveyance and financial purposes. Parcel 1 (Master Ground Lot) would total 26.33 acres, Parcel 2 (hotel) would total 0.52 acres, and Parcel 3 (commercial) would total 0.31 acres.

The application also includes a zoning change, limited to the footprint of the hotel, from Community Shopping Center (C-3) to Community Shopping Center – Height Overlay (C-3-H), to increase the building height of up to 75 feet, instead of 35 feet.

The construction period for the proposed project is anticipated to be approximately 18 months.

1.4 Project Goals and Objectives

The goals and objectives of the proposed project are to:

- Enhance the City of Thousand Oaks and Janss Marketplace, by creating an aesthetically pleasing hotel that is compatible with existing adjoining uses to serve the local community.
- Revitalize Janss Marketplace by replacing outdated dormant building structures, with a fresh, modern building and design.
- Provide local employment, with career advancement opportunities.
- Provide needed overnight and extended stay services to residents, business groups, and tourists within the City of Thousand Oaks.
- Provide shopping, dining, recreational, and assembly opportunities within the City of Thousand Oaks.
- Strengthen the City’s commercial core by providing local quality lodging for residents, business groups, and tourists.
- Create a financially viable hotel capable of serving a wide range of guests.
- Provide fiscal and economic benefits to the City by adding local amenities to the community.

1.5 Environmental Issues/Mitigation Summary

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---------------------------|--|--------------------------------------|---|
| 5.1 Aesthetics | | | |
| AES-1 | Scenic Views and Vistas <i>Project implementation would not have a substantial adverse impact on a scenic vista.</i> | No mitigation measures are required. | Less Than Significant Impact |
| AES-2 | Scenic Resources <i>Project implementation would not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway.</i> | No mitigation measures are required. | Less Than Significant Impact |
| AES-3 | Scenic Quality Regulations <i>Implementation of the proposed project would not conflict with applicable zoning and other regulations governing scenic quality.</i> | No mitigation measures are required. | Less Than Significant Impact |
| AES-4 | Light and Glare <i>Implementation of the proposed project would not create a new source of substantial light or glare, which could adversely affect day or nighttime views in the area.</i> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | Scenic Views and Vistas <i>The project, combined with other cumulative projects, could result in significant impacts to scenic vistas.</i> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---------------------------|--|---|---|
| CUMULATIVE IMPACTS | <p>Scenic Resources</p> <p><i>The project, combined with other cumulative projects, could substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p>Scenic Quality Regulations</p> <p><i>The project, combined with other cumulative projects, could conflict with applicable zoning and other regulations governing scenic quality.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p>Light and Glare</p> <p><i>The project, combined with other cumulative projects, could create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| 5.2 Air Quality | | | |
| AQ-1 | <p>Air Quality Plan</p> <p><i>Implementation of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| AQ-2 | <p>Criteria Pollutants</p> <p><i>The project could result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.</i></p> | <p>AQ-1: The applicant shall require all construction plans to include the following best management practices:</p> <ol style="list-style-type: none"> 1. 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. | Less Than Significant Impact With Mitigation Incorporated |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|-------------|---------|--|--|
| | | <ol style="list-style-type: none"> 2. Exposed surfaces include, but are not limited to, soil piles, graded areas, unpaved parking areas, staging areas, and access roads. 3. 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. 4. 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. 5. Limit vehicle speeds on unpaved roads to 15 miles per hour. 6. 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. 7. 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. 8. Maintain all construction equipment in proper working condition according to manufacturer’s specifications. The equipment shall be checked by a | |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|-------------|---------|---|--|
| | | <p>certified mechanic and determined to be running in proper condition before it is operated.</p> <p>AQ-2: Prior to issuance of grading permits, the City of Thousand Oaks shall review the final construction plan to verify the architectural coating phase shall last for at least six weeks.</p> <p>AQ-3: 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> <p>An exemption from these requirements may be granted by the City in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by</p> | |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---------------------------|--|--|---|
| | | the City, the applicant shall be required to demonstrate that two construction fleet owners/operators in Ventura County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within Ventura County. Further, if an exemption is granted by the City, the applicant shall use a minimum of Tier 3 equipment with a CARB-certified Level 3 diesel particulate filter in place of the Tier 4 Final equipment. | |
| AQ-3 | Sensitive Receptors <i>Development associated with implementation of the proposed project would not result in localized emissions impacts or expose sensitive receptors to substantial pollutant concentrations.</i> | No mitigation measures are required. | Less Than Significant Impact |
| AQ-4 | Odor <i>Development associated with implementation of the proposed project would not result in other emissions (such as those leading to odors adversely affecting a substantial number of people).</i> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | Short-Term Air Emissions <i>Short-term construction activities associated with the proposed project and other related cumulative projects, could result in increased air pollutant emission impacts or expose sensitive receptors to increased pollutant concentrations.</i> | Refer to Mitigation Measures AQ-1 through AQ-3. | Less Than Significant Impact With Mitigation Incorporated |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---------------------------------|---|--|--|
| CUMULATIVE IMPACTS | Long-Term Air Emissions <i>Implementation of the proposed project and other related cumulative projects would not result in increased impacts pertaining to operational air emissions.</i> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | Carbon Monoxide Hotspots <i>Implementation of the proposed project and related projects would not result in cumulatively considerable carbon monoxide hotspot impacts.</i> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | Consistency with Applicable Air Quality Plan <i>Implementation of the proposed project and related projects would not result in cumulatively considerable inconsistencies with the applicable air quality plan.</i> | No mitigation measures are required. | Less Than Significant Impact |
| 5.3 Biological Resources | | | |
| BIO-1 | Special Status Plant and Wildlife Species <i>The proposed project would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species.</i> | BIO-1 If project-related activities are to be initiated during the bat day and/or night-roosting or maternity-roosting season (April 1 through August 31), a pre-construction survey for day and/or night-roosting or maternity-roosting bats shall be conducted by a qualified biologist no more than 14 days prior to the start of any vegetation removal, ground disturbing activities, or construction, to confirm if roosting bats are present to avoid and minimize impacts to any roosting bat species. The qualified biologist shall survey all suitable roost habitat within the project's area of disturbance plus a 300-foot buffer zone. Each time work ceases for a period of 14 days or more during day | Less Than Significant Impact With Mitigation Incorporated |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|-------------|---------|--|--|
| | | <p>and/or night-roosting or maternity-roosting season, a new roosting bat clearance survey shall be conducted.</p> <ul style="list-style-type: none"> ▪ If no roosts are observed during pre-construction surveys, project activities may begin, and no additional avoidance and minimization measures shall be required. ▪ If day-time roosting bats or signs of such bats are detected: roosting location shall be demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging to facilitate avoidance. The distance of the no-disturbance buffers around day-roosting bats would be a minimum of 50 feet. This distance may be increased based upon the particular bat species found and/or the phased removal of buildings and trees to allow day-roosting bats to relocate on their own volition as determined by a qualified bat biologist. ▪ If an active maternity roost is identified, no work activities should occur within 100 feet of or directly under or adjacent to the maternity roost during the breeding season when young are present but are not yet ready to fly (April 1 through August 31). Their roosting location shall be demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging to facilitate avoidance. ▪ The qualified biologist shall periodically monitor any active roosts to determine if the roost is no longer being used. No construction or ground disturbance shall occur within this buffer until the qualified | |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|-------------|---------|--|--|
| | | <p>biologist confirms that the roosting is completed or a Bat Avoidance Plan is submitted by the developer and approved by the California Department of Fish and Wildlife (CDFW).</p> <p>BIO-2 If project-related activities are to be initiated during the bird nesting season (January 1 to August 31), a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist no more than three days prior to the start of any vegetation removal or ground disturbing activities to confirm if active bird nests are present to avoid and minimize impacts to any nesting bird species. The qualified biologist shall survey all suitable nesting habitat within the project’s area of disturbance plus a 300-foot buffer zone. Each time work ceases for a period of seven days or more during nesting season, a new nesting bird clearance survey shall be conducted.</p> <ul style="list-style-type: none"> ▪ If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required. ▪ If an active bird nest is found, the species shall be identified, and a “no-disturbance” buffer shall be established around the active nest. The distance of the no-disturbance buffer around active bird nests would be a minimum of 100 feet for non-special status species, and 300 feet for special-status passerine species and raptor species. These distances may be greater depending on the bird species and construction activity, as determined by the qualified biologist. | |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|--------------|---|--|--|
| | | <ul style="list-style-type: none"> ▪ The qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the “no-disturbance” buffer disturb the birds and if the buffer should be increased. No construction or ground disturbance shall occur within these buffers until the qualified biologist confirms that the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions. | |
| BIO-2 | <p>Sensitive Natural Communities</p> <p><i>The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| BIO-3 | <p>Jurisdictional Waters and Wetlands</p> <p><i>The proposed project would not 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.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| BIO-4 | <p>Migratory Birds</p> <p><i>The proposed project would not 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.</i></p> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|--|--|--|---|
| BIO-5 | <p>Tree Preservation Ordinance</p> <p><i>The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| BIO-6 | <p>Conflict with Habitat Conservation Plan</p> <p><i>The proposed project 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.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p><i>The project, combined with other related cumulative projects, could cause cumulatively considerable impacts to biological resources.</i></p> | No mitigation measures are required. | Less than Significant Impact |
| 5.4 Cultural, Tribal Cultural, and Historical Resources | | | |
| CUL-1 | <p>Historical Resources</p> <p><i>Development associated with implementation of the proposed project would not cause a significant impact to a historical resource or a change in the significance of a historical resource.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUL-2 | <p>Archaeological Resources</p> <p><i>Development associated with implementation of the proposed project could cause a significant impact to an archaeological resource on-site.</i></p> | <p>CUL-1 Worker Environmental Awareness Program. Worker Environmental Awareness Program (WEAP) training shall be provided to all construction personnel and monitors who are not trained archaeologists prior to the start of construction activities. A basic presentation and handout or pamphlet shall be prepared to ensure proper identification and treatment of inadvertent cultural</p> | Less Than Significant Impact With Mitigation Incorporated |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|-------------|---------|---|--|
| | | <p>resource discoveries. The purpose of the WEAP training is to provide specific details on the kinds of cultural materials, both prehistoric and historic, that may be identified during construction of the project and explain the importance of and legal basis for the protection of cultural resources. Each worker shall also be provided with the proper procedures to follow in the event that cultural resources or human remains are discovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate notification of the site supervisor and the qualified archaeological and Native American monitors. If the discovery is Native American, a Native American monitor shall be notified.</p> <p>CUL-2 Unanticipated Discovery of Cultural Resources. The project applicant shall retain a qualified archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards for archaeology, prior to the start of any earthwork activities related to project construction, to monitor all ground-disturbing activities within the areas of native soil (i.e., below existing areas of artificial fill from previous construction). In the event that potential prehistoric or historic-era archaeological resources (sites, features, or artifacts) are exposed during construction activities for the project, all construction work occurring within a 50-foot buffer of the find shall immediately stop and a qualified archaeologist must be notified immediately to assess the significance of the find and determine whether or not additional study is warranted.</p> | |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---------------------|---|---|--|
| | | <p>Depending on the significance of the find under the California Environmental Quality Act (CEQA), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work (e.g., preparation of an archaeological treatment plan, testing, or data recovery) may be warranted. If Native American resources are discovered or are suspected, each of the consulting tribes for the project will be notified, as dictated by California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e). An archaeological monitoring report shall be prepared within 60 days following completion of ground disturbance and submitted to the City of Thousand Oaks Community Development Director for review. This report shall document compliance with approved mitigation, document the monitoring efforts, and include an appendix with daily monitoring logs. The final report shall be submitted to the South Central Coastal Information Center and interested consulting tribes.</p> | |
| <p>CUL-3</p> | <p>Human Remains <i>Development associated with implementation of the proposed project could cause a significant impact to undiscovered human remains, including a potential tribal cultural resource.</i></p> | <p>CUL-3 Discovery of Human Remains. If human remains are encountered during implementation of any phase of the project, the project archaeologist shall be allowed to temporarily divert or redirect excavation activities in the vicinity of the find in order to make an evaluation of the find. In the event that human remains are inadvertently encountered during construction activities, such resources would be treated in accordance with state and</p> | <p>Less Than Significant Impact With Mitigation Incorporated</p> |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---------------------|---|--|--|
| | | <p>local regulations that provide requirements with regard to the accidental discovery of human remains, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be immediately notified of the discovery. No further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent remains can occur until the County Coroner has determined, within 2 working days of notification of the discovery, if the remains are potentially human in origin. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she is required to notify the NAHC within 24 hours. The NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant must then complete their inspection within 48 hours of being granted access to the site. The most likely descendant would then determine, in consultation with the property owner, the disposition of the human remains.</p> | |
| <p>TRC-1</p> | <p>CRHR Listed Resource <i>Development associated with implementation of the proposed project would not cause a significant impact to the significance of a tribal cultural resource that is listed in the CRHR.</i></p> | <p>No mitigation measures are required.</p> | <p>Less Than Significant Impact</p> |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---------------------------|---|---|--|
| TRC-2 | <p>Lead Agency Determined</p> <p><i>Development associated with implementation of the proposed project would not cause a significant impact to the significance of a tribal cultural resource that is determined by the lead agency.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p><i>The project, combined with other related cumulative projects, could cause cumulatively considerable impacts to historical resources, archaeological resources, or tribal cultural resources.</i></p> | Refer to Mitigation Measures CUL-1 through CUL-3. | Less Than Significant With Mitigation Incorporated |
| 5.5 Energy | | | |
| EN-1 | <p>Energy Consumption</p> <p><i>The project would not result in wasteful, inefficient, or unnecessary consumption of energy resources.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| EN-2 | <p>Conflict with Applicable Energy Plan</p> <p><i>The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p>Energy Consumption and Plan Consistency</p> <p><i>Implementation of the project and other cumulative projects would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.</i></p> | No mitigation measures required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|------------------------------|---|--|---|
| 5.6 Geology and Soils | | | |
| GEO-1 | <p>Faults</p> <p><i>No active faults exist within the project site. The proposed project would not be subject to ground rupture and impacts would be less than significant.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| GEO-2 | <p>Strong Seismic Ground Shaking</p> <p><i>The project site is susceptible to strong seismic ground shaking in the event of a major earthquake and may expose people or structures to potential substantial adverse effects. However, with adherence to applicable building codes and city policies, potential impacts would be less than significant, with mitigation measures.</i></p> | <p>GEO-1 A geotechnical investigation shall be conducted by the project applicant to analyze the soil conditions and potential threats to building stability, and shall include a report that recommends grading, construction, and design operations appropriate for seismic conditions. All grading operations and construction shall be conducted in conformance with the recommendations included in the geotechnical report. Design, grading, and construction shall also be performed in accordance with the requirements of the City of Thousand Oaks Building Code and the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project geotechnical consultant summarized in a final written report, subject to review and approval by the City of Thousand Oaks Building Official, or designee, prior to commencement of grading activities.</p> <p>GEO-2 A qualified Geotechnical Engineer shall be retained to perform the following tasks prior to and during construction:</p> <ul style="list-style-type: none"> ▪ Review final grading, foundation, and drainage plans to verify that the recommendations contained in the geotechnical investigation have been properly | Less Than Significant Impact With Mitigation Incorporated |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|--------------|---|--|---|
| | | <p>interpreted and are incorporated into the project specifications.</p> <ul style="list-style-type: none"> ▪ Observe and advise during all grading activities, including site preparation, foundation, and placement of fill, to confirm that suitable fill materials are placed upon component material and to allow design changes if subsurface conditions differ from those anticipated prior to the start of grading and construction. ▪ Observe the installation of drainage devices. ▪ Test all fill placed for engineering purposes to confirm that suitable fill materials are used and properly compacted. | |
| GEO-3 | <p>Other Seismic Hazards</p> <p><i>The proposed project may expose people or structures to potential substantial adverse effects associated with seismically induced liquefaction and settlement.</i></p> | Refer to Mitigation Measures GEO-1 and GEO- 2. | Less Than Significant Impact With Mitigation Incorporated |
| GEO-4 | <p>Landslides</p> <p><i>The project site is not located within an identified landslide hazard area. Therefore, the potential for landslides within the project site is low and potential impacts would be less than significant.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| GEO-5 | <p>Soil Erosion</p> <p><i>The proposed project may result in substantial soil erosion or the loss of topsoil.</i></p> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|--------------------|--|--|---|
| GEO-6 | <p>Unstable Geologic Units</p> <p><i>Development of the proposed project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project.</i></p> | Refer to Mitigation Measures GEO-1 and GEO- 2. | Less Than Significant Impact with Mitigation Incorporated |
| GEO-7 | <p>Expansive Soil</p> <p><i>The proposed project may be located on expansive soil creating substantial risks to life or property.</i></p> | Refer to Mitigation Measures GEO-1 and GEO-2. | Less Than Significant Impact With Mitigation Incorporated |
| GEO-8 | <p>Wastewater Disposal Systems</p> <p><i>The proposed project would not include the use of septic tanks or alternative wastewater disposal systems and therefore would not require soils supportive of that type of infrastructure.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| GEO-9 | <p>Paleontological Resources</p> <p><i>Project implementation could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</i></p> | <p>GEO-3 Prior to the commencement of ground disturbing activities, the Project Applicant shall retain a qualified Project Paleontologist to direct all mitigation measures related to paleontological resources. A qualified Project Paleontologist is defined by the Society of Vertebrate Paleontology standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years. The Project Paleontologist shall be retained to prepare and</p> | Less Than Significant Impact With Mitigation Incorporated |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|-------------|---------|---|--|
| | | <p>implement a Paleontological Resources Impact Mitigation Plan (PRIMP) for the project.</p> <p>The PRIMP shall be consistent with the 2010 Society of Vertebrate Paleontology guidelines and outline requirements for pre-construction meeting attendance and worker environmental awareness training, where paleontological monitoring is required within the project site based on construction plans and/or geotechnical reports; procedures for adequate paleontological monitoring and discoveries treatment; and paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils), reporting, and collections management.</p> <p>Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources and meets the minimum standards of the Society of Vertebrate Paleontology for a Paleontological Resources Monitor. The paleontological monitor shall be responsible for maintaining daily monitoring logs for those days monitoring occurs. The duration and timing of the monitoring shall be determined by the Project Paleontologist based on the observation of the geologic setting from initial ground disturbance, and subject to review and approval by the City of Thousand Oaks. If the Project Paleontologist determines full-time monitoring is no longer warranted based on the geologic conditions at depth, they may recommend that monitoring be reduced or cease entirely. Monitoring shall</p> | |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|-------------|---------|---|--|
| | | <p>be reinstated if any new ground disturbances are required, and reduction or suspension shall be reconsidered by the Project Paleontologist at that time.</p> <p>If a paleontological resource is discovered, the monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:</p> <p>Salvage of Fossils. If fossils are discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) shall recover them following standard field procedures for collecting paleontological resources as outlined in PRIMP for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Project Paleontologist and/or paleontological monitor shall have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.</p> | |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---------------------------|---|---|--|
| | | <p>Fossil Preparation and Curation. The PRIMP for the project shall identify the museum that has agreed to accept fossils that may be discovered during project related excavations. Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossils specimens shall be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository no later than 30 days after all laboratory work is completed. The cost of curation shall be assessed by the repository and shall be the responsibility of the Project Applicant.</p> <p>A paleontological monitoring report shall be prepared within 60 days following completion of ground disturbance and submitted to the City of Thousand Oaks for review. This report shall document compliance with approved mitigation, document the monitoring efforts, and include an appendix with daily monitoring logs. The final report shall be submitted to the South-Central Coastal Information Center and the Society of Vertebrate Paleontology.</p> | |
| CUMULATIVE IMPACTS | <i>Project implementation, combined with other related cumulative projects, could expose people and</i> | Refer to Mitigation Measures GEO-1, GEO- 2, GEO-3, and CUL-1. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|--|---|--------------------------------------|---|
| | <i>structures to potential substantial adverse effects involving geology and soils and could impact unknown paleontological resources.</i> | | With Mitigation Incorporated |
| 5.7 Greenhouse Gas Emissions | | | |
| GHG-1 | Greenhouse Gas Emissions <i>Greenhouse Gas Emissions generated by the project would not have a significant impact on global climate change.</i> | No mitigation measures are required. | Less Than Significant Impact |
| GHG-2 | Consistency with Applicable GHG Plans, Policies, or Regulations <i>Implementation of the proposed project would not conflict with an applicable greenhouse gas reduction plan, policy, or regulation.</i> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <i>Greenhouse Gas Emissions generated by the project and other related cumulative projects would not have a significant cumulative impact on global climate change or could conflict with an applicable greenhouse gas reduction plan, policy, or regulation.</i> | No mitigation measures are required. | Less Than Significant Impact |
| 5.8 Hazards and Hazardous Materials | | | |
| HAZ-1 | Transport, Use, or Disposal <i>Construction and operation of the project could involve the use, storage, disposal, or transportation of hazardous materials.</i> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|-------------|--|--|--|
| HAZ-2 | <p>Accidental Release</p> <p><i>The proposed project could create a significant hazard to the public or environment through accident conditions involving the release of hazardous materials.</i></p> | <p>HAZ-1 Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing materials (ACMs). If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the Ventura County Air Pollution Control District (VCAPCD) Rule 62.7. Prior to issuance of a certificate of occupancy, documentation of asbestos abatement shall be provided to the VCAPCD for review and approval. Documentation shall include proper training and licensure of abatement contractors, results of asbestos samples collected, and disposal documentation showing appropriate disposal of hazardous materials at an approved facility. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.</p> <p>HAZ-2 If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance</p> | Less Than Significant With Mitigation Incorporated |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|-------------|---------|--|--|
| | | <p>with California Code of Regulations Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City Engineer. Prior to issuance of a certificate of occupancy, documentation of lead abatement shall be provided to the VCAPCD for review and approval. Documentation shall include proper training and licensure of abatement contractors, results of lead samples collected, and disposal documentation showing appropriate disposal of hazardous materials at an approved facility. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.</p> <p>HAZ-3 Prior to the modification, relocation and/or removal of the existing transformer, a PCB survey shall be conducted by a California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence of PCB containing materials. If PCB is found, abatement shall be completed by a qualified PCB Specialist prior to any activities that would create a PCB hazard. Prior to issuance of a certificate of occupancy, documentation of hazardous building material identification and removal (such as PCBs, mercury switches, and other hazardous materials) shall be provided to the permitting agency for review and approval. Documentation shall include proper training</p> | |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|--------------|--|---|--|
| | | <p>and licensure of abatement contractors, results of samples collected (including field notes from PCB sampling), and disposal documentation showing appropriate disposal of hazardous materials at approved landfill, recycling, or transfer facilities. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.</p> <p>HAZ-4 If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:</p> <ul style="list-style-type: none"> ▪ Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area; ▪ Notify the Community Development Director of the City of Thousand Oaks; ▪ Secure the areas as directed by the Community Development Director; and ▪ Notify the Ventura County Health Care Agency’s (VCHCA) Hazardous Waste/Materials Coordinator or other appropriate agency specified by the Community Development Director. The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required. | |
| HAZ-3 | <p>Emission or Handling Near Schools</p> <p><i>The proposed project would not generate hazardous emissions or handle hazardous or</i></p> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|--------------------|--|--------------------------------------|---|
| | <i>acutely hazardous materials or waste. No existing or proposed schools are located within 0.25-mile of the project site.</i> | | |
| HAZ-4 | <p>Located on Hazardous Materials Site</p> <p><i>The project site is not located on a site which is included on a list of hazardous materials sites. The project would not create a significant hazard because of existing hazardous conditions.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| HAZ-5 | <p>Airports</p> <p><i>The project site would not be in an airport land use plan area or be located within two miles of a public airport or public use airport.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| HAZ-6 | <p>Interference with Adopted Emergency Response or Evacuation Plan</p> <p><i>Operations of the project would not create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| HAZ-7 | <p>Wildland Fires</p> <p><i>The proposed project would not create a significant hazard to the public involving wildland fires. However, operations of the project could create a significant hazard to the public or environment as a result of urban fire hazards.</i></p> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|--|--|---|---|
| CUMULATIVE PROJECTS | <p>Release of Hazardous Materials</p> <p><i>The proposed project, combined with other related projects, could create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, and/or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</i></p> | Refer to Mitigation Measures HAZ-1 through HAZ-4. | Less Than Significant Impact With Mitigation Incorporated |
| CUMULATIVE IMPACTS | <p>Nearby Schools</p> <p><i>The proposed project, combined with other related projects, could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p>Emergency Response or Evacuation Plan</p> <p><i>The proposed project, combined with other related projects, could create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| 5.9 Hydrology and Water Quality | | | |
| HWQ-1 | <p>Surface or Ground Water Quality</p> <p><i>Grading, excavation, and construction activities associated with the proposed project could impact water quality.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| HWQ-2 | <p>Groundwater Supplies or Recharge</p> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---------------------------|--|--------------------------------------|---|
| | <i>The proposed project would not deplete groundwater supplies or interfere with groundwater recharge.</i> | | |
| HWQ-3 | <p>Drainage Pattern and Surface Runoff</p> <p><i>The proposed project would not substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, flooding on- or off-site, overflow of existing or planned storm water drainage systems, increases in sources of polluted run-off, or impeded flood flows.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| HWQ-4 | <p>Inundation</p> <p><i>The proposed project would not risk release of pollutants as a result of inundation by tsunamis, floods, or seiche zones.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| HWQ-5 | <p>Conflict with Water Quality Control Plan</p> <p><i>The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p>Water Quality</p> <p><i>The proposed project, combined with other related cumulative projects, could violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.</i></p> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---------------------------|--|--------------------------------------|--|
| CUMULATIVE IMPACTS | <p>Erosion, Flooding, Stormwater Drainage Systems, Polluted Runoff</p> <p><i>The proposed project, combined with other related cumulative projects, could substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site. The proposed project, combined with other related cumulative projects, could also create or contribute runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p>Project Inundation</p> <p><i>The proposed project, combined with other related cumulative projects, could risk release of pollutants due to project inundation.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p>Water Quality Control Plan/ Sustainable Groundwater Management Plan</p> <p><i>The proposed project, combined with other related cumulative projects, could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.</i></p> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|-----------------------------------|---|--------------------------------------|--|
| 5.10 Land Use and Planning | | | |
| LU-1 | <p>Divide an Established Community</p> <p><i>The proposed project would not physically divide an established community.</i></p> | No mitigation measures are required. | Less than significant impact |
| LU-2 | <p>Conflict with Applicable Plans, Policies, or Regulations</p> <p><i>The project would not cause a significant unavoidable impact that results in 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, Municipal Code, Guidelines for Development within the Corridors of Route 101 and 23 Freeways, and the SCAG 2020-2045 RTP/SCS.</i></p> | No mitigation measures are required. | Less than significant impact |
| CUMULATIVE IMPACTS | <p><i>The proposed project, combined with other related projects, could conflict with land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect.</i></p> | No mitigation measures are required. | Less than Significant Impact |
| 5.11 Noise | | | |
| NOI-1 | <p>Excessive Increase in Ambient Noise Levels</p> <p><i>The proposed project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project, in excess of standards established in the general plan or noise ordinance, and applicable standards of other agencies.</i></p> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---------------------------|---|--------------------------------------|---|
| NOI-2 | Vibration <i>The proposed project would not generate excessive groundborne vibration or groundborne noise levels.</i> | No mitigation measures are required. | Less Than Significant Impact |
| NOI-3 | Airport Noise <i>The proposed project is not 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 would not expose people residing or working in the project area to excessive noise levels.</i> | No mitigation measures are required. | No Impact |
| CUMULATIVE IMPACTS | Short-Term Construction Noise <i>Construction-related activities within the project area could result in significant temporary noise impacts to nearby noise sensitive receivers.</i> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | Long-Term Noise <i>The proposed project would not result in a significant increase in traffic and long-term stationary ambient noise levels.</i> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | Vibration <i>Project implementation would not result in significant vibration impacts to nearby sensitive receptors and structures.</i> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|--|--|--------------------------------------|---|
| CUMULATIVE IMPACTS | Airport Noise <i>Project implementation would not result in exposing people residing or working in the project area to excessive noise levels of aircraft noise.</i> | No mitigation measures are required. | No Impact |
| 5.12 Public Services and Recreation | | | |
| PSR-1 | Fire Protection Services <i>Project implementation would not result in the need for additional fire protection facilities and personnel. Impacts would be less than significant.</i> | No mitigation measures are required. | Less Than Significant Impact |
| PSR-2 | Police Protection Services <i>Project implementation would not result in the need for additional police protection facilities and personnel. Impacts would be less than significant.</i> | No mitigation measures are required. | Less Than Significant Impact |
| PSR-3 | School Services <i>Project implementation would not result in the need for additional school facilities. Impacts would be less than significant.</i> | No mitigation measures are required. | Less Than Significant Impact |
| PSR-4 | Parks and Recreational Facilities <u>Parkland Demand</u> <i>Project implementation would not result in the need for additional parks and recreational facilities. Impacts would be less than significant.</i> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---------------------------|---|--------------------------------------|---|
| PSR-5 | <p>Parks and Recreational Facilities</p> <p><u>Impacts to Existing Recreational Facilities</u></p> <p><i>Project implementation would not increase the use of existing recreational facilities, causing their physical deterioration. Impacts would be less than significant.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| PSR-6 | <p>Parks and Recreational Facilities</p> <p><u>Impacts of Proposed Recreational Facilities</u></p> <p><i>The project proposes recreational facilities which would not adversely impact the environment. Impacts would be less than significant.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| PSR-7 | <p>Public Libraries</p> <p><i>Project implementation would not result in the need for additional library facilities. Impacts would be less than significant.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p>Fire and Police Protection</p> <p><i>Project implementation, along with other cumulative projects, could result in the need for additional fire protection, or law enforcement, facilities and personnel.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p>Schools</p> <p><i>The proposed project, along with other cumulative projects, could result in the need for additional school facilities. The project, as well as other qualifying cumulative projects, would be required to comply with applicable school fee requirements.</i></p> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|----------------------------|---|--------------------------------------|--|
| CUMULATIVE IMPACTS | <p>Parks and Recreational Facilities</p> <ul style="list-style-type: none"> ▪ <i>The proposed project, along with other cumulative projects, would not require new parkland in order to maintain acceptable service ratios.</i> ▪ <i>Project implementation, along with other cumulative projects, could increase the use of existing recreational facilities, causing their physical deterioration.</i> ▪ <i>The proposed project proposes recreational facilities which would not adversely impact the environment.</i> | No mitigation measures are required. | Less Than Significant Impact |
| 5.13 Transportation | | | |
| T-1 | <p>Circulation Programs, Plans, Ordinances, and Policies</p> <p><i>The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| T-2 | <p>CEQA Guidelines Section 15064.3, subdivision (b)</p> <p><i>The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).</i></p> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---------------------------|--|--------------------------------------|---|
| T-3 | <p>Hazards Due to Geometric Design Feature or Incompatible Uses</p> <p><i>The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| T-4 | <p>Inadequate Emergency Access</p> <p><i>The project would not result in inadequate emergency access.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p>Plan, Program, Ordinance, or Policy Addressing Circulation</p> <p><i>The proposed project, combined with other related cumulative projects, would not conflict with a program, plan, ordinance, or policy addressing the circulation system.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p>CEQA Guidelines Section 15064.3(B)</p> <p><i>The proposed project, combined with other related cumulative projects, would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b).</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE IMPACTS | <p>Hazardous Design Features</p> <p><i>The proposed project, combined with other related cumulative projects, would not substantially increase hazards due to a geometric design feature or incompatible uses.</i></p> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|---|---|---|---|
| CUMULATIVE IMPACTS | <p>Emergency Access</p> <p><i>The proposed project, combined with other related cumulative projects, would not result in inadequate emergency access.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| 5.14 Utilities and Service Systems | | | |
| U-1 | <p>Water Supply and Distribution</p> <p><i>Project implementation would not significantly increase the demand for water such that new facilities or resources are needed.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| U-2 | <p>Wastewater Services</p> <p><i>Project implementation could result in significant impacts to wastewater services.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| U-3 | <p>Stormwater Drainage Facilities</p> <p><i>Project implementation would not result in the construction of new stormwater drainage facilities.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| U-4 | <p>Dry Utility Services</p> <p><i>Development of the proposed project would not result in significant impacts to other public facilities.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| U-5 | <p>Solid Waste</p> <p><i>Project implementation would not generate solid waste that exceeds the permitted capacity of the landfill serving the City. The proposed project would be subject to state and local statutes and regulations related to solid waste.</i></p> | <p>U-1 Prior to the final building and zoning inspections of the development, the property owner/developer team shall work with Athens Services to create a waste/recycle diversion plan prior to the start of operations, including training on waste streams and best practices for diversion, to determine the most sustainable waste management plan for the proposed project. The property owner/developer shall submit project plans and a Solid</p> | Less Than Significant Impact With Mitigation Incorporated |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|----------------------------|--|---|--|
| | | <p>Waste Management Plan to the City of Thousand Oaks Public Works Department for review and approval to ensure that the plan complies with the mandates of RCRA, AB 939, AB 341, AB 1826, the California Green Building Code, Municipal Code Title 6, Chapters 2 and 3, and the Construction and Demolition Debris Recycling Ordinance as administered by the City of Thousand Oaks to the maximum extent feasible. Implementation of said plans shall commence upon occupancy and shall remain in full effect as required by the City Public Works Department and may include, at its discretion, the following plan components:</p> <ol style="list-style-type: none"> 1. Detailing the locations and design of on-site recycling facilities. 2. Participating in a recycling program as may be developed by the City or governing agency. | |
| CUMULATIVE PROJECTS | <p>Water Services and Infrastructure <i>The project, combined with other cumulative projects, could create increased demand for water facilities that could cause significant environmental impacts.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE PROJECTS | <p>Wastewater Services and Infrastructure <i>The project, combined with other cumulative projects, could create increase demand for wastewater facilities that could cause significant environmental impacts.</i></p> | No mitigation measures are required. | Less Than Significant Impact |

**Table ES-1
Summary of Impacts and Mitigation**

| EIR Section | Impacts | Mitigation Measure(s) | Level of Significance After Mitigation |
|----------------------------|--|--------------------------------------|---|
| CUMULATIVE PROJECTS | <p>Stormwater Drainage Facilities</p> <p><i>The proposed project, combined with other cumulative projects, could create increased demand for stormwater drainage facilities that could cause significant environmental impacts.</i></p> | No mitigation measures are required. | Less Than Significant Impact |
| CUMULATIVE PROJECTS | <p>Solid Waste Generation</p> <p><i>The project, combined with other cumulative projects, could create increased demand for solid waste generation that could cause significant environmental impacts.</i></p> | Refer to Mitigation Measure U-1. | Less Than Significant Impact With Mitigation Incorporated |
| CUMULATIVE PROJECTS | <p>Dry Utilities</p> <p><i>The project, along with other cumulative projects, would not result in significant impacts to dry utility services.</i></p> | No mitigation measures are required. | Less Than Significant Impact |

1.6 Project Alternatives / Environmentally Superior Alternative

The State CEQA Guidelines require that an EIR identify and evaluate a reasonable range of alternatives that are designed to avoid or substantially lessen one or more of the significant environmental impacts of the proposed project while meeting most of the basic project objectives. The Guidelines also require that the EIR identify the environmentally superior alternative (i.e., most reduced impacts), and if that alternative is a no project alternative, the EIR should identify the next environmentally superior alternative.

Based on identification, description, and analysis of a reasonable range of alternatives (see Chapter 7.0), and considering each issue area impact equivalent in importance, the ranking of alternatives in order of reduced impact compared to the project, is as follows:

- 1st Alternative: No Project
 - The “No Project” Alternative would retain the project site in its current condition. With the “No Project” Alternative, the existing building with a two-story volume would remain unimproved and occupied by current and future tenants. The approximately 35,500 square feet of commercial retail space would not be removed. The existing landscaping would be retained and maintained. Public open spaces consisting of pedestrian walkways, patios, and landscape areas would not be constructed or improved around the Janss Marketplace. None of the improvements as part of the five-story, 216-room hotel would be constructed. Under the “No Project” Alternative, a zone change, tentative parcel map, site development permit, special use permit, development agreement, or landscape plan check would not be required.
 - Compared to the proposed project, the “No Project” Alternative would have no equivalent impacts, 13 reduced impacts (in the areas of aesthetics, air quality, biological resources, cultural, tribal cultural, and historical resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, public services and recreation, transportation, and utilities and service systems), and 1 increased impact related to hydrology and water quality. The “No Project” Alternative is essentially a “No Build” Alternative, which means the “No Project” Alternative would be almost entirely environmentally superior. However, compared to the proposed project, the “No Project” Alternative would not alter on-site drainage patterns, BMPs would not be implemented, and storm water runoff would not be controlled. The “No Project” Alternative is environmentally inferior in terms of hydrology and water quality.
- 2nd Alternative: Reduced Density
 - The “Reduced Density” Alternative proposes the development of a retail pad and a hotel use on the project site that would have approximately 162 rooms and would consist of four floors. The “Reduced Density” Alternative would have the same basic building footprint, architecture, open space areas, and vehicular access as the proposed project. The development associated with this alternative would include the demolition of the existing structure. Under the “Reduced Density” Alternative, the zone change, tentative parcel map, site development permit, special use permit, development agreement, and landscape plan check would still be required, similar to the proposed project.
 - Compared to the proposed project, the “Reduced Density” Alternative would have 10 equivalent (aesthetics, biological resources, cultural, tribal cultural, and historical resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services and recreation, and utilities and service systems), 4 reduced (air quality, energy, greenhouse gas emissions, and transportation), and 0 increased impacts. The “Reduced Density” Alternative is therefore environmentally superior compared to the proposed project.

This straightforward accounting may over-emphasize the benefit of the alternatives, since neither the project nor the alternatives would have a significant unavoidable impact, and most impacts (of the project and of the alternatives) are addressed by regulatory compliance alone, without the need for substantial mitigation measures. In addition, when considering the importance of the City, regional, and statewide goals for GHG and VMT reduction and the provision of economic development (collectively “preferred land use pattern” goals), the project itself would be considered preferred. The next best alternative in the order of best satisfying the land use pattern goals would be the “Reduced Density” Alternative. As the project objectives are aligned with the City’s preferred land use pattern goals, none of the alternatives would satisfy the objectives as well as the project.

1.7 Areas of Controversy and Issues to be Resolved

There are no known controversies. There are no major issues to be resolved beyond the lead agency’s decision of whether to approve the project as requested, along with its project features, mitigation measures and conditions of approval. This decision will be resolved through the normal project entitlement and CEQA review process, which includes public review and comment.

1.8 Issues Not Studied in Detail in the EIR

Section 8.0, Effects Found Not To Be Significant, summarizes issues from the environmental checklist that were determined not to be significant. There is no substantial evidence that significant impacts would occur to the following issue areas: Agriculture and Forestry, Mineral Resources, Population and Housing, and Wildfire.

2.0 Introduction and Purpose

2.1 Purpose of the EIR

The City of Thousand Oaks (City) is the Lead Agency under the California Environmental Quality Act (CEQA) and has determined that an Environmental Impact Report (EIR) is required for the Janss Marketplace Hotel Project (project) (State Clearinghouse No. 2023020431). This EIR has been prepared in conformance with CEQA (California Public Resources Code [PRC] Section 21000 et seq.); CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.); and the rules, regulations, and procedures for implementation of CEQA, as adopted by the City of Thousand Oaks. The principal CEQA Guidelines sections governing content of this document include Article 9 (Contents of Environmental Impact Reports) (Sections 15120 through 15132), and Section 15161 (*Project EIR*).

The purpose of this EIR is to review the existing conditions, analyze potential environmental impacts, and identify feasible mitigation measures to reduce potentially significant effects of the proposed project, located within the Janss Marketplace at 225 North Moorpark Road, in the central portion of the City of Thousand Oaks. West Wilbur Road borders the site to the west, North Moorpark Road borders the site to the east, and West Hillcrest Drive borders the site to the south. Highway 101 (U.S. 101) is located approximately 1,900 feet south of the hotel site while the closest edge of the Janss Marketplace is located approximately 850 feet from the centerline U.S. 101. For more detailed information regarding the proposed project, refer to Section 3.0, Project Description.

This EIR addresses the environmental effects of the project, in accordance with Section 15161 of the CEQA Guidelines. In accordance with Section 15121(a) of the CEQA Guidelines, the main purposes of this EIR are to:

- Provide decision-makers and the public with specific information regarding the environmental effects associated with the proposed project;
- Identify ways to minimize the significant effects of the project; and
- Describe reasonable alternatives to the project.

Mitigation measures are provided that may be adopted as conditions of approval to minimize potentially significant impacts resulting from the project. In addition, this EIR is the primary reference document in the formulation and implementation of a mitigation monitoring program for the proposed project.

The City of Thousand Oaks (which has the principal responsibility of processing and approving the project), and other public agencies (i.e., responsible and trustee), that may use this EIR in the decision-making or permit process, will consider the information in this EIR, along with other information that may be presented during the CEQA process. Environmental impacts are not always mitigatable to a level considered less than significant; in those cases, impacts are considered significant unavoidable impacts. In accordance with Section 15093(b) of the CEQA Guidelines, if a public agency approves a project that has significant impacts that are not substantially mitigated (i.e., significant unavoidable impacts), the agency shall state in writing the specific reasons for approving the project, based on the final EIR and any other information in the public record for the project. This is termed, per Section 15093 of the CEQA Guidelines, a “statement of overriding considerations.”

This document analyzes the environmental effects of the project to the degree of specificity appropriate to the current proposed actions, as required by Section 15146 of the CEQA Guidelines. The analysis considers the activities associated with the project to determine the short-term and long-term effects associated with their implementation. This EIR discusses both the direct and indirect impacts of this project, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

2.2 Compliance with CEQA

PUBLIC REVIEW OF DRAFT EIR

The Draft EIR is subject to a 45-day review period by responsible and trustee agencies and interested parties. Section 15087 of the *CEQA Guidelines* lists optional procedures for noticing, including publication in a newspaper, posting on-site, or mailing to owners of a property or properties contiguous to the site. In accordance with the provision of Sections 15085(a) and 15087(a) (1) of the CEQA Guidelines, as amended, the City of Thousand Oaks, serving as the Lead Agency, has: 1) published a Notice of Availability of a Draft EIR in the newspaper of general circulation (Ventura County Star) for the project area; and 2) prepared and transmitted a Notice of Completion (NOC) to the State Clearinghouse. Proof of publication is available at the offices of the Lead Agency. The City has also distributed the Notice of Availability (NOA) of the Draft EIR. Further, an electronic copy of the Draft EIR is available for review on the City's official website (<https://www.toaks.org/departments/community-development/planning/environmental-impact>), and hard copies of the Draft EIR are available for review at the City of Thousand Oaks City Hall (located at 2100 East Thousand Oaks Boulevard, Thousand Oaks, CA 91362), the Grant R. Brimhall Library (1401 East Janss Road, Thousand Oaks, California 91362), and the Newbury Park Library (2331 Borchard Road, Newbury Park, CA 91320).

Any public agency or members of the public desiring to comment on the Draft EIR must submit their comments in writing to the lead agency at the address indicated on the document's NOC/NOA prior to the end of the public review period. The Lead Agency will evaluate and prepare responses to all relevant written comments received from both citizens and public agencies during the public review period.

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

Scott Kolwitz, Senior Planner
City of Thousand Oaks
Community Development Department
2100 East Thousand Oaks Boulevard
Thousand Oaks, California 91362
skolwitz@toaks.org
805.499.2319

FINAL EIR

Prior to making a decision on a proposed project, the lead agency must certify that: (a) the Final EIR has been completed in compliance with CEQA; (b) the Final EIR was presented to the decision-making body of the lead agency; and (c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (CEQA Guidelines Section 15090).

The Final EIR will consist of the Draft EIR, revisions to the Draft EIR (if any), responses to all written comments addressing concerns raised in the comments of responsible agencies, the public, and any other reviewing parties, and a Mitigation and Monitoring and Reporting Program (MMRP) for projects in which significant impact would be minimized by mitigation measures. CEQA requires lead agencies to adopt a MMRP 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 MMRP will be available to the public at the same time as the Final EIR. After the Final EIR is completed, and at least ten days prior to the certification hearing, a copy of the response to comments made by public agencies on the Draft EIR will be provided to the commenting agencies.

NOTICE OF DETERMINATION

The lead agency must file a Notice of Determination (NOD) after deciding to approve a project for which an EIR is prepared (CEQA Guidelines Section 15094). A local agency must file the NOD with the County Clerk. The NOD must be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (PRC Section 21167[c]).

2.3 EIR Scoping Process

In compliance with the CEQA Guidelines, the City of Thousand Oaks has provided opportunities for various agencies and the public to participate in the environmental review process. During preparation of the Draft EIR, efforts were made to contact various Federal, State, regional and local government agencies and other interested parties to solicit comments on the proposed project. This included the distribution of an NOP to various responsible agencies, trustee agencies, and interested parties, in addition to a public scoping meeting held on March 1, 2023 at the City of Thousand Oaks City Hall. The results of the EIR scoping process are summarized below.

NOTICE OF PREPARATION

Pursuant to the provision of Section 15082 of the CEQA Guidelines, as amended, the City of Thousand Oaks circulated an NOP directly to public agencies (including the State Clearinghouse Office of Planning and Research), special districts, members of the public who had requested such notice for a 30-day period, in the Ventura County Clerk's office, on the City's website, and published a notice in the local newspaper of general circulation within the project vicinity (Ventura County Star). The NOP was distributed on February 17, 2023, with the 30-day public review period concluding on March 20, 2023.

The purpose of the NOP was to formally announce the preparation of a Draft EIR for the proposed project, and that, as the Lead Agency, the City was soliciting input regarding the scope and content of the environmental information to be included in the EIR. In accordance with Section 15125(a) of the CEQA Guidelines, an EIR must include a description of the physical environmental conditions in the vicinity of the project as they exist at the time of the NOP. This environmental setting constitutes the baseline physical conditions by which a lead agency determines whether an impact is significant. The environmental analyses of this EIR use the NOP dated February 17, 2023, as the baseline for the description of the physical conditions that might be affected by the proposed project. The NOP provided preliminary information regarding the anticipated range of impacts to be analyzed within the EIR. The NOP is provided as Appendix A of this EIR, and NOP comments are available for review in Appendix B.

A total of 7 comment letters were received from State, regional, and local public agencies, and members of the public. A summary of environmental concerns expressed in the comment letters is provided below. The section of the EIR where these comments are addressed is provided in parentheses.

- The Ventura County Air Pollution Control District commented on the methodology and project analysis of the DEIR with regard to demolition activities, construction emissions, and adherence to local air quality regulations (refer to Section 5.2, Air Quality);
- The Ventura County Resource Management Agency's Environmental Health Division commented on the County requirements for plan approvals of the proposed swimming pool and hotel restaurant;
- The Ventura County Resource Management Agency's Planning Division provided no current concerns with the project;

- The Southwest Mountain States Regional Council of Carpenters commented on project impacts on greenhouse gas emissions, air quality, and local labor during construction (refer to Section 5.2, Air Quality, and Section 5.7, Greenhouse Gas Emissions);
- The Greater Conejo Valley Chamber of Commerce provided support for the scope of this Draft EIR;
- Californians Allied for a Responsible Economy commented on project impacts to air quality and greenhouse gas emissions, and consideration of alternatives to the proposed project, including an alternative that would provide affordable housing (refer to Section 5.2, Air Quality, Section 5.7, Greenhouse Gas Emissions, and Section 8.0, Effects Found Not To Be Significant);
- The Native American Heritage Commission commented on impacts to tribal cultural resources and consultation with California Native American tribes that are affiliated with Thousand Oaks (refer to Section 5.4, Cultural, Tribal Cultural, and Historical Resources).

In addition, during the required 30-day NOP circulation period, the City conducted a public scoping meeting on March 1, 2023, to solicit input regarding the scope and content of the EIR. A summary of environmental concerns expressed at the public scoping meeting is provided below.

- Manly McNinch: Interest in the hiring of local labor during project construction. Asserts local labor would keep air quality, greenhouse gases, and VMT at a lower quantity.
- Pedro Toscano: Interest in the hiring of local labor during project construction.
- Jonathan Duran: Interest in the hiring of local labor during project construction. Asserts local labor would keep air quality, greenhouse gases, and VMT at a lower quantity. Also expressed concern for parking.
- Scott Zimmerman: Supports hiring local labor during construction.
- Danielle Borja: Supports the project but no environmental comments.

2.4 Format of the EIR

The Draft EIR is organized into 13 sections, as follows:

- **Section 1, Executive Summary** – Provides a brief project description and summary of the environmental impacts and mitigation measures.
- **Section 2, Introduction and Purpose** – Provides CEQA compliance information.
- **Section 3, Project Description** – Provides a detailed project description indicating project location, background, and history; project characteristics, phasing, and objectives; as well as associated discretionary actions required.
- **Section 4, Basis for Cumulative Analysis** – Describes the approach and methodology for the cumulative analysis.
- **Section 5, Environmental Analysis** – Contains a detailed environmental analysis of the existing conditions, project impacts, recommended mitigation measures, and unavoidable adverse impacts for a number of environmental topic areas.
- **Section 6, Other CEQA Considerations** – Discusses long-term implications of the proposed action. Irreversible environmental changes that would be involved in the proposed action, should it be implemented, are considered. The project’s growth-inducing impacts are also discussed.
- **Section 7, Alternatives to the Proposed Project** – Describes a reasonable range of alternatives to the project or to the location of the project that could avoid or substantially lessen the significant impact of the project and still feasibly attain the basic project objectives.

- **Section 8, Effects Found Not to be Significant** – Provides an explanation of potential impacts that have been determined not to be significant.
- **Section 9, Organizations and Persons Consulted** – Identifies all Federal, State, or local agencies, other organizations, and individuals consulted.
- **Section 10, References** – Identifies reference sources for the EIR.
- **Appendices** – Contains the NOP, public comments received on the NOP, and technical documentation for the project.

2.5 Responsible and Trustee Agencies

Certain projects or actions undertaken by a Lead Agency require subsequent oversight, approvals, or permits from other public agencies in order to be implemented. Such other agencies are referred to as Responsible Agencies and Trustee Agencies. Pursuant to Sections 15381 and 15386 of the *CEQA Guidelines*, as amended, Responsible Agencies and Trustee Agencies are respectively defined as follows:

“Responsible Agency” means a public agency, which proposes to carry out or approve a project, for which [a] Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the Lead Agency, which have discretionary approval power over the project. (Section 15381).

“Trustee Agency” means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California. Trustee Agencies include; The California Department of Fish and Game, The State Lands Commission; The State Department of Parks and Recreation and The University of California with regard to sites within the Natural Land and Water Reserves System. (Section 15386).

Responsible and Trustee Agencies and other entities that may use this EIR in their decision-making process or for informational purposes include, but may not be limited to, the following:

- California Air Resources Board;
- California Department of Conservation;
- California Department of Fish and Wildlife, South Coast Region 5;
- California Department of Forestry and Fire Protection;
- California Department of Parks and Recreation;
- California Department of Transportation, District 7;
- California Department of Water Resources;
- California Energy Commission;
- California Highway Patrol;
- California Natural Resources Agency;
- California Public Utilities Commission;
- California Regional Water Quality Control Board, Los Angeles Region 4;
- California Santa Monica Mountains Conservancy;
- Department of Toxic Substances Control;
- Office of Historic Preservation;

- State Water Resources Control Board, Division of Drinking Water;
- California Native American Heritage Commission;
- Ventura County Resource Management Agency;
- Ventura County Air Pollution Control District

2.6 Incorporation by Reference

Pertinent documents relating to this EIR have been cited in accordance with Section 15150 of the CEQA Guidelines, which encourages incorporation by reference as a means of reducing redundancy and length of environmental reports. The following documents are hereby incorporated by reference into this EIR. Information contained within these documents has been utilized for each section of this EIR. These documents are available for review at the City of Thousand Oaks Planning Department, located at 2100 Thousand Oaks Boulevard, Thousand Oaks, California 91362.

- **City of Thousand Oaks General Plan.** The City of Thousand Oaks General Plan (General Plan) provides comprehensive planning for the future of the City. Estimates are made about future population, household types and employment base so that plans for land use and facilities can be made to meet changing needs. Each element of the General Plan covers a certain aspect of the City’s growth and development. The elements are consistent with one another, and together provide a guide for all aspects of planning for the future. The City is in the process of updating its General Plan, the final version of which will apply through 2045. At the time of the publication of this Draft EIR, the General Plan Update was available (<https://www.toaks2045.org/>) as of June 2, 2023. This Draft EIR refers to the current General Plan, which contains the following elements:
 - Goals and Policies;
 - Community Forest Element;
 - Conservation Element;
 - Forestry Element;
 - Housing Element;
 - Land Use/Circulation Element Map;
 - Noise Element;
 - Open Space Element;
 - Public Buildings Element;
 - Safety Element;
 - Scenic Highways Element;
 - Social Element.

The *General Plan* was utilized throughout this document as the fundamental planning document governing development on the project site. Background information and policy information from the *General Plan* is cited in several sections of this document.

- **City of Thousand Oaks Municipal Code** (current through Ordinance 1710-NS, effective March 17, 2023). The City of Thousand Oaks Municipal Code (Municipal Code) consists of regulatory, penal, and administrative ordinances of the City. It is the method the City uses to implement control of land uses, in accordance with General Plan goals and policies. The City’s Planning and Zoning Code (Title 9 of the Municipal Code) identifies land uses permitted and prohibited according to the zoning category of particular parcels. The Building Regulations Code (Title 8 of the Municipal Code) specifies rules and regulations for construction, alteration, and building for uses of human habitation.
- **Urban Water Management Plan.**
 - The California American Water – Ventura County District Urban Water Management Plan was completed in June 2021. The purpose of the Plan is for California American Water to evaluate long-term resource planning and establish management measures to ensure adequate water supplies are available to meet existing and future demands. The Plan also provides a framework to help water suppliers maintain efficient use of urban water supplies, continue to promote conservation programs and policies, ensure that

sufficient water supplies are available for future beneficial use, and provide a mechanism for response during drought conditions or other water supply shortages.

- The City of Thousand Oaks 2020 Urban Water Management Plan (UWMP) was completed on June 23, 2021. The UWMP is the City’s planning tool that guides the actions of water management agencies that serve Thousand Oaks. The UWMP provides information on a number of water supply issues, including historical, current, and projected water use in the context of climate change, water use targets, water supply data and reliability from imported water, groundwater, wastewater, surface water, and stormwater, and a drought risk assessment, and outlines demand management measures and a water shortage contingency plan. The UWMP is not a substitute for project-specific planning documents and is not intended to be mandated by the State, but it is meant to inform City managers and the public about water quality, demand, and supply, and to guide decision-making regarding water management. The UWMP assists the City in achieving its goal of providing high-quality water to its customers during dry periods by providing a conservative water supply and demand outlook through 2045.

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3.0 Project Description

3.1 Project Location and Setting

3.1.1 Introduction

Verdant Thousand Oaks, LLC (Applicant) and Thousand Oaks Marketplace, LP (Property Owner) are proposing to implement the Janss Marketplace Hotel Project (project), to develop a five-story, 216-room hotel with guest amenities and approximately 13,600 square feet of commercial retail space (and demolish approximately 35,500 square feet of commercial development) within the Janss Marketplace within the City of Thousand Oaks (City). The City of Thousand Oaks, as Lead Agency, has determined that the proposed project is subject to the California Environmental Quality Act (CEQA), and that the preparation of this Initial Study/Environmental Impact Report (IS/EIR) is required. This section describes the proposed project's location and a description of the project components, including a brief description of the proposed construction schedule.

3.1.2 Project Location

The proposed Janss Marketplace Hotel Project (project) site is located within the City of Thousand Oaks (City), in the eastern portion of Ventura County. The City is located in the Conejo Valley, halfway between Los Angeles and Santa Barbara, twelve miles east of the Pacific Ocean, and is immediately north of the Santa Monica Mountains; refer to Exhibit 3-1, Regional Location. The community consists of rolling hills and tens of thousands of oak trees. Surrounding cities include Simi Valley and Moorpark to the north, Westlake Village and Agoura Hills to the east, Camarillo to the west, and Malibu to the south.

The project site is located within the central portion of the City, at 225 North Moorpark Road. West Wilbur Road borders the site to the west, North Moorpark Road borders the site to the east, and West Hillcrest Drive borders the site to the south. The site is situated within the Janss Marketplace, an outdoor shopping mall, for which regional access is provided via U.S. 101. Highway 101 (U.S. 101) is located approximately 1,900 feet south of the hotel site while the closest edge of the Janss Marketplace is located approximately 850 feet from the centerline of U.S. 101.

3.1.3 Project Setting (Existing Conditions)

The project site is located within the existing Janss Marketplace, which is an approximately 611,000 SF shopping center consisting of retail establishments, a gym, a movie theater, restaurants, and a four-story parking structure on approximately 38-acres (resulting in an approximately 35% coverage consisting of an approximately 28.5% building coverage and an additional 6.4% parking structure coverage); refer to Exhibit 3-2, Site Vicinity. Within the 38-acre Janss Marketplace, the proposed hotel would be located on an existing 27.16-acre parcel¹ (project site). Within the 27.16-acre parcel, the footprint of the proposed hotel (project footprint) would be approximately 36,300 square feet (0.83-

¹ A subdivision (Land Division (LD) 2021-70479) was approved on March 16, 2023, but it is not yet recorded, in the northeast corner of the Janss Marketplace adjacent to North Moorpark Road and Brazil Street. The intent of the subdivision is to place two buildings (5,980 SF and 54,080 SF) on one 5.53-acre parcel. The subdivision would not have any material effect on the Janss Marketplace Hotel Project or environmental review as no physical changes are proposed to the property. Once recorded, the project site would be reduced by 5.53-acres to 21.63-acres.

acres) while the project’s area of disturbance (project area of disturbance) would encompass approximately 1.21-acres. The building coverage and parking structure coverage would remain approximately 35% of the entire Janss Marketplace. Businesses immediately adjacent to the proposed footprint of the hotel include Padavo Home Furnishings to the south. A pedestrian walkway to the east separates the project footprint from a parallel line of retailers, which includes Buca di Beppo Italian Restaurant, Panera Bread, and Old Navy; refer to Figure 3-1, Northeast Courtyard.

The location of the proposed hotel contains an existing building with a two-story volume, which was previously a Marshall’s department store until 2017 and dental offices until 2019, and has most recently been occupied by “pop up” tenants including the Reign of Terror Haunted House and USA Vein Clinics; refer to Figure 3-2, Current Building. The project footprint is bounded by an access road to the west, which provides access to a four-story parking structure that is bounded by West Wilbur Road; refer to Figure 3-3, Western Entrance. Entrances to the parking structure are provided on the south, east, and north sides, and it serves as parking for the entire Janss Marketplace. Immediately adjacent to the southwestern corner of the project footprint is a small surface parking lot which provides parking for the disabled and solid waste facilities; refer to Figure 3-4, Surface Lot. Immediately north of the project footprint is an internal walkway that provides access from the parking structure to the interior of the Janss Marketplace. The pedestrian walkway adjacent to the east of the footprint provides outside seating and children’s play areas; refer to Figure 3-5, Eastern Walkway, and Figure 3-6, Eastern Entrance.

EXISTING GENERAL PLAN AND ZONING DESIGNATIONS

The City is in the process of updating the Thousand Oaks General Plan (General Plan). The current General Plan identifies the project site as part of the Janss Marketplace, and it is designated Commercial (C).

An updated, ‘preferred alternative’ Land Use Map was endorsed by City Council in May 2021, but updates to the Land Use Map will not go into effect until the new General Plan is approved (anticipated in Fall-Winter 2023). Based on the Preferred Land Use Map, the project footprint, as part of the Marketplace, is designated Mixed-Use Low Residential at 20 to 30 du/acre².

The current Zoning Map, published November 2022, identifies the project site as Community Shopping Center (C-3). Portions of the Janss Marketplace have a Community Shopping Center – Height (C-3-H) zoning overlay which allows an anchor tenant and theater building to exceed the maximum allowable 35-foot height within the C-3 zone designation. Although the project site is not within a C-3-H zone, the applicant has requested an equivalent zoning change to allow for the proposed project footprint to be considered for an increased building height of up to 75 feet, instead of 35 feet.

SURROUNDING LAND USES

The project site is surrounded by the following uses (also refer to Exhibit 3-2):

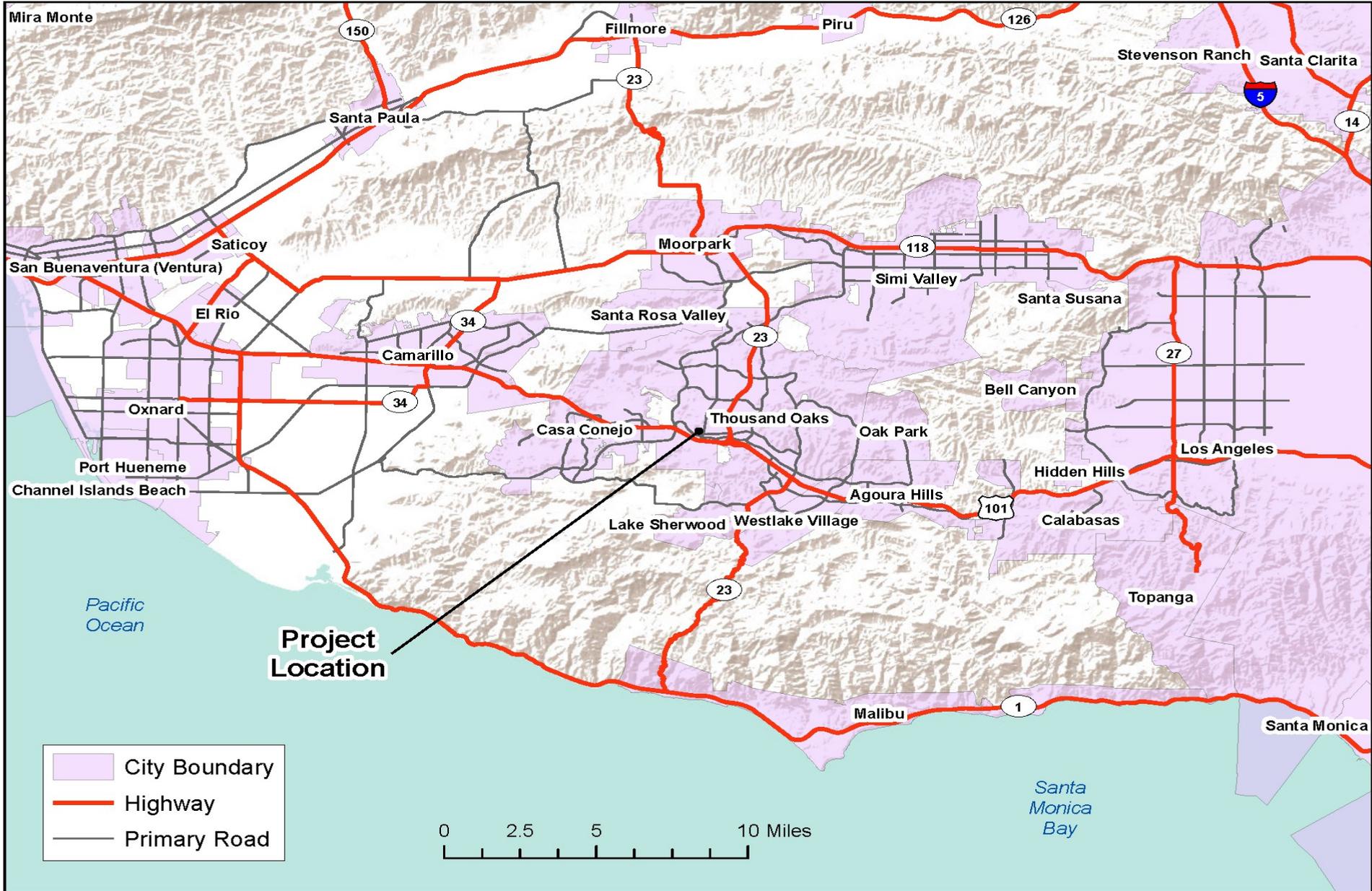
- North:** To the north, the project site and the Janss Marketplace are bounded by Brazil Street. Commercial Uses are to the north of Brazil Street, including, but not limited to, Sparkling Image Car Wash, Chick-fil-A Fast Food, and Five Guys Fast Food.
- East:** The project site and the Janss Marketplace are immediately bounded by a large surface parking lot to the east. North Moorpark Road is adjacent to the parking lot. Commercial Uses are to the east of North Moorpark Road, including, but not limited to, Best Buy, Total Wine and More, and Ross Dress for Less.

² Mixed-Use Low Description: This designation provides for neighborhood-serving goods and services and multifamily residential in a mixed-use format (vertical or horizontal) or as stand-alone projects. Buildings with this designation will be designed to be walkable with wide sidewalks, active frontages, and minimal setbacks from the back of the sidewalk.

South: The project site and the Janss Marketplace are bounded by a large surface parking lot to the south, followed by West Hillcrest Drive. Commercial uses are south of West Hillcrest Drive, including, but not limited to, Chuck E. Cheese Pizza and Goodwill Retail Store and Donation Center.

West: To the west, the project site is bounded by West Wilbur Road. To the west of West Wilbur Road, uses include a variety of commercial, office, industrial, and residential uses.

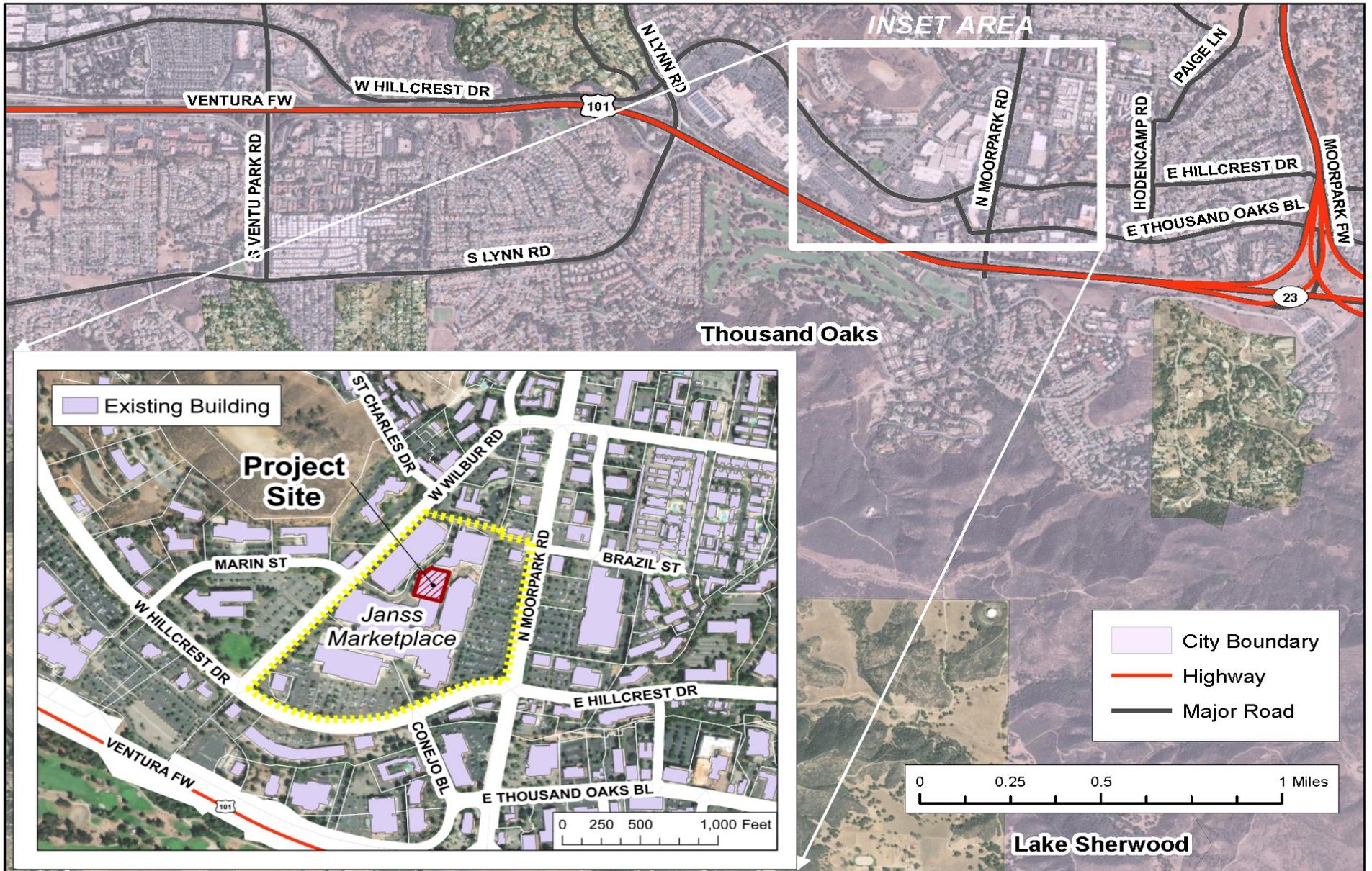
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SOURCE: ESRI; Ventura County; Los Angeles County; California Department of Transportation.

EXHIBIT 3-1
Regional Map

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SOURCE: ESRI; California Department of Transportation, County of Ventura; City of Thousand Oaks



EXHIBIT 3-2
 Site Vicinity

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Figure 3-1. Northeast Courtyard. Southwest-facing view of eastern side of current building and proposed project footprint. Adjacent businesses on left, including Buca di Beppo Restaurant. Marketplace walkway with dining and children's play areas in middle.



Figure 3-2. Current Building. Eastern-facing view of existing building on proposed project footprint, from top of adjacent parking structure.



Figure 3-3. Western Entrance. North-facing view from western entrance of current building on proposed project footprint. Access road and parking structure that would be utilized on left.



Figure 3-4. Surface Lot. Southeast-facing view from parking structure. Surface lot with access to parking for disabled and solid waste facilities. Proposed project footprint on left.



Figure 3-5. Eastern Walkway. South-facing view of eastern walkway between proposed project footprint and adjacent businesses. Children's play area on left, current building site on right.



Figure 3-6. Eastern Entrance. West-facing view of eastern entrance to current building on proposed project footprint. Taken from immediately adjacent dining area in Marketplace walkway.

3.2 Background and History

Prior to site development, the project site was historically utilized for agricultural purposes. The site was originally developed in 1961 as the Village Lane Shopping Center by the Janss family. It was the first mall established in the City, and the site configuration and structures remain similar in the central portion of the Marketplace. At the time, a greater proportion of the property on the east and west sides was utilized as surface level parking lots. In 1995, Goldman Sachs bought the property and renamed it Janss Marketplace³. The mall has continued to modernize and shift tenants since 2000 and is now under the ownership of NewMark Merrill.

3.3 Project Characteristics

The project proposes to redevelop a portion of the existing Janss Marketplace, occupied by “pop up” tenants and dental offices, with a proposed hotel with a 36,242 square-foot (0.83-acre) footprint for the building, ancillary improvements for outdoor dining, and general site improvements.

The primary components associated with the proposed project would include a five-story hotel and a retail pad; refer to Exhibit 3-3, Partial Site Plan.

3.3.1 Project Description

HOTEL

The proposal involves a five-story, 216-room, approximately 133,000 square-foot hotel. The structure would be rectangular-shaped, apart from a diagonal cutout adjustment at the northwest corner of the footprint in order to accommodate a curve in the access road to the west of the property. The structure would include an open-air courtyard within the center of the building composed of two levels, the first floor consisting of a patio and event area, and the second floor consisting of a pool deck. The overall structure would be composed of a combination of concrete porcelain tile, wood siding panels, iron fixture canopy and doors, window frames with an anodized finish, and varying stucco materials and colors. Construction would predominantly be type V-A construction, for 4 stories of the hotel, whereas the ground floor would be a concrete podium structure. The building would have a flat roof with parapet walls to screen the roof top equipment, and the buildings’ maximum height would be approximately 73 feet, including a rooftop mechanical equipment screen wall.

The building footprint would cover approximately 36,300 square-feet (0.83-acres). The first-floor square footage would be split between hotel and retail space, with the former occupying approximately 17,500 square-feet of indoor space and approximately 5,200 square-feet of an outdoor courtyard, totaling 22,700 square-feet of hotel use on the ground floor. The retail space would occupy approximately 13,300 square-feet. Additionally, exterior patios would be planned for future retail tenants on the first floor. The remaining floors would be approximately 28,900 square-feet each, and the second floor would have an outdoor pool, deck, and planter area of approximately 2,300 square feet. The 216-room hotel would have 173 king rooms and 43 double-queen rooms.

Primary components of the first floor would include a front desk and hotel management offices, a sundry store for hotel guests, three meeting rooms, a bar, a commercial kitchen and dining room, a fitness room, restrooms, two laundry

³ Bustillo, Miguel. Los Angeles Times, *Janss Center Renovation Leaves Some Tenants Upset*, <https://www.latimes.com/archives/la-xpm-1996-07-14-me-24015-story.html>, 14 July 1996.

rooms, and work areas. The courtyard on the first floor would include an event area and patio with outdoor dining. The remaining space on the first floor would be occupied by retail and a service corridor on the northern and eastern sides of the building. The main entrance for the hotel would be located on the western side of the building, setback from the access road. A secondary entrance for the hotel would be located on the eastern side of the building, accessed from the pedestrian walkway internal to the Janss Marketplace. The retail spaces would be accessible along the north and east sides of the building; refer to Exhibit 3-4, Conceptual Floor Plan.

HOTEL OPERATIONS

The hotel is anticipated to operate 24 hours a day, 7 days a week. The anticipated occupancy for this type of product has seasonal variability but is estimated to operate at approximately 78% occupancy.

It is anticipated that the outdoor dining area will be utilized during happy hour between 4:00 and 7:00 PM daily, apart from any special events that may be occurring, where the lounge and bar area would stay open. These special events would be for hotel guests that may have leisure or work meetings and are not expected to occur regularly.

The hotel is anticipated to offer the sale and consumption of alcohol consistent with a Type 70 ABC License (On-sale General – Restrictive Service). This permit would authorize the sale or furnishing of beer, wine, and distilled spirits for consumption on the premises to the establishment’s overnight transient occupancy guests or their invitees. The hours of sale and operation would be consistent with local, state, and federal law.

The total number of employees for the hotel would be approximately 35, including approximately (15) fifteen during the day; the typical shift would consist of (11) eleven housekeepers, (2) two front desk clerks, (1) one full time maintenance person, and (1) one hotel manager from 9:00 AM to 4:00 PM, daily. After general working hours, the number of employees would be reduced to (2) two front desk clerks. From 10:00 PM to about 6:00 AM, there would typically only be one employee in the hotel. The specific number of employees that would be employed within the approximately 13,600 square feet are already included in the existing commercial retail space of approximately 35,500 square feet (the baseline condition). Consequently, the project’s net number of employees is equal to the hotel’s employee count.

PARKING AND ACCESS

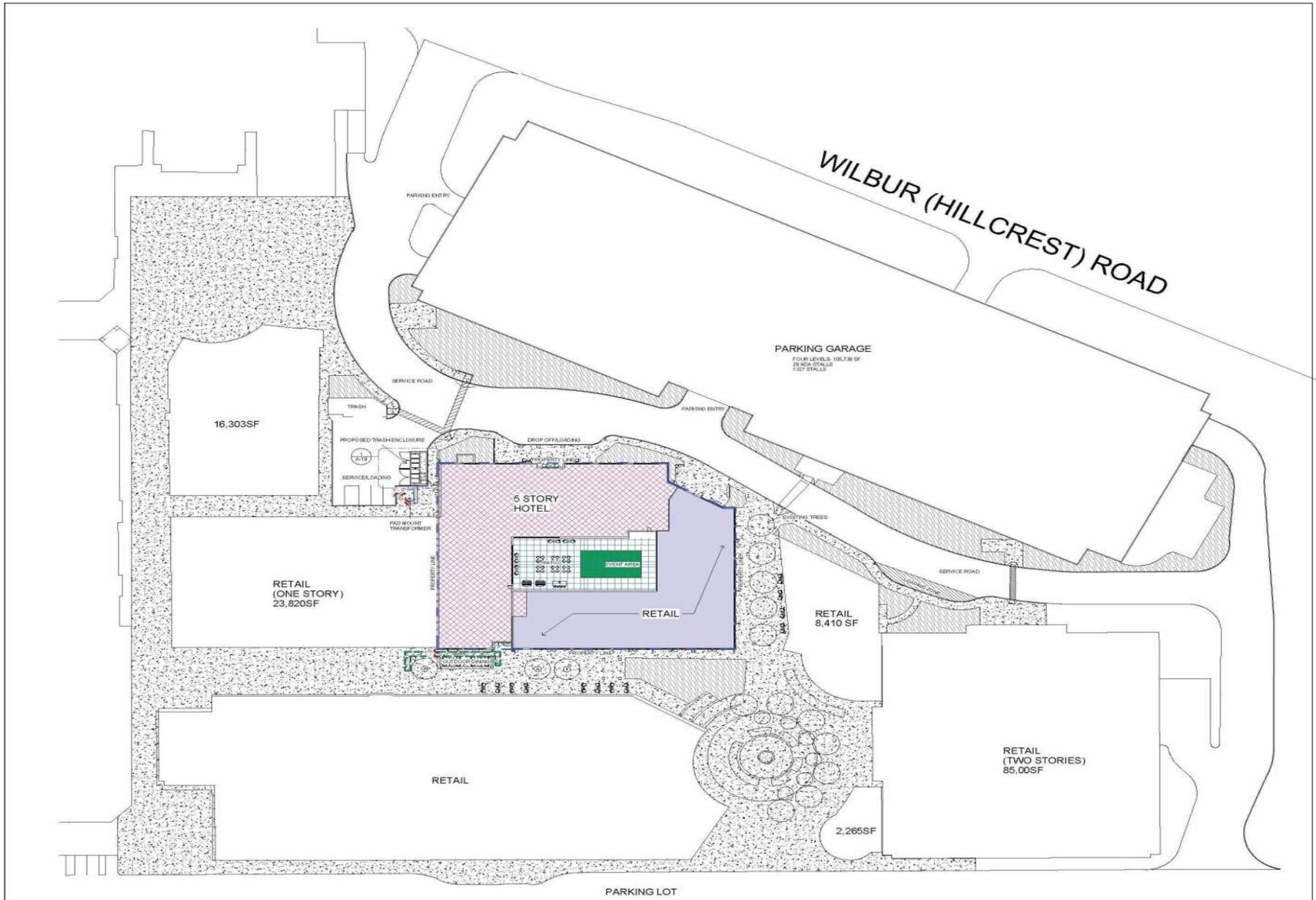
Parking would be provided utilizing the existing 2,642 parking spaces within Janss Marketplace; of those spaces, it is expected that the hotel guests would predominantly park in the parking structure adjacent to Wilbur Road, which has approximately 1,396 spaces, conveniently located across from the project site. There are three loading facilities within close proximity to the hotel.

Access to the site would continue to be provided from the existing service road along the west side of the current structure. This road can be accessed from West Wilbur Road and North Moorpark Road. A drop off lane would be located at the front of the hotel’s west entrance. The project would include clear space for a fire truck on the north side of the building. The proposed hotel size does not require a designated loading and delivery area, and all deliveries would be made during off-peak times in 10-to-15-minute windows via small vans.

LANDSCAPING

Landscaping would be provided in three primary planters at the southwest and northwest corners of the project groundcover. Landscaping would also include a variety of shrubs in pots located at the hotel and retail entrances, and around an outdoor seating area at the southeast corner of the structure; refer to Exhibit 3-5, Conceptual Landscape Plan.

A total of 13 existing trees are to be removed, including Ponderosa Pine, Callery Pear, and Southern Magnolia trees.

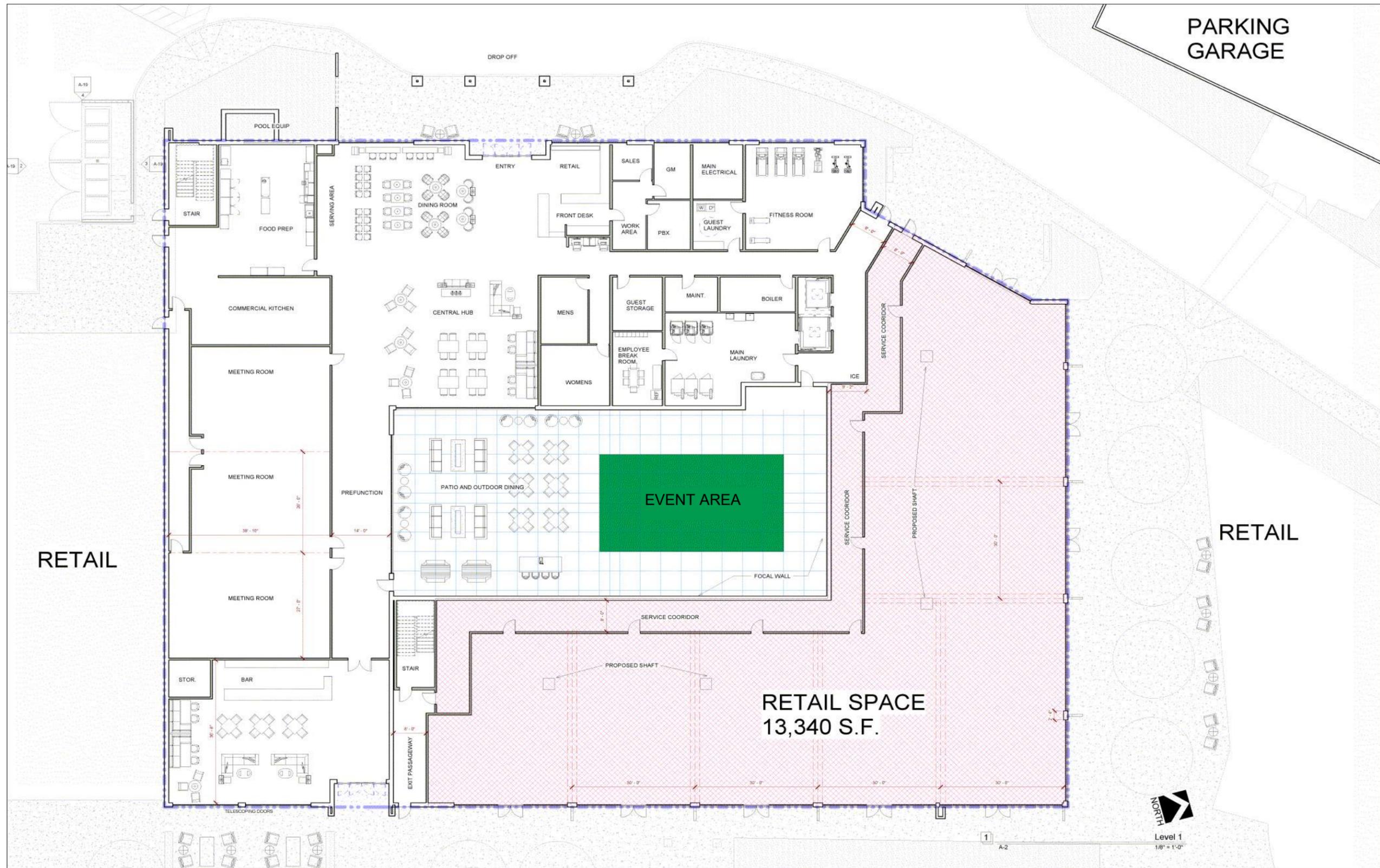


SOURCES: Thousand Oaks, Robert F. Tuttle Architects, Inc., Greens



EXHIBIT 3-3
Partial Site Plan

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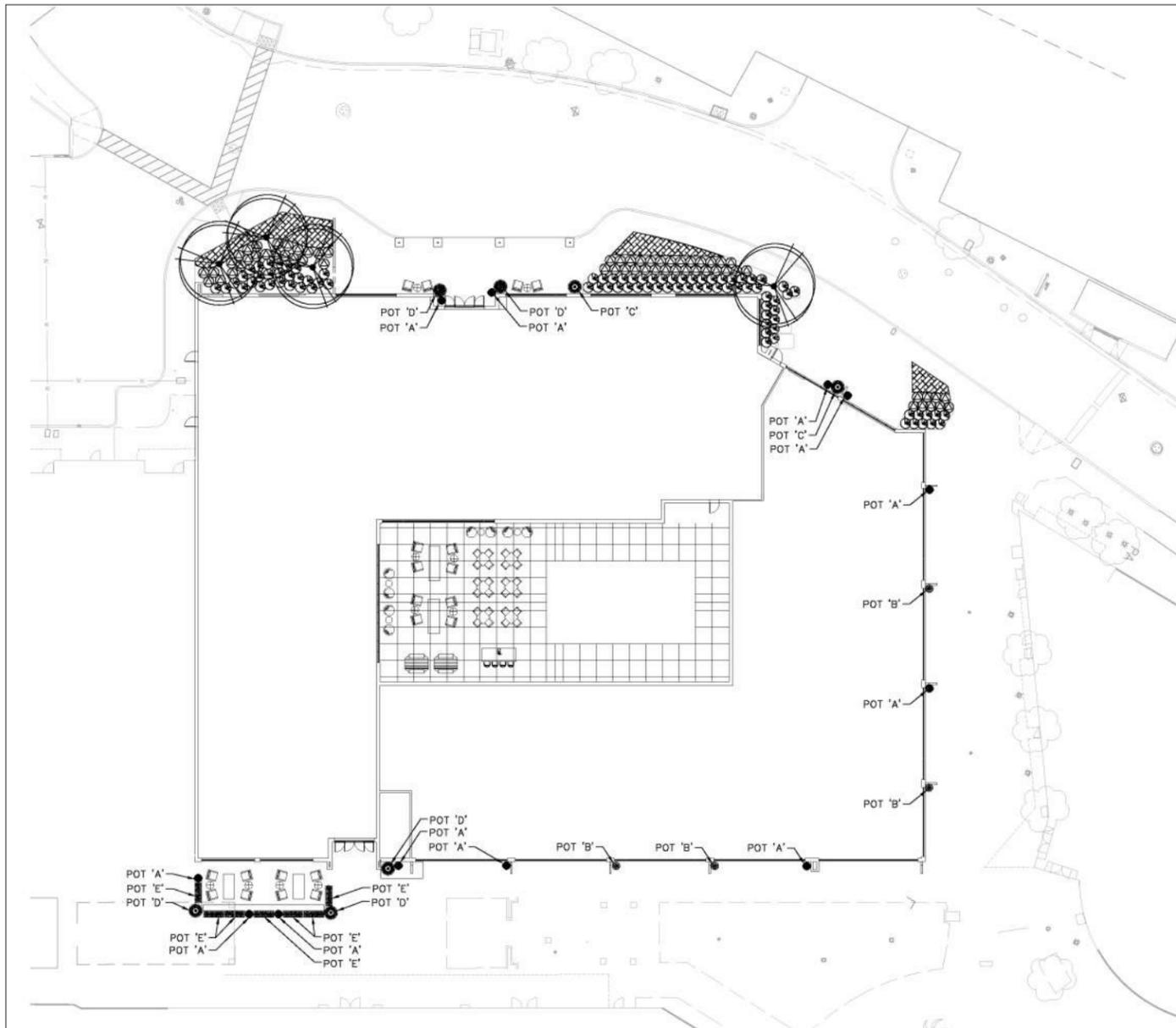
SOURCES: Thousand Oaks, Robert F. Tuttle Architects, Inc., Greens. November 30, 2022



EXHIBIT 3-4
Conceptual Floor Plan

Environmental Impact Report for Janss Hotel Project

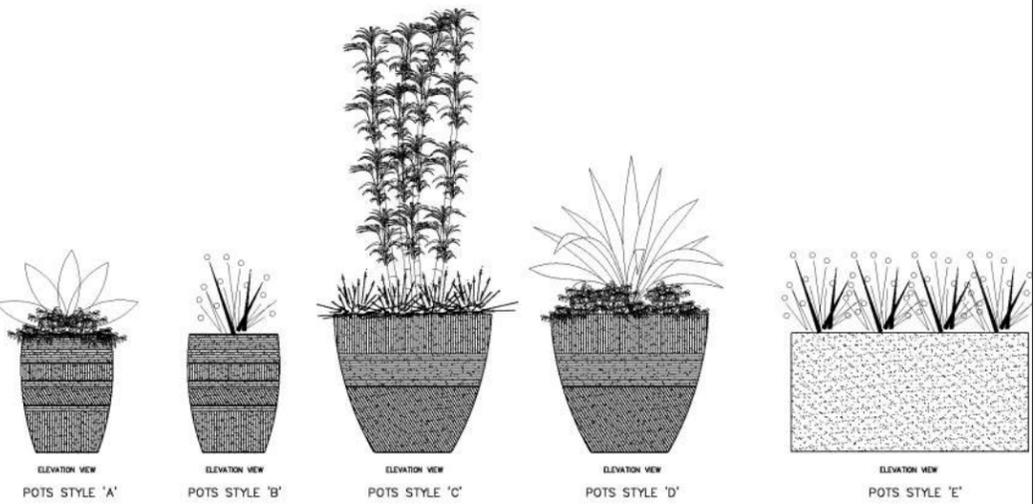
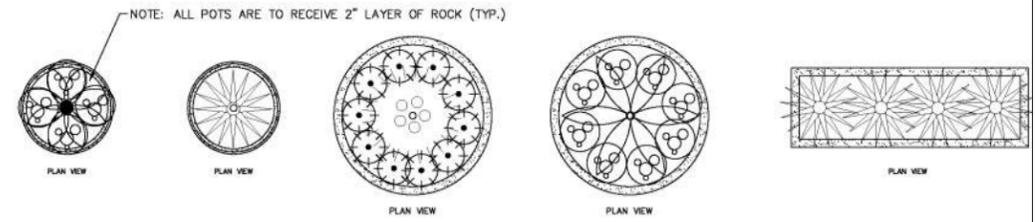
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PLANT SCHEDULE

| TREES | QTY | BOTANICAL / COMMON NAME | CONT. | HEIGHT/SPREAD | CAL. | WUCOLS |
|---------------|-----|--|---------|---------------|----------|----------|
| | 4 | ULMUS PARVIFOLIA / LACEBARK ELM | 24" BOX | | | MODERATE |
| SHRUBS | QTY | BOTANICAL / COMMON NAME | CONT. | SPACING | WUCOLS | SIZE |
| | 12 | AGAVE ATTENUATA 'VARIEGATA' / VARIEGATED AGAVE | 5 GAL. | AS SHOWN | LOW | |
| | 5 | BAMBUSA MULTIPLEX 'GOLDEN GODDESS' / GOLDEN GODDESS BAMBOO | 5 GAL. | AS SHOWN | MODERATE | |
| | 32 | CHONDROPETALUM TECTORUM 'EL CAMPO' / CAPE RUSH | 5 GAL. | AS SHOWN | LOW | |
| | 2 | CORDYLINE X 'FESTIVAL GRASS' / DRACAENA | 5 GAL. | AS SHOWN | LOW | |
| | 50 | FESTUCA GLAUCA / BLUE FESCUE | 5 GAL. | AS SHOWN | LOW | |
| | 64 | SENECIO MANDRALISCAE 'BLUE CHALK STICKS' / SENECIO | 5 GAL. | AS SHOWN | LOW | |
| GRASSES | QTY | BOTANICAL / COMMON NAME | CONT. | SPACING | WUCOLS | SIZE |
| | 87 | LOMANDRA LONGIFOLIA 'BREEZE' TM / BREEZE MAT RUSH | 5 GAL. | 3' O.C. | LOW | |
| | 61 | MUHLENBERGIA CAPILLARIS / PINK MUHLY GRASS | 5 GAL. | 3' O.C. | LOW | |
| GROUND COVERS | QTY | BOTANICAL / COMMON NAME | CONT. | SPACING | WUCOLS | SIZE |
| | 117 | CAREX DIVULSA / EUROPEAN GREY SEDGE | 5 GAL. | 2' O.C. | LOW | |

NOTE: 13 EXISTING TREE ARE TO BE REMOVED.



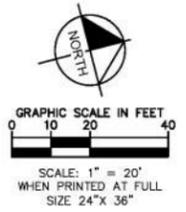
POTS A&B: QCP, QR-BAY2836P
COLOR: TBD
QTY TOTAL: 15



POTS C&D: QCP, QR-BAY4842P
COLOR: TBD
QTY TOTAL: 7



POT E: QCP, QS-CAL247236P
COLOR: TBD
QTY TOTAL: 7



SOURCES: City of Thousand Oaks, Kimley-Horn



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LIGHTING

A combination of wall-mounted, recessed, and emergency light fixtures would be installed on-site to provide lighting in the outdoor areas and at entrances. The hotel entrances would have wall-mounted cylinder downlights, square recessed downlights, and slim wall pack wall-mounted fixtures. The hotel's internal event and pool areas would have outdoor architectural emergency light fixtures and E26 base string lights. The east and north facing walls of the building would have architectural features that include hardwired ribbon lights and recessed linear 28-watt LED lights with spackle flange.

The retail entrance areas would have square recessed downlights to illuminate the entrances.

Exterior lights would be controlled by a lighting control panel with an astronomical time clock.

Additionally, signage for the hotel and retail spaces, consistent with the City's municipal code, are anticipated to be installed during the operational phase.

DRAINAGE

The proposed project is anticipated to include minimal drainage improvements, such as upgraded filtration, to be consistent with the City's stormwater regulations. The existing project area of disturbance is already developed for commercial use and current drainage flows to the west, toward the drive aisle located west of the building, and into a nearby catch basin. The proposed drainage pattern would match the existing conditions and runoff would flow west into nearby catch basins. The impervious area would remain approximately the same as existing conditions, so runoff flow rates and volumes would be similar to the existing conditions.

GRADING AND EXCAVATION

The project would require grading on-site to allow for project implementation, but significant changes in finish elevations are not expected. Project grading, following demolition of the existing use, would involve the entire 52,576 square-foot (1.21-acre) project disturbance area. Pedestrian paths of travel on the north, east and west sides of the hotel are anticipated to be improved. It is anticipated that site grading would require 84 cubic yards of cut, 28 cubic yards of fill, and the export of 56 cubic yards of soil. No soil will be imported. Pile driving is not required to construct the hotel.

INFRASTRUCTURE

The existing trash enclosure located southwest of the project's footprint would be demolished and a new trash enclosure would be built to the City's current standards.

Security measures including, but not limited to, exterior video surveillance cameras and fire alarms would be installed.

Utilities are to be provided by the following entities:

- Water – State Water Project, Metropolitan Water District, Calleguas Municipal Water District, California American Water
- Sewer – City of Thousand Oaks
- Stormwater – City of Thousand Oaks
- Solid Waste – Athens Services
- Electricity – Southern California Edison
- Natural Gas – Southern California Gas

- Telephone – Verizon Communications
- Cable TV – Spectrum

AIRSPACE SUBDIVISION

The 27.16-acre parcel's airspace is to be subdivided into three parcels for property conveyance and financial purposes. Parcel 1 (Master Ground Lot) would total 26.33 acres, Parcel 2 (hotel) would total 0.52 acres, and Parcel 3 (commercial) would total 0.31 acres; refer to Exhibit 3-6, Tentative Parcel Map. Vehicle access and utilities are to be provided to all parcels. The airspace subdivision has been designed to be in compliance with Fire Code and Building Code standards.

3.4 Goals and Objectives

Pursuant to Section 15124(b) of the CEQA Guidelines, the EIR project description must include a statement of objectives sought by the proposed project. These objectives assist the Lead Agency in developing a reasonable range of alternatives to evaluate in the EIR, and aid decision makers in preparing findings or a statement of overriding considerations, if necessary. The objectives should provide the purpose of the project. The goals and objectives of the proposed project are to:

- Enhance the City of Thousand Oaks and Janss Marketplace, by creating an aesthetically pleasing hotel that is compatible with existing adjoining uses to serve the local community.
- Revitalize Janss Marketplace by replacing outdated dormant building structures, with a fresh, modern building and design.
- Provide local employment, with career advancement opportunities.
- Provide needed overnight and extended stay services to residents, business groups, and tourists within the City of Thousand Oaks.
- Provide shopping, dining, recreational, and assembly opportunities within the City of Thousand Oaks.
- Strengthen the City's commercial core by providing local quality lodging for residents, business groups, and tourists.
- Create a financially viable hotel capable of serving a wide range of guests.
- Provide fiscal and economic benefits to the City by adding local amenities to the community.

3.5 Construction Phasing

Implementation of the project would occur over the course of approximately 18 months. Building activities are anticipated to begin in spring of 2024 and the anticipated opening date is winter of 2025.

A construction staging area is proposed to be located southwest of the project's footprint, within an area utilized for trash facilities/enclosures. The project application includes a preliminary safety plan which identifies temporary protected walkways for both construction workers and Janss Marketplace employees and visitors. The protected walkways are intended to minimize interruptions to surrounding businesses and isolate contractors, power tool utilization, and products of demolition and construction from the public. These protected walkways would be installed on the north by northeast and southeast sides of the construction zone, and would be composed of medium load, select-wood sheeting covered scaffolding. Chain link fencing would also be installed on the north by northwest and southwest sides of the construction zone to isolate construction equipment and activities. Gated access for commercial ingress and egress would be secured by lock and chain. If needed, spotter employees may also be stationed outside of the construction perimeter to assist with traffic control during higher risk construction phases.

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3.6 Agreements, Permits, and Approvals

A list of City and other applicable agency approvals required for development of the project is provided below. Additional approvals may be identified during the project entitlement process.

CERTIFICATION

- City of Thousand Oaks – Environmental Impact Report (EIR 2022-70002) disclosing the projects potential impacts, mitigations and benefits consistent with the provisions of CEQA.

DISCRETIONARY PERMITS

- City of Thousand Oaks – Zoning Change (Z 2021-70997), limited to the footprint of the hotel, from C-3 (Community Shopping Center) to C-3-H (Community Shopping Center – Height Overlay) to increase the hotel’s maximum height to 75 feet;
- City of Thousand Oaks – Tentative Parcel Map (TTM 2022-70265) creating airspace rights which would allow the retail component to be sold separately from the hotel component;
- City of Thousand Oaks – Development Permit (DP 2022-70079) identifying the project’s physical development and consistency with or waived provisions of the City’s three-dimensional development standards contained in the Thousand Oaks Municipal Code (TOMC). Additionally, specifying the operations of the hotel, including outdoor dining;
- City of Thousand Oaks – Special Use Permit (SUP 2023-70009), identifying operational characteristics associated with the sale and consumption of alcohol.

MINISTERIAL

- Landscape Plan Review [2023-70006 (LPC)] confirming landscaping is consistent with the City’s landscaping and irrigation standards.
- Construction Permits, including building, grading, foundation, and associated permits; and
- Encroachment and Haul Route Permit, as may be required by the City of Thousand Oaks.

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:

- **California Department of Alcoholic Beverage Control.** The California Department of Alcoholic Beverage Control is a government agency of the state of California that regulates the manufacture, distribution, and sale of alcoholic beverages.
- **Regional Water Quality Control Board.** The Regional Water Quality Control Board may require a Stormwater NPDES for construction and operation of an hotel / commercial development and Clean Water Act 401 Water Quality Certification related to the unnamed drainage north of the project.
- **Ventura County Air Pollution Control District.** The Ventura County Air Pollution Control District would require an AB3205 form to be submitted for approval prior to issuance of a demolition permit.

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4.0 Basis of Cumulative Analysis

Section 15355 of the CEQA Guidelines, as amended, provides the following definition of cumulative impacts:

“Cumulative impacts” refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

Pursuant to Section 15130(a) of the CEQA Guidelines, cumulative impacts of a project shall be discussed when they are “cumulatively considerable,” as defined in Section 15065(a)(3) of the CEQA Guidelines. Section 5.0 of this EIR assesses cumulative impacts for each applicable environmental issue, and does so to a degree that reflects each impact’s severity and likelihood of occurrence.

As indicated above, a cumulative impact involves two or more individual effects. Per CEQA Guidelines Section 15130(b), the discussion of cumulative impacts shall be guided by the standards of practicality and reasonableness, and should include the following elements in its discussion of significant cumulative impacts:

1. Either:
 - a. A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the Agency, or
 - b. A summary of projections contained in an adopted local, regional, or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projects may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.
2. When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.
3. Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.
4. A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available; and
5. A reasonable analysis of the cumulative impacts of the relevant projects, including examination of reasonable, feasible options for mitigating or avoiding the project’s, contribution to any significant cumulative effects.

Table 4-1, Cumulative Projects List, and Exhibit 4-1, Cumulative Project Locations, identify the related projects and other possible development in the area determined as having the potential to interact with the proposed project, to the extent that a potentially significant cumulative effect may occur. The following list of development projects was developed in consultation with City staff, and the potential for interaction with the project was based upon project type, geographical location, and the nature of impact analysis provided within this EIR.

The City of Thousand Oaks publishes a monthly Development Activity Report which provides information about development projects and planning applications being processed. It is organized by type of application (e.g., residential, commercial, industrial, protected tree permit, and wireless facilities) and includes projects under construction, projects that have been approved but are not yet under construction, and pending project applications as of the prior month. The development activity referenced in this EIR is based on the City’s July 2023 Development Activity Report. The following cumulative listing considers residential development that exceeds 10 units and commercial/industrial development that exceeds 10,000 square-feet. Development projects smaller than the aforementioned sizes and projects pertaining to protected tree permits and wireless facilities are not considered in this section because their environmental impacts would likely not contribute to the cumulative impacts of the Janss Marketplace Hotel project. The cumulative projects list that follows in Table 4-1 considers a geographic area roughly bounded by North Westlake Boulevard to the east, Potrero Road and Lake Sherwood to the south, Rancho Conejo Boulevard to the west, and West Olsen Road and California Lutheran University to the north. Projects considered in this EIR for the cumulative review are all within a 3-mile radius of the project site at 225 North Moorpark Road.

**Table 4-1
Cumulative Projects List**

| Map ID or # | Location | Project | Status |
|--------------------|--|---|--------------------|
| Residential | | | |
| 1 | 1651 West Lynn Road | To allow the creation of a 19-lot, single-family-home subdivision | Pending |
| 1* | 1651 West Lynn Road | 19 two-story, single-family residences | Pending |
| 2 | 1730 Los Feliz Drive | A new three-story, 24-unit apartment complex (50% density bonus) with 31 parking spaces, bicycle storage, outdoor patio with BBQ, dining and seating areas; grading, hardscape, and landscape on an undeveloped site | Pending |
| 3 | 86 and 88 Long Court | 73-unit multi-family residential | Approved |
| 4 | 500 East Thousand Oaks Boulevard | A village-square concept with 328 apartment units, 5,300 square-feet of commercial space, two podium parking garages, public exterior gathering areas, and public open space | Approved |
| 5 | Erbes Road and 200 feet north of Copa de Oro | 30-unit multi-family residential | Approved |
| 6 | 325 and 391 Hampshire Road | To amend the General Plan designation of Commercial to Commercial, Residential; to change the zoning designation of Neighborhood Commercial to Specific Plan-22; 420 residential units distributed across two, four-story, podium style mixed-use buildings and 13 three-story townhome | Under Construction |

**Table 4-1
Cumulative Projects List**

| Map ID or # | Location | Project | Status |
|-------------|--|---|--------------------|
| | | buildings, including a 5,000 square-foot two-story stand-alone amenity building; trails, pocket park, dog park, dining plazas, and seating areas; to adjust property lines to establish two legal lots of record, one lot for the proposed townhomes and one of the proposed mixed-use buildings; to allow the removal of 3 oak trees and the encroachment into the protected zone of 2 oak trees and 2 California Sycamore trees | |
| 7 | 2150 West Hillcrest Drive | Demolition of existing office building and construction of 333-unit mixed-use residential/commercial development | Pending |
| 8 | 1816 and 1818 Los Feliz Drive | To allow the construction of 16 apartment units | Approved |
| 9 | 2200 East Thousand Oaks Boulevard | To allow the construction of a new 165-unit, 75-foot-tall apartment building with associated parking and amenities; creation of air parcels; amendments to the General Plan and Specific Plan 11 | Approved |
| 10 | 1872 Newbury Road | Request for the creation of a new Specific Plan to construct a mixed-use development consisting of 218 multi-family residential units (with 26 affordable units); a 120-room hotel; the preservation, rehabilitation, and adaptive reuse of a designated landmark; 554 parking spaces; associated landscaping and hardscaping; associated with an oak tree permit, zone change, and a General Plan Land Use Element Amendment | Approved |
| 11 | West of the intersection of Corporate Center Drive and Rancho Conejo Boulevard | Request for Residential Capacity Allocation for a proposed 26-unit residential apartment project; associated with a General Plan Amendment to change the existing Land Use designation from Industrial to High-Density Residential | Approved |
| 10* | 1872 Newbury Road | Request for Residential Capacity Allocation for a proposed development of 216 residential apartment units within two- and three-story buildings inclusive of 26 affordable units; 120-room, three-story hotel; preservation, rehabilitation, and adaptive reuse of a designated landmark (Timber School); associated with a General Plan Amendment change to change the existing Land Use designation from Commercial to Commercial/Residential | Approved |
| 12 | 299 East Thousand Oaks Boulevard | A 3-4 story residential/commercial mixed-use project including 142 residential apartment units (including 11 very-low-income units with a 35% density bonus) and retail uses; removal of 12 oak and 11 landmark trees, and encroachment into the protected zones of 30 oak and 8 landmark trees | Under Construction |

**Table 4-1
Cumulative Projects List**

| Map ID or # | Location | Project | Status |
|-------------------|--------------------------------------|--|--------------------|
| Commercial | | | |
| 13 | 420 Pennsfield Place | To allow the construction of an approximately 12,293 square-foot two-story medical office building; hardscape and landscape, the removal of 1 protected California Sycamore tree; waiver requests for front setback reduction from the prescribed 20 feet to 10 feet; landscape lot coverage and buffer area reduction; 8% parking reduction | Approved |
| 14 | 400 East Rolling Oaks Drive | To allow the demolition of the remaining development; construction of a new 58,000 square-foot, 40-foot tall, two-story (split level) outpatient medical treatment facility; hardscape, landscape, and grading; services will consist of imaging, radiological, and linear accelerator treatment services, wellness center, and office spaces | Pending |
| 15 | 1100 Rancho Conejo Boulevard | To allow the construction of a new life science campus of approximately 350,000 square-feet (a net increase of approximately 183,000 square-feet) consisting of 4 one-and two-story industrial buildings (ranging between 26,000 to 130,000 square-feet with heights of up to 40.5 feet plus parapets up to 13 feet), parking, infrastructure, and installation of landscaping on approximately 19 acres; 77 protected trees are located on-site, 21 are to be retained in place or relocated on-site; 87 oaks to be planted on-site and up to 75 planted off-site | Approved |
| 16 | 3570 East Thousand Oaks Boulevard #C | Construction of a two-story dealership and encroachment into various oak trees | Approved |
| 4* | 500 East Thousand Oaks Boulevard | A village-square concept with 328 apartment units, 5,300 square-feet of commercial space, two podium parking garages, public exterior gathering areas, and public open space | Approved |
| 6* | 325 and 391 Hampshire Road | To amend the General Plan designation of Commercial to Commercial, Residential; to change the zoning designation of Neighborhood Commercial to Specific Plan-22; to construct 420 residential units distributed across two, four-story, podium style mixed-use buildings and 13 three-story townhome buildings, including a 5,000 square-foot two-story stand-alone amenity building; trails, pocket park, dog park, dining plazas, seating areas; to adjust property lines to establish two legal lots of record, one lot for the proposed townhomes and one of the proposed mixed-use buildings; to allow the removal of 3 oak trees and the encroachment into the protected zone of 2 oak trees and 2 California Sycamore trees | Under Construction |

**Table 4-1
Cumulative Projects List**

| Map ID or # | Location | Project | Status |
|----------------------|----------------------------------|---|--------------------|
| 10* | 1872 Newbury Road | Request for the creation of a new Specific Plan to construct a mixed-use development consisting of 218 multi-family residential units (inclusive of 26 affordable units); a 120-room hotel; preservation, rehabilitation, and adaptive reuse of a designated landmark; 554 parking spaces; landscaping and hardscaping; oak tree permit, zone change, and a General Plan Land Use Element Amendment | Approved |
| 10* | 1872 Newbury Road | Request for Residential Capacity Allocation for a proposed development of 216 residential apartment units within two- and three-story buildings inclusive of 26 affordable units; 120-room, three-story hotel; preservation, rehabilitation, and adaptive reuse of a designated landmark (Timber School); associated with a General Plan Amendment change to change the existing Land Use designation from Commercial to Commercial/Residential | Approved |
| 12* | 299 East Thousand Oaks Boulevard | A 3-4 story residential/commercial mixed-use project including 142 residential apartment units (including 11 very-low-income units with a 35% density bonus) and retail uses; removal of 12 oak and 11 landmark trees, and encroachment into the protected zones of 30 oak and 8 landmark trees | Under Construction |
| Institutional | | | |
| 17 | 1175 Hendrix Avenue | To replace an existing approximately 7,000 square-foot multi-purpose building with a 16,653 square-foot community center building; renovate existing outdoor features, including the baseball field, playgrounds, picnic areas, bridge features, trails, landscaping, waste stream enclosure, covered stage, amphitheater, free-standing restroom, parking lot revisions, and California Sycamore removal/replacement | Pending |
| 18 | 200 Bethany Court | To allow the demolition of 1,267 square-feet of an existing church building and associated improvements to accommodate the construction of a 34,360 square-foot addition and interior and exterior remodel for new offices, sanctuary, classrooms, gym, and recreational sports court; associated grading activities, hardscape, and landscape on a 10.39-acre parcel | Pending |
| 19 | 130 Memorial Parkway | To allow for the demolition of an existing 8,434 square-foot building (Nygreen Hall) and construct a new 28,471 square-foot building in its place; allow for encroachment into the protected zone of two oak trees and one California Sycamore | Approved |
| 15* | 1100 Rancho Conejo Boulevard | To allow the construction of a new life science campus of approximately 350,000 square-feet (a net increase of approximately 183,000 square-feet) consisting of 4 one- and two-story industrial buildings (ranging between 26,000 to 130,000 square-feet with heights of up to 40.5 feet plus | Approved |

**Table 4-1
Cumulative Projects List**

| Map ID or # | Location | Project | Status |
|----------------------------|----------------------------------|---|---------------------------------|
| | | parapets up to 13 feet), parking, infrastructure, and installation of landscaping on approximately 19 acres; 77 protected trees are located on-site, 21 are to be retained in place or relocated on-site; 87 oaks to be planted on-site and up to 75 planted off-site | |
| Advance Planning | | | |
| 12* | 299 East Thousand Oaks Boulevard | A 3-4 story residential/commercial mixed-use project including 142 residential apartment units (including 11 very-low-income units with a 35% density bonus) and retail uses; removal of 12 oak and 11 landmark trees, and encroachment into the protected zones of 30 oak and 8 landmark trees | Under Construction |
| 20 | Citywide / Janss Marketplace | <p>2045 General Plan</p> <p>Goal LU-16: Repurpose Moorpark Road between Thousand Oaks Boulevard and Wilbur Road into a mixed-use district (Mixed-Use (>20 to 30 du/acre, 1.0 FAR)).</p> <p>Policy LU 16.2: Building heights. Allow building heights up to 75 feet as specified within a specific plan or zoning height overlay.</p> <p>Policy LU 16.5: Janss Marketplace. Repurpose the Janss Marketplace to offer a mix of multi-family residential, hotel, entertainment, visitor serving, and commercial uses that result in a destination for residents of Thousand Oaks and the larger region.</p> <p>LU-A.7: Specific plan or master plan preparation: Coordinate with property owners of key opportunity sites to prepare Specific Plan or Master Plan efforts for the following areas:</p> <ul style="list-style-type: none"> ▪ The Oaks ▪ Moorpark Road/Janss Marketplace ▪ Highway 101 Corridor/Borchard Property | Pending |
| Capital Improvement | | | |
| 21 | City of Thousand Oaks | Unit W Wastewater and Maintenance Hole Lining PH-1 | Under Construction |
| 22 | Moorpark Road | Storm Drain CMP Pipe Lining | Under Construction |
| 23 | Mountain Crest Circle | La Granada Reservoir Rehabilitation | Construction to start Late 2023 |
| 24 | Thousand Oaks Boulevard | Forestry Master Plan Landscaping | Construction to start Mid-2024 |
| 23* | Mountain Crest Circle | Woolsey Fire Restoration – La Granada Reservoir Site | Under Construction |

**Table 4-1
Cumulative Projects List**

| Map ID or # | Location | Project | Status |
|-------------|---|---|--|
| 25 | Intersection of Moorpark Road and Gainsborough Road | CMP Repairs | Construction to start Fall 2023 |
| 26 | Moorpark Road and Pembridge Street | Moorpark Road Storm Drain Lining | Construction to start Early 2024 |
| 27 | Rancho Conejo Boulevard | Biotech Sidewalks | Construction to start Winter 2024 |
| 28 | Erbes Road | Flood Mitigation (CalOES Grant) | Construction to start Winter 2024 |
| 29 | Lynn Road | Bike Lane Improvements | Construction to start Spring 2026 |
| 30 | 1401 East Janss Road, 2331 Borchard Road, 265 South Rancho Road, 2100 Thousand Oaks Boulevard | Electric Vehicle Charging Stations | Under Construction |
| 31 | Oakview Drive and East Thousand Oaks Boulevard | Thousand Oaks Boulevard Pedestrian Crossing | Construction to start Late 2023 |
| 32 | City of Thousand Oaks | Solar at City Facilities | Construction to start Summer 2023 |
| 33 | City of Thousand Oaks | Unit W – 30" and Calle Trancas Rehabilitation | Construction to start Fall 2024 |
| 33* | City of Thousand Oaks | Unit W Improvements | Construction to start Spring 2024 |
| 34 | City of Thousand Oaks | Wastewater Collection System Masterplan Update | On hold until completion of General Plan |
| 35 | Janss Road | Park and Ride Improvements | On Hold |
| 36 | Moorpark Road | Sidewalk and Pedestrian Crossing near Thousand Oaks High School | Pending Grant Funding |
| 37 | Calle Damasco and Moorpark Road and Gainsborough Road | Storm Drain CMP Lining | On Hold |
| 38 | Thousand Oaks Boulevard | Phase II Streetscape Improvements | On Hold pending Campus Master Plan |

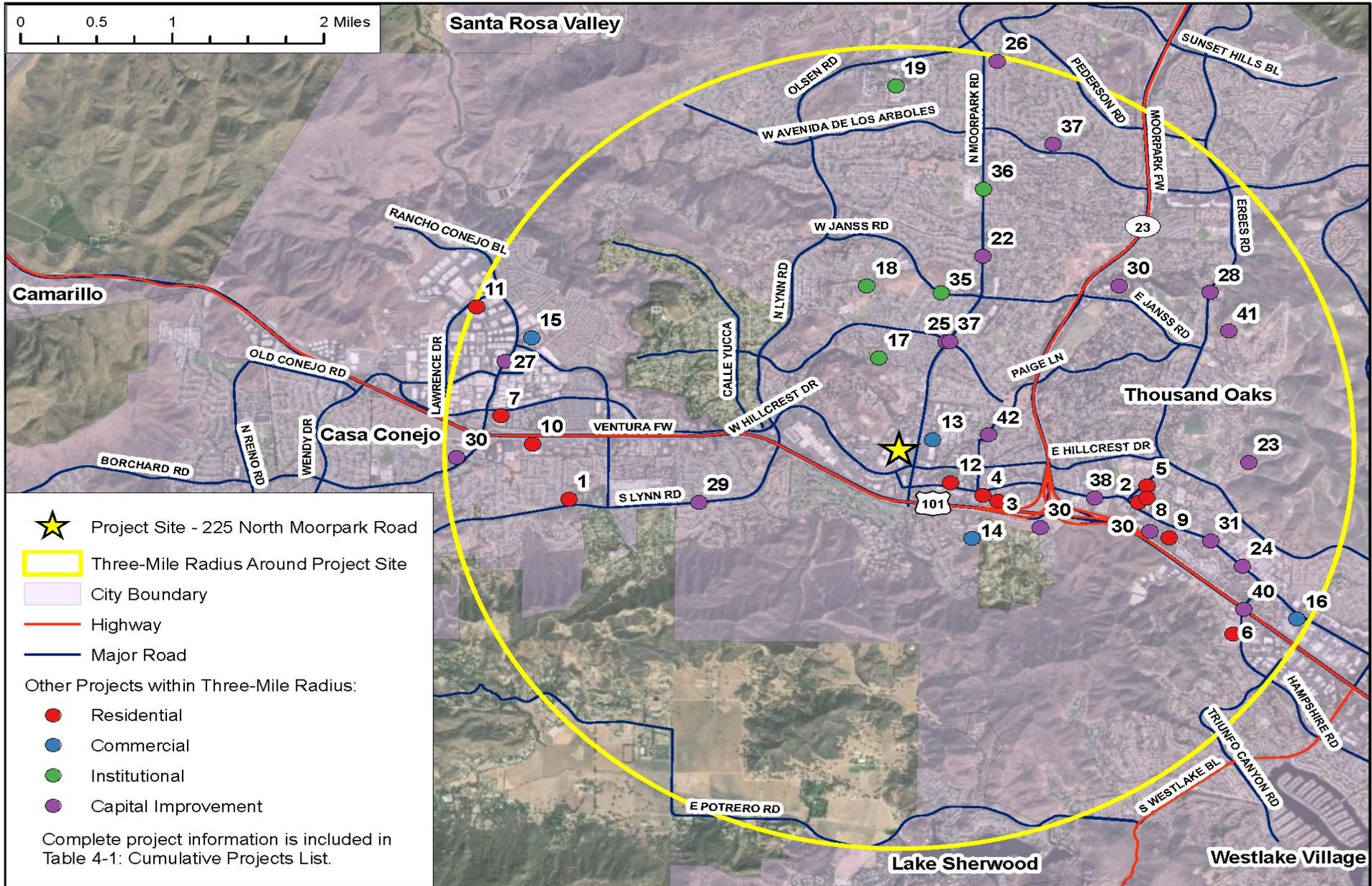
**Table 4-1
Cumulative Projects List**

| Map ID or # | Location | Project | Status |
|-------------|-------------------------------------|---------------------------------|---------------------------------|
| 39 | Potrero Bridge | Bridge Rehabilitation | Construction to start Fall 2024 |
| 40 | Hampshire Road and U.S. 101 Freeway | Freeway Offramps (Design Only) | Pending State/Federal Grants |
| 41 | Wilder Street | Wilder Reservoir Rehabilitation | On Hold |
| 42 | Wilbur Court | Waterline Relocation | On Hold |

Source: City of Thousand Oaks, Development Activity Report July 2023, <https://www.toaks.org/home/showpublisheddocument/27570/638239741637070000>

Notes:

- * An asterisk (*) by the Map ID number indicates that that project and address have already been identified in the table, and all following rows for that project are assigned the same Map ID number. Projects are repeated in different sections of the table because they have residential, commercial, and/or industrial components.
- # Capital Improvement projects marked with a # symbol in front of their identification number have geographic boundaries too vast or large in quantity to identify on the Cumulative Project Locations Map and are therefore omitted from the map. However, they all occur within the 3-mile radius being considered for cumulative review, so they are listed in the table.



SOURCE: ESRI; California Department of Transportation; County of Ventura; City of Thousand Oaks.

EXHIBIT 4-1 Cumulative Project Locations

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5.0 Environmental Analysis

The following impact sections of the EIR contain a detailed description of existing conditions at the project site, project impacts (including direct and indirect, short-term, long-term, and cumulative impacts), recommended mitigation measures and unavoidable significant impacts. The EIR analyzes those environmental issue areas where potentially significant impacts could occur, as stated in Appendix A, Notice of Preparation.

The EIR examines environmental factors outlined in Appendix G of the CEQA Guidelines, Environmental Checklist Form, as follows:

- 5.1 Aesthetics/Light and Glare;
- 5.2 Air Quality;
- 5.3 Biological Resources;
- 5.4 Cultural, Tribal Cultural, and Historical Resources;
- 5.5 Energy;
- 5.6 Geology and Soils;
- 5.7 Greenhouse Gas Emissions;
- 5.8 Hazards and Hazardous Materials
- 5.9 Hydrology and Water Quality;
- 5.10 Land Use and Planning
- 5.11 Noise;
- 5.12 Public Services and Recreation;
- 5.13 Traffic and Transportation; and
- 5.14 Utilities and Service Systems.

No significant impacts related to Agriculture and Forestry Resources, Mineral Resources, Population and Housing, and Wildfire are anticipated. As a result, these issues are addressed in Section 8.0, Effects Not Found To Be Significant.

Each environmental issue is addressed in a separate impact section of the EIR and is organized into eight subsections, as follows:

- “Existing Setting” describes the physical conditions that exist at the present time and that may influence or affect the issue under investigation.
- “Regulatory Setting” lists and discusses the laws, ordinances, regulations, and standards that apply to the project.
- “Impact Thresholds and Significance Criteria” provides the thresholds that are the basis of conclusions of significance, which are primarily the criteria in Appendix G of the *CEQA Guidelines* (California Code of Regulations, Sections 15000 - 15387).
- Primary sources used in identifying the criteria include the *CEQA Guidelines*; local, state, federal, or other standards applicable to an impact category; and officially established significance thresholds. “...An ironclad definition of significant effect is not possible because the significance of any activity may vary with the setting” (CEQA Guidelines Section 15064[b]). Principally, “...a substantial, or potentially substantial, adverse change in

any of the physical conditions within an area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance” constitutes a significant impact” (CEQA Guidelines Section 15382).

- “Impacts and Mitigation Measures” describes potential environmental changes to the existing physical conditions, which may occur if the proposed project is implemented. Evidence, based on factual and scientific data, is presented to show the cause-and-effect relationship between the proposed project and the potential changes in the environment. The exact magnitude, duration, extent, frequency, range, or other parameters of a potential impact are ascertained, to the extent possible, to determine whether impacts may be significant; all of the potential direct and reasonably foreseeable indirect effects are considered.
- Impacts are generally classified as potentially significant impact, less than significant impact, or no impact. The “Level of Significance After Mitigation” identifies the impacts that would remain after the application of mitigation measures, and whether the remaining impacts are or are not considered significant. When these impacts, even with the inclusion of mitigation measures, cannot be mitigated to a level considered less than significant, they are identified as “significant unavoidable impacts.”
- “Mitigation Measures” are project-specific measures that would be required of the project to avoid a significant adverse impact; to minimize a significant adverse impact; to rectify a significant adverse impact by restoration; to reduce or eliminate a significant adverse impact over time by preservation and maintenance operations; or to compensate for the impact by replacing or providing substitute resources or environment.
- “Cumulative Impacts” describes potential environmental changes to the existing physical conditions that may occur as a result of the proposed project together with all other reasonably foreseeable, planned and approved future projects producing related or cumulative impacts.
- “Significant Unavoidable Impacts” describes impacts that would be significant, and cannot be feasibly mitigated to less than significant, so would therefore be unavoidable. To approve a project with unavoidable significant impacts, the lead agency must adopt a Statement of Overriding Considerations. In adopting such a statement, the lead agency is required to balance the benefits of a project against its unavoidable environmental impacts in determining whether to approve the project. If the benefits of a project are found to outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable” (CEQA Guidelines Section 15093[a]).

5.1 Aesthetics/Light and Glare

This section assesses the potential for aesthetic impacts using accepted methods of evaluating visual quality, as well as identifying the type and degree of change the proposed project would likely have on the character of the landscape. The analysis in this section is primarily based on information provided by the City and verified through site reconnaissance conducted by Michael Baker International, Inc. (Michael Baker) on February 21, 2023.

5.1.1 Existing Setting

The City of Thousand Oaks (City) is in the Conejo Valley region within Ventura County, a coastal valley framed by the Simi Hills to the north and east, the Santa Monica Mountains to the south, and Conejo Mountain to the west. Surrounding cities include Simi Valley and Moorpark to the north, Westlake Village and Agoura Hills to the east, Camarillo to the west, and Malibu to the south. Thousand Oaks is a suburban community with a semi-rural character surrounded by broad open vistas of natural open space, traversed by creeks, and dotted with prominent knolls and oak woodlands.

The project site is located within the Janss Marketplace, which is an approximately 611,000 SF outdoor shopping center at 225 North Moorpark Road. The project site is immediately surrounded bound by a service/access road to the west and a four-story Janss Marketplace parking structure west of the service road, and retail shops approximately one- to two-stories in height (Buca di Beppo Italian Restaurant, Panera Bread, and Old Navy) associated with Janss Marketplace to the north, east, and south. The project site is currently developed with an existing building with a two-story volume, which was previously a Marshall's department store until 2017 and dental offices until 2019, and has most recently been occupied by "pop up" tenants including the Reign of Terror Haunted House and USA Vein Clinics. The surrounding ornamental landscaping includes a variety of groundcover, shrubs, vines, and trees such as Ponderosa Pine, Callery Pear, and Southern Magnolia trees; no landmark trees occur on-site.

Based on the Thousand Oaks General Plan (General Plan) Land Use/Circulation Map, the project footprint, as part of the Marketplace, is designated Commercial; refer to Section 3.1.3, Project Setting (Existing Conditions) for additional information regarding the current General Plan Land Use Map designations and the pending updates identified in the Preferred Land Use Map. The City's Zoning Map identifies the project site as Community Shopping Center (C-3). The C-3 zone designation allows a maximum building height of 35 feet. Portions of the Janss Marketplace have a Community Shopping Center – Height (C-3-H) zoning overlay which allows an anchor tenant and theater building to exceed the maximum allowable 35-foot height within the C-3 zone designation.

The surrounding area is urban/developed land. Janss Marketplace, which includes the project site, is bound by Brazil Street to the north, large surface parking lot to the east (followed by North Moorpark Road), large surface parking lot to the south (followed by West Hillcrest Drive), and West Wilbur Road to the west. Commercial uses (Sparkling Image Car Wash, Chick-fil-A Fast Food, and Five Guys Fast Food) are present north of Brazil Street. Commercial uses (Best Buy, Total Wine and More, and Ross Dress for Less) are present east of North Moorpark Road. Commercial uses (Chuck E. Cheese Pizza, Goodwill Retail Store, and Donation Center) are present south of West Hillcrest Drive. A variety of commercial, office, industrial, and residential uses are present west of West Wilbur Road; refer to Figures 5.1-1a through 5.1-1f, Existing Conditions.

The project site does not include streams and creeks; wetlands and riparian habitat; wildlife corridors; key habitat areas; significant biological resources, such as oak woodland and rare and endangered species; cultural and historical resources; or topographic features, such as steeply sloping land and ridgelines.

SCENIC VISTAS

According to the General Plan Conservation Element, the Santa Monica Mountains and surrounding natural open space (including Fireworks Hill to the west, Tarantula Hill to the west, Conejo Ridge Open Space to the south, Los Padres Open Space to the south, Los Robles Open Space to the south, and Hope Nature Preserve to the south) to the west and to the south of the project site are considered scenic resources in the City. These resources are visible from various public viewpoints within the project vicinity, but views of these resources may be limited under existing conditions due to intervening topography, existing structures, and vegetation. Public views of these scenic resources do not include views of the private project site.

Local Scenic Corridors

The City's scenic highways system is depicted in the Existing General Plan's Scenic Highways Element. Based on the Scenic Highways Element, North Moorpark Road and West Hillcrest Drive are identified as scenic routes within the project vicinity. Motorists and pedestrians traveling southbound along North Moorpark Road within the project vicinity (north of the North Moorpark Road and West Wilbur Road intersection) are afforded views of the existing Janss Marketplace and commercial development with distant views of the natural open space (Conejo Ridge Open Space, Los Padres Open Space, Los Robles Open Space, and Hope Nature Preserve) and Santa Monica Mountains. Views of the project site, from North Moorpark Road, are not afforded due to intervening topography, existing structures, and vegetation. Additionally, public views of the Santa Monica Mountains and natural open space along West Hillcrest Drive do not include the project site under existing conditions due to intervening topography, existing structures, and vegetation.

STATE SCENIC HIGHWAYS

The City identifies Highway 101 (U.S. 101) and State Route 23 (SR 23) as scenic highway corridors, offering expansive views across Conejo Valley and distant views of the Santa Monica Mountains and Simi Hills to the north and south. U.S. 101 is also identified as an eligible State scenic highway by the California Department of Transportation (Caltrans).¹ Views of the project site are not afforded from U.S. 101 and SR-23 due to intervening topography, existing structures, and vegetation. Highway 101 (U.S. 101) is located approximately 1,900 feet south of the hotel site while the closest edge of the Janss Marketplace is located approximately 850 feet from the centerline of U.S. 101.

VISUAL CHARACTER/QUALITY

The natural setting of the Conejo Valley has provided the City with an opportunity to use open space to shape its urban form, define relationships with neighboring cities, and support regional planning. Under the General Plan, the basic form of the community is one of development clustered in flat, lower-lying areas within the Valley, while the hills and mountains surrounding the community are set aside in a ring of natural open space. The project site is located within a relatively flat, low-lying area of the City, which is developed with a mix of commercial, office, and industrial land uses. The visual character of the project site and its surroundings is dominated by these urban uses with cohesive styles of architecture.

¹ California Department of Transportation, California State Scenic Highway System Map, <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>, accessed February 21, 2021.

Figure 5.1-1a. Existing Conditions. View looking south along West Wilbur Road, north of Saint Charles Drive. Natural open space and the Santa Monica Mountains are shown in the background. The project site is located south, beyond/below the tree line.



Figure 5.1-1b. Existing Conditions. View looking west along Brazil Street east of Pennsfield Place. Commercial uses appear in the foreground, Janss Marketplace in the midground, and Santa Monica Mountains (left) and Fireworks Hill (right) appear in the background.



Source: Michael Baker International 2023

Figure 5.1-1c. Existing Conditions. View looking west along West Hillcrest Drive east of North Moorpark Road. Signage for Janss Marketplace appears in the midground with Fireworks Hill (right) appearing in the background.



Figure 5.1-1d. Existing Conditions. View looking northwest along North Moorpark Road, south of West Hillcrest Drive. Commercial uses appear in the foreground (left), signage for Janss Marketplace appears in the midground.



Source: Michael Baker International 2023

Figure 5.1-1e. Existing Conditions. View looking north along West Wilbur Road, approximately 380 feet south of Marin Street. Regal Cinemas appears on the right, in the foreground, followed by the Janss Marketplace signage in the midground.



Photo 5

Figure 5.1-1f. Existing Conditions. View looking east along Marin Street, west of West Wilbur Road. Commercial uses appear in the foreground, Janss Marketplace in the midground, and natural open space and the Santa Monica Mountains are shown in the background.



Photo 6

Source: Michael Baker International 2023

LIGHT AND GLARE

Lighting effects are associated with the use of artificial light during the evening and nighttime hours. There are two primary sources of light: light emanating from building interiors passing through windows, and light from exterior sources (i.e., street lighting, building illumination, security lighting, parking lot lighting, and landscape lighting). Light introduction can be a nuisance to adjacent residential areas, diminish the view of the clear night sky, and if uncontrolled, can cause disturbances. Uses such as residences are considered light sensitive since occupants have expectations of privacy during evening hours and may be subject to disturbance by bright light sources.

Glare is primarily a daytime occurrence 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. Perceived glare is the unwanted and potentially objectionable sensation observed by a person as they look directly into the light source of a luminaire. Daytime glare generation is common in urban areas and is typically associated with buildings with exterior facades largely or entirely comprised 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-sensitive uses include residences, transportation corridors, and aircraft landing corridors.

The project site is developed with an existing vacant structure. Surrounding urban development includes a mix of commercial, office, and industrial uses. As a result, various sources of light and glare are present in the area. On-site lighting associated with existing uses include building illumination, signage, and security lighting. Existing pedestrian safety lighting and parking lot lighting are also afforded in the vicinity. Lighting caused by street lighting and vehicle headlights associated with roadways further influence nighttime lighting in the project area. Existing on-site structures do not include highly polished surfaces; thus, daytime glare is not readily apparent in the project area. Existing sources of glare during the evening or nighttime hours include vehicle headlights along surrounding roadways and within parking lots.

Light-sensitive uses within the project vicinity include multi-family residential (Green Hill Apartments), approximately 960 feet north of the project site.

5.1.2 Regulatory Setting

FEDERAL

There are no federal regulations that apply to aesthetics on or in the vicinity of the proposed project site.

STATE

Caltrans Scenic Highways Program

California's Scenic Highway Program was enacted in 1963 by State legislature to preserve and enhance the natural scenic beauty of the State's highways and corridors. The Scenic Highway Program is governed by Streets and Highways Code Sections 260 through 263. Pursuant to the State Streets and Highways Code Division 1, Chapter 2, The State Scenic Highway System, the purpose of designating certain portions of the State highway system as State scenic highways is to establish the State's responsibility for the protection and enhancement of California's natural scenic beauty by identifying those portions of the State highway system which, together with the adjacent scenic corridors, require special scenic conservation treatment. Highways may qualify as "eligible" or "officially designated" scenic highways, where eligible scenic highways become officially designated scenic highways when the local governing jurisdiction adopts a Corridor Protection Program for the highway, thereby limiting land uses and their densities, controlling outdoor advertising, and implementing design requirements. Caltrans identifies officially designated State scenic highways and historic parkways through the California Scenic Highway System Map.

LOCAL

City of Thousand Oaks General Plan

The City's General Plan was last revised in 1997 and is currently undergoing an update. The current General Plan contains goals to ensure the visual quality of the City and the region are maintained and improved. Similarly, the supporting policies specify how those goals will be met.

General Plan Goals that apply to aesthetics and visual resources include the following:

- To enhance and preserve the spaciousness and attractiveness of the Conejo Valley.
- To encourage commercial facilities which satisfy the Valley's mercantile needs, arranged, and located to provide convenient access and compatibility with adjoining use through proper design.
- To provide a high-quality environment, healthful and pleasing to the senses, which values the relationship between maintenance of ecological systems and the people's general welfare.

General Plan policies that apply to aesthetics and visual resources include the following:

General Development Policies

- 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.
- 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.
- Major City gateways, where the Route 101 and 23 Freeways enter the City and streets interchange with the freeways, shall receive special aesthetic enhancement.
- Highly intensive land uses--major industrial and commercial centers--should be located in proximity to or within easy access of the Ventura Freeway corridor.

Commercial Policies

- Commercial development should comply with the City's height restrictions. Exceptions, through height overlays, may be appropriate under certain conditions.

Commercial/Industrial Policies

- Low profile and aesthetically designed signage shall be allowed for all developments; no billboards shall be allowed.

Additional Policies

- Aesthetics: As the City ages, it is important to maintain, improve and enhance the City's aesthetic appearance.

Conservation Element

The Conservation Element was updated in 2013. The Conservation Element is in place to describe the general characteristics of the City’s natural resources and identify appropriate policies and implementation measures that will be used to guide future development, as envisioned by the Land Use Element of the General Plan, in a sensitive manner that will afford the long-term conservation and protection of these vital resources. The City’s natural resources include but are not limited to native plant and animal communities, natural landform features, scenic viewsheds, and archaeological and historic sites.

Policies that apply to aesthetics and visual quality as they apply to the proposed project include the following:

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.

Scenic Highways Element

The Scenic Highways Element was approved in 1979 and is in place to protect and enhance the scenic qualities of highways, “including their rights of way and adjacent visual corridors”. Scenic Highways are defined as “automobile routes linking major portions of the city and providing motorists with an aesthetically pleasing diversity of both urban and natural vistas.” Scenic Corridors are likewise identified as roadways within the City that offer similarly aesthetically pleasing views and vistas. According to the Scenic Highways Element, the scenic qualities of U.S. 101 are in the vistas seen from the highway, specifically of the Conejo Valley, rather than any inherent scenic qualities in the right of way itself.

Policies that apply to aesthetics and visual quality as they apply to the proposed project include the following:

- Provide for architectural and design review of proposed development projects and adjoining yard walls within the corridor to ensure that they are compatible with existing urban and natural surroundings and enhance scenic character and quality of the highway corridor.
- Provide for control of all on- and off-site advertising signs.

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.

City of Thousand Oaks Municipal Code

Community Shopping Center Zones Development Standards

The Thousand Oaks Municipal Code (TOMC) contains the City’s zoning code and zoning map. The zoning code provides a description for each type of building zone, including regulations on height, setbacks, permitted uses and other standards to provide continuity within the City. The proposed project site is currently zoned C-3, Community Shopping Center Zones, with provisions for development outlined in TOMC Section 9-4.1404, and allow for “planned shopping centers that serve several neighborhoods and where the land and compatible retail stores and associated facilities are designed and developed together as an integrated unit using modern site planning techniques” (TOMC 9-4.1400). Development in the C-3 zone is limited to 35 feet in height (TOMC 9-4.2501).

Exterior Signage

To protect life, health, property, and public welfare, TOMC Title 9, Chapter 4, Article 2 provides requirements for a uniform sign code in keeping with that published by the International Conference of Building Officials and amended to include limits on design, quality of materials, construction, location, electrification, and maintenance of signs outside of buildings. Specifically, TOMC Section 9-4.2308(2) provides building sign requirements for buildings within the commercial and industrial zones in shopping centers.

Outdoor Lighting

Outdoor lighting can present a negative visual and/or psychological effect on individuals, especially in areas where residential uses abut or are near commercial, office, or industrial areas. TOMC Sections 9-4.2405(b) regarding off-street parking, and 9-4.2308(b) regarding signage, outline the provisions for the installation and operation of outdoor lighting. Additionally, the California Energy Code's Lighting Requirements for Hotel Occupancies (Subchapter 4 Section 130.0) apply.

Architectural Design Review

To maintain architectural design continuity throughout the City, TOMC Title 9, Chapter 4, Article 18 "Design Review: Requirements and Procedure" provides requirements for architectural design review and approval based on the City's adopted architectural design guidelines.

City of Thousand Oaks 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, and the like, to encourage community participation, pedestrian orientation, and to foster commercial success.

5.1.3 Impact Thresholds and Significance Criteria

Aesthetics refers to visual environmental concerns as perceived from publicly accessible spaces, such as roadways, parks, and designated open spaces. Aesthetics or visual resources analysis is a process to assess the visible change and anticipated viewer response to that change. Modifications in a landscape that repeats basic elements found in that landscape are said to be in harmony with their surroundings; changes that do not harmonize often look out of place and can be found to form an unpleasant contrast when their effects are not adequately evaluated. An aesthetics impact assessment uses data from three steps:

- Identify visual features or resources in the landscape important to regional and local viewers;
- Assess the character and quality of those resources relative to the overall regional visual character; and
- Evaluate potential significance of features in the landscape to people who view them and determine their potential sensitivity to the changes proposed by the project.

A Line-of-Sight study was prepared for the project to simulate public views of the project site from public vantage points (e.g., public views from the intersections of North Moorpark Road and Brazil Street, North Moorpark Road and Hillcrest Drive, and West Wilbur Road and the service road west of the project footprint, and roadway segment along the service road). This analysis has been supplemented with these diagrams (Exhibits 5.1-2a through 5.1-2g) for informational purposes and to assist with identifying anticipated building height/massing and the potential for view obstruction of visual resources, if applicable.

CEQA SIGNIFICANCE CRITERIA

Appendix G of the CEQA Guidelines contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- (a) Have a substantial adverse effect on a scenic vista (refer to Impact Statement AES-1);
- (b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway (refer to Impact Statement AES-2);
- (c) 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 the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (refer to Impact Statements AES-3); and/or
- (d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area (refer to Impact Statement AES-4).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.1.4 Impacts and Mitigation Measures

SCENIC VISTAS

AES-1 Project implementation would not have a substantial adverse impact on a scenic vista.

Impact Analysis: A scenic vista is generally defined as a view of undisturbed natural lands exhibiting a unique or unusual feature that comprises an important or dominant portion of the viewshed.² Scenic vistas may also be represented by a particular distant view that provides visual relief from less attractive views of nearby features. Other designated federal and State lands, as well as local open space or recreational areas, may also offer scenic vistas if they represent a valued aesthetic view within the surrounding landscape of nearby features. An adverse effect would occur if a proposed project would block or otherwise damage the scenic vista upon implementation.

Views of the Santa Monica Mountains and surrounding natural open space including Fireworks Hill to the west, Tarantula Hill to the west, Conejo Ridge Open Space to the south, Los Padres Open Space to the south, Los Robles Open Space to the south, and Hope Nature Preserve to the south of the project site are afforded by motorists and pedestrians from public vantage points in the project vicinity and along locally designated scenic corridors (North Moorpark Road and East Hillcrest Drive).

Development of the project would include the demolition of approximately 35,500 square feet of commercial development in a two-story volume and the construction and operation of a five-story, 216-room hotel with guest amenities and approximately 13,600 square feet of commercial retail space. All project development would occur entirely onsite and would not extend into the public right-of-way along North Moorpark Road, West Wilbur Road or West Hillcrest Drive.

² A viewshed is the geographical area which is visible from a particular location.

The presence of construction equipment and materials would be visible from public viewing areas but would be short-term and would not permanently affect views of the Santa Monica Mountains and surrounding natural open space or from the surrounding scenic roadways. Given the short-term and temporary presence of construction equipment and materials, impacts on scenic vistas would be less than significant.

The proposed project would be constructed in an area with existing development and is designed to integrate into the existing urban development within the Janss Marketplace. The project design would be consistent with policies and design guidelines described in Section 5.1.2, Regulatory Setting. These include regulations that minimize impacts on scenic vistas. Based on the location of the hotel within the Janss Marketplace (surrounded by commercial structures, a four-story parking garage, and landscaping), the hotel is not readily visible from public vantage points or scenic corridors (along North Moorpark Road and East Hillcrest Drive) near the project site (refer to Figures 5.1-1a through 5.1-1f, Exhibit 5.1-1a, Line of Sight Location Map, and Exhibits 5.1-1b through 5.1-1g, Line of Sight 1 through 6).

- Line of Sight 1 represents public views of the project site while traveling southbound along North Moorpark Road, a designated local scenic corridor within the project vicinity. The view of the hotel is largely blocked from public view by the existing building at the corner of North Moorpark Road and Brazil Street (refer to Exhibit 5.1-1b).
- Line of Sight 2 represents public views of the project site while traveling westbound along East Hillcrest Drive, a designated local scenic corridor within the project vicinity. The view of the hotel is largely blocked from public view by existing topography, signage, and landscaping at the corner of North Moorpark Road and West Hillcrest Drive (refer to Exhibit 5.1-1c).
- Line of Sight 3 represents views of the hotel while traveling eastbound from the West Wilbur Road/Marin Street intersection onto private property into the Janss Marketplace. The view of the hotel is largely blocked from view by the four-story parking structure and landscaping (refer to Exhibit 5.1-1d).
- Line of Sight 4 represents views of the hotel while traveling eastbound from the West Wilbur Road/Marin Street intersection onto private property approximately 150 feet into the Janss Marketplace. The view of the hotel is fully visible at this location (refer to Exhibit 5.1-1e).
- Line of Sight 5 represents views of the hotel while traveling westbound from North Moorpark Road, a designated local scenic corridor within the project vicinity, onto private property into the Janss Marketplace's eastern parking field, showing an incremental increase in the height of the Janss Marketplace structures while still maintaining a view of Fireworks Hill (refer to Exhibit 5.1-1f).
- Line of Sight 6 represents views of the hotel while traveling northbound from the West Hillcrest Drive/Conejo Boulevard intersection, a designated local scenic corridor within the project vicinity, onto private property in the Janss Marketplace. The view of the hotel is almost entirely blocked from public and private view by existing topography, structures, and landscaping (refer to Exhibit 5.1-1g).

The remainder of the existing Janss Marketplace physical development (i.e. structures, parking lot) as seen from the public vantage points or scenic corridors would be unchanged by the project.

As shown, views of scenic views and vistas are not readily afforded by motorists and pedestrians from public vantage points or scenic corridors within the project vicinity. Thus, existing scenic views and vistas would not be substantially impacted by the proposed project. Accordingly, impacts to scenic views and vistas would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

STATE SCENIC HIGHWAYS

AES-2 Project implementation would not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.

Impact Analysis: There are no designated State Scenic Highways near the proposed project site and the project does not include any construction or operation within such a highway. The closest designated State Scenic Highway is State Route 33 (SR 33), approximately 30 miles northwest of the project site in Ventura County. Approximately 0.35 miles south of the project site, U.S. 101 is identified as an eligible State Scenic Highway. Due to the distance of U.S. 101 from the project site and intervening topography, existing structures, and vegetation, views of the project site are not readily afforded from U.S. 101. Although not identified as a State Scenic Highway, the City identifies State Route 23 (SR 23) as scenic highway corridor. However, due to the distance of SR 23 (approximately 0.90 mile east) from the project site and intervening topography, existing structures, and vegetation, views of the project site are not afforded from SR 23.

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 the closest edge of the Janss Marketplace is located approximately 750 feet from U.S. 101 and 850 feet from the centerline of U.S. 101. 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 below in AES-3 and Table 5.1-3. 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.

Accordingly, no impacts to any scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within or near a State Scenic Highway would occur.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.



- 1 View looking southwest from the North Moorpark Road and Brazil Street Intersection
- 2 View looking northwest from the North Moorpark Road and Hillcrest Drive Intersection
- 3 View looking east from the West Wilbur Road and Marin Street Intersection
- 4 View looking northeast from the interior of the Marketplace along Marin Street
- 5 View looking west from the North Moorpark Road (Old Navy parking entrance)
- 6 View looking north from West Hillcrest Drive (Nordstrom parking entrance)



EXHIBIT 5.1-1a
Line of Sight Location Map

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1

Line of sight 1

EXHIBIT 5.1-1b
Line of Sight 1

Environmental Impact Report for Janss Hotel Project

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Line of sight 2

EXHIBIT 5.1-1c

Line of Sight 2

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Line of sight 3

EXHIBIT 5.1-1d

Line of Sight 3

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Line of sight 4

EXHIBIT 5.1-1e
Line of Sight 4

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Line of sight 5

EXHIBIT 5.1-1f

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Line of sight 6

EXHIBIT 5.1-1g

Line of Sight 6

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SCENIC QUALITY REGULATIONS

AES-3 Implementation of the proposed project would not conflict with applicable zoning and other regulations governing scenic quality.

Impact Analysis: For purposes of CEQA, an “urbanized area” is defined by PRC Section 21071 as an incorporated city with a population of at least 100,000 persons (or a population of at least 100,000 persons when combined with not more than two contiguous incorporated cities) or an unincorporated area completely surrounded by incorporated cities and with a total population of more than 100,000 persons. The project site is located in the City of Thousand Oaks, which has a population of approximately 126,384 in 2020.³ Thus, for the purposes of this threshold, the project’s potential to conflict with applicable zoning and other regulations governing scenic quality is evaluated.

The project site is developed and surrounded by urbanized uses. Development of the proposed project would maintain the compatibility, character, and visual quality of the project site and surrounding uses by demolishing the existing vacant commercial building with a two-story volume, and constructing a new five-story hotel with a maximum building height of approximately 73 feet (refer to Figures 5.1-1a through 5.1-1f, Exhibit 5.1-1a, Line of Sight Location Map, Exhibits 5.1-1b through 5.1-1g, Line of Sight 1 through 6, and Exhibits 5.1-2a through 5.1-2d, Perspectives).

The project’s architect has designed the hotel in accordance with these principles:

1. **Unique Focus:** exterior focus composed of key elements that highlight the building’s exterior, break up the elevations, and relate to the local environment.
2. **Transparency:** visual connection from front to back creates a sense of openness and allows for maximum natural light to permeate the interior spaces.
3. **Changes in Material:** building façade’s materials are applied in a simple and systematic manner that allows for changes in depth, color, and texture. The building base materials should provide a durable, strong finish that serves to anchor the building to the site.
4. **Highlight Arrival:** as both a visual wayfinding component and a memorable experience, the drop-off area should be highlighted through the architecture and intentionally placed lighting. The use of a unique accent material and a strong architectural feature element focuses the attention on the main arrival area.
5. **Calm Color Palette:** The materials used on the exterior of the building should be a warm mix of neutrals highlighting different textures and finishes. All material choices should speak to the regional and local context of the property.

The proposed on-site retail storefronts would be accessible along the north and east sides of the building and the multi-level courtyard space (inclusive of a patio and event area on the first level and pool deck on the second level) would occur on the interior of the building. Hotel facilities would make up the remainder of the building (front desk and hotel management offices, a sundry store for hotel guests, meeting rooms, bar, commercial kitchen and dining room, a fitness room, restrooms, laundry rooms, and guest rooms). The main entrance for the hotel would be located on the western side of the building, setback from the access road. A secondary entrance for the hotel would be located on the eastern side of the building, accessed from the pedestrian walkway internal to the Janss Marketplace.

³ California Department of Finance, source for SCAG’s 2021 Local Profiles Report Dataset, <https://scag.ca.gov/data-tools-local-profiles>.

Design Guidelines

The City’s *Architectural Design Review Guidelines for Commercial Projects* (Design Guidelines), includes guidelines for site planning, building design, signage, landscaping, walls and fencing, lighting, and accessory architectural features. Site planning and building design guidelines include elements to reduce the appearance of overall mass and provide pedestrian scale, vertical breaks, and streetscapes; complement and enhance the developed character of the neighboring area and surrounding natural environment; and encourage a high level of design to improve scenic quality at the project site.

The proposed building materials, architecture, art murals, and landscaping would provide visual compatibility with the character of the site and surrounding area and enhance pedestrian scale. The overall structure would be composed of a combination of concrete porcelain tile, wood siding panels, iron fixture canopy and doors, window frames with an anodized finish, and varying stucco materials. The colors would be neutral and muted tones of browns, tans, and grays that complement the architecture and the adjacent development. The proposed building articulation, rooftop screening, and other architectural design features would provide visual articulation of the building massing. Retail uses would have glass storefronts with architectural façade treatments, and hotel entrances would provide a porte cochere (structural overhang) over the driveway and pedestrian walkway (at the service road entrance only), soft lighting, potted landscaping, and pavement enhancements providing pedestrian-friendly atmosphere. Decorative art murals are proposed to be mounted on the north and east sides of the building. A total of 13 existing trees would be removed, including Ponderosa Pine, Callery Pear, and Southern Magnolia trees, to accommodate the construction of the new hotel. However, new landscaping would include the installation of elm trees, a mixture of grasses, and groundcover within planters at the southwest and northwest corners of the project site.

The objective of the proposed architecture, art murals, lighting, and landscaping is to provide continuity with the surrounding urban development as well as provide a distinct visual impression and building identity, soften the urban experience, and provide complimentary aesthetic standards with the surrounding Janss Marketplace.

General Plan Consistency Analysis

Table 5.1-1, Project Consistency with Relevant General Plan Policies, provides a consistency analysis of the proposed project and relevant General Plan goals and policies related to scenic quality. Refer to Section 5.10, Land Use and Planning, Table 5.10-2, General Plan Consistency Analysis, for a consistency analysis of other goals and policies.

**Table 5.1-1
Project Consistency with Relevant General Plan Policies**

| Applicable General Plan Policies | Project Consistency Analysis |
|--|--|
| General Plan Goals | |
| Goal 1: To enhance and preserve the spaciousness and attractiveness of the Conejo Valley | Consistent. Refer to Table 5.10-2. |
| Conservation Element | |
| 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. | Consistent. The proposed redevelopment of the project site with a new hotel is consistent with the existing urban setting of the Janss Marketplace and surrounding commercial, office, and industrial uses. The project site along with the identified scenic resources (including the Santa Monica Mountains and surrounding |

**Table 5.1-1
Project Consistency with Relevant General Plan Policies**

| Applicable General Plan Policies | Project Consistency Analysis |
|--|--|
| | natural open space) are not readily visible from public vantage points or scenic corridors near the project site (along North Moorpark Road and West Hillcrest Drive). The proposed project is designed to integrate into the existing urban development within the Janss Marketplace and would be consistent with City policies and design guidelines ensuring the development reflects sensitivity to its physical setting and natural scenic resources. |
| Policy CO-29: Continue to protect oak and landmark trees and their habitat in recognition of their historic, aesthetic and environmental value to the citizens of Thousand Oaks, in particular Valley Oak habitat. | Consistent. The project's (1.21-acre) disturbance area does not contain oak or landmark trees. Landscaping would be provided in three primary planters at the southwest and northwest corners of the project footprint, including elm trees, a mixture of grasses and groundcover. The project proposes to remove a total of 13 existing trees, including Ponderosa Pine, Callery Pear, and Southern Magnolia trees. Thus, the project would be consistent with Policy CO-29 as the project would not remove oak or landmark trees or impact their habitat. |
| General Development Policies | |
| Policy 2: 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. | Consistent. Refer to Table 5.10-2. |
| 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. | Consistent. Refer to response to Scenic Highways Element policy, above, and Table 5.1-3, below. |
| Policy 5: Highly intensive land uses--major industrial and commercial centers--should be located in proximity to or within easy access of the Ventura Freeway corridor. | Consistent. Refer to response to Scenic Highways Element policy, above, and Table 5.1-3, below. The project site is located within an urban area of the City, approximately 0.35-mile north of U.S. 101 and approximately 0.90-mile west of SR 23, providing easy access to the Ventura Freeway corridor. Thus, the project is consistent with this policy. |
| Commercial Policies | |
| Policy 3: Commercial development should comply with the City's height restrictions. Exceptions, through height overlays, may be appropriate under certain conditions. | Consistent. The project proposes a 73-foot-tall structure; however, the existing C-3 zone allows a maximum building height of 35 feet. To increase the allowable height on-site, the project proposes a Height Limit Overlay Zone to be applied to the C-3 zone, resulting in a zone change to Community Shopping Center – Height (C-3-H). The C-3-H allows for a building height increase up to 75 feet. Thus, upon approval of this zone change, the project would be consistent with this policy. |

**Table 5.1-1
Project Consistency with Relevant General Plan Policies**

| Applicable General Plan Policies | Project Consistency Analysis |
|--|--|
| Commercial/Industrial Policies | |
| Policy 2: Low profile and aesthetically designed signage shall be allowed for all developments; no billboards shall be allowed. | Consistent. Refer to Table 5.10-2. |
| Additional Policies | |
| Policy 2 Aesthetics: As the City ages, it is important to maintain, improve and enhance the City's aesthetic appearance. | Consistent. The project would demolish approximately 35,500 square feet of commercial development and construct a new five-story, 216-room hotel with approximately 13,600 square feet of commercial retail space on the first floor, facing the interior of Janss Marketplace. The associated architecture, art murals, and landscaping would provide visual compatibility with the character of the site and surrounding area |

Source: City of Thousand Oaks, City of Thousand Oaks General Plan, 1977.

As demonstrated in Table 5.1-1, the proposed project would be consistent with General Plan goals and policies governing scenic quality and impacts in this regard would be less than significant.



Source: Robert F. Tuttle Architects, Inc.

EXHIBIT 5.1-2a
Perspectives

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Source: Robert F. Tuttle Architects, Inc.

EXHIBIT 5.1-2b
Perspectives

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Source: Robert F. Tuttle Architects, Inc.

EXHIBIT 5.1-2c
Perspectives

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Source: Robert F. Tuttle Architects, Inc.

EXHIBIT 5.1-2d
Perspectives

Environmental Impact Report for Janss Hotel Project

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TOMC Consistency Analysis

TOMC Title 9 includes various site development standards that aid in governing scenic quality. Table 5.1-2, TOMC Consistency Analysis Governing Scenic Quality, provides a consistency analysis of the applicable TOMC regulations governing scenic quality at the project site. Refer to Section 5.10, Table 5.10-1, TOMC Consistency Analysis, for a consistency analysis of other TOMC standards.

**Table 5.1-2
TOMC Consistency Analysis Governing Scenic Quality**

| Relevant TOMC Section | Project Consistency Analysis |
|---|---|
| 9-4.2105. Permitted use matrix – Non-residential zones | |
| <p>Transient Lodging Uses (Hotels and motels) are permitted in the C-3 zone upon issuance of a Development Permit.</p> <p>Eating & Drinking Establishments</p> <p>Restaurants, cafes, coffee shops, and other specialized food and beverage service establishments (e.g., beverages, pastry, desserts, fast food) without alcoholic beverage consumption (up to 0.5% alcohol by volume) are permitted in the C-3 zone upon issuance of a Development Permit.</p> <p>Restaurants, cafes, and other specialized food service establishments with alcoholic beverage consumption (greater than 0.5% alcohol by volume) are permitted in the C-3 zone upon issuance of a Special Use Permit.</p> <p>Retail Commercial Uses</p> <p>Retail stores are permitted in the C-3 zone upon issuance of a Development Permit.</p> | <p>Consistent with Development Permit and Special Use Permit. Upon issuance of the project’s Development Permit, the project would comply with the permitted uses for the C-3 Zone.</p> |
| Sec. 9-4.1404. Development permits: Conditions and limitations (C-3). | |
| <p>(a) The open storage of materials and equipment shall be permitted only when incidental to the permitted use of an office, store, or other building located on the front portion of the same lot; provided, however, such storage area shall be approved and shown on the plot plan.</p> | <p>Consistent. No outdoor storage is proposed.</p> |
| <p>(b) Buildings and other structures shall not occupy more than twenty-five (25%) percent of the area for which the development permit is issued. The remaining area shall be used for automobile parking and circulation and shall be completely improved, surfaced, and marked for such purpose.</p> | <p>Consistent, existing condition. The existing coverage within the 38-acre Janss Marketplace is approximately 35% consisting of an approximately 28.5% building coverage and an additional 6.4% parking structure coverage. The hotel would expand the building footprint by an additional 800 square feet which does not alter the 28.5% building coverage.</p> <p>The creation of three airspace subdivision parcels would not alter the building coverage.</p> |

**Table 5.1-2
TOMC Consistency Analysis Governing Scenic Quality**

| Relevant TOMC Section | Project Consistency Analysis |
|--|---|
| (c) Whenever the parking and circulation area abuts property in an R Zone, there shall be erected along the property line abutting the R Zone a solid fence or wall six (6') feet in height, or an evergreen hedge shall be planted and maintained at a height of six (6') feet. | Not applicable. The project site does not abut a residential zone. |
| (d) No structure shall be located less than one hundred (100') feet from the center line of any public road, street, or highway or less than within ten (10') feet of any boundary line of abutting R property, except when the structure height exceeds twenty-five (25') feet, it shall be located not less than twenty (20') feet from any such boundary line. | Consistent, existing condition. The existing building is located more than 100 feet from the centerline of any public road, street and highway. The creation of three airspace subdivision parcels would not alter the building distance from the centerline of any public road, street, and highway. |
| (e) Structure heights within the C-3 Zone shall be as set forth in Section 9-4.2501 of Article 25 of this chapter. | Consistent with Height Limit Overlay. The project proposes a 73-foot-tall structure. Since the existing C-3 zone allows a maximum building height of 35 feet, the project proposes a Height Limit Overlay Zone to be applied to the project site, resulting in a zone change to C-3-H. The C-3-H allows for a building height increase up to 75 feet. Thus, upon approval of the proposed zone change, the project would be consistent with TOMC 9-4.3300. |
| (f) Ingress and egress roads leading onto a limited access highway shall be located at intervals not less than six hundred (600') feet apart. Ingress and egress roads leading onto any other public road, street, or highway shall be located at intervals not less than three hundred (300') feet apart, except when such road, street, or highway is designed as a service road for any adjacent commercial area, the ingress and egress roads shall be located at intervals not less than one hundred (100') feet apart. | Consistent, existing condition. Existing ingress and egress into the project site is at intervals not less than 300 feet. The project would not alter the ingress and egress intervals. |
| (g) Frontage or interior service roads shall be provided to serve such C-3 area. | Consistent, existing condition. An existing service road is located on the property north and west of the hotel location. The project would retain the existing service road. |
| (h) Wherever the parking or circulation area abuts a public street and the property across such street is zoned for residential uses, there shall be provided along the C-3 area property lines adjacent to the street, except within the approved exit and entrance ways, a planting strip one and one-half (1-1/2') feet wide within which plantings shall be maintained at a minimum height of two and one-half (2-1/2') feet; provided, however, where sight | Not applicable. The project site does not abut a residential zone. |

**Table 5.1-2
TOMC Consistency Analysis Governing Scenic Quality**

| Relevant TOMC Section | Project Consistency Analysis |
|---|--|
| <p>distance may be impaired, the Community Development Director may permit a lesser height requirement. Appropriate wheel blocks shall be installed along the parking area sides of the planting strip.</p> | |
| <p>(i) Trees, approved as to number and type by the Landscape Supervisor, shall be planted in the parkway area between the curbs and sidewalks.</p> | <p>Consistent, existing condition. Existing trees are within the parkway. The project would retain the existing trees.</p> |
| <p>(j) Every lot created on or after September 5, 1969, shall have a minimum street frontage of 100 feet and a minimum lot area of 20,000 square feet; provided, however, any lot having frontage on a limited or controlled access highway shall have a minimum frontage of 600 feet unless;</p> <p>(1) All access rights to such limited or controlled access highway have been dedicated to, and accepted by, the City subject to such driveways or common driveways as permitted in such acceptance of access rights dedication; or</p> <p>(2) A Special Use Permit for an automobile service station, including access thereto, has been approved by the City.</p> | <p>Consistent, existing condition. The existing lots were originally created before 1969, and they are in excess of 20,000 square feet. The Janss Marketplace does not have frontage on a limited or controlled access highway. The three airspace subdivision parcels would share a street frontage in excess of 100 feet and a lot area in excess of 20,000 square feet.</p> |
| <p>(k) Every lot created on or after September 5, 1969, shall have a depth at least equal to the required street frontage of such lot (except the required frontage along limited or controlled access highways) and a depth not more than 3 times the amount of the actual street frontage of such lot.</p> | <p>Consistent, existing condition. The existing lots were originally created before 1969. The existing parcels are odd-shaped lots that do not conform to the width-to-depth ratio. The three airspace subdivision parcels would not alter the width-to-depth ratio.</p> |
| <p>(l) Each community shopping center site shall consist of a minimum of ten (10) acres and up to a maximum of forty (40) acres. After a development permit for the center has been approved by the City, individual lots may be created so long as they comply with the provisions of subsections (j) and (k) of this section.</p> | <p>Consistent. The Janss Marketplace is approximately 38-acres.</p> |
| <p>(m) The applicant shall submit a construction sequence for the land covered by the permit showing the order in which particular structures and facilities will be constructed, and, upon approval of the sequence, the applicant shall not deviate from such sequence without written approval by the Community Development Director.</p> | <p>Consistent. The hotel project would be developed in one phase.</p> |

**Table 5.1-2
TOMC Consistency Analysis Governing Scenic Quality**

| Relevant TOMC Section | Project Consistency Analysis |
|--|--|
| <p>9-4.307 Height Limit Overlay Zone (H). The Height Limit Overlay Zone is intended to be applied as an overlay zone within the C-1, C-2, C-3, M-1, and M-2 use zones wherein a waiver of the maximum height limits of such zones may be granted by the City. Property designated in the Height Limit Overlay Zone may be considered for building heights of up to 75 feet. The purpose of the Height Limit Overlay Zone is to designate those locations of the City in which high-rise structures (defined as buildings over 35 feet in height) may be developed in a manner compatible with adjacent land uses, circulation and utility systems, and the visual character of the area.</p> | <p>Consistent with Height Limit Overlay. The project proposes a 73-foot-tall structure. Since the existing C-3 zone allows a maximum building height of 35 feet, the project proposes a Height Limit Overlay Zone to be applied to the project site, resulting in a zone change to C-3-H. The C-3-H allows for a building height increase up to 75 feet. Thus, upon approval of proposed zone change, the project would be consistent with TOMC 9-4.3300.</p> |

Source: City of Thousand Oaks, Thousand Oaks Municipal Code, current through Ordinance 1707-NS, effective January 1, 2023.

As indicated in Table 5.1-2, the proposed project would be consistent with applicable TOMC development standards related to scenic quality.

**Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of Route 101 and 23 Freeways**

| Relevant Guideline | Project Consistency Analysis |
|--|--|
| Section A-Site Planning | |
| <p>Guideline-1: 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.</p> | <p>Consistent. The five-story hotel structure would be constructed within the Janss Marketplace, on relatively level land; it is centrally located in a manner that allows the hotel to blend in with the existing commercial development with two-story volumes and the four-story parking structure. The hotel would result in an incremental increase in the height of the Janss Marketplace structures while still maintaining a view of Fireworks Hill. The proposed project would blend into the natural surroundings and would have a minimal visual impact.</p> |
| <p>Guideline-2: 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.</p> | <p>Consistent. Refer to Site Planning Guideline 1 compliance. The project would require grading on-site to allow for project implementation, but significant changes in finish elevations are not expected as the site is a developed, relatively level site within the existing Janss Marketplace. No subterranean levels are being provided. The hotel would result in an incremental increase in the height of the Janss Marketplace structures while still maintaining a view of Fireworks Hill.</p> |
| <p>Guideline-3: 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</p> | <p>Consistent. Refer to Site Planning Guideline 1 compliance. The hotel would have numerous plane changes, exterior articulation and architectural projections to ensure that there are no areas of blank facades. The hotel would be composed of a combination of</p> |

**Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of
Route 101 and 23 Freeways**

| Relevant Guideline | Project Consistency Analysis |
|--|---|
| buildings and the roadway in both horizontal and vertical directions. | concrete porcelain tile, wood siding panels, iron fixture canopy and doors, window frames with an anodized finish, and varying stucco materials and colors. Collectively, the exterior would create space between the buildings and the roadway in both horizontal and vertical directions. |
| Guideline-4: 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. | Consistent. U.S. 101 is located approximately 1,900 feet south of the hotel site while the closest edge of the Janss Marketplace is located approximately 850 feet from the centerline of U.S. 101. The hotel would be substantially screened from motorists traveling along U.S. 101, so it would not affect the overall freeway corridor image. The existing visual character, which contains landscaping and commercial and office development between U.S. 101 and the Janss Marketplace, would remain as the view from the freeway. |
| Guideline-5: 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. | Consistent. Refer to Site Planning Guideline 4 compliance. |
| Guideline-6: 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. | Consistent. No changes to parking are proposed. Parking would be provided utilizing the existing 2,642 parking spaces within the Janss Marketplace; of those spaces, it is expected that the hotel guests would predominantly park in the parking structure adjacent to Wilbur Road, which has approximately 1,396 spaces, conveniently located across from the project site. |
| Guideline-7: 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. | Consistent. 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. |
| Section B – Architectural Design | |
| Guideline-1: 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. | Consistent. Refer to Site Planning Guideline 1 and 2 compliance. The design goal of the hotel is to blend in with the Janss Marketplace with materials and an accessible pedestrian scale. The hotel maintains a similar design as the Janss Marketplace’s existing commercial buildings play with elongated horizontal forms and larger vertical bookend massing. The project’s architect has designed the hotel with an exterior that breaks up the elevations and relates to the local environment while also providing visual wayfinding components by using strong architectural feature elements that focus attention on the main arrival area. As one navigates the Janss Marketplace walking |

**Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of
Route 101 and 23 Freeways**

| Relevant Guideline | Project Consistency Analysis |
|---|--|
| | promenades and vehicle drive aisles, there is a sense of discovery at each turn. The vision for the hotel emphasizes articulation, shadowed exterior features, high-quality exterior materials, with ground-level patios and architectural projects that lower the sense of height and massing. |
| Guideline-2: 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. | Consistent. Refer to Site Architectural Design Guideline 1 compliance. The hotel includes many design features that work to enhance the building articulation and massing, including storefront systems, offset façade elements, massing step-downs, architectural projects, and material differentiation to help convey a more human-scaled architecture. |
| Guideline-3: 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. | Consistent. Refer to Site Planning Guideline 4 compliance. |
| Guideline-4: 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. | Consistent. The hotel has a flat roof that would be primarily filled with mechanical equipment and possibly solar panels. These would be screened by parapets that would have variations in the height to create visual interest. |
| Guideline-5: 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. | Consistent. Refer to Site Architectural Design Guideline 1 and 2 compliances. The hotel would provide a variety of different measures to break down the scale of the structure. In addition to the plane articulation, the roofline would be broken up with a combination of horizontal eave elements, vertical parapets, and architectural projections to create visual interest and variation across the various building façade. |
| Guideline-6: 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. | Consistent. Refer to Architectural Design Guideline 4 compliance. |
| Guideline-7: Upper floor levels on multi-story buildings should be stepped back from their base to open up the view corridor both horizontally and vertically. | Consistent. Refer to Site Planning Guideline 3 compliance. |

Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of
Route 101 and 23 Freeways

| Relevant Guideline | Project Consistency Analysis |
|---|---|
| Guideline-8: 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. | Consistent. Refer to Site Planning Guideline 1 compliance. The hotel would not have sloped roofs, but it would have architectural projections integrated into the overall design to break up the massing and provide a lightness to the structure. |
| Guideline-9: 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. | Consistent. Refer to Site Planning Guideline 4 compliance. The hotel would be significantly distanced from U.S. 101. The maximum height of the hotel would be 73 feet within the Height Overlay maximum height of 75 feet. |
| Guideline-10: 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. | Consistent. Refer to Architectural Design Guideline 1 compliance. The exterior color palette would be a warm mix of neutrals highlighting different textures and finishes. Many of the hotel's proposed exterior materials can be found elsewhere in the Janss Marketplace. |
| Guideline-11: 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. | Consistent. The hotel is designed with no glare finishes. There would be no windows on the south side of the hotel which faces U.S. 101. |
| Guideline-12: 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. | Consistent. Refer to Architectural Design Guideline 1 compliance. |
| Guideline-13: 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. | Consistent. 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. |
| Guideline-14: 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. | Consistent. The hotel would make use of and enhance an existing service area located to the south of the hotel. The service area is screened from public view by existing development. The proposed hotel size does not require a designated loading and delivery area, and all deliveries would be made during off-peak times in 10-to- |

Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of
Route 101 and 23 Freeways

| Relevant Guideline | Project Consistency Analysis |
|--|---|
| | 15-minute windows via small vans. There are three loading facilities within close proximity to the hotel. |
| Guideline-15: 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. | Consistent. 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 would be shielded. |
| Guideline-16: 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. | Consistent. Refer to Architectural Design Guideline 15 compliance. |
| Section C – Walls, Barriers, Berms | |
| Guideline-1: 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. | Consistent. No barrier screening for visual or noise mitigation is necessary. |
| Guideline-2: 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. | Consistent. Refer also to Architectural Design Guideline 1 compliance. |
| Guideline-3: Vines and/or other clinging plant material shall be used to visually accent walls where space may preclude the use of other larger plants. | Consistent. The walls would be accented with architectural materials and potentially public art, so vines and/or other clinging plants are not needed. |
| Guideline-4: Planted earthen berms shall take precedence over construction of walls, to emphasize the natural setting. | Consistent. As the site is relatively level, no walls or earthen berms are included in the project design. |
| Guideline-5: Screen walls shall consist of decorative materials that integrate and compliment the building's architecture. | Consistent. Refer to Walls, Barriers, Berms Design Guideline 2 compliance. |
| Guideline-6: 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. | Consistent. Refer to Walls, Barriers, Berms Design Guideline 4 compliance. |

Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of
Route 101 and 23 Freeways

| Relevant Guideline | Project Consistency Analysis |
|--|---|
| Section D – Landscape Planting | |
| Guideline-1: Landscaping shall be used to complement and enhance building architecture, not to camouflage poor building design. | Consistent. Refer to Architectural Design Guideline 1 compliance. To complement and enhance the building architecture, landscaping would be provided in three primary planters at the southwest and northwest corners of the project groundcover. Landscaping would also include a variety of shrubs in pots located at the hotel and retail entrances, and around an outdoor seating area at the southeast corner of the structure. |
| Guideline-2: Landscaping shall be used to soften the visual impact of buildings, walls, grading and other site improvements. | Consistent. Refer also to Landscape Planting Guideline 1 compliance. This style of planting allows for framing and preserving of distant views. |
| Guideline-3: The type of plant material, height and massing of vegetation. | Consistent. The project’s proposed plant palette is diverse in tree and planting shapes and sizes, foliage, and flower color. This approach is used to enhance and complement the architectural facades. |
| Guideline-4: 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. | Consistent. Refer also to Landscape Planting Guideline 3 compliance. The project’s proposed plant palette is in alignment with water conservation strategies and the evolution to a more resilient landscape in the long term. |
| Guideline-5: 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. | Consistent. Refer also to Landscape Planting Guideline 1 compliance. No oaks are included in the plant palette as the planters are not substantial in size and as the site is anticipated to be illuminated consistently. |
| Guideline-6: Height of landscape planting should be controlled to maintain views of ridgelines and other scenic features from the freeway. | Consistent. Refer to Site Planning Guideline 1 and 4 compliances. Refer also to Landscape Planting Guideline 2 compliance. The hotel would result in an incremental increase in the height of the Janss Marketplace structures while still maintaining a view of Fireworks Hill. |
| Guideline-7: 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. | Consistent. Refer to Site Planning Guideline 4 compliance. Refer to Landscape Planting Guideline 2 compliance. |
| Guideline-8: Alternate groupings of plants and open spaces to frame and preserve distant views. | Consistent. Refer also to Site Planning Guideline 4 compliance. Refer to Landscape Planting Guideline 1 and 2 compliances. |
| Guideline-9: Monotonous repetitions in plant spacing should be avoided; the number and distance between adjoining plants should be varied. | Consistent. Refer to Landscape Planting Guideline 1 compliance. |

Table 5.1-3
Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of
Route 101 and 23 Freeways

| Relevant Guideline | Project Consistency Analysis |
|---|---|
| Guideline-10: Vegetation shall be planted behind and in front of buildings to soften hard edges of architectural design. | Consistent. Refer to Landscape Planting Guideline 1 and 2 compliances. |
| Guideline-11: For infill projects, the selection of landscape material shall match or be compatible with established roadside and/or surrounding vegetation. | Consistent. The landscape plan would not alter any of the landscaping along the roadside or perimeter of the Janss Marketplace. The landscape palette is compatible with the landscaping within the Janss Marketplace. |

Note: As indicated in Table 5.1-3, the proposed project would be consistent with Guidelines for development within the 101 corridors. As a result, implementation of the project would not substantially degrade the visual character or conflict with applicable zoning governing scenic quality. Impacts to visual character during operation would be less than significant.

Conclusion

Overall, the proposed project would be required to comply with the City’s Design Guidelines and TOMC development standards for commercial uses, which would ensure consistent and orderly development of the project site. The project meets the intent of the goals and policies pertaining to community design for the project site. The proposed project includes design features that would create a sense of place that is unified and attractive, compatible with the flat low-lying developed uses in the Conejo Valley area. The project would include landscaping and design elements that would enhance the scenic quality of the project site. As such, the project meets the intent of the aesthetic character/quality for the site per the City’s General Plan policies and Municipal Code regulations governing scenic quality. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

LIGHTING

AES-4 Implementation of the proposed project would not create a new source of substantial light or glare, which could adversely affect day or nighttime views in the area.

Impact Analysis: A significant impact may occur if lighting, as part of the proposed project, exceeds adopted thresholds for light and glare, including exterior lighting or light spillover,⁴ or if the proposed project creates a substantial new source of light or glare.

Construction

Project construction activities could involve temporary glare impacts as a result of construction equipment and materials. Pursuant to TOMC Section 8-11.01, *Construction activities restricted to certain hours*, construction of future projects would be limited to occur between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday and would be prohibited on Sundays unless a permit has been issued by the Public Works Director. Thus, as no construction

⁴ Light spill is typically defined as the presence of unwanted light on properties adjacent to the property being illuminated. With respect to lighting, the degree of illumination may vary widely depending on the amount of light generated, height of the light source, presence of barriers or obstructions, type of light source, and weather conditions.

activities would be permitted after 7:00 p.m. from Monday through Saturday, or on Sundays without a permit, short-term construction activities would cease at 7:00 p.m. As such, lighting-related impacts would be less than significant.

Operations

Development of the proposed project would increase lighting at the project site, compared to existing conditions. The project proposes a combination of wall-mounted and recessed light fixtures, and accent string and ribbon lights on-site to illuminate the building entrances, walkways, and outdoor event space, signage, and building architectural features. The hotel entrances would have wall-mounted cylinder downlights, square recessed downlights, and slim wall pack wall-mounted fixtures. The east and north facing walls of the building would have architectural features that include hardwired ribbon lights and recessed linear 28-watt LED lights with spackle flange. The retail entrance areas would have square recessed downlights to illuminate the entrances. The proposed lighting would enhance safety and security on-site and create nighttime ambiance. Exterior lights would be controlled by a lighting control panel with an astronomical time clock.

The character of the proposed lighting would generally be like the existing Janss Marketplace. Further, all new lighting would be required to comply with the TOMC Sections 9-4.2405(b) regarding off-street parking, and 9-4.2308(b) regarding signage, as well as be generally consistent with the City's Design Guidelines. Additionally, the California Energy Code's Lighting Requirements for Hotel Occupancies (Subchapter 4 Section 130.0) would apply. Exterior lighting would be required to be shielded directed downward and away from adjoining properties and public rights-of-way so that light is contained within the boundaries of the project site. The project would not include blinking, flashing, or lighting of unusually high intensity or brightness. In addition, the project's photometric plan would be reviewed and approved by the City as part of the project's Building Permit submittal package. With compliance with the TOMC, impact associated with increased lighting would be reduced to less than significant levels. Building materials would be consistent with the existing architectural style within the project vicinity and would include non-reflective materials such as wood, metal, and stucco. All metal components, including canopies and flashing, and glass would be of non-reflective finishes. The hotel's windows and visitors' vehicles 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. Thus, neighboring uses would not be exposed to substantial daytime glare because of building materials. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.1.5 Cumulative Impacts

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in Table 4-1, Cumulative Projects List, and illustrated on Exhibit 4-1, Cumulative Project Locations, cumulative projects are situated in the site vicinity.

SCENIC VISTAS

- The project combined with other cumulative projects could result in significant impacts to scenic vistas.

Impact Analysis: Table 4-1 identifies related projects in the project vicinity, including residential, commercial, institutional, advance planning⁵, and capital improvement project within the City, determined as having the potential

⁵ The proposed 2045 General Plan includes a new mixed-use land use designation between Thousand Oaks Boulevard and Wilbur Road, including the Janss Marketplace (Goal LU-16). Implementation of the mixed-use district requires the development of a Specific Plan or master plan effort.

to interact with the proposed project. Overall, the low-lying areas of the City are largely built out. As a result, the cumulative development projects identified in Table 4-1 primarily consist of infill development. All proposed development would be subject to compliance with the General Plan and TOMC requirements in place to minimize impacts to scenic vistas, including views of the Santa Monica Mountains and surrounding natural open space (Fireworks Hill, Conejo Ridge Open Space, Los Padres Open Space, Los Robles Open Space, Hope Nature Preserve, among other open space areas). Specifically, the site-specific and architectural design of cumulative development proposals would be reviewed to ensure cumulative projects respond to the natural landform whenever possible to minimize grading and visual impacts, consistent with the City's General Plan and TOMC requirements.

As discussed in Impact Statement AES-1, project implementation would not result in substantial view blockage of scenic resources (the Santa Monica Mountains and surrounding natural open space). The project site along with the identified scenic resources are not readily visible from public vantage points or scenic corridors (along North Moorpark Road and East Hillcrest Drive) near the project site due to the existing intervening structures, topography, and vegetation. Thus, cumulative impacts to scenic vistas would be less than significant, and the proposed project would not significantly contribute to cumulative impacts to scenic vistas.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

STATE SCENIC HIGHWAYS

- The project combined with other cumulative projects could substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Impact Analysis: As with the proposed project, scenic corridors within the City, such as North Moorpark Road and East Hillcrest Drive, must conform with the policies included in the Scenic Highways Element of the General Plan and the Guidelines for Development within the Corridors of the Route 101 and Route 23 Freeways (Guidelines). Cumulative development would be reviewed against applicable General Plan Scenic Highways Element policies and Guidelines that aid in protecting scenic corridors within the City, including North Moorpark Road and East Hillcrest Drive.

As concluded in Impact Statement AES-2, there are no designated State Scenic Highways near the proposed project site. U.S. 101 (an eligible State Scenic Highway located approximately 0.35 mile south of the project site) and SR 23 (approximately 0.90 mile east of the project site) are identified as scenic highway corridors within the Scenic Highways Element of the General Plan. However, due to the distance of U.S. 101 and SR 23 from the project site and intervening topography, existing structures, and vegetation, views of the project site are not afforded from U.S. 101 or SR 23. Any development which would be proposed on property which is located wholly or partially within 1,000 feet of the centerlines of the 101 and 23 Freeways would be analyzed for consistency with City Guidelines. Thus, no cumulative impacts to State scenic highways would occur, and the proposed project would not contribute to cumulative impacts in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SCENIC QUALITY REGULATIONS

- The project combined with other cumulative projects could conflict with applicable zoning and other regulations governing scenic quality.

Impact Analysis: As discussed, the low-lying areas of the City are largely built out. As a result, the cumulative development projects identified in Table 4-1 primarily consist of infill development and would result in development like what currently exists in the surrounding vicinity. The City would review site-specific development proposals against the City's Design Guidelines and TOMC requirements for all future projects requiring discretionary approval. This regulatory procedure would ensure cumulative development is reviewed against the qualities and characteristics expected of development and major renovations in the City. Cumulative development would be reviewed against applicable General Plan policies and site development standards included in TOMC Title 9 that aid in governing scenic quality.

As indicated in Impact Statement AES-3, the proposed project would be consistent with applicable zoning and regulations related to scenic quality. Further, project implementation would be subject to general consistency with the City's Design Guidelines and compliance with the TOMC Development Standards (e.g., lot size, setback, density, open space, signage, lighting, and landscaping requirements). Overall, these standards would serve to improve the scenic quality within the project site. Thus, cumulative impacts to scenic quality regulations would be less than significant, and the proposed project would not significantly contribute to cumulative impacts in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

LIGHTING

- The project combined with other cumulative projects could create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

Impact Analysis: Development of cumulative projects could result in increased lighting in the City. All future development would be required to comply with the exterior lighting requirements included in TOMC Sections 9-4.2405(b), and 9-4.2308(b) as well as be generally consistent with the City's Design Guidelines. Future development would be required to shield or recess exterior lighting so that direct glare and reflections are contained within the boundaries of the parcel and must be directed downward and away from adjoining properties and public rights-of-way. Blinking, flashing, or lighting of unusually high intensity or brightness are not allowed under the TOMC. In addition, the City would review the future cumulative development proposals against the City's Design Guidelines for all future projects requiring discretionary approval. This regulatory procedure would review building materials to ensure neighboring uses are not exposed to substantial daytime glare or excessive lighting.

As discussed in Impact Statement AES-4, short-term and long-term impacts to lighting would be reduced to less than significant levels following conformance with TOMC Sections 9-4.1109, 9-4.2405(b), and 9-4.2308(b) as well as be generally consistent with the City's Design Guidelines. Additionally, the California Energy Code's Lighting Requirements would apply. Thus, the project would not cumulatively contribute to the creation of substantial new lighting or glare and impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.1.6 Level of Significance After Mitigation

No significant unavoidable impacts related to aesthetics/light and glare have been identified.

5.2 Air Quality

This section addresses the potential air emissions generated by the construction and operation of the project and impacts on air quality. The analysis also addresses the consistency of the project with the air quality policies set forth within the Ventura County Air Pollution Control District's (VCAPCD) 2022 Air Quality Management Plan (2022 AQMP). The analysis of project-generated air emissions focuses on whether the project would cause an exceedance of an ambient air quality standard or VCAPCD significance thresholds. Air quality technical data is included in Appendix C, Air Quality/Greenhouse Gas Emissions/Energy Data.

5.2.1 Existing Setting

SOUTH CENTRAL COAST AIR BASIN

Geography

The project is located within the South-Central Coast Air Basin (Basin), bounded by the Pacific Ocean to the west, the San Luis Obispo County boundary to the north and east, and the Ventura County boundary to the south and east. The Basin includes San Luis Obispo, Santa Barbara, Ventura Counties.

The extent and severity of the air pollution problem in the Basin is a function of the area's natural physical characteristics (weather and topography), as well as man-made influences (development patterns and lifestyle). Factors such as wind, sunlight, temperature, humidity, rainfall, and topography all affect the accumulation and/or dispersion of air pollutants throughout the Basin.

Climate

The climate of the Ventura County area and of the Basin is strongly influenced by its proximity to the Pacific Ocean and the location of the semi-permanent high-pressure cell in the northeastern Pacific Ocean. The Mediterranean climate of the region produces moderate average temperatures, although slightly more extreme temperatures can be reached in the winter and summer. The closest climate monitoring site to the City with available recent year data is the Oxnard monitoring site. The average high temperature is up to 74.8°F during the month of September and average low temperature is 65.5°F during the month of January. The annual average precipitation is 14.82 inches. Rainfall occurs most frequently in February, with an average rainfall of 3.33 inches.¹

The height of the inversion is important in determining pollutant concentration. An inversion is defined as a layer of the atmosphere in which the temperature increases as elevation increases. When the inversion is approximately 2,500 feet above sea level, the sea breezes carry the pollutants inland to escape over the mountain slopes or through the passes. At a height of 1,200 feet, the terrain prevents the pollutants from entering the upper atmosphere, resulting in a settlement in the foothill communities. Below 1,200 feet, the inversion puts a tight lid on pollutants, concentrating them in a shallow layer over the entire coastal Basin. Usually, inversions are lower before sunrise than during the day. Mixing heights for inversions are lower in the summer and more persistent, being partly responsible for the high levels of ozone (O₃) observed during the summer months in the Basin. Smog in southern California is generally the result of these temperature inversions combining with coastal day winds and local mountains to contain the pollutants for long periods of time, allowing them to form secondary pollutants by reacting with sunlight.

¹ Period of Record Monthly Climate Summary, *Oxnard, CA*, <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca6569>, accessed February 21, 2023.

The area in which the project is located offers clear skies and sunshine yet is still susceptible to air inversions. These inversions trap a layer of stagnant air near the ground, where it is then further loaded with pollutants. These inversions cause haziness, which is caused by moisture, suspended dust, and a variety of chemical aerosols emitted by trucks, automobiles, furnaces, and other sources.

LOCAL AMBIENT AIR QUALITY

The California Air Resources Board (CARB) monitors air quality at over 250 monitoring stations throughout the State. The monitoring station representative of the project area is the Thousand Oaks-Moorpark Road monitoring station, located approximately 2.1 miles north of the project site. The air pollutants measured at Thousand Oaks-Moorpark Road station include O₃ and fine particulates (PM_{2.5}). The closest monitoring station with nitrogen dioxide (NO₂) and particulate matter (PM₁₀) air quality data is the El Rio-Rio Mesa School #2 monitoring station, located approximately 15.9 miles northwest of the project site. The closest monitoring station with carbon monoxide (CO) air quality data is the Reseda monitoring station, located approximately 19.7 miles east of the project site. The air quality data monitored at the Thousand Oaks-Moorpark Road, El Rio-Rio Mesa School #2, and Reseda monitoring stations from 2019 to 2021 are presented in Table 5.2-1, *Measured Air Quality Levels*.

**Table 5.2-1
Measured Air Quality Levels**

| Pollutant | Primary Standard | | Year | Maximum Concentration ¹ | Number of Days State/Federal Std. Exceeded |
|---|--------------------------------------|---------------------------------------|------|------------------------------------|--|
| | California | Federal | | | |
| Carbon Monoxide (CO) ⁴ (1-Hour) | 20 ppm for 1 hour | 35 ppm for 1 hour | 2019 | 2.560 ppm | 0 / 0 |
| | | | 2020 | 2.036 ppm | 0 / 0 |
| | | | 2021 | 2.603 ppm | 0 / 0 |
| Ozone (O ₃) ² (1-Hour) | 0.09 ppm for 1 hour | N/A | 2019 | 0.082 ppm | 0 / 0 |
| | | | 2020 | 0.097 ppm | 1 / 0 |
| | | | 2021 | 0.077 ppm | 0 / 0 |
| Ozone (O ₃) ² (8-Hour) | 0.070 ppm for 8 hours | 0.070 ppm for 8 hours | 2019 | 0.074 ppm | 2 / 1 |
| | | | 2020 | 0.084 ppm | 7 / 7 |
| | | | 2021 | 0.073 ppm | 2 / 1 |
| Nitrogen Dioxide (NO ₂) ³ | 0.180 ppm for 1 hour | 0.100 ppm for 1 hour | 2019 | 0.041 ppm | 0 / 0 |
| | | | 2020 | 0.031 ppm | 0 / 0 |
| | | | 2021 | 0.033 ppm | 0 / 0 |
| Particulate Matter (PM ₁₀) ^{3,5,6} | 50 µg/m ³ for 24 hours | 150 µg/m ³ for 24 hours | 2019 | 192.4 µg/m ³ | 14 / 2 |
| | | | 2020 | 205.0 µg/m ³ | 21 / 2 |
| | | | 2021 | 125.0 µg/m ³ | 12 / 1 |
| Fine Particulate Matter (PM _{2.5}) ^{2,6} | No Separate State Standard | 35 µg/m ³ for 24 hours | 2019 | 24.5 µg/m ³ | NA / 0 |
| | | | 2020 | 35.3 µg/m ³ | NA / 1 |
| | | | 2021 | 29.1 µg/m ³ | NA / 0 |

Sources: California Air Resources Board, iADAM Air Quality Data Statistics, <http://www.arb.ca.gov/adam/>, accessed February 21, 2023. California Air Resources Board, AQMIS Air Quality and Meteorological Information's Systems, <https://www.arb.ca.gov/aqmis2/aqdselect.php>, accessed February 21, 2023.

Notes: ppm = parts per million; PM₁₀ = particulate matter 10 microns in diameter or less; µg/m³ = micrograms per cubic meter; PM_{2.5} = particulate matter 2.5 microns in diameter or less; NA = Not Applicable

¹ Maximum concentration is measured over the same period as the California Standard.

- ² Measurements taken at the Thousand Oaks-Moorpark Road Monitoring Station located at 2323 Moorpark Road, Thousand Oaks.
- ³ Measurements taken at the El Rio-Rio Mesa School #2 Monitoring Station located at 545 Central Avenue, Oxnard.
- ⁴ Measurements taken at the Reseda Monitoring Station located at 18330 Gault Street, Reseda.
- ⁵ PM10 exceedances are based on State thresholds established prior to amendments adopted on June 20, 2002.
- ⁶ PM10 and PM2.5 exceedances are derived from the number of samples exceeded, not days.

CRITERIA AIR POLLUTANTS

Criteria air pollutants are described below in order of pollutants that have the greatest potential to trigger a significance finding.

Carbon Monoxide (CO). CO is an odorless, colorless toxic gas that is emitted by mobile and stationary sources because of the incomplete combustion of hydrocarbons or other carbon-based fuels. In cities, automobile exhaust can cause as much as 95 percent of all CO emissions.

CO replaces oxygen in the body's red blood cells. Individuals with a deficient blood supply to the heart, patients with diseases involving heart and blood vessels, fetuses (unborn babies), and patients with chronic hypoxemia (oxygen deficiency) as seen in high altitudes are most susceptible to the adverse effects of CO exposure. People with heart disease are also more susceptible to developing chest pains when exposed to low levels of carbon monoxide.

Ozone (O₃). O₃ occurs in two layers of the atmosphere. The layer surrounding the earth's surface is the troposphere. The troposphere extends approximately 10 miles above ground level, where it meets the second layer, the stratosphere. The stratospheric (the "good" O₃ layer) extends upward from about 10 to 30 miles and protects life on earth from the sun's harmful ultraviolet rays. "Bad" O₃ is a photochemical pollutant and needs volatile organic compounds (VOCs), nitrogen oxides (NO_x), and sunlight to form; therefore, VOCs and NO_x are O₃ precursors. To reduce O₃ concentrations, it is necessary to control the emissions of these O₃ precursors. Significant O₃ formation generally requires an adequate number of precursors in the atmosphere and a period of several hours in a stable atmosphere with strong sunlight. High O₃ concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins.

While O₃ in the upper atmosphere (stratosphere) protects the earth from harmful ultraviolet radiation, high concentrations of ground-level O₃ (in the troposphere) can adversely affect the human respiratory system and other tissues. O₃ is a strong irritant that can constrict the airways, forcing the respiratory system to work hard to deliver oxygen. Individuals exercising outdoors, children, and people with pre-existing lung diseases such as asthma and chronic pulmonary lung disease are the most susceptible to the health effects of O₃. Short-term exposure (lasting for a few hours) to O₃ at elevated levels can result in aggravated respiratory diseases such as emphysema, bronchitis, and asthma, shortness of breath, increased susceptibility to infections, inflammation of the lung tissue, increased fatigue, as well as chest pain, dry throat, headache, and nausea.

Nitrogen Dioxide (NO₂). NO_x is a family of highly reactive gases that are a primary precursor to the formation of ground-level O₃ and react in the atmosphere to form acid rain. NO₂ (often used interchangeably with NO_x) is a reddish-brown gas that can cause breathing difficulties at elevated levels. Peak readings of NO₂ occur in areas that have a high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries, and other industrial operations). NO₂ can irritate and damage the lungs and lower resistance to respiratory infections such as influenza. The health effects of short-term exposure are still unclear. However, continued or frequent exposure to NO₂ concentrations that are typically much higher than those normally found in the ambient air may increase acute respiratory illnesses in children and increase the incidence of chronic bronchitis and lung irritation. Chronic exposure to NO₂ may aggravate eyes and mucus membranes and cause pulmonary dysfunction.

Coarse Particulate Matter (PM₁₀). PM₁₀ refers to suspended particulate matter, which is smaller than 10 microns or ten one-millionths of a meter. PM₁₀ arises from sources such as road dust, diesel soot, combustion products, construction operations, and dust storms. PM₁₀ scatters light and significantly reduces visibility. In addition, these particulates penetrate into the lungs and can potentially damage the respiratory tract. On June 19, 2003, the CARB adopted amendments to the statewide 24-hour particulate matter standards based upon requirements set forth in the Children’s Environmental Health Protection Act (Senate Bill 25).

Fine Particulate Matter (PM_{2.5}). Due to recent increased concerns over health impacts related to fine particulate matter (particulate matter 2.5 microns in diameter or less), both State and Federal PM_{2.5} standards have been created. Particulate matter impacts primarily affect infants, children, the elderly, and those with pre-existing cardiopulmonary disease. In 1997, the U.S. Environmental Protection Agency (EPA) announced new PM_{2.5} standards. Industry groups challenged the new standard in court, and the implementation of the standard was blocked. However, upon appeal by the EPA, the United States Supreme Court reversed this decision and upheld the EPA’s new standards.

On January 5, 2005, the EPA published a Final Rule in the Federal Register that designates the Basin as a non-attainment area for Federal PM_{2.5} standards. On June 20, 2002, CARB adopted amendments for statewide annual ambient particulate matter air quality standards. These standards were revised/established due to increasing concerns by CARB that previous standards were inadequate, as almost everyone in California is exposed to levels at or above the current State standards during some parts of the year, and the statewide potential for significant health impacts associated with particulate matter exposure was determined to be large and wide-ranging.

Sulfur Dioxide (SO₂). Sulfur dioxide (SO₂) is a colorless, irritating gas with a rotten egg smell; it is formed primarily by the combustion of sulfur-containing fossil fuels. SO₂ is often used interchangeably with sulfur oxides (SO_x). Exposure of a few minutes to low levels of SO₂ can result in airway constriction in some asthmatics.

Volatile Organic Compounds (VOC). VOCs are hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. VOCs contribute to the formation of smog through atmospheric photochemical reactions and/or may be toxic. Compounds of carbon (also known as organic compounds) have different levels of reactivity; that is, they do not react at the same speed or do not form O₃ to the same extent when exposed to photochemical processes. VOCs often have an odor, and some examples include gasoline, alcohol, and the solvents used in paints. Exceptions to the VOC designation include carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. VOCs are a criteria pollutant since they are a precursor to O₃, which is a criteria pollutant. The terms VOC and reactive organic gases (ROG) (see below) are often used interchangeably.

Reactive Organic Gases (ROG). Like VOCs, ROGs are also precursors in forming O₃ and consist of compounds containing methane, ethane, propane, butane, and longer chain hydrocarbons, which are typically the result of some type of combustion/decomposition process. Smog is formed when ROG and nitrogen oxides react in the presence of sunlight. ROGs are a criteria pollutant since they are a precursor to O₃, which is a criteria pollutant. The terms ROG and VOC are often used interchangeably.

Hydrogen Sulfide (H₂S). Hydrogen Sulfide (H₂S) is a colorless gas with the odor of rotten eggs. The most common sources of H₂S emissions are oil and natural gas extraction and processing, and natural emissions from geothermal fields. Industrial sources of H₂S include petrochemical plants and kraft paper mills. H₂S is also formed during bacterial decomposition of human and animal wastes and is present in emissions from sewage treatment facilities and landfills. Exposure to H₂S 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. H₂S 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.²

Lead (Pb). Lead (Pb) 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.

Sulfates (SO₄²⁻). Sulfates (SO₄²⁻) are the fully oxidized ionic form of sulfur. SO₄²⁻ 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 SO₄²⁻ 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. SO₄²⁻ are particularly effective in degrading visibility, and, due to the fact that they are usually acidic, can harm ecosystems and damage materials and property.³

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., SO₄²⁻, 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 PM₁₀ and PM_{2.5}.⁴

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.⁵

² California Air Resources Board. 2022. "Hydrogen Sulfide and Health." 2022b. 22 March 2023. <https://ww2.arb.ca.gov/resources/hydrogen-sulfide-and-health>.

³ California Air Resources Board. 2022. "Sulfates and Health." 2022a. 22 March 2023. <https://ww2.arb.ca.gov/resources/sulfate-and-health>.

⁴ California Air Resources Board. 2022. "Visibility-Reducing Particles and Health." 2022c. 22 March 2023. <https://ww2.arb.ca.gov/resources/visibility-reducing-particles-and-health>.

⁵ California Air Resources Board. 2022. "Vinyl Chloride and Health." 2022d. 22 March 2023. <https://ww2.arb.ca.gov/resources/vinyl-chloride-and-health>.

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. 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 Plan⁶, 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.⁷

SENSITIVE RECEPTORS

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive populations (sensitive receptors) that are in proximity to localized sources of toxins and CO are of particular concern. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. The following types of people are most likely to be adversely affected by air pollution, as identified by CARB: children under 14, elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. Locations that may contain a high concentration of these sensitive population groups are called sensitive receptors and include residential areas, hospitals, day-care facilities, elderly-care facilities, elementary schools, and parks. Sensitive receptors in the project vicinity include residential uses and medical facilities.

⁶ California Air Resources Board. 2000. "Diesel Risk Reduction Plan." 14 March 2023. <https://ww2.arb.ca.gov/our-work/programs/diesel-risk-reduction-plan>.

⁷ California Air Resources Board. 2005. "Air Quality and Land Use Handbook: A Community Health Perspective." 23 March 2023. <https://ww3.arb.ca.gov/ch/handbook.pdf>.

5.2.2 Regulatory Setting

FEDERAL

U.S. Environmental Protection Agency (EPA)

The EPA is responsible for implementing the Federal Clean Air Act (FCAA), which was first enacted in 1955 and amended numerous times after. The FCAA established federal air quality standards known as the National Ambient Air Quality Standards (NAAQS). These standards identify levels of air quality for “criteria” pollutants that are considered the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety, to protect the public health and welfare; refer to Table 5.2-2, National and California Ambient Air Quality Standards.

STATE

California Air Resources Board (CARB)

CARB administers the air quality policy in California. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, including the NAAQS in Table 5.2-2, are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates. The California Clean Air Act (CCAA), which was approved in 1988, requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with CAAQS. These AQMP’s also serve as the basis for the preparation of the State Implementation Plan for the State of California.

Like the EPA, CARB also designates areas within California as either attainment or non-attainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as non-attainment for a pollutant if air quality data show that a state standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events are not considered violations of a state standard and are not used as a basis for designating areas as non-attainment.

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 the implementation of AB 32 *California Global Warming Solutions Act of 2006* and for state emissions reductions. See Section 5.7 Greenhouse Gas, for more information regarding CARB’s responsibility with respect to climate change and greenhouse gas emissions.

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 2022 to include new mandatory measures for residential and non-residential uses; the new measures took effect on January 1, 2023.

REGIONAL

Ventura County Air Pollution Control District (VCAPCD)

The VCAPCD is one of 35 air quality management districts that have prepared AQMPs to accomplish a five-percent annual reduction in emissions. VCAPCD adopted the 2022 AQMP on December 13, 2022. The primary purpose of the 2022 AQMP is to identify air pollution problems and develop a comprehensive program to achieve and maintain State and federal air quality standards. It includes strategies to attain the 2015 federal 8-hour ozone standard, attainment demonstration for the federal 8-hour ozone standard and reasonable further progress demonstration for the federal 8-hour ozone standard. The 2022 AQMP incorporates the recently adopted SCAG’s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS) and motor vehicle emissions from CARB.

**Table 5.2-2
National and California Ambient Air Quality Standards**

| Pollutant | Averaging Time | California ¹ | | Federal ² | |
|--|------------------------|---------------------------------------|-------------------|------------------------------------|------------------------|
| | | Standard ³ | Attainment Status | Standards ^{3,4} | Attainment Status |
| Ozone (O ₃) | 1 Hour | 0.09 ppm (180 µg/m ³) | Nonattainment | N/A | N/A |
| | 8 Hours | 0.070 ppm (137 µg/m ³) | Nonattainment | 0.070 ppm (137 µg/m ³) | Nonattainment |
| Particulate Matter (PM ₁₀) | 24 Hours | 50 µg/m ³ | Nonattainment | 150 µg/m ³ | Attainment/Maintenance |
| | Annual Arithmetic Mean | 20 µg/m ³ | Nonattainment | N/A | N/A |
| Fine Particulate Matter (PM _{2.5}) | 24 Hours | No Separate State Standard | | 35 µg/m ³ | Attainment/Maintenance |
| | Annual Arithmetic Mean | 12 µg/m ³ | Attainment | 12.0 µg/m ³ | Attainment/Maintenance |
| Carbon Monoxide (CO) | 8 Hours | 9.0 ppm (10 mg/m ³) | Attainment | 9 ppm (10 mg/m ³) | Attainment/Maintenance |
| | 1 Hour | 20 ppm (23 mg/m ³) | Attainment | 35 ppm (40 mg/m ³) | Attainment/Maintenance |
| Nitrogen Dioxide (NO ₂) ⁵ | Annual Arithmetic Mean | 0.030 ppm (57 µg/m ³) | N/A | 53 ppb (100 µg/m ³) | Attainment/Maintenance |
| | 1 Hour | 0.18 ppm (339 µg/m ³) | Attainment | 100 ppb (188 µg/m ³) | Attainment/Maintenance |
| Lead (Pb) ^{7,8} | 30 days Average | 1.5 µg/m ³ | Attainment | N/A | N/A |
| | Calendar Quarter | N/A | N/A | 1.5 µg/m ³ | Attainment/Maintenance |

**Table 5.2-2
National and California Ambient Air Quality Standards**

| Pollutant | Averaging Time | California ¹ | | Federal ² | |
|--|----------------------------------|--|-------------------|---------------------------------|-------------------------|
| | | Standard ³ | Attainment Status | Standards ^{3,4} | Attainment Status |
| | Rolling 3-Month Average | N/A | N/A | 0.15 µg/m ³ | Attainment/Maintenance |
| Sulfur Dioxide (SO ₂) ⁶ | 24 Hours | 0.04 ppm (105 µg/m ³) | Attainment | 0.14 ppm (for certain areas) | Unclassified/Attainment |
| | 3 Hours | N/A | N/A | N/A | N/A |
| | 1 Hour | 0.25 ppm (655 µg/m ³) | Attainment | 75 ppb (196 µg/m ³) | N/A |
| | Annual Arithmetic Mean | N/A | N/A | 0.30 ppm (for certain areas) | Unclassified/Attainment |
| Visibility-Reducing Particles ⁹ | 8 Hours (10 a.m. to 6 p.m., PST) | Extinction coefficient = 0.23 km@<70% RH | Unclassified | No Federal Standards | |
| Sulfates | 24 Hour | 25 µg/m ³ | Attainment | | |
| Hydrogen Sulfide | 1 Hour | 0.03 ppm (42 µg/m ³) | Unclassified | | |
| Vinyl Chloride ⁷ | 24 Hour | 0.01 ppm (26 µg/m ³) | N/A | | |

Source: California Air Resources Board and U.S. Environmental Protection Agency, Ambient Air Quality Standards chart, <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>, May 4, 2015.

Notes: µg/m³ = micrograms per cubic meter; ppm = parts per million; ppb = parts per billion; km = kilometer(s); RH = relative humidity; PST = Pacific Standard Time; N/A = Not Applicable

¹ California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1- and 24-hour), nitrogen dioxide, and particulate matter (PM₁₀, PM_{2.5}, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

² National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM_{2.5}, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.

³ Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

⁴ National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health.

⁵ 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.

⁶ On June 2, 2010, a new 1-hour SO₂ standard was established, and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated non-attainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved. Note that the 1-hour national

standard is in units of ppb. California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.

- ⁷ CARB 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.
- ⁸ The national standard for lead was revised on October 15, 2008, to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated non-attainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
- ⁹ In 1989, CARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are “extinction of 0.23 per kilometer” and “extinction of 0.07 per kilometer” for the statewide and Lake Tahoe Air Basin standards, respectively.

In addition to the 2022 AQMP and its rules and regulations, the VCAPCD published the *Ventura County Air Quality Assessment Guidelines* (dated October 2003) (VCAPCD AQ Guidelines). The VCAPCD AQ Guidelines provide guidance to assist local government agencies and consultants in developing the environmental documents required by CEQA. With the help of the AQ Guidelines, local land use planners and other consultants can analyze and document how proposed and existing projects affect air quality and should be able to fulfill the requirements of the CEQA review process.

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 1.⁸

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.⁹

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.¹⁰ The following fugitive dust reduction measures are required for all construction projects:¹¹

- The area disturbed by clearing, grading, earth-moving, or excavation operations shall be minimized to prevent excessive amounts of dust.

⁸ Ventura County Air Pollution Control District. 2004. “Rule 50 – Opacity.” 2004a. 10 March 2023. <http://vcapcd.org/Rulebook/Reg4/RULE%2050.pdf>.

⁹ Ventura County Air Pollution Control District. 2004. “Rule 51 – Nuisance.” 2004a. 10 March 2023. <http://vcapcd.org/Rulebook/Reg4/RULE%2051.pdf>.

¹⁰ Ventura County Air Pollution Control District. 2008. “Rule 55 – Fugitive Dust.” 10 March 2023. <http://vcapcd.org/Rulebook/Reg4/RULE%2055.pdf>.

¹¹ Ventura County Air Pollution Control District. 2003. “Ventura County Air Quality Assessment Guidelines.” 10 March 2023. <http://vcapcd.org/pubs/Planning/VCAQGuidelines.pdf>.

- 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.

Rule 55.1 – Paved Roads and Public Unpaved Roads: This rule requires fugitive dust generators to begin the removal of visible roadway accumulation within 72 hours of any written notification from the VCAPCD. The use of blowers is expressly prohibited under any circumstances. This rule also requires controls to limit the amount of dust from any construction activity or any earthmoving activity on a public unpaved road. This rule would apply throughout all construction activities.

Rule 55.2 – Street Sweeping Equipment: This rule requires the use of PM₁₀ efficient street sweepers for routine street sweeping and for removing vehicle track-out pursuant to Rule 55. This rule would apply during all construction and operational activities.

Rule 74.2 – Architectural Coatings: This rule sets limits on the VOC content of architectural coatings. Non-flat coatings are limited to 150 grams per liter of VOC content, flat coatings are limited to 150 grams per liter (g/L) of VOC content, and traffic marking coatings are limited to 150 g/L of VOC content. The project would be required to comply with this rule.

Rule 74.4 – Cutback Asphalt: This rule sets limits on the type of application and VOC content of cutback and emulsified asphalt. The project would be required to comply with the type of application and VOC content standards set forth in this rule.

ROG and NOX 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:¹²

- 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.

Southern California Association of Governments (SCAG)

On September 3, 2020, the Regional Council of SCAG formally adopted the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS)*. The SCS portion of the 2020-2045 RTP/SCS highlights strategies for the region to reach the regional target of reducing GHGs from autos and light-duty trucks by 8 percent per capita by 2020, and 19 percent by 2035 (compared to 2005 levels). Specially, these strategies are:

- Focus growth near destinations and mobility options;
- Promote diverse housing choices;
- Leverage technology innovations;
- Support implementation of sustainability policies; and
- Promote a green region.

Furthermore, the 2020-2045 RTP/SCS discusses a variety of land use tools to help achieve the State-mandated reductions in GHG emissions through reduced per capita VMT. Some of these tools include center focused placemaking, focusing on priority growth areas, job centers, transit priority areas, as well as high quality transit areas and -green regions.

LOCAL

City of Thousand Oaks General Plan

The Thousand Oaks General Plan (General Plan) provides a long-range comprehensive guide for the physical development of the City’s Planning Area. The General Plan policies and goals were adopted in 1970 and updated in 1994, 1996, and 1997. The City is currently in the process of updating its General Plan. The Draft Thousand Oaks 2045 General Plan Update is expected to be released in Spring 2023. The following policy from the current General Plan is related to air quality management:

Air Quality: The City shall place high priority on maintaining and improving local and regional air quality.

¹² Ventura County Air Pollution Control District. 2003. “Ventura County Air Quality Assessment Guidelines.” 10 March 2023. <http://vcapcd.org/pubs/Planning/VCAQGuidelines.pdf>.

5.2.3 Impact Thresholds and Significance Criteria

REGIONAL AIR QUALITY

In its AQ Guidelines, the VCAPCD has established significance thresholds to assess the impact of project-related air pollutant emissions. There are separate thresholds for Ojai Planning Area and the remainder of Ventura County. The project site is located outside of Ojai Planning Area. Therefore, the following thresholds apply:

- Reactive Organic Compounds (ROG): 25 pounds per day
- Nitrogen Oxides (NO_x): 25 pounds per day

A project with daily emission rates below these thresholds is considered to have a less than significant effect on regional air quality.

LOCAL AIR QUALITY

Localized CO

The project would result in a local air quality impact if the project results in increased traffic volumes that would result in an exceedance of the CO ambient air quality standards of 20 parts per million (ppm) for 1-hour CO concentration levels, and 9 ppm for 8-hour CO concentration levels. If the CO concentrations at potentially impacted intersections with the project are lower than the standards, then there is no significant impact. If future CO concentrations with the project are above the standard, then the project would have a significant local air quality impact.

CUMULATIVE EMISSIONS

The VCAPCD's 2022 AQMP was prepared to accommodate growth, meet State and Federal air quality standards, and minimize the fiscal impact that pollution control measures have on the local economy. According to the AQ Guidelines, project-related emissions that fall below the established construction and operational thresholds should be considered less than significant unless there is pertinent information to the contrary.

CEQA SIGNIFICANCE CRITERIA

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Conflict with or obstruct implementation of the applicable air quality plan (refer to Impact Statement AQ-1);
- b) 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 (refer to Impact Statement AQ-2);
- c) Expose sensitive receptors to substantial pollutant concentrations (refer to Impact Statement AQ-3); and/or
- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (refer to Impact Statement AQ-4).

VCAPCD Significance Thresholds for Ozone Precursors ROG and NO_x

In evaluating the project impacts against the CEQA thresholds above, the AQ Guidelines suggest the following project threshold criteria be considered. Would the project:

- Generate daily emissions exceeding 25 pounds of Reactive Organic Compounds (ROC or ROG) or nitrogen oxides (NO_x);
- Cause an exceedance or make a substantial contribution to an exceedance of an ambient air quality standard;
- Be inconsistent with goals and policies of the Ventura County AQMP;
- Directly or indirectly cause population growth that would exceed population forecasts in the most recently adopted AQMP;
- Generate fugitive dust emissions in such quantities as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public;
- Create a human health hazard by exposing sensitive receptors to toxic air emissions; and/or
- Create objectionable odors affecting a substantial number of people.

According to the VCAPCD AQ Guidelines, projects that generate more than 25 pounds per day of ROG and NO_x may jeopardize attainment of the federal and state ozone standard, resulting in significant impact on air quality. The 25 pounds per day threshold for ROG and NO_x are not intended to be applied to construction emissions since such emissions are temporary. The VCAPCD has not established quantitative thresholds for particulate matter, which includes fugitive dust for either operation or construction.

There is no VCAPCD-recommended threshold to indicate if a project would result in a significant San Joaquin Valley Fever impact; however, the lead agency should consider the risk factors noted by VCAPCD that may be applicable to the project or the project site to determine if project activities may create a significant Valley Fever impact. VCAPCD AQ Guidelines provide recommendations for a lead agency to consider if a project is determined to represent a significant risk of causing Valley Fever. These VCAPCD recommendations focus on construction worker protections to prevent respiration of spores if present, some of which would be required for compliance with VCAPCD Rule 55 for dust suppression during construction.

Based on these standards/criteria, the effects of the project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.2.4 Impacts and Mitigation Measures

CONSISTENCY WITH REGIONAL PLANS

Impact AQ-1 Implementation of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan.

Impact Analysis: 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 proposed project is located within the South-Central Coast Air Basin, which is governed by the VCAPCD. Consistency with the VCAPCD 2022 AQMP means that a project is consistent with the goals, objectives, and assumptions set forth in the 2022 AQMP that are designed to achieve Federal and State air quality standards. The 2022 AQMP was adopted by the VCAPCD Air Pollution Control Board on December 13, 2022, and incorporates the latest scientific and technical information and planning assumptions, including the latest applicable growth assumptions from SCAG’s 2020-2045 RTP/SCS, and updated emission inventory methodologies for various source

categories. According to VCAPCD's AQ Guidelines, project consistency with the 2022 AQMP can be determined by comparing the actual population growth in the County with the projected growth rates used in the 2022 AQMP and the CARB on-road emissions forecast as a basis for vehicle emission forecasting. The projected growth rate in population is used as an indicator of future emissions from population-related emission categories in the 2022 AQMP. These emission estimates are used, in part, to project the date by which the County will attain the federal ozone standard. The County's Planning Division maintains an ongoing population tracking system. Therefore, a demonstration of consistency with the population forecasts used in the most recently adopted 2022 AQMP should be used for assessing project consistency with the 2022 AQMP.

The project would construct a 216-room hotel with guest amenities and approximately 13,600 square feet of commercial retail space within the Janss Marketplace. The project does not include the removal or addition of residences and population forecasts would not be altered by the project. The total number of employees for the hotel would be approximately 35, including approximately 15 for daytime shifts, and two in the evening. The specific number of employees that would be employed within the approximately 13,600 square feet are already included in the existing commercial retail space of approximately 35,500 square feet (the baseline condition). Consequently, the project's net number of employees is equal to the hotel's employee count. Even though the employment created by the proposed project has the potential to result in an indirect growth in the City's population, project implementation is not anticipated to induce substantial population growth within the City either directly or indirectly. As such, the project would not increase population figures over those that have been planned for the area and would not result in a long-term impact on the region's ability to meet State and Federal air quality standards. The proposed project would require a Zoning Change limited to the footprint of the hotel, from C-3 (Community Shopping Center) to C-3-H (Community Shopping Center – Height Overlay) to increase the hotel's maximum height to 75 feet. With the approval of the Zoning Change, the project would be consistent with the City's General Plan land use and zoning designations for the subject site. Therefore, the proposed project is considered consistent with the VCAPCD's 2022 AQMP, and the impact would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

PROJECT-RELATED EMISSIONS

Impact AQ-2 The project could result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

Impact Analysis

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and VCAPCD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality.

Short-Term (Construction) Air Emissions

Short-term air quality impacts are predicted to occur during grading and construction activities associated with the project implementation. Temporary air emissions would result from the following activities:

- Particulate (fugitive dust) emissions from grading and building construction; and
- Exhaust emissions from the construction equipment and the motor vehicles of the construction crew.

The project involves demolishing the existing commercial uses and developing a 216-room hotel with guest amenities and approximately 13,600 square feet of commercial retail space. Construction of the project would involve demolition, grading, building construction, paving, and painting under a single phase (i.e., occur in one setting). There would be no overlap in timing of these construction activities. Emissions for each construction activity have been quantified based upon the activity duration and equipment types. The analysis of daily construction emissions was prepared by the California Emission Estimator Model (CalEEMod, version 2022.1). Refer to Appendix C for the CalEEMod outputs and results. Table 5.2-3, Maximum Daily Construction Emissions, presents the project’s anticipated daily short-term construction emissions.

**Table 5.2-3
Maximum Daily Construction Emissions**

| Emissions Source | Pollutant (pounds/day) ^{1,2} | | | | | |
|---|---------------------------------------|-----------------|-------------|-----------------|------------------|-------------------|
| | ROG | NO _x | CO | SO ₂ | PM ₁₀ | PM _{2.5} |
| Unmitigated Construction Emissions | | | | | | |
| Year 1 | 1.72 | 18.5 | 17.5 | 0.04 | 3.95 | 1.61 |
| Year 2 | 67.6 | 10.2 | 14.1 | 0.02 | 1.32 | 0.55 |
| Maximum Daily Emissions | 67.6 | 18.5 | 17.5 | 0.04 | 3.95 | 1.61 |
| <i>VCAPCD Thresholds³</i> | 25 | 25 | N/A | N/A | N/A | N/A |
| Threshold Exceeded? | Yes | No | N/A | N/A | N/A | N/A |
| Mitigated Construction Emissions⁴ | | | | | | |
| Year 1 | 1.72 | 18.5 | 17.5 | 0.04 | 3.95 | 1.61 |
| Year 2 | 22.7 | 10.2 | 14.1 | 0.02 | 1.32 | 0.55 |
| Maximum Daily Emissions | 22.7 | 18.5 | 17.5 | 0.04 | 3.95 | 1.61 |
| <i>VCAPCD Thresholds³</i> | 25 | 25 | N/A | N/A | N/A | N/A |
| Threshold Exceeded? | No | No | N/A | N/A | N/A | N/A |

Notes: Refer to Appendix C for assumptions used in this analysis.

- ¹ Emissions were calculated using CalEEMod version 2022.1. Higher emissions between winter and summer are presented as a conservative analysis.
- ² The reduction/credits for construction emissions are included in CalEEMod and required by the VCAPCD Rules, including the following: properly maintain mobile and other construction equipment; replace the ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; and limit speeds on unpaved roads.
- ³ VCAPCD has not established thresholds for CO, SO₂, PM₁₀, and PM_{2.5}. Emissions are presented for reporting purposes.
- ⁴ Mitigation measure includes extending architectural coating phase to at least six weeks.

Fugitive Dust Emissions

Fugitive dust (PM₁₀ and PM_{2.5}) from grading and construction is expected to be short-term and would cease following project completion. Most of this material is composed of inert silicates, which are less harmful to health than the complex organic particulates released from combustion sources. These particles are either directly emitted or are formed in the atmosphere from the combustion of gases such as NO_x and SO_x combining with ammonia. The greatest amount of fugitive dust generated is expected to occur during site grading and excavation of the project; refer to Appendix C. Dust generated by such activities usually becomes more of a local nuisance than a serious health problem. Of particular concern is the amount of PM₁₀ generated as a part of fugitive dust emissions.

CalEEMod was used to calculate PM₁₀ and PM_{2.5} fugitive dust emissions as part of the site earthwork activities; refer to Table 5.2-3. Maximum particulate matter emissions would occur during the initial stages of construction when grading activities would occur. As detailed in Table 5.2-3, construction related PM₁₀ emissions would range between 1.32 and 3.95 pounds per day, and PM_{2.5} emissions would range between 0.55 and 1.61 pounds per day. The project would implement all required VCAPCD dust control techniques (i.e., daily watering) and adhere to VCAPCD Rule 55 (which requires watering of inactive and perimeter areas, track out requirements, etc.), to reduce PM₁₀ and PM_{2.5} concentrations. VCAPCD has not established thresholds for PM₁₀ and PM_{2.5}. Therefore, total PM₁₀ and PM_{2.5} emissions during construction are provided in Table 5.2-3 for reporting purposes. While the VCAPCD AQ Guidelines do not provide a quantitative threshold for fugitive dust but recommend minimizing fugitive dust for all dust-generating activities, implementation of Mitigation Measure AQ- 1 would reduce fugitive dust (PM₁₀ and PM_{2.5}), which is considered a less than significant impact prior to mitigation, and includes individual measures to minimize fugitive dust (PM₁₀ and PM_{2.5}) during construction activities.

Construction Equipment and Worker Vehicle Exhaust Emissions

Exhaust emissions would be generated by the operation of vehicles and equipment on the site, such as graders, dozers, pavers, loaders, scrapers, and trucks. Most of the construction equipment and vehicles would be diesel-powered, which tends to be more efficient than gasoline-powered equipment. Diesel-powered equipment produces lower CO and hydrocarbon emissions than gasoline equipment but produces greater amounts of NO_x, SO_x, and particulates per hour of activity. The transportation of machinery, equipment, and materials to and from the site, as well as construction worker trips, would also generate vehicle emissions during construction. The CalEEMod program uses CARB's On-Road Emission Factor Model (EMFAC2021) computer program to calculate the emission rates specific for Ventura County for construction-related employee vehicle trips and the OFFROAD2017 computer program to calculate emission rates for heavy truck operations. EMFAC2021 and OFFROAD2021 are computer programs generated by CARB that calculate composite emission rates for vehicles. Emission rates are reported by the program in grams per trip and grams per mile or grams per running hour. Daily truck trips and CalEEMod default trip length data were used to assess roadway emissions from truck exhaust. The maximum daily emissions are estimated values for the worst-case day and do not represent the emissions that would occur for every day of project construction. However, as presented in Table 5.2-3, construction equipment and worker vehicle exhaust emissions would not exceed the emissions thresholds. As such, the impact would be less than significant.

ROG Emissions

In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O₃ precursors. ROG and NO_x 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_x emissions, especially since the emissions exceeding NO_x thresholds from the proposed project are from temporary construction impacts. Nevertheless, the proposed project's NO_x 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.

In accordance with the methodology prescribed by the VCAPCD, ROG emissions associated with paving and architectural coating have been quantified with the CalEEMod model. The project would comply with VCAPCD Rule 74.2 which requires paints used not exceeding 50 grams of ROG per liter.¹³ As shown in Table 5.2-3, ROG emissions

¹³ Ventura County Air Pollution Control District, Rule 74.2 Architectural Coatings, <http://www.vcapcd.org/Rulebook/Reg4/RULE%2074.2.pdf>, accessed February 21, 2023.

associated with the project construction would exceed VCAPCD threshold. Therefore, the project would be required to implement Mitigation Measure AQ-1. To reduce daily ROG emissions, Mitigation Measure AQ-1 would require that the architectural coating phase of the project construction would last for at least six weeks. With the implementation of Mitigation Measure AQ-1, ROG emissions would be reduced to below the VCAPCD threshold; refer to Table 5.2-3. As such, the impact would be less than significant with mitigation implemented.

Total Daily Construction Emissions

CalEEMod was utilized to model construction emissions for ROG, NO_x, CO, SO_x, PM₁₀, and PM_{2.5}. As indicated in Table 5.2-3, construction emissions would not exceed VCAPCD thresholds with the implementation of Mitigation Measure AQ-1. As such, construction emissions would be less than significant.

Asbestos and Lead

Pursuant to guidance issued by the Governor's Office of Planning and Research State Clearinghouse, lead agencies are encouraged to analyze potential impacts related to naturally occurring asbestos. Asbestos is a term used for several types of naturally occurring fibrous minerals that are a human health hazard when airborne. The most common type of asbestos is chrysotile, but other types such as tremolite and actinolite are also found in California. Asbestos is classified as a known human carcinogen by State, Federal, and international agencies and was identified as a toxic air contaminant by the CARB in 1985.

Asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or crushed. At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. These rocks have been commonly used for unpaved gravel roads, landscaping, fill projects, and other improvement projects in some localities.

The project site is occupied by one partial two-story building with a one-story section split into two units. These on-site structures may be associated with hazardous materials (e.g., asbestos containing material [ACM] and/or lead-based paint [LBP]), as they were constructed prior to 1989. Based on the Phase 1 ESA, due to the age of the on-site buildings, there is a high potential that ACMs are present in on-site buildings. Suspect materials that may contain ACMs include, but may not be limited to, drywall systems, floor tiles, ceiling tiles, and roofing systems. Currently, Federal and State regulations govern the renovation and demolition of structures where ACMs are present. Based on the Phase I ESA, an asbestos survey should be conducted prior to the start of demolition and construction to determine health and environmental risks.

Lead has long been used as a component of paint, primarily as a pigment and for its ability to inhibit and resist corrosion. Over time, as concern over the health effects associated with lead began to grow, health and environmental regulations were enacted to restrict the use of lead in certain products and activities in the U.S. In the last twenty-five years, lead-based paint, leaded gasoline, leaded can solder, and lead-containing plumbing materials were among the products that were gradually restricted or phased out of use.

Currently, Federal and State regulations govern the renovation and demolition of structures where LBPs are present. Due to the age of on-site buildings, there is a potential that LBP is present in on-site buildings. Based on the Phase I ESA, a lead-based paint survey should be conducted prior to the start of demolition and construction to determine health and environmental risks.

In accordance with applicable laws and regulations, lead products must be sampled and abated by a licensed asbestos and lead contractor. To verify asbestos and lead was removed and disposed of appropriately, documentation of asbestos and lead abatement and disposal is required, as outlined in Mitigation Measure HAZ-1 and Mitigation Measure HAZ-2.

Long-Term (Operational) Air Emissions

Operational emissions generated by both stationary and mobile sources would result from normal daily activities on the project site after occupation (i.e., increased concentrations of ROG, NO_x, SO_x, PM₁₀, PM_{2.5}, and CO). Mobile source emissions would be generated by the motor vehicles traveling to and from the project site. Stationary area source emissions would be generated by the operation of landscape maintenance equipment, potential machinery, and use of consumer products. Stationary energy emissions would result from the consumption of electricity and natural gas associated with the project. Analysis of mobile emissions is based primarily upon the Janss Marketplace Hotel Project – DP 2022-70079 Traffic Impact/Trip Generation Analysis (Trip Generation Analysis) prepared by the City’s Public Works Department on May 5, 2023. The analysis of daily operational emissions has been prepared by utilizing the California Emissions Estimator Model Version 2022.1 (CalEEMod); refer to Appendix C. Although the existing structures on-site are currently in operations, as a conservative analysis, except for mobile sources, emissions from existing uses on-site were not modeled or deducted from project-generated emissions. Table 5.2-4, Net Long-Term Operational Air Emissions, presents the project’s anticipated net emissions.

**Table 5.2-4
Net Long-Term Operational Air Emissions**

| Emissions Source | Pollutant (pounds/day) ^{1,4} | | | | | |
|---|---------------------------------------|-----------------|--------------|-----------------|------------------|-------------------|
| | ROG | NO _x | CO | SO ₂ | PM ₁₀ | PM _{2.5} |
| Project Summer Emissions³ | | | | | | |
| Area | 4.34 | 0.05 | 6.33 | <0.01 | 0.01 | 0.01 |
| Energy | 0.06 | 1.06 | 0.89 | 0.01 | 0.08 | 0.08 |
| Mobile | 3.17 | 2.31 | 20.50 | 0.05 | 4.24 | 1.10 |
| Total Summer Emissions | 7.56 | 3.42 | 27.70 | 0.05 | 4.34 | 1.19 |
| <i>Significance Threshold²</i> | 25 | 25 | N/A | N/A | N/A | N/A |
| Threshold Exceeded? | No | No | NA | N/A | N/A | N/A |
| Project Winter Emissions³ | | | | | | |
| Area | 3.30 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Energy | 0.06 | 1.06 | 0.89 | 0.01 | 0.08 | 0.08 |
| Mobile | 3.11 | 2.59 | 20.60 | 0.04 | 4.24 | 1.10 |
| Total Winter Emissions | 6.47 | 3.65 | 21.50 | 0.05 | 4.32 | 1.18 |
| <i>Significance Threshold²</i> | 25 | 25 | N/A | N/A | N/A | N/A |
| Threshold Exceeded? | No | No | N/A | N/A | N/A | N/A |

Notes: Refer to Appendix C for assumptions used in this analysis.

¹ Based on CalEEMod modeling results.

² VCAPCD has not established thresholds for CO, SO₂, PM₁₀, and PM_{2.5}. Emissions are presented for reporting purposes.

³ Project operational emissions were modeled with the operational year of 2025, the anticipated first year of operation.

⁴ The emissions data modeled in CalEEMod is with the implementation of project design features, including the use of energy-efficient appliances.

Mobile Source Emissions

Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_x, SO_x, PM₁₀, and PM_{2.5} are all pollutants of regional concern (NO_x and ROG react with sunlight to form O₃

[photochemical smog], and wind currents readily transport SO_x, PM₁₀, and PM_{2.5}). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions have been estimated using CalEEMod. This model predicts ROG, CO, SO_x, NO_x, PM₁₀, and PM_{2.5} emissions from motor vehicle traffic associated with new development. According to the City's Trip Generation Analysis, comparing the existing retail trip generation to the project, including the internal capture credit, the project would generate 724 more net daily trips. Table 5.2-4, Net Long-Term Operational Air Emissions, presents the anticipated net mobile source emissions. As shown in Table 5.2-4, mobile source emissions would not exceed VCAPCD thresholds. As such, a less than significant impact would occur due to the project's operational mobile emissions.

Area Source Emissions

Area source emissions are generated from consumer products, architectural coating, and landscaping. Area source emissions are as described below.

- **Architectural Coatings:** As part of project maintenance, architectural coatings on the project buildings would emit emissions from the evaporation of solvents contained in paints, varnishes, primers, and other surface coatings.
- **Consumer Products:** Consumer products include, but are not limited to detergents, cleaning compounds, polishes, personal care products, and lawn and garden products. Many of these products contain organic compounds, which when released in the atmosphere can react to form ozone and other photochemically reactive pollutants.
- **Landscape Maintenance Equipment:** Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the site.

As indicated in Table 5.2-4, the project's area source emissions would not exceed VCAPCD thresholds.

Energy Source Emissions

Energy source emissions (i.e., generated at the site of the power generation source) would be generated because of electricity and natural gas (non-hearth) usage associated with the project. The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. It should be noted that the project would comply with the most current version of the California Code of Regulations Title 24, and the California Green Building Standards Code (also referred to as CALGreen and is Part 11 of Title 24), which would further reduce the project's energy use. As indicated in Table 5.2-4, the project's energy source emissions would not exceed VCAPCD thresholds.

Operational Emissions Conclusion

As shown in Table 5.2-4, the project's operational emissions would not exceed the VCAPCD regional thresholds. Therefore, a less than significant impact would occur in this regard.

Conclusion

As shown in Table 5.2-3 and Table 5.2-4, the project would result in less than significant short- and long-term air quality impacts with the implementation of Mitigation Measures AQ-1 through AQ-3. The project's emissions would not exceed the VCAPCD adopted construction and operational thresholds. Therefore, a less than significant impact would occur with mitigation implemented.

Air Quality Health Impacts

Adverse health effects induced by criteria pollutant emissions are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, and the number and character of exposed individuals [e.g., age, gender]). In particular, O₃ precursors VOCs and NO_x affect air quality on a regional scale. Health effects related to ozone are therefore the product of emissions generated by numerous sources throughout a region. Existing models have limited sensitivity to small changes in criteria pollutant concentrations, and, as such, translating project-generated criteria pollutants to specific health effects or additional days of non-attainment would produce meaningless results. In other words, the project's less than significant increases in regional air pollution from criteria air pollutants would have nominal or negligible impacts on human health.

As noted in the Brief of Amicus Curiae by the South Coast Air Quality Management District (SCAQMD),¹⁴ the SCAQMD acknowledged it would be extremely difficult, if not impossible to quantify health impacts of criteria pollutants for various reasons including modeling limitations as well as where in the atmosphere air pollutants interact and form. Further, as noted in the Brief of Amicus Curiae by the San Joaquin Valley Air Pollution Control District (SJVAPCD),¹⁵ SJVAPCD has acknowledged that currently available modeling tools are not equipped to provide a meaningful analysis of the correlation between an individual development project's air emissions and specific human health impacts.

The SCAQMD acknowledges that health effects quantification from ozone, as an example is correlated with the increases in the ambient level of ozone in the air (concentration) that an individual person breathes. SCAQMD's Brief of Amicus Curiae states that it would take a large amount of additional emissions to cause a modeled increase in ambient ozone levels over the entire region. The SCAQMD states that based on their own modeling in the SCAQMD's 2012 Air Quality Management Plan, a reduction of 432 tons (864,000 pounds) per day of NO_x and a reduction of 187 tons (374,000 pounds) per day of VOCs would reduce ozone levels at the highest monitored site by only nine parts per billion. As such, the SCAQMD concludes that it is not currently possible to accurately quantify ozone-related health impacts caused by NO_x or VOC emissions from relatively small projects (defined as projects with regional scope) due to photochemistry and regional model limitations. As such, for the purpose of this analysis, since the project would not exceed VCAPCD regional thresholds for operational air emissions, the project would have a less than significant impact for air quality health impacts as well.

¹⁴ South Coast Air Quality Management District, *Application of the South Coast Air Quality Management District for Leave to File Brief of Amicus Curiae in Support of Neither Party and Brief of Amicus Curiae. In the supreme Court of California. Sierra Club, Revive the San Joaquin, and League of Women Voters of Fresno v. County of Fresno*, 2014.

¹⁵ San Joaquin Valley Air Pollution Control District, *Application for Leave to File Brief of Amicus Curiae Brief of San Joaquin Valley Unified Air Pollution Control District in Support of Defendant and Respondent, County of Fresno and Real Party In Interest and Respondent, Friant Ranch, L.P. In the Supreme Court of California. Sierra Club, Revive the San Joaquin, and League of Women Voters of Fresno v. County of Fresno*, 2014.

Mitigation Measures:

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

1. 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.
2. Exposed surfaces include, but are not limited to, soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
3. 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.
4. 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.
5. Limit vehicle speeds on unpaved roads to 15 miles per hour.
6. 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.
7. 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.
8. Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment shall be checked by a certified mechanic and determined to be running in proper condition before it is operated.

AQ-2 Prior to issuance of grading permits, the City of Thousand Oaks shall review the final construction plan to verify the architectural coating phase shall last for at least six weeks.

AQ-3 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.

An exemption from these requirements may be granted by the City in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the City, the applicant shall be required to demonstrate that two construction fleet owners/operators in Ventura County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within Ventura County. Further, if an exemption is granted by the City, the applicant shall use a minimum of Tier 3 equipment with a CARB-certified Level 3 diesel particulate filter in place of the Tier 4 Final equipment.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

LOCALIZED EMISSIONS

Impact AQ-3 Development associated with implementation of the proposed project would not result in localized emissions impacts or expose sensitive receptors to substantial pollutant concentrations.

Impact Analysis: Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. Sensitive receptors visit the Janss Marketplace to shop and recreate, and some sensitive receptors may work at the Janss Marketplace. Sensitive receptors closest to the project site are multi-family residential development located approximately 1,180 feet to the northeast of the project site. In addition, there is a medical facility located approximately 630 feet to the north of the project site.

Localized Air Quality Health Impacts

Construction

The project construction activities are anticipated to involve the operation of diesel-powered equipment, which would emit Diesel Particulate Matter (DPM). In 1998, the CARB identified diesel exhaust as a Toxic Air Contaminant (TAC). Cancer health risks associated with exposures to diesel exhaust typically are associated with chronic exposure, in which a 30-year exposure period often is assumed. The project would construct a hotel with retails in 20 months while complying with the California Code of Regulations (CCR), Title 13, Sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by shutting it off when not in use or by reducing the time of idling to no more than five minutes. Implementation of this regulation would reduce the amount of DPM emissions from the construction of the project.

Sensitive receptors who visit or work at the Janss Marketplace would not be continuously exposed to DPM emissions from construction activities, because visitors would only visit the Janss Marketplace for a few hours or up to a full work shift. The closest sensitive receptors to the project site are multi-family residential development located approximately 1,180 feet to the northeast of the project site. At this distance, DPM emissions from the construction activities would mostly dissipate and the concentrations would be extremely low. The patients visiting the medical facility located approximately 630 feet to the north of the project site would not be continuously exposed to DPM emissions from construction activities, because, like Janss Marketplace visitors, patients would only stay in the facility for at most a few days or even hours. In addition, construction activities are expected to occur well below the 30-year exposure period used in health risk assessments and would comply with required regulations. Emissions would be short-term and intermittent in nature, and therefore would not generate TAC emissions at high enough exposure concentrations to represent a health hazard. Therefore, construction of the proposed project is not anticipated to result in an elevated cancer risk to nearby sensitive receptors and the impact would be less than significant.

The project would not impact undisturbed land; it would be built upon the grounds of a former retail establishment, which is not a source of Valley Fever spores. In the unlikely event that construction activities would release the spores that cause Valley Fever, 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. 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

The project would construct a hotel with retail units and would result in very limited operation activities with potential health risks, including landscaping maintenance operations and emergency generators when required. Any on-site emergency generators would be required to comply with VCAPCD rules and regulations, as well as permitting process. Neither of these activities would result in the generation of excessive TAC emissions, or associated health risks from the project's operation. Therefore, the operation of the proposed project is not anticipated to result in an elevated cancer risk to nearby sensitive receptors and the impact would be less than significant.

Carbon Monoxide Hotspots

CO emissions are a function of vehicle idling time, meteorological conditions, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels (i.e., adversely affecting residents, school children, hospital patients, the elderly, etc.). The VCAPCD requires a quantified assessment of CO hotspots when a project would generate indirect emissions greater than the applicable ozone project significance thresholds (25 pounds per day of NO_x and ROG), and may significantly impact roadway intersections that are currently operating at, or are expected to operate at, Levels of Service (LOS) E or F. Because traffic congestion is highest at intersections where vehicles queue and are subject to reduced speeds, these hot spots are typically produced at intersections.

None of the analyzed intersections would operate at LOS E or F under existing or future conditions, and the low volume of traffic (a net increase of 724 average daily trips, per the City's Trip Generation Analysis) generated because of project implementation would not significantly impact analyzed roadway intersections. Therefore, according to the VCAPCD AQ guidelines, the project does not qualify for a quantified assessment of CO hotspots. Less than significant impacts would result in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

ODOR

Impact AQ-4 Development associated with implementation of the proposed project would not result in other emissions (such as those leading to odors adversely affecting a substantial number of people).

Impact Analysis: According to VCAPCD's AQ Guidelines, land uses associated with odor complaints typically include wastewater treatment plants, landfills, composting, chemical plants, fiberglass operations, food processing facilities, dairies, rendering plants, refineries, and agricultural uses. A significant impact may occur if the proposed project would result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Odors can cause a variety of responses, depending on factors such as frequency (how often), intensity (strength), duration (in time), offensiveness (unpleasantness), location, and sensory perception.

The proposed project involves construction of a hotel with retail units and does not include any uses identified by the VCAPCD as being associated with odor complaints. During operation the project would include enclosure for trash and recyclable bins, to be emptied on a regular basis, and therefore would not generate objectionable odors that adversely affect a substantial number of people. As such, odor impacts of the project during operation would be less than significant.

Construction activities associated with the project may generate detectable odors from the application of certain materials (i.e., asphalt, paints, etc.) and heavy-duty equipment exhaust. However, construction-related odors would be short-term in nature and mostly confined to the immediate vicinity of construction equipment or the surface in question. Such odors would dissipate into the air and if they reached sensitive receptor sites would be diluted to well below any concentrations that would cause an air quality concern. Further, odors produced by materials would begin to wane immediately after application and would cease when the materials dry, and odors produced by machinery would only be present while machinery is operating. In addition, the project would be required to comply with the CCR, Title 13, sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by shutting it off when not in use or by reducing the time of idling to no more than five minutes. This would reduce the detectable odors from heavy-duty equipment exhaust. In addition, compliance with VCAPCD Rule 74.2, which requires VOC content of paints not exceeding 50 grams per liter, the odors from architectural coatings of the project would be reduced below threshold levels. Any project odor impacts to the existing adjacent land uses and the closest nearby sensitive receptors (residences located 1,180 feet to the northeast) or those visiting the Janss Marketplace would be short-term and not substantial as these odors would quickly dissipate. As such, the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people during construction. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.2.5 Cumulative Impacts

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, Cumulative Projects List, and illustrated on Exhibit 4-1, Cumulative Project Locations, cumulative projects are situated in the site vicinity.

SHORT-TERM (CONSTRUCTION) AIR EMISSIONS

- Short-term construction activities associated with the proposed project and other related cumulative projects, could result in increased air pollutant emission impacts or expose sensitive receptors to increased pollutant concentrations.

Impact Analysis: The VCAPCD neither recommends quantified analyses of cumulative construction emissions, nor does it provide separate methodologies or thresholds of significance to be used to assess cumulative construction impacts. The VCAPCD significance thresholds for construction are intended to meet the objectives of the 2022 AQMP to ensure the NAAQS and CAAQS are not exceeded. As the project applicant has no control over the timing or sequencing of cumulative projects in the project vicinity, any quantitative analysis to ascertain the daily construction emissions that assumes multiple, concurrent construction would be speculative. Future cumulative projects would also be required to analyze construction emission impacts on a project-level under CEQA and implement mitigation as needed.

As indicated in Table 5.2-3, the project would not result in short-term air quality impacts as the project-level emissions would not exceed the VCAPCD adopted construction thresholds with the implementation of Mitigation Measures AQ-1, AQ-2, and AQ- 3. Therefore, the project would not result in cumulatively considerable impacts with regards to short-term construction air quality emissions.

Mitigation Measures: Refer to Mitigation Measures AQ-1 through AQ-3.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

LONG-TERM (OPERATIONAL) AIR EMISSIONS

- Implementation of the proposed project and other related cumulative projects would not result in increased impacts pertaining to operational air emissions.

Impact Analysis: The VCAPCD has set forth both a methodological framework as well as significance thresholds for the assessment of a project's cumulative operational air quality impacts. The VCAPCD's approach for assessing cumulative impacts is based on the VCAPCD's 2022 AQMP forecasts of attainment of NAAQS in accordance with the requirements of the Federal and State CAAs. This forecast also considers SCAG's 2020-2045 RTP/SCS forecasted future regional growth. As such, the analysis of cumulative impacts focuses on determining whether the project is consistent with the growth assumptions upon which the VCAPCD's 2022 AQMP is based. If the project is consistent with the growth assumptions, then the future development would not impede the attainment of NAAQS, and a significant cumulative air quality impact would not occur.

As discussed above, the project would not result in long-term air quality impacts, as the project's operational emissions would not exceed the VCAPCD adopted operational thresholds. Emission reduction technology, strategies, and plans are constantly being developed. As a result, the project would not contribute a cumulatively considerable net increase of any non-attainment criteria pollutant or expose sensitive receptors to potentially significant health risk impacts. Therefore, cumulative operational impacts associated with the implementation of the project would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

CUMULATIVE CARBON MONOXIDE HOTSPOTS

- Implementation of the proposed project and related projects would not result in cumulatively considerable carbon monoxide hotspot impacts.

Impact Analysis: Future related projects would be required to analyze localized emission impacts on a project-level under CEQA and implement mitigation as needed. As stated, future ambient CO concentrations resulting from the project would be substantially below National and State standards, as the highest hourly recorded CO value at the Reseda monitoring station between 2019 and 2021 was 2.603 ppm, which is well below the 35-ppm 1-hour CO Federal Standard; refer to Table 5.2-1. Therefore, the project's contribution would not be cumulatively considerable, and the cumulative impact would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

CUMULATIVE CONSISTENCY WITH APPLICABLE AIR QUALITY PLAN

- Implementation of the proposed project and related projects would not result in cumulatively considerable inconsistencies with the applicable air quality plan.

Impact Analysis: Future related projects would be required to analyze project-level consistency with applicable air quality plans, including the 2022 AQMP. As analyzed above, operational concentrations of criteria air pollutants of the project would be lower than VCAPCD thresholds. Therefore, the project would not result in an increase in the frequency or severity of existing air quality violations. Further, the project would be consistent with the VCAPCD and SCAG’s goals and policies. In addition, the growth anticipated by the project would be consistent with SCAG’s growth forecast, and therefore is consistent with the 2022 AQMP. As such, impacts associated with the project in this regard would not be cumulatively considerable. Cumulative impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.2.6 Level of Significance After Mitigation

No significant unavoidable impacts related to air quality have been identified and the proposed project would have less than significant impacts to air quality following compliance with Mitigation Measures AQ-1 through AQ-3.

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5.3 Biological Resources

This section addresses the potential impacts to biological resources associated with the construction and implementation of the proposed project. As part of the biological review, various data sources (see below) were reviewed by Michael Baker International (Michael Baker). Following the data review, surveys were performed by Michael Baker at the project site on May 2, 2023, during which the biological resources on-site and in the surrounding areas were documented by a staff biologist. As part of the surveys, the property and a 100-foot buffer around the project site were evaluated for the presence of native habitats which may support populations of sensitive wildlife species. The 3.38-acre survey area was also evaluated for the presence of sensitive habitats including wetlands, vernal pools, riparian habitats, and jurisdictional areas. The existing development on the remainder of the Janss Marketplace will continue with the current land uses, to which new impacts to biological resources will not occur.

The information provided in the Michael Baker Report, dated June 7, 2023 (revised), provided in Appendix D, is based on data from the U.S. Fish and Wildlife Service Information for Planning and Consultation project planning tool (USFWS), California Department of Fish and Wildlife (CDFW) California Natural Diversity Database RareFind 5, and California Native Plant Society's Rare and Endangered Plants Inventory. Information from these various data sources is provided in Table 5.3-1, which follows.

5.3.1 Existing 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. The average high temperature is up to 74.8°F during the month of September and the average low temperature is 65.5°F during the month of January. The annual average precipitation is 14.82 inches. Rainfall occurs most frequently in February, with an average rainfall of 3.33 inches.¹

PROJECT LOCATION

The project footprint is approximately 36,300 square feet (0.83-acres), while the project's area of disturbance would encompass approximately 1.21-acres and is located southwest of the intersection of North Moorpark Road and Brazil Street in the City of Thousand Oaks. The site is located in Section 9, Township 1 North, Range 19 West (USGS Newbury Park, CA 7.5-minute quadrangle). The project site is located within a highly developed area of Thousand Oaks and is surrounded by numerous commercial buildings within the Janss Marketplace. The Janss Marketplace includes a multi-level parking structure immediately west of the project site. The project's area of disturbance is categorized as "urban/developed" land. Urban/developed lands 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 project's area of disturbance is relatively flat, ranging from approximately 739 feet above mean sea level at its northern end, to approximately 752 feet above mean sea level at its southern end. The project site and survey area are entirely developed, and no natural vegetation communities were observed within the survey area. The existing structure, surrounding buildings, and parking structure are all surrounded by ornamental vegetation. Vegetation observed on-site and within the survey area includes: Pineapple Guava (*Acca sellowiana*), Common Box (*Busus*

¹ Period of Record Monthly Climate Summary, *Oxnard, CA*, <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca6569>, accessed February 21, 2023.

sempervirens), Fortnight Lily (*Dietes iridoides*), Varnish Leaf (*Dodonaea viscosa*), Ghost Echeveria (*Echeveria lilacina*), Portuguese Heath (*Erica lusitanica*), Climbing Fig (*Ficus pumila*), Pennywort (*Hydrocotyle sp.*), Goldenrain Tree (*Koelreuteria paniculata*), Southern Magnolia (*Magnolia grandiflora*), Sacred Bamboo (*Nandina domestica*), Ivy Geranium (*Pelargonium peltatum*), Canary Island Date Palm (*Phoenix canariensis*), Red Tip Photinia (*Photinia x fraseri*), Afghan Pine (*Pinus eldarica*), Annual Blue Grass (*Poa annua*), Creeping Cinquefoil (*Potentilla reptans*), Callery Pear (*Pyrus calleryana*), Indian Hawthorn (*Rhaphilepis indica*), Southern Indian Azalea (*Rhododendron indicum*), Sow Thistle (*Sonchus oleraceus*), St. Augustine Grass (*Stenotaphrum secundatum*), Bird of Paradise (*Strelitzia reginae*), and Tree Philodendron (*Thaumatococcus bipinnatifidum*). In addition to these observations, no protected plant species, as designated by the City of Thousand Oaks Municipal Code Section 9.4, Article 42 (Oak Tree and Preservation Plan) and Article 43 (Landmark Tree Preservation and Protection) apply, as neither oak trees nor protected trees are present in the project's area of disturbance. Refer to Table 5.3-2 for a complete list of plant species observed within the survey area during the field survey.

The project site and surrounding area are visited mostly by avian species due to the nature of the highly developed area. Four bird species were observed, including Dark-Eyed Junco (*Junco hyemalis*), American Crow (*Corvus brachyrhynchos*), and House Finch (*Haemorhous mexicanus*). A gull (*Larus sp.*) was observed flying over the survey area but was unable to be identified to species level. No other wildlife was observed. No natural habitat occurs in the project vicinity due to urbanization, therefore fish, amphibians, reptilian, and mammalian species are generally not expected to occur within the survey area. Common reptiles such as Side-Blotched Lizard (*Uta stansburiana*) and Western Fence Lizard (*Sceloporus occidentalis*), and common nocturnal mammals, such as Raccoon (*Procyon lotor*), opossum (*Didelphis virginiana*), and Striped Skunk (*Mephitis mephitis*) may occur in the project vicinity.

The survey area was assessed for suitability for maternity roosting habitat for bats, and it was determined that the area does not provide suitable maternity roosting habitat. Caves, crevices, bridges, and abandoned buildings that would typically be used by bats for maternity roosting are not present on-site. Bats may use small crevices within trees or man-made structures for roosting habitat, of which there are several in the project vicinity, however, no individual bats or signs of bats (i.e., guano, urine staining) were observed. Trees observed in the survey area appear to be regularly trimmed and manicured, decreasing their suitability for roosting bats. Additionally, the project site is located within an area of frequent disturbance, including human traffic, vehicle traffic, loud noise and speakers, and decorative lighting, all of which are unfavorable conditions for roosting bats.

The biological resources review determined that the survey area provides limited nesting habitat for most year-round and seasonal avian residents, due to the same on-site disturbances that are unfavorable to roosting bats. No active nests or birds displaying overt nesting behavior were observed during the field survey. However, species that are adapted to nesting in urbanized environments could potentially nest in the area.

The project site and surrounding area are not located within any habitat connectivity or wildlife corridors, or critical wildlife passage areas. The closest wildlife corridor to the site is the Santa Monica-Sierra Madre Wildlife Corridor, located along the northern fringes of Thousand Oaks approximately 1.6 miles to the northwest of the project site.² Wildlife movement through the survey area is restricted by the surrounding Janss Marketplace, and North Moorpark Road, West Hillcrest Drive, and West Wilbur Road. Additionally, U.S. 101, located approximately 1,800 feet south, restricts movement of wildlife north from open space areas south of the freeway. The project vicinity is surrounded by commercial developments and high-traffic roadways that have fragmented the survey area from any naturally occurring vegetation communities. The area is also less suitable for a wildlife movement corridor or linkage because of the high noise levels, lighting, vehicle traffic, and human presence.

² City of Thousand Oaks. 2023. "Draft 2045 General Plan Conservation Element Figure 7.2 Wildlife Corridors." July 2023. <https://www.toaks2045.org/>.

In addition, no potentially jurisdictional drainages or wetland features were observed within the boundaries of the survey area. The CNDDDB (2023), CIRP (2023), and IPaC (2023) were queried for reported locations of special-status plant and wildlife species and special-status natural vegetation communities in the USGS Newbury Park and Thousand Oaks, California 7.5-minute quadrangles. The field survey assessed the condition of the habitats within the boundaries of the project site and survey area to determine suitability for special-status plant and wildlife species. The CNDDDB, CIRP, and IPaC databases identified 40 special-status plant species and 27 special-status wildlife species from the two quadrangles. The CNDDDB also identified five (5) special-status vegetation communities. The field survey identified no special-status plants or wildlife in the survey area, and based on these results and a review of specific habitat preferences, distributions, and elevation ranges, the biologist determined that none of the special-status plant or wildlife species identified by the CNDDDB, CIRP, and IPaC are expected to occur within the survey area. No special-status vegetation communities were observed during the field survey, including the five reported by the CNDDDB (Southern Coast Live Oak Riparian Forest, Southern Riparian Forest, Southern Sycamore Alder Riparian Forest, Valley Needlegrass Grassland, and Valley Oak Woodland). The survey area is not located within designated Critical Habitat for any federally listed species.

The project site is not located within any habitat conservation plan areas.

METHODOLOGIES

A habitat assessment/field survey was conducted on May 2, 2023, during which a biologist from Michael Baker collected data on the plant and animal species and vegetation communities present within the survey area. All plants and animals detected during the surveys were recorded and are provided in Appendix D. The property was also evaluated for the presence of habitats which might support sensitive species. Vegetation communities occurring within the survey area were mapped on an aerial photograph and classified in accordance with vegetation descriptions provided in the following references: *Preliminary Descriptions of the Terrestrial Natural Communities of California* (Sawyer et al. 2009) and *Preliminary Descriptions of the Terrestrial Natural Communities of California* (Holland 1986). Site characteristics, including soil condition, topography, hydrology, anthropogenic disturbances, indicator species, condition of on-site vegetation communities, and presence of potentially regulated jurisdictional features, were noted within the survey area. Geographic Information Systems software was used to digitize the mapped vegetation communities onto an aerial photograph to quantify vegetation community acreage.

Plant species observed and recorded during the field survey were identified by visual characteristics and morphology in the field while unusual and less familiar plant species were photographed and identified later using taxonomic guides. Plant nomenclature used in this report follows the *Jepson eFlora* (Jepson Flora Project 2023). Wildlife detections were made through aural and visual detection, as well as observation of signs including scat, trails, tracks, burrows, and nests. Buildings and trees in the survey area were scrutinized for signs of the presence of bats, including guano and urine staining. Field guides used to assist with identification of wildlife species during the habitat assessment included *The Sibley Guide to Birds* (Sibley 2014), *A Field Guide to Western Reptiles and Amphibians* (Stebbins 2003), *Bats of the United States and Canada* (Harvey et al. 2011), and *A Field Guide to Mammals of North America* (Reid 2006). Nomenclature of birds follows the most recent annual supplement of the American Ornithological Society's *Checklist of North American Birds* (Chesser et al. 2020), nomenclature of amphibians and reptiles follows *Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico, with Comments Regarding Confidence in Our Understanding* (Crother 2017), and nomenclature for mammals follows the *Revised Checklist of North American mammals North of Mexico* (Bradley et al. 2014).

LITERATURE SEARCH

Literature reviews and records searches were conducted to determine which special-status biological resources have the potential to occur on or within the survey area. The project site occurs along the extreme eastern perimeter of the USGS Newbury Park, California 7.5-minute quadrangle, with the Thousand Oaks quadrangle occurring immediately east. Previous special-status plant and wildlife species occurrence records from these quadrangles were queried in the CNDDDB and CIRP. IPaC was queried to identify federally-listed plant and wildlife species known from the project vicinity. Current conservation status of species was verified through lists and resources provided by the CDFW. Previously prepared reports, survey results, and literature were also reviewed to confirm species observations and note the extent of any disturbances that have occurred within the project site or survey area. Based on this review, it was determined that 40 special-status plant species and 27 special-status wildlife species may occur within the Newbury Park and Thousand Oaks quadrangles. Table 5.3-1 provides data on each special status species identified in the literature review which have been documented in the area.

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|--|--|--|---------------------|---|
| Special-Status Wildlife Species | | | | |
| Tricolored blackbird <i>Agelaius tricolor</i> | Federal: None State: ST, SSC NatureServe: G1, G2, S2 | Range is limited to the coastal areas of the Pacific Coast of North America, from Northern California to upper Baja California. Can be found in a wide variety of habitat including annual grasslands, wet and dry vernal pools and other seasonal wetlands, agricultural fields, cattle feedlots, and dairies. Occasionally forage in riparian scrub habitats along marsh borders. Require open accessible water, protected nesting substrate freshwater marsh dominated by cattails, willows, and bulrushes, and either flooded or thorny/spiny vegetation and suitable foraging space providing adequate insect prey. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Southern California rufous-crowned sparrow <i>Aimophila ruficeps canescens</i> | Federal: None State: WL NatureServe: G5, T3, S3 | Yearlong resident that is typically found between 3,000 and 6,000 feet above mean sea level. Breed in sparsely vegetated scrubland on hillsides and canyons. Prefers coastal sage scrub dominated by California sagebrush, but they can also be found breeding in costal bluff scrub, low-growing serpentine chaparral, and along the edges of tall chaparral habitats. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|--|--|--|-----------------------------|---|
| Southern California legless lizard <i>Anniella stebbinsii</i> | Federal: None State: SSC NatureServe: G3, S3 | Locally abundant specimens are found in coastal sand dunes and a variety of interior habitats, including sandy washes and alluvial fans. A large, protected population persists in the remnant of the once extensive EL Segundo Dunes at Los Angeles International Airport. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Pallid bat <i>Antrozous pallidus</i> | Federal: None State: SSC NatureServe: G4, S3 | Locally common species in the Great Basin, Mojave, and Sonoran Deserts and grasslands throughout the western U.S. Also occurs in shrublands, woodlands, and forests from sea level to 8,000 above mean sea level. Prefers rocky outcrops, cliffs, and crevices for roosting with access to open habitats for foraging. May also roost in caves, mines, bridges, barns, porches, and bat boxes, and on the ground under burlap sacks, stone piles, rags, baseboards, and rocks. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Golden eagle <i>Aquila chrysaetos</i> | Federal: FP State: WL NatureServe: G5, S3 | Yearlong resident of California. Occupies nearly all terrestrial habitats of the western states except densely forested areas. Favors secluded cliffs with overhanging ledges and large trees for nesting and cover. Hilly or mountainous country where takeoff and soaring are supported by updrafts is generally preferred. Deeply cut canyons rising to open mountain slopes and crags are ideal habitat. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Coastal whiptail <i>Aspidoscelis tigris stegnegeri</i> | Federal: None State: SSC NatureServe: G5T5, S3 | This subspecies is found in coastal southern California, mostly west of the Peninsular Ranges, and north into Ventura County. Ranges south into Baja California. Found in a variety of ecosystems, primarily hot and dry open areas with sparse vegetation in chaparral, woodland, and riparian areas. Associated with rocky areas with little vegetation or sunny microhabitats within shrub or grassland associations. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Crotch bumble bee <i>Bombus crotchii</i> | State: CSE | Found from coastal California east to the Sierra-Cascade crest and south into Mexico. Primarily occurs in California, | No | Not Expected. There is no suitable habitat within the |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|---|--|---|---------------------|---|
| | NatureServe: G2, S2 | including the Mediterranean region, Pacific coast, western desert, great valley, and adjacent foothills through most of southwestern California. Has also been recorded in Baja California, Baja California Sur, and in southwest Nevada. Primarily nests underground. Food plant genera include <i>Antirrhinum</i> , <i>Phacelia</i> , <i>Clarkia</i> , <i>Dedromecon</i> , <i>Eschscholzia</i> , and <i>Eriogonum</i> . | | survey area to support this species. |
| Vernal pool fairy shrimp <i>Branchinecta lynchi</i> | Federal: None State: None NatureServe: G3, S3 | Primarily occurs in California from Los Angeles County north along the coast to Santa Cruz, with the population extending north within the Central Valley and into Southern Oregon. Primarily occurs in vernal pools, seasonal wetlands, and stagnant ditches that fill with water during the rainy season and subsequently dry up in spring and summer. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i> | Federal: FT State: SE Nature Serve: G5T2T3, S1 | Uncommon summer resident where its breeding distribution is restricted to isolated sites in Sacramento, Armargosa, Kern, Santa Ana, and Colorado River valleys. The species requires large patches of multi-layered riparian forest, with cottonwoods and willows. The presence of standing or flowing surface water under the riparian canopy is also preferred. Mesquite groves may also be used, but usually only when cottonwood-willow habitat is unavailable. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Monarch butterfly – California overwintering population <i>Danaus plexippus pop. 1</i> | Federal: FC State: None NatureServe: G4T1T2Q, S2 | Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico. Roosts are located in wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| San Bernardino ringneck snake <i>Diadophis punctatus modestus</i> | Federal: None State: None NatureServe: G5T2T3, S2? | Found along the southern California coast from Santa Barbara County to San Diego County and inland areas in the San Bernardino mountains. The species' range also extends north into the Sierra Nevada mountains in Kern County. The | No | Not Expected. There is no suitable habitat within the survey area to support this species. |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|--|--|---|---------------------|--|
| | | species prefers moist habitat areas, including wet meadows, rocky hillsides, gardens, farmland, grassland, chaparral, mixed coniferous forests, and woodlands. | | |
| Southwestern willow flycatcher <i>Empidonax trailii extimus</i> | Federal: FE State: SE NatureServe: G5T2, S3 | Uncommon summer resident in southern California primarily found in lower elevation riparian habitats occurring along streams or in meadows. The structure of suitable breeding habitat typically consists of a dense mid-story and understory and can also include a dense canopy. Nest sites are generally located near surface water or saturated soils. The presence of surface water, swampy conditions, standing or flowing water under the riparian canopy are preferred. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Western pond turtle <i>Emys marmorata</i> | Federal: None State: SSC NatureServe: G3G4, S3 | Found in ponds, lakes, rivers, streams, creeks, marshes, and irrigation ditches, with abundant vegetation, either rocky or muddy bottoms, in woodland, forest, and grassland. In streams, prefers pools to shallower areas. Logs, rocks, cattail mats, and exposed banks are required for basking. May enter brackish water and even seawater. Found at elevations from sea level to over 5,900 feet above sea level. | No | Not Expected. No ponds, lakes, rivers, streams, creeks, marshes, or irrigation ditches exist within the project site. |
| Western mastiff bat <i>Eumops perotis californicus</i> | Federal: None State: SSC NatureServe: G4G5T4, S3S4 | Primarily a cliff-dwelling species, roost generally under exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least 3 meters below the entrance for flight. In California, it is most frequently encountered in broad open areas. Its foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Arroyo chub <i>Gila orcuttii</i> | Federal: None State: SSC | Found in sandy and muddy bottoms of flowing streams, including headwaters, creeks, and small to medium rivers, as well as intermittent streams. Found in the streams and rivers of southern | No | Not Expected. There is no suitable habitat within the survey area to support this species. |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|--|---|--|---------------------|--|
| | NatureServe: G2, S2 | California in the Los Angeles Plain, including Malibu and San Juan Creeks, Los Angeles, San Gabriel, San Luis Rey, Santa Ana, and Santa Margarita River drainages. The species has also been introduced to drainages in the central coast and inland desert regions of California. | | |
| California condor <i>Gymnogyps californianus</i> | Federal: FE, FP State: None NatureServe: G1, S2 | A yearlong resident of the semi-arid mountain ranges bordering the southern San Joaquin Valley, including the Coast Ranges from Santa Clara County south to Los Angeles County, the Transverse Ranges, Tehachapi Mountains, and the southern Sierra Nevada. The species nests and roosts in caves and ledges in steep, rocky terrain, or in old growth tree cavities within coniferous forest. Foraging habitat includes open grasslands, oak savanna foothills, and beaches adjacent to coastal mountain ranges. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Western small-footed myotis <i>Myotis ciliolabrum</i> | Federal: None State: None NatureServe: G5, S3 | Found throughout much of western North America, including arid uplands throughout much of California. The species occurs in coastal California from Contra Costa County south to Baja California. It also occurs east and west of the Sierra Nevada Range, and in Great Basin and desert habitats from Modoc to Kern and San Bernardino Counties. Roosts in caves, buildings, mines, rocky crevices, and occasionally under bridges or bark. The species often forages among trees in open forest stands, or over water, including streams, ponds, springs, and stock tanks. | No | Not Expected. Although buildings and trees are present within or adjacent to the survey area, they are subject to a high level of human visitation and other forms of disturbance. In addition, there are no adjacent forest stands or water sources preferred by the species for foraging within or adjacent to the survey area. |
| San Diego desert woodrat <i>Neotoma lepida intermedia</i> | Federal: None State: SSC NatureServe: G5T3T4, S3S4 | Occurs in coastal scrub communities between San Luis Obispo and San Diego Counties. Found in a variety of shrub and desert habitats, primarily associated with rock outcroppings, boulders, cacti, or areas of dense undergrowth. Woodrats often are associated with cholla cacti which they use for water and dens or | No | Not Expected. There is no suitable habitat within the survey area to support this species. |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|---|--|--|---------------------|--|
| | | boulders and boulder piles. The most common natural habitats are chaparral, coastal sage scrub, and grassland. | | |
| Steelhead – Southern California DPS <i>Oncorhynchus mykiss irideus</i> <i>pop. 10</i> | Federal: FE State: CSE NatureServe: G5T1Q, S1 | Steelhead can survive in a wide range of temperature conditions. Species is found where dissolved oxygen concentration is at least 7 parts per million. In streams, deep low-velocity pools are important wintering habitats. Spawning habitat consists of gravel substrates free of excessive silt. | No | Not Expected. Perennial streams preferred by this species are no present within the project site. |
| Coast horned lizard <i>Phrynosoma blainvillii</i> | Federal: None State: SSC NatureServe: G4, S4 | Occurs in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. Its elevational range extends up to 4,000 feet in the Sierra Nevada foothills and up to 6,000 feet in the mountains of Southern California. In inland areas, this species is restricted to areas with pockets of open microhabitat, created by disturbance (e.g. fire, floods, unimproved roads, grazing lands, and fire breaks). The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Coastal California gnatcatcher <i>Polioptila californica californica</i> | Federal: FT State: SSC NatureServe: G4G5T3Q, S2 | Yearlong resident of sage scrub habitats that are dominated by California sagebrush. This species generally occurs below 750 feet above mean sea level (amsl) in coastal regions and below 1,500 feet amsl inland. Ranges from Ventura County, south to San Diego County and northern Baja California and it is less common in sage scrub with a high percentage of tall shrubs. Prefers habitat with more low-growing vegetation. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Bank swallow <i>Riparia riparia</i> | Federal: None State: ST | Neotropical migrant found in riparian and other lowland habitats in California, west of the deserts. The species does not breed in southern California. During the | No | Not Expected. There is no suitable habitat within the survey area to support this species. |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|--|--|---|---------------------|---|
| | NatureServe: G5, S2 | summer, the species is restricted to riverbanks, creeks, seashores, and lakes with vertical banks, bluffs, and cliffs with fine-textured or sandy soils nearby for nesting. | | |
| Riverside fairy shrimp <i>Streptocephalus woottoni</i> | Federal: FE State: None NatureServe: G1G2, S2 | Restricted to deep seasonal vernal pools, vernal pool-like ephemeral ponds, and stock ponds and other human modified depressions. Basins that support Riverside fairy shrimp are typically dry a portion of the year, but usually are filled by late fall, winter, or spring rains, and may persist through May. Endemic to western Riverside, Orange, and San Diego Counties in tectonic swales/earth slump basins in grassland and coastal sage scrub. In Riverside County, the species has been found pools formed over the following soils: Murrieta stony clay loams, Las Posas series, Wyman clay loam, and Willows soils. All known habitat lies within annual grasslands, which may be interspersed through chaparral or coastal sage scrub vegetation. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Two-striped garter snake <i>Thamnophis hammondi</i> | Federal: None State: SSC NatureServe: G4, S3S4 | Occurs in or near permanent fresh water, often along streams with rocky beds and riparian growth up to 7,000 feet amsl. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Santa Monica grasshopper <i>Trimerotropis occidentiloides</i> | Federal: None State: None NatureServe: G2, S2 | Occurs in several locations in the Santa Monica Mountains of coastal southern California. Habitat includes shrubland and chaparral, with preference for bare hillsides and along dirt trails in chaparral. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Least Bell's vireo <i>Vireo bellii pusillus</i> | Federal: FE State: SE NatureServe: G5T2, S3 | Summer resident in southern California. Breeding habitat generally consists of dense, low, shrubby vegetation in riparian areas, and mesquite brushlands, often near water in arid regions. Early successional cottonwood-willow riparian groves are preferred for nesting. The most critical structural component of | No | Not Expected. There is no suitable habitat within the survey area to support this species. |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|--|--|--|---------------------|---|
| | | nesting habitat in California is a dense shrub layer that is 2 to 10 feet above ground. The presence of water, including ponded surface water or moist soil conditions, may also be a key component for nesting habitat. | | |
| Special-Status Plant Species | | | | |
| Marsh sandwort <i>Arenaria paludicola</i> | Federal: FE State: SE, 1B.1, NatureServe: G1, S1 | Perennial herb. Occurs within freshwater marsh and wetland-riparian habitats. Grows in elevations from 1 to 1,687 feet amsl. Blooming period is May through August. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Western spleenwort <i>Asplenium vespertinum</i> | Federal: None State: 4.2 NatureServe: G3?, S4 | Perennial rhizomatous herb. Occurs within chaparral, cismontane woodland, and coastal scrub habitats. Grows in elevations from 590 feet to 3280 feet amsl. Blooming period is February through June. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Braunton's milk-vetch <i>Astragalus brauntonii</i> | Federal: FE State: 1B.1 NatureServe: G2, S2 | Perennial herb. Occurs within chaparral, coastal scrub, and valley and foothill grassland, often in disturbed areas, usually within sandstone soils with carbonate layers, and sometimes within recent burn scars. Grows in elevations from 15 to 2100 feet amsl. Blooming period is January through August. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Malibu baccharis <i>Baccharis malibuensis</i> | Federal: None State: 1B.1 NatureServe: G1, S1 | Perennial deciduous herb. Occurs within chaparral, cismontane woodland, coastal scrub, and riparian woodland. Grows in elevations from 490 feet to 1000 feet amsl. Blooming period is August. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Brewer's calandrinia <i>Calandrinia breweri</i> | Federal: None State: 4.2 NatureServe: G4, S4 | Annual herb. Occurs on loam, sandy soils, disturbed or burned areas within chaparral and coastal sage scrub habitats. Grows in elevations from 35 to 4005 feet amsl. Blooming period is March through June. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Catalina mariposa lily <i>Calochortus catalinae</i> | Federal: None State: 4.2 | Perennial herb (bulb). Habitats include chaparral, cismontane woodland, coastal scrub, valley and foothill grassland. Found at elevations ranging from 49 to 2297 | No | Not Expected. There is no suitable habitat within the survey area to support this species. |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|---|---|---|---------------------|--|
| | NatureServe: G3G4, S3S4 | feet amsl. Blooming period is February through June. | | |
| Club-haired mariposa lily <i>Calchortus clavatus</i> var. <i>clavatus</i> | Federal: None State: 4.3 NatureServe: G4T3, S3 | Perennial bulbiferous herb. Occurs in clay, rocky, and usually serpentine soils within chaparral, cismontane woodland, coastal scrub, or valley/foothill grassland. Grows in elevations from 100 feet to 4265 feet amsl. Blooming period is April through June. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Slender mariposa lily <i>Calochortus clavatus</i> var. <i>gracilis</i> | Federal: None State: 1B.2 NatureServe: G4T2T3, S2S3 | Perennial bulbiferous herb. Occurs in shaded foothill canyons, and in chaparral, coastal scrub, and valley/foothill grassland. Grows in elevations from 1050 feet to 3280 feet amsl. Blooming period is March through June. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Plummer's mariposa lily <i>Calochortus plummerae</i> | Federal: None State: 4.2 NatureServe: G4, S4 | Perennial bulbiferous herb. Occurs on granitic and rocky soils within chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, and valley/foothill grassland. Grows in elevations ranging from 328 feet to 5,577 feet amsl. Blooming period is May through July. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Southern tarplant <i>Centromadia parryi</i> ssp. <i>Australis</i> | Federal: None State: 1B.1 NatureServe: G3T2, S2 | Annual herb. Occurs in marshes and swamps (margins), valley and foothill grassland (vernally mesic), and vernal pools. Found at elevations ranging from 0 to 1,575 feet amsl. Blooming period is May through November. | No | Not Expected. There are no suitable marsh and swamp habitats, vernal pools, or vernal mesic valley and foothill grassland habitats preferred by this species present within the project site. |
| Island mountain-mahogany <i>Cercocarpus betuloides</i> var. <i>blancheae</i> | Federal: None State: 4.3 NatureServe: G5T4, S4 | Perennial evergreen shrub. Occurs in chaparral and closed-cone coniferous forest habitats. Found at elevations ranging from 100 to 1970 feet amsl. Blooming period is from February through May. | No | Not Expected. There are no suitable chaparral or closed-cone coniferous forest habitats preferred by this species present within the project site. |
| Small-flowered morning-glory | Federal: None | Annual herb. Found on wet clay and serpentine ridges within chaparral, coastal scrub, and valley and foothill | No | Not Expected. There is no suitable habitat within the |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name Scientific Name | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|---|---|---|-----------------------------|--|
| <i>Convolvulus simulans</i> | State: 4.2 NatureServe: G4, S4 | grassland. Found at elevations ranging from 100 to 2,820 feet amsl. Blooming period is from March to July. | | survey area to support this species. |
| Santa Susana tarplant <i>Deinandra minthornii</i> | Federal: None State: 1B.2 NatureServe: G2, S2 | Perennial deciduous shrub. Found on rocky soils in chaparral and coastal scrub. Found at elevations ranging from 920 feet to 2495 feet. Blooming period is from July to November. | No | Not Expected. There is no suitable habitat within the survey area for this species, and the survey area is outside of the known elevation range for the species. |
| Dune larkspur <i>Delphinium parryi ssp. blochmaniae</i> | Federal: None State: 1B.2 NatureServe: G4T4, S2 | Perennial herb. Found in maritime chaparral and coastal dunes. Found at elevations ranging from 0 feet to 655 feet amsl. Blooming period is from April to June. | No | Not Expected. There is no suitable habitat within the survey area to support this species, and the survey area is outside of the known elevation range for the species. |
| Mt. Pinos larkspur <i>Delphinium parryi ssp. purpureum</i> | Federal: None State: 4.3 NatureServe: G4T4, S4 | Perennial herb. Found in chaparral, Mojavean desert scrub, and pinyon and juniper woodland. Found at elevations from 3280 feet to 8530 feet amsl. Blooming period is from May through June. | No | Not Expected. There is no suitable habitat within the survey area to support this species, and the survey area is outside of the known elevation range for the species. |
| Conejo dudleya <i>Dudleya abramsii ssp. parva</i> | Federal: None State: 1B.2 NatureServe: G1, S1 | Perennial herb. Habitats include chaparral, Mojavean desert scrub, and pinyon and juniper woodland. Found at elevations ranging from 3,281 feet to 8,530 feet amsl. Blooming period is from May through June. | No | Not Expected. There is no suitable habitat within the survey area to support this species, and the survey area is outside of the known elevation range for the species. |
| Blochman's dudleya <i>Dudleya blochmaniae ssp. blochmaniae</i> | Federal: None State: 1B.1 NatureServe: G3T2, S2 | Perennial herb. Occurs on rocky, often clay or serpentinite soils within coastal bluff scrub, chaparral, coastal scrub, and valley and foothill grassland habitats. Found at elevations ranging from 16 to 1,476 feet amsl. Blooming period is from April through June. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Agoura Hills dudleya <i>Dudleya cymosa ssp. agourensis</i> | Federal: FT State: 1B.2 | Perennial herb. Occurs on rocky, volcanic soils within chaparral and cismontane woodland. Found at elevations ranging | No | Not Expected. There is no suitable habitat within the survey area to support this species. |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|---|--|---|---------------------|--|
| | NatureServe: G5T1, S1 | from 655 feet to 1640 feet amsl. Blooming period is from May through June. | | |
| Marcescent dudleya <i>Dudleya cymosa</i> <i>ssp. marcescens</i> | Federal: FT State: 1B.2 NatureServe: G5T2, S2 | Perennial herb. Occurs on rocky, volcanic soils within chaparral. Found at elevations ranging from 490 feet to 1705 feet amsl. Blooming period is from April through June. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Santa Monica dudleya <i>Dudleya cymosa</i> <i>ssp. ovatifolia</i> | Federal: FT State: 1B.1 NatureServe: G5T1, S1 | Perennial herb. Occurs sometimes on sedimentary rocky or volcanic rocky soils within chaparral and coastal scrub. Found at elevations ranging from 490 feet to 5495 feet amsl. Blooming period is from March through June. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Verity's dudleya <i>Dudleya verity</i> | Federal: FT State: 1B.1 NatureServe: G1, S1 | Perennial herb. Occurs on rocky, volcanic soils within chaparral, cismontane woodland, and coastal scrub. Found at elevations ranging from 195 feet to 395 feet amsl. Blooming period is from May through June. | No | Not Expected. There is no suitable habitat within the survey area to support this species, and the survey area is outside of the known elevation range for the species. |
| Conejo buckwheat <i>Eriogonum</i> <i>crocatum</i> | Federal: None State: 1B.2 NatureServe: G1, S1 | Perennial herb. Occurs on rocky, volcanic soils and Conejo volcanic outcrops within chaparral, coastal scrub, and valley/foothill grassland. Found at elevations ranging from 165 feet to 1905 feet amsl. Blooming period is from April through July. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Santa Barbara bedstraw <i>Galium</i> <i>cliftonsmithii</i> | Federal: None State: 4.3 NatureServe: G4, S4 | Perennial herb. Occurs within cismontane woodland habitat. Found at elevations ranging from 655 to 4005 feet amsl. Blooming period from May through July. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Vernal barley <i>Hordeum</i> <i>intercedens</i> | Federal: None State: 3.2 NatureServe: G3G4, S3S4 | Annual herb. Habitat includes coastal dunes, coastal scrub, vernal pools, and valley/foothill grassland. Grows in elevations ranging from 16 to 3,281 feet amsl. Blooming period is March through June. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Southern California black walnut | Federal: None | Perennial deciduous tree. Found in chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. | No | Not Expected. There is no suitable habitat within |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name Scientific Name | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|---|--|---|-----------------------------|--|
| <i>Juglans californica</i> | State: 4.2 NatureServe: G4, S4 | Found at elevations ranging from 164 to 2,953 feet amsl. Blooming period is March through August. | | the survey area to support this species. |
| Fragrant pitcher sage <i>Lepechinia fragrans</i> | Federal: None State: 4.2 NatureServe: G3, S3 | Perennial shrub. Occurs within chaparral habitat. Found at elevations ranging from 65 to 4300 feet amsl. Blooming period is March through October. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Robinson's pepper-grass <i>Lepidium virginicum</i> var. <i>robinsonii</i> | Federal: None State: 4.3 NatureServe: G5T3, S3 | Annual herb. Occurs in dry soils on chaparral and coastal sage scrub. Found at elevations ranging from 66 to 4,396 feet amsl. Blooming period is January through July. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Ocellated Humboldt lily <i>Lilium humboldtii</i> ssp. <i>ocellatum</i> | Federal: None State: 4.2 NatureServe: G4T4?, S4? | Perennial herb (bulb). Occurs in chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, and riparian woodland habitats. Found at elevations ranging from 100 feet to 5905 feet amsl. Blooming period is March through July (August). | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| White-veined monardella <i>Monardella hypoleuca</i> ssp. <i>hypoleuca</i> | Federal: None State: 1B.3 NatureServe: G4T3, S3 | Perennial herb. Occurs in chaparral and cismontane woodland habitats. Found at elevations ranging from 165 to 5005 feet amsl. Blooming period is from May through August. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Gerry's curly-leaved monardella <i>Monardella sinuata</i> ssp. <i>gerryi</i> | Federal: None State: 1B.1 NatureServe: G3T1, S1 | Annual herb. Occurs in open areas and sandy soils within coastal scrub. Found at elevations ranging from 490 feet to 805 feet amsl. Blooming period is from April through June. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Gambel's watercress <i>Nasturtium gambellii</i> | Federal: FT State: SE, 1B.1 NatureServe: G1, S1 | Perennial herb. Occurs in marshes, streambanks, and lake margins. Found at elevations ranging from 0 feet to 350 feet amsl. Blooming period is from May through August. | No | Not Expected. There is no suitable habitat within the survey area to support this species, and the survey area is outside of the known elevation range for the species. |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|---|---|--|-----------------------------|--|
| Spreading navarretia <i>Navarretia fossalis</i> | Federal: FT State: 1B.1 NatureServe: G2, S2 | Annual herb. Habitats include chenopod scrub, marshes, and swamps (assorted shallow freshwater), playas, and vernal pools. Found at elevations ranging from 98 to 2,149 feet amsl. Blooming period is from April through June. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Ojai navarretia <i>Navarretia ojaiensis</i> | Federal: None State: 1B.1 NatureServe: G2, S2 | Annual herb. Occurs within openings in chaparral and coastal scrub, and valley/foothill grassland. Found at elevations ranging from 900 to 2035 feet amsl. Blooming period is from May through July. | No | Not Expected. There is no suitable habitat within the survey area to support this species, and the survey area is outside of the known elevation range for the species. |
| Chaparral nolina <i>Nolina cismontane</i> | Federal: None State: 1B.2 NatureServe: G3, S3 | Perennial evergreen shrub. Occurs within chaparral and coastal scrub, sometimes on gabbroic or sandstone soils. Found at elevations ranging from 460 feet to 4185 feet amsl. Blooming period is from (March) May through July. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| California Orcutt grass <i>Orcuttia californica</i> | Federal: FE State: SE, 1B.1 NatureServe: G1, S1 | Annual herb. Restricted to vernal pool habitats. Found at elevations ranging from 49 to 2,165 feet amsl. Blooming period is April through August. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Lyon's pentachaeta <i>Pentachaeta lyonii</i> | Federal: FE State: CE, 1B.1 NatureServe: G1, S1 | Annual herb. Occurs on rocky and clay soils within chaparral (openings), coastal scrub, valley and foothill grassland habitats. Found at elevations ranging from 100 to 2265 feet amsl. Blooming period is from (February) March through August. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Hubby's phacelia <i>Phacelia hubbyi</i> | Federal: None State: 4.2 NatureServe: G4, S4 | Annual herb. Occurs on gravelly, rocky, and talus soils within chaparral, coastal scrub, and valley/foothill grassland. Found at elevations ranging from 0 to 3280 feet amsl. Blooming period is from April through July. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Michael's rein orchid <i>Piperia michaelii</i> | Federal: None State: 4.2 | Perennial herb. Occurs within chaparral, cismontane woodland, closed-cone coniferous forest, coastal bluff scrub, coastal scrub, and lower montane coniferous forest. Found at elevations | No | Not Expected. There is no suitable habitat within the survey area to support this species. |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|--|---|--|---------------------|---|
| | NatureServe: G3, S3 | ranging from 10 to 3000 feet amsl. Blooming period is from April through August. | | |
| Nuttall's scrub oak <i>Quercus dumosa</i> | Federal: None State: 1B.1 NatureServe: G3, S3 | Perennial evergreen shrub. Generally occurs on sandy soils near the coast, and sometimes clay loam. Found in closed-cone coniferous forest, chaparral, and coastal scrub. Found at elevations ranging from 50 to 4030 feet amsl. Blooming period is from February through March. | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Chaparral ragwort <i>Senecio aphanactis</i> | Federal: None State: 2B.2 NatureServe: G3, S2 | Annual herb. Grows on alkaline soils within chaparral, cismontane woodland, and coastal scrub habitats. Found at elevations ranging from 49 to 2,625 feet amsl. Blooming period is January through April (May). | No | Not Expected. There is no suitable habitat within the survey area to support this species. |
| Special-Status Vegetation Communities | | | | |
| <u>CNDDB/Holland (1986)</u> Southern Coast Live Oak Riparian Forest <u>MCV (1995)</u> Coast Live Oak Series <u>NVCS (2009)</u> <i>Quercus agrifolia</i> Woodland Alliance | NatureServe: G4, S4 | Found at elevations ranging from sea level to 3,937 feet amsl in alluvial terraces, canyon bottoms, stream banks, slopes, and flats. Soils are deep, sandy or loamy with high organic matter. Coast live oak is a dominant or co-dominant in the tree canopy with bigleaf maple, box elder, madrono, southern California black walnut, California sycamore, Fremont cottonwood, blue oak, Engelmann oak, California black oak, valley oak, arroyo willow, and California bay. Trees are less than 98 feet tall; canopy is open to continuous. Shrub layer is sparse to intermittent. Herbaceous layer is sparse or grassy. | No | Absent: This vegetation community does not occur within the project site. |
| <u>CNDDB/Holland (1986)</u> Southern Riparian Forest <u>MCV (1995)</u> N/A <u>NVCS (2009)</u> N/A | NatureServe: G4, S4 | Riparian zones dominated by larger, mature trees consisting of various species of willows, cottonwoods, and sycamores. | No | Absent: This vegetation community does not occur within the project site. |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|--|--------------------------|--|---------------------|--|
| <p>CNDDDB/Holland (1986) Southern Sycamore Alder Riparian Woodland</p> <p>MCV (1995) California Sycamore Series</p> <p>NVCS (2009) <i>Platanus racemosa</i> Woodland Alliance</p> | NatureServe: G4, S4 | Found at elevations ranging from sea level to 7,874 feet amsl in gullies, intermittent streams, springs, seeps, stream banks, and terraces adjacent to floodplains that are subject to high-intensity flooding. Soils are rocky or cobbly alluvium with permanent moisture at depth. California sycamore is a dominant or co-dominant in the tree canopy with white alder (<i>Alnus rhombifolia</i>), southern California black walnut, Fremont cottonwood, coast live oak, valley oak, narrowleaf willow, Gooding's willow, polished willow, arroyo willow, yellow willow, Peruvian pepper tree (<i>Schinus molle</i>), and California bay. | No | Absent: This vegetation community does not occur within the project site. |
| <p>CNDDDB/Holland (1986) Valley Needlegrass Grassland</p> <p>MVC (1995) Foothill Needlegrass Series, Nodding Needlegrass Series, Purple Needlegrass Series</p> <p>NVCS (2009) <i>Nasella lepida</i> Herbaceous Alliance, <i>Nasella cernua</i> Herbaceous Alliance, <i>Nasella pulchra</i> Herbaceous Alliance</p> | NatureServe: G3, S3.1 | Found at elevations ranging from sea level to 5578 feet amsl in all topographic locations. Soils may be deep with high clay content, loamy, sandy, or silty derived from mudstone, sandstone, or serpentine substrates. California melic, Torrey's melica, nodding needle grass, foothill needlegrass and/or purple needlegrass is dominant, with spidergrass, milk vetch (<i>Astragalus</i> spp.), wild oat (<i>Avena</i> spp.), brome (<i>Bromus</i> spp.), fire reedgrass, mariposa lily (<i>Calochortus</i> spp.), morning glory (<i>Calystegia</i> spp.), soap plant, Clarkia (<i>Clarkia</i> spp.), common sandaster, turkey-mullein, cryptantha (<i>Cryptantha</i> spp.), wild carrot, blue dicks, blue wildrye, buckwheat (<i>Eriogonum</i> spp.), filaree (<i>Erodium</i> spp.), California poppy, California fescue, short podded mustard, narrow tarplant, meadow barley, June grass, goldfields (<i>Lasthenia</i> spp.), plantain (<i>Plantago</i> spp.), pine bluegrass, sanicle (<i>Sanicula</i> spp.), blue eyed grass, clover (<i>Trifolium</i> spp., and/or <i>Vulpia</i> spp. Herbs are generally less than four feet in height, cover is open to continuous. | No | Absent: This vegetation community does not occur within the project site. |

**Table 5.3-1
Special-Status Species Identified During Literature Review**

| Common Name <i>Scientific Name</i> | Special- Status Rank | Habitat Preferences and Distribution | Observed On-Site | Potential to Occur |
|---|--------------------------|---|---------------------|--|
| <u>CNDDDB/Holland (1986)</u> Valley Oak Woodland <u>MVC (1995)</u> Valley Oak Series <u>NVCS (2009)</u> <i>Quercus lobata</i> Woodland Alliance | NatureServe: G3, S2.1 | Found at elevations ranging from 0 to 2543 feet amsl in valley bottoms, summit valleys, gentle to somewhat steep topography, and lower to upper slopes and ridgetops. Soil textures are various, including loams and clays, and are alluvial or residual. Valley oak is dominant or co-dominant in the tree canopy with California buckeye, coast live oak, blue oak, California black oak, interior live oak, and/or California bay. The shrub layer is sparse and may include poison oak, with herbaceous understory consisting of ripgut brome or soft chess. Trees are less than 98 feet tall, canopy is open to continuous or savanna-like. Shrub layer is sparse to open. Herbaceous layer may be grassy. | No | Absent: This vegetation community does not occur within the project site. |

Notes:**U.S. Fish and Wildlife Service (USFWS):**

FE – Endangered – any species which is in danger of extinction throughout all or a significant portion of its range.

FT – Threatened – any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

FC – Candidate – any species which has been designated a candidate for listing under the Federal Endangered Species Act throughout all or a significant portion of its range.

California Department of Fish and Wildlife (CDFW):

SE – Endangered – any native species or subspecies of bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.

ST – Threatened – any native species or subspecies of bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required under the California Endangered Species Act.

FP – Fully Protected – any native species or subspecies of bird, mammal, fish, amphibian, or reptile that were determined by the State of California to be rare or face possible extinction.

SSC – Special Species of Concern – any species, subspecies, or distinct population of fish, amphibian, reptile, bird, or mammal native to California that currently satisfies one or more of the following criteria:

- Is extirpated from California or, in the case of birds, in its primary seasonal or breeding role;
- Is listed as Federally-, but not State-, threatened or endangered; meets the State definition of threatened or endangered but has not formally been listed.
- Is experiencing, or formerly experienced, serious (nonscyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; or
- Has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for State threatened or endangered status.

WL – Watch List – taxa that were previously designated as “Species of Special Concern” but no longer merit that status, or which do not yet meet SSC criteria, but for which there is concern and a need for additional information to clarify status.

California Native Plant Society (CNPS) California Rare Plant Rank:

1B – Plants rare, threatened, or endangered in California and elsewhere.

2B – Plants rare, threatened, or endangered in California but more common elsewhere.

3 – Plants about which more information is needed, a review list.

4 – plants of limited distribution – Watch List.

Threat Ranks

- .1 Seriously threatened in California (over 80% of occurrences threatened/high degree any immediacy of threat).
- .2 Moderately threatened in California (20 to 80 percent of occurrences threatened/moderate degree and immediacy of threat).
- .3 Not very threatened in California (less than 20 percent of occurrences threatened/low degree and immediacy of threat or no current threats known).

NatureServe Conservation Status Rank:

The Global Rank (G#) reflects the overall condition and imperilment of a species throughout its global range. The Intraspecific Taxon Rank (T#) reflects the global situation of just the subspecies or variety. The State Rank (S#) reflects the condition and imperilment of an element throughout its range within California. (G#Q) reflects that the element is very rare but there are taxonomic questions associated with it; the calculated G rank is qualified by adding a Q after the G#. Adding a ? to a rank expresses uncertainty about the rank.

- G1/T1 – Critically Imperiled – at very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
- G2/T2 – Imperiled – at high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
- G3/T3 – Vulnerable – at moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
- G4/T4 – Apparently Secure – uncommon but not rare; some cause for long-term concern due to declines or other factors.
- G5 – Secure – Common; widespread and abundant
- S1 – Critically Imperiled – critically imperiled in the State because of extreme rarity (often 5 or fewer occurrences) or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the State.
- S2 – Imperiled – imperiled in the State because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the nation or State
- S3 – Vulnerable – vulnerable in the State due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation
- S4 – Apparently Secure – uncommon but not rare; some cause for long-term concern due to declines or other factors.

5.3.2 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 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.

5.3.3 Impact Thresholds and Significance Criteria

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:

- a) 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 (refer to impact statement BIO-1);
- b) 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 (refer to impact statement BIO-2);
- c) 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 (refer to impact statement BIO-3);
- d) 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 (refer to impact statement BIO-4);
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (refer to impact statement BIO-5); and/or
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (refer to impact statement BIO-6).

5.3.4 Impacts and Mitigation Measures

Future development within the project site could result in a potential direct, indirect, temporary, or permanent impact to biological resources. A direct impact would be a modification, disturbance, or destruction of biological resources that could result from project-related activities, such as the removal of a habitat. An indirect impact could 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.

Impact BIO-1 The proposed project would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species.

Impact Analysis: The project site is located in an urbanized area and is currently developed with minimal vegetation. Given that the project site is developed and that uses surrounding the project site to the north, south, east, and west are developed, the project site does not contain suitable habitat for 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 (CDFW) or U.S. Fish and Wildlife Service (USFWS). In addition, a California Natural Diversity Database (CNDDDB), California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants, and USFWS Critical Habitat Portal records search were conducted for the project site (CDFW 2023; CNPS 2023; USFWS IPaC 2023). The literature identifies 40 special-status plant species and 27 special-status wildlife species within the USGS Newbury Park and Thousand Oaks, California 7.5-minute quadrangles. However, none of the listed species were observed on-site, and none are expected to occur within the project area because of specific habitat preferences, distributions, and elevation ranges. As such, development of the proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species. Therefore, no impacts would occur.

GENERAL BIOLOGICAL RESOURCES

The site is currently completely developed and is located within a commercial complex. None of the plant species observed on-site are native, or considered candidate, sensitive, or special-status species. No special-status plant or wildlife species were observed within the survey area. Based on the habitat preferences, distributions, and elevation ranges of the species identified by the CNDDDB, CIRP, and IPaC, none of the plant or wildlife species identified in the literature are expected to occur within the survey area. Table 5.3-2 provides a compendium of all plants identified on the site and/or in the immediate surrounding area.

**Table 5.3-2
Observed Plants**

| Common Name | Scientific Name | Cal-IPC Rating |
|-------------------------|--------------------------------------|----------------|
| pineapple guava | <i>Acca sellowiana</i> | — |
| common box | <i>Busus sempervirens</i> | — |
| fortnight lily | <i>Dietes iridoides</i> | — |
| varnish leaf | <i>Dodonaea viscosa</i> | — |
| ghost echeveria | <i>Echeveria lilacina</i> | — |
| portuguese heath | <i>Erica lusitanica</i> | Limited |
| climbing fig | <i>Ficus pumila</i> | — |
| pennywort | <i>Hydrocotyle sp.</i> | — |
| goldenrain tree | <i>Koelreuteria paniculata</i> | — |
| southern magnolia | <i>Magnolia grandiflora</i> | — |
| sacred bamboo | <i>Nandina domestica</i> | — |
| ivy geranium | <i>Pelargonium peltatum</i> | — |
| Canary Island date palm | <i>Phoenix canariensis</i> | Limited |
| red tip photinia | <i>Photinia x fraseri</i> | — |
| Afghan pine | <i>Pinus eldarica</i> | — |
| annual blue grass | <i>Poa annua</i> | — |
| creeping cinquefoil | <i>Potentilla reptans</i> | — |
| callery pear | <i>Pyrus calleryana</i> | Watch |
| indian hawthorn | <i>Rhaphilepsis indica</i> | — |
| Southern Indian azalea | <i>Rhododendron indicum</i> | — |
| sow thistle | <i>Sonchus oleraceus</i> | — |
| St. Augustine grass | <i>Stenotaphrum secundatum</i> | — |
| bird of paradise | <i>Strelitzia reginae</i> | — |
| tree philodendron | <i>Thaumatococcus bipinnatifidum</i> | — |

Note: All species listed above are non-native species.

California Invasive Plant Council (Cal-IPC) Ratings:

Limited: These species are invasive, but their ecological impacts are minor on a statewide level or there was not enough information to justify a higher score. Their reproductive biology and other attributes result in low to moderate rates of invasiveness.

Ecological amplitude and distribution are generally limited, but these species may be locally persistent and problematic.

Watch: These species have been assessed as posing a high risk of becoming invasive in the future in California.

Birds observed included American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous mexicanus*), dark-eyed junco (*Junco hyemalis*), and a gull (*Larus* spp.). No other wildlife was observed. Table 5.3-3 provides a complete compendium of wildlife species observed on-site.

**Table 5.3-3
Observed Wildlife**

| Common Name | Scientific Name |
|-----------------|------------------------------|
| American crow | <i>Corvus brachyrhynchos</i> |
| house finch | <i>Haemorhous mexicanus</i> |
| dark-eyed junco | <i>Junco hyemalis</i> |
| gull | <i>Larus</i> spp. |

Note: The above table is not a comprehensive list of every animal species which may occur in the area, but is a list of those common species which were identified on-site.

No reptiles or mammals were observed on site during the May 2023 field survey. Though unlikely because of unsuitable habitat, common reptiles such as Side-Blotched Lizard (*Uta stansburiana*) and Western Fence Lizard (*Sceloporus occidentalis*), and common nocturnal mammals, such as Raccoon (*Procyon lotor*), opossum (*Didelphis virginiana*), and Striped Skunk (*Mephitis mephitis*) may occur in the project vicinity.

Five special-status vegetation communities are listed for the two quadrangles relevant to the project site, however none were observed on-site. Additionally, no sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed during the field survey, and no wildlife corridors are present on-site.

Future development of the site would have no impact on the general biological resources present on site, because the site has already been completely developed with no remaining native habitat. As previously noted, the project site is not expected to support any wildlife. Therefore, the demolition of the existing structure and conversion to a hotel is not expected to have a significant impact on the overall biological resources in the region.

FEDERAL AND STATE LISTED SPECIES

There are 67 Federal and/or State identified special-status plant and wildlife species listed in Table 5.3-1 of this report for the USGS Newbury Park and Thousand Oaks, CA 7.5-minute quadrangles. Of these 67 listed species, 20 are listed as threatened or endangered, however none of the species listed in the CNDDDB were observed or have the potential to exist on the project site, due to the absence of suitable habitat. Since the project site and surrounding areas have been completely developed, none of the 67 species identified in the literature are expected to occur within the project area.

SPECIES OF SPECIAL CONCERN

Local bat species: No roosting bats were observed on-site during the May 2023 field survey, and they are unlikely to occur in the area due to disturbances from light, sound, and human and vehicle traffic related to the Janss Marketplace. However, to confirm roosting bats are absent and to avoid and minimize impacts to any roosting special-status or common bat species, a pre-construction survey for day and/or night-roosting or maternity-roosting bats shall be conducted within 14 days of the start of construction by a qualified bat biologist. Each time work ceases for a period of 14 days or more during nesting season, a new roosting bat clearance survey shall be conducted; refer to Mitigation Measure BIO-1.

Nesting birds: No nesting birds were observed on-site during the field survey; however, they have some potential to occur within the survey area. Nesting birds are protected under the Migratory Bird Treaty Act and the California Fish and Game Code. To avoid and minimize potential impacts to nesting birds, a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist if project implementation occurs during the nesting season; refer to Mitigation Measure BIO-2.

Project-related impacts to the general biological resources (plants and animals) in the surrounding area are expected to be negligible. This assumption is based on results of the field survey, indicating that no habitat suitable for special-status species occurs within the project site, and only non-native species are present. Although no roosting bats or nesting birds were identified on-site, mitigation is recommended involving pre-construction surveys for bats and nesting birds to confirm non-presence. Implementation of Mitigation Measures BIO-1 and BIO-2 would ensure that implementation of the proposed project would not have a substantial adverse effect on candidate, special-status, or sensitive species. Impacts would be less than significant in this regard.

Mitigation Measures:

BIO-1 If project-related activities are to be initiated during the bat day and/or night-roosting or maternity-roosting season (April 1 through August 31), a pre-construction survey for day and/or night-roosting or maternity-roosting bats shall be conducted by a qualified biologist no more than 14 days prior to the start of any vegetation removal, ground disturbing activities, or construction, to confirm if roosting bats are present to avoid and minimize impacts to any roosting bat species. The qualified biologist shall survey all suitable roost habitat within the project's area of disturbance plus a 300-foot buffer zone. Each time work ceases for a period of 14 days or more during day and/or night-roosting or maternity-roosting season, a new roosting bat clearance survey shall be conducted.

- If no roosts are observed during pre-construction surveys, project activities may begin, and no additional avoidance and minimization measures shall be required.
- If day-time roosting bats or signs of such bats are detected: roosting location shall be demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging to facilitate avoidance. The distance of the no-disturbance buffers around day-roosting bats would be a minimum of 50 feet. This distance may be increased based upon the particular bat species found and/or the phased removal of buildings and trees to allow day-roosting bats to relocate on their own volition as determined by a qualified bat biologist.
- If an active maternity roost is identified, no work activities should occur within 100 feet of or directly under or adjacent to the maternity roost during the breeding season when young are present but are not yet ready to fly (April 1 through August 31). Their roosting location shall be demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging to facilitate avoidance.
- The qualified biologist shall periodically monitor any active roosts to determine if the roost is no longer being used. No construction or ground disturbance shall occur within this buffer until the qualified biologist confirms that the roosting is completed or a Bat Avoidance Plan is submitted by the developer and approved by the California Department of Fish and Wildlife (CDFW).

BIO-2 If project-related activities are to be initiated during the bird nesting season (January 1 to August 31), a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist no more than three days prior to the start of any vegetation removal or ground disturbing activities to confirm

if active bird nests are present to avoid and minimize impacts to any nesting bird species. The qualified biologist shall survey all suitable nesting habitat within the project's area of disturbance plus a 300-foot buffer zone. Each time work ceases for a period of seven days or more during nesting season, a new nesting bird clearance survey shall be conducted.

- If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required.
- If an active bird nest is found, the species shall be identified, and a "no-disturbance" buffer shall be established around the active nest. The distance of the no-disturbance buffer around active bird nests would be a minimum of 100 feet for non-special status species, and 300 feet for special-status passerine species and raptor species. These distances may be greater depending on the bird species and construction activity, as determined by the qualified biologist.
- The qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the "no-disturbance" buffer disturb the birds and if the buffer should be increased. No construction or ground disturbance shall occur within these buffers until the qualified biologist confirms that the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Impact BIO-2 The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.

Impact Analysis: The project site and surrounding area are located in an urbanized setting. There are no drainage channels on the project site. In addition, the project site does not contain riparian habitat and there are no other sensitive natural communities as indicated in the City or regional plans or in regulations by CDFW or USFWS. As such, development of the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. Therefore, impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact BIO-3 The proposed project would not 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.

Impact Analysis: As discussed above, the project site is located in an urbanized area and is currently developed. The surrounding area has been fully developed with urban uses and associated infrastructure. The project site does not contain any wetlands as defined by the Clean Water Act Section 401. As such, development of the proposed project would not have a substantial adverse effect on State or Federally protected wetlands. Therefore, impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact BIO-4 The proposed project would not 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.

Impact Analysis: As discussed above, the project site is located in an urbanized area and is currently developed with minimal vegetation. The closest wildlife corridor to the site is the Santa Monica-Sierra Madre Wildlife Corridor, located along the northern fringes of Thousand Oaks approximately 1.6 miles to the northwest of the project site. The surrounding area has been fully developed with urban uses and associated infrastructure. Given that the project site is fully developed and does not provide suitable habitat, the project site does not function as a “pinch point”, nor does it provide resources that are necessary for the survival of a particular species. Additionally, based on the field survey conducted in May 2023, the project site is not located within any habitat connectivity and wildlife corridors, or critical wildlife passage areas. Wildlife movement into or out of the project area is restricted by the presence of the surrounding Janss Marketplace, high-traffic roadways, and commercial developments, which have fragmented the project site from any natural vegetation communities or open space areas. As such, development of the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, and it would not impede the use of native wildlife nursery sites. Therefore, impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact BIO-5 The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Impact Analysis: No oak trees, California Sycamore trees, California Bay Laurel trees, California Black Walnut trees, Photinia trees, California Holly trees or Toyon trees were observed within the survey area. No tree species protected under the City of Thousand Oaks Municipal Code were observed within the survey area. As such, development of the proposed project would not conflict with any local policies or ordinances protecting biological resources. Therefore, impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact BIO-6 The proposed project 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.

Impact Analysis: 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 with regard to the project site. Therefore, impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.3.5 Cumulative Impacts

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, Cumulative Projects List, and illustrated in Exhibit 4-1, Cumulative Project Locations, cumulative projects are situated in the site vicinity.

- The project, combined with other related cumulative projects, could cause cumulatively considerable impacts to biological resources.

Impact Analysis: Although the project could impact roosting bats and nesting birds, mitigation measures have been identified to reduce these impacts to less than significant. 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 of 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. Cumulative projects would be required to comply with the Thousand Oaks Municipal Code, General Plan, and other regulations governing biological resources, and would implement similar mitigation measures per project-specific environmental review. Specifically, like this project, all projects need to comply with the MBTA and the California Fish and Game Code to protect wildlife species. Through implementation of the mitigation measures and adherence with federal, state, and local regulations, the proposed project along with the cumulative projects would not result in a significant impact, and impacts to special-status species and other biological resources would be less than cumulatively considerable.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less than Significant Impact.

5.3.6 Level of Significance After Mitigation

No significant unavoidable impacts related to biological resources have been identified and the proposed project would have less than significant impacts on biological resources following compliance with Mitigation Measures BIO-1 and BIO-2.

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5.4 Cultural, Tribal Cultural, and Historical Resources

The purpose of this section is to identify existing cultural and tribal cultural resources within and around the project site and to assess the significance of such resources. Mitigation measures are recommended, as necessary, to minimize impacts as a result of project implementation. This section is based in part on the Cultural Resources Records Search Review, (Records Review) prepared by Duke CRM, dated October 28, 2022; refer to Appendix E, Cultural Resources Records Review.

5.4.1 Existing Setting

Cultural resources include prehistoric resources and historic-period resources. Prehistoric resources represent the remnants of human occupation prior to European settlement. Historic-period resources represent remains after European settlement and may be part of a “built environment,” including man-made structures used for habitation, work, recreation, education, religious worship, and may also be represented by houses, factories, office buildings, schools, churches, museums, hospitals, bridges, and other structural remains. The prehistoric and historic settings of the project site are discussed further below.

NATURAL SETTING

According to the *Geotechnical Engineering Investigation* (Geotechnical Investigation) prepared by Salem Engineering Group, Inc., dated October 4, 2019 (Appendix G), the project site is located in the southwestern end of the alluvial Simi Valley, between the Santa Susana Mountains to the north, the Simi Hills to the east, and the Santa Monica Mountains to the south. Regional geologic maps indicate the site is underlain by Quaternary-age alluvial deposits comprised of sands, silty sands, and silts with minor clays and gravels. Fill soils of varying thickness and material types related to roadways and existing developments are also present over portions of the project area.

CULTURAL SETTING

Prehistoric Period

During the twentieth century, archaeologists developed chronological sequences to explain prehistoric cultural changes in all or portions of Southern California.^{1,2} William Wallace devised a prehistoric chronology for the Southern California coastal region that included four horizons: Early Man, Milling Stone, Intermediate, and Late Prehistoric.^{3,4} Wallace’s chronology was based on early studies and lacked the chronological precision of absolute dates.⁵ Wallace’s 1955 synthesis has since been modified and improved using thousands of radiocarbon dates obtained by Southern California

¹ Jones, Terry L. and Kathryn A. Klar, *California Prehistory: Colonization, Culture, and Complexity*, AltaMira Press, Lanham, Maryland, 2007.

² Moratto, Michael J, *California Archaeology*, Academic Press, Inc., Orlando, Florida, 1984.

³ Wallace, William, *Suggested Chronology for Southern California Coastal Archaeology*, *Southwestern Journal of Anthropology*, vol. 11, no. 3, pgs. 214-230, 1955.

⁴ Wallace, William, *Post-Pleistocene Archaeology, 9000 to 2000 B.C. in California*, Volume 8: Handbook of North American Indians. Robert F. Heizer, ed. And William C. Sturtevant, general ed, pgs. 505-508, Washington D.C.: Smithsonian Institution Scholarly Press, 1978.

⁵ Moratto, Michael J, *California Archaeology*, Academic Press, Inc., Orlando, Florida, 1984.

researchers over recent decades.^{6,7,8} The prehistoric chronological sequences for Southern California presented below is a composite based on several archaeological studies conducted throughout the 1900s.

Early Man Horizon (13,000 to 6,000 BCE)

Numerous sites dating back to 6,000 before the common era (BCE) and earlier were identified along the mainland coast and Channel Islands of Southern California.^{9, 10, 11, 12, 13} The Arlington Springs site on Santa Rosa Island produced human remains dated to approximately 13,000 years ago and included basketry more than 12,000 years old, the earliest to have been found on the Pacific Coast.¹⁴ Although few Clovis- or Folsom-style fluted points were found in Southern California, Early Man Horizon sites are generally associated with a greater emphasis on hunting compared to later horizons. Recent data indicates the Early Man economy was a diverse mixture of hunting and gathering, including a significant focus on aquatic resources in coastal areas and on inland Pleistocene lakeshores.^{15, 16, 17} A warm and dry 3,000 year period called the Altithermal began around 6,000 BCE. The conditions of the Altithermal were likely responsible for the change in the human subsistence patterns at this time, including a greater emphasis on plants foods and small game.

Milling Stone Horizon (6,000 to 3,000 BCE)

The Milling Stone Horizon is “marked by extensive use of milling stones and mullers, a general lack of well-made projectile points, and burials with rock cairns”.¹⁸ The dominance of such artifact types indicates a subsistence strategy oriented around collecting plant foods and small animals. A variety of food resources, including small and large terrestrial mammals, sea mammals, birds, shellfish and other littoral and estuarine species, near-shore fishes, yucca, agave, seeds and other plant products were consumed.¹⁹ Variability in artifact assemblages over time and from the coast to inland sites indicates that Milling Stone Horizon subsistence strategies adapted to environmental conditions.

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- ⁶ Byrd, Brian F. and L. Mark Raab, *Prehistory of the Southern Bight: Models for a New Millennium in California Prehistory*, T.L. Jones and K.A. Klar, eds, pgs. 215-228, AltaMira Press, Lanham, Maryland, 2007.
- ⁷ Koerper, Henry C., and Christopher E. Drover, *Chronology Building for Coastal Orange County: The Case from CA-ORA-119-A*, Pacific Coast Archaeological Society Quarterly, vol. 19, no. 2, pgs. 1-34, 1938.
- ⁸ Koerper, Henry C., et. al, *Complexity, Demography, and Change in Late Holocene Orange County in Catalysts to Complexity: Late Holocene Societies of the California Coast*, Volume 6: Perspectives in California Archaeology, Jon M. Erlandson and Terry L. Jones, eds., pgs. 63-81, Costen Institute of Archaeology, University of California, Los Angeles, 2002.
- ⁹ Moratto, Michael J, *California Archaeology*, Academic Press, Inc., Orlando, Florida, 1984.
- ¹⁰ Jones, Terry L. and Kathryn A. Klar, *California Prehistory: Colonization, Culture, and Complexity*, AltaMira Press, Lanham, Maryland, 2007.
- ¹¹ Johnson, John R., et. al, *Arlington Springs Revisited in Proceedings of the Fifth California Islands Symposium*, D. Browne, K. Mitchell, and H. Chaney, eds., pgs. 541-545, Santa Barbara Museum of Natural History, Santa Barbara, California, 2002.
- ¹² Rick, Torben C., Jon M. Erlandson, and Rene Vellanoweth, *Paleocoastal Marine Fishing on the Pacific Coast of the Americas: Perspectives from Daisy Cave, California*, American Antiquity, vol. 66, no. 4, pgs. 595-613, 2001.
- ¹³ Erlandson, Jon M., *Early Maritime Adaptations on the Northern Channel Islands in Hunter-Gatherers of Early Holocene Coastal California*, Perspectives in California Archaeology, Jon M. Erlandson and R. Colten, eds., vol. 1, pgs. 101-111, UCLA Institute of Archaeology Press, Los Angeles, California, 1991.
- ¹⁴ Arnold, Jeanne E., Michael R. Walsh, and Sandra E. Hollimon, *The Archaeology of California*, Journal of Archaeological Research, vol. 12, no. 1, pgs. 1-73, 2004.
- ¹⁵ Erlandson, Jon M., Theodore Cooley and Richard Carrico, *A Fluted Projectile Point Fragment from the Southern California Coast: Chronology and Context at CA-SBA-1951*, Journal of California and Great Basin Anthropology, vol. 9, no. 1, pgs. 120-128, 1987.
- ¹⁶ Moratto, Michael J, *California Archaeology*, Academic Press, Inc., Orlando, Florida, 1984.
- ¹⁷ Jones, Terry L., et. al, *The Cross Creek Site (CA-SLO-1797) and Its Implications for New World Colonization*, American Antiquity, vol. 67, no. 2, pgs. 213-230, 2002.
- ¹⁸ Wallace, William, *Suggested Chronology for Southern California Coastal Archaeology*, Southwestern Journal of Anthropology, vol. 11, no. 3, pgs. 214-230, 1955.
- ¹⁹ Reinman, Fred M, *Maritime Adaptations on San Nicolas Island, California*, University of California Archaeological Survey Annual Report 1963-1964, pgs. 47-80, 1964.

Locally available tool stone dominated lithic artifacts, such as chipping, scraping, and cutting tools, associated with Milling Stone Horizon sites, and ground stone tools, such as manos and metates, were common. The mortar and pestle, associated with acorns or other foods processed through pounding, were first used during the Milling Stone Horizon and their usage increased dramatically in later periods.²⁰

Two types of artifacts are considered diagnostic of the Milling Stone Horizon, the cogged stone and discoidal, most of which have been found on sites dating between 4,000 and 1,000 BCE, though possibly as far back as 5,500 BCE.²¹ The cogged stone is a ground stone artifact with gear-like teeth on the perimeter produced from a variety of materials. The function of cogged stones is unknown, but many scholars suggest ritualistic or ceremonial uses based on the materials used and their location near burials and other established ceremonial artifacts as compared to typical habitation debris.²² Discoidals are similar to cogged stones but are found in the archaeological record subsequent to the introduction of the cogged stone. Cogged stones and discoidals were often buried purposefully, or “cached”. They are most common in sites along the coastal drainages from southern Ventura County southward and are particularly abundant at some Orange County sites, although a few specimens have been found inland as far east as Cajon Pass.²³

Intermediate Horizon (3,000 BCE to CE 500)

Wallace’s Intermediate Horizon dates from approximately 3,000 BCE to CE 500 and is characterized by a shift toward a hunting and maritime subsistence strategy, as well as greater use of plant foods. During the Intermediate Horizon, a noticeable trend occurred toward greater adaptation to local resources including a broad variety of fish, land mammals, and sea mammals along the coast. Tool kits for hunting, fishing, and processing food and materials reflect this increased diversity, with the manufacture of flake scrapers, drills, various projectile points, and shell fishhooks. Mortars and pestles became more common during this transitional period, gradually replacing manos and metates as the dominant milling equipment. Many archaeologists believe this change in milling stones signals a change from the processing and consumption of hard seed resources to an increasing reliance on acorns.^{24, 25} Mortuary practices during the Intermediate Horizon typically included fully flexed burials oriented toward the north or west.

Late Prehistoric Horizon (CE 500 to Historic Contact)

During Wallace’s Late Prehistoric Horizon, the diversity of plant food resources and land and sea mammal hunting increased more than during the Intermediate Horizon. More types of artifacts were observed during this period and high-quality exotic lithic materials were used for small, finely worked projectile points associated with the bow and arrow. Steatite containers were made for cooking and storage and an increased use of asphalt for waterproofing is evident. More artistic artifacts were recovered from the Late Prehistoric Horizon sites and cremation became a common mortuary custom. Larger, more permanent villages supported an increased population size and social structure. These

²⁰ Warren, Claude N., *Cultural Tradition and Ecological Adaptation on the Southern California Coast*, “Archaic Prehistory in the Western United States”, edited by C. Irwin Williams, pgs. 1-14, Eastern New Mexico University Contributions in Anthropology, no. 1, Portales, 1968.

²¹ Couch, Jeffrey S., Joanne S. Couch, and Nancy Anastasia Wiley, *Saved by the Well: The Keystone Cache at CA-ORA-83, the Cogged Stone Site*, Proceedings of the Society for California Archaeology 21, pgs. 147-156, 2009.

²² Eberhart, Hal, *The Cogged Stones of Southern California*, American Antiquity, vol. 26, no. 3, pgs. 361-370, 1961.

²³ Moratto, Michael J., *California Archaeology*, Academic Press, Inc., Orlando, Florida, 1984.

²⁴ Glassow, Michael A., L. Wilcoxon, and J. M. Erlandson, *Cultural and Environmental Change During the Early Period of Santa Barbara Channel Prehistory*, “The Archaeology of Prehistoric Coastlines”, edited by G. Bailey and J., Parkington, pgs. 64-77, Cambridge University Press, Cambridge, England, 1988.

²⁵ True, Delbert L., *Bedrock Milling Elements as Indicators of Subsistence and Settlement Patterns in Northern San Diego County, California*, Pacific Coast Archaeological Society Quarterly, vol. 29, no. 2, pgs. 1-26, 1993.

changes in material culture, burial practices, and subsistence focus coincide with the westward migration of Uto-Aztec language speakers from the Great Basin region to Los Angeles, Orange, and western Riverside counties.^{26, 27}

Historic Period

Post-European contact history for the state of California is generally divided into three periods: the Spanish Period (1769-1822), the Mexican Period (1822-1848), and the American Period (1848-present).

Spanish Period (1769 to 1822)

Spanish exploration of California began when Juan Rodriguez Cabrillo led the first European expedition into the region in 1542. For more than 200 years after Cabrillo's initial expedition, Spanish, Portuguese, British, and Russian explorers sailed the California coast and made limited inland expeditions, but they did not establish permanent settlements.^{28, 29} In 1769, Gaspar de Portolá and the Franciscan Father, Junípero Serra, established the first Spanish settlement in what was then known as Alta (upper) California at Mission San Diego de Alcalá. This was the first of 21 missions built by the Spanish between 1769 and 1823.

Mission San Buenaventura, approximately 25 miles northwest of the project site, was first founded in 1782, and was the ninth mission to be established in California.³⁰ The mission was destroyed by a fire in 1793 and was rebuilt in 1809. Shortly after its reconstruction, a series of earthquakes in 1812 damaged the mission. While much of the mission has been restored, the original walls and foundation remain.³¹

Initial rancho settlement in the project vicinity began during the Spanish Period. In 1803, the Spanish government granted 48,672 acres of land encompassing the current project site to Jose Polanco and Ignacio Rodriguez. The land grant was named Rancho El Conejo, in reference to the many rabbits found in the area.

Mexican Period (1822 to 1848)

The Mexican Period commenced when news of the success of the Mexican War of Independence (1810 to 1821) against the Spanish Crown reached California in 1822. This period saw the privatization of mission lands in California with the passage of the Secularization Act of 1833. This act federalized mission lands and enabled Mexican governors in California to distribute former mission lands to individuals in the form of land grants. Successive Mexican governors made approximately 700 land grants between 1833 and 1846, putting most of the state's lands into private ownership for the first time. During this era, a class of wealthy landowners known as *rancheros* worked large ranches focused on cattle hide and tallow production.³²

In 1822, property ownership of Rancho El Conejo changed from Jose Polanco to Jose de la Guerra y Noringa. The land stayed in the Rodriguez and de la Guerra y Noringa families until the 1860s, when subdivision of the land commenced due to severe drought and declining cattle numbers.³³ The area that is now the City of Thousand Oaks was used as a stagecoach stop in the 1870s for those traveling between Los Angeles and San Francisco and was later purchased by Edwin and Harold Janss in 1910.

²⁶ Sutton, Mark Q., *The Del Rey Tradition and Its Place in the Prehistory of Southern California*, Pacific Coast Archaeological Society Quarterly, vol. 44, no. 2, pgs. 1-54, 2008.

²⁷ Potter, Aimee B. and P. Scott White., *The Mitochondrial DNA Affinities of Prehistoric People of San Clemente Island: An Analysis of Ancient DNA*, Journal of California and Great Basin Anthropology, vol. 29, no. 2, pgs. 163-182, 2009.

²⁸ Bean, Walton, *California: An Interpretive History*, McGraw-Hill Book Company, New York, New York, 1968.

²⁹ Rolle, Andrew, *California: A History*, Harlan Davidson, Inc., Arlington Heights, Virginia, 1987.

³⁰ California Missions Foundation, "History of Mission San Buenaventura," <http://californiamissionsfoundation.org/mission-san-buenaventura/>.

³¹ San Buenaventura Mission, "The Old Mission San Buenaventura," <https://www.sanbuenaventuramission.org/history/quick-facts>.

³² Shumway, Burgess Mck, *California Ranchos: Patented Private Land Grants Listed by County*, Michael Burgess and Mary Wickizer Burgess, eds., Borgo Publishing Press, Rockville, Maryland, 2007.

³³ Conejo Valley Historical Society, "Conejo Valley Days" *A History of Conejo Valley*, <https://www.wlv.org/ArchiveCenter/ViewFile/Item/398>, 1966.

The beginnings of a profitable trade in cattle hide and tallow exports opened the way for larger, commercially driven farms. Land grants owned by the Spanish Crown and clergy were distributed to mostly Mexican settlers born in California, or the “Californios”. While this shift marked the beginning of the rancho system that would “dominate California life for nearly half a century”, the rural character of emerging cities in and around Los Angeles remained intact. Ranchos were largely self-sufficient enterprises, producing goods to maintain their households and operations.

In 1846, the Mexican-American War followed the annexation of Texas by the United States and a dispute over the boundary of the state between the United States and Mexico. Governor Pío de Jesus Pico, the last governor of Alta California, began selling off 12 million acres of public land to support the war financially.³⁴ Mexican forces fought and lost to combined U.S. Army and Navy forces in the Battle of the San Gabriel River on January 8, 1846, and in the Battle of La Mesa on January 9, 1846.³⁵ On January 10, leaders of the pueblo of Los Angeles surrendered peacefully after Mexican General Jose Maria Flores withdrew his forces. Shortly thereafter, newly appointed Mexican Military Commander of California Andrés Pico surrendered all of Alta California to U.S. Army Lieutenant Colonel John C. Fremont in the Treaty of Cahuenga.

American Period (1848 to Present)

The American Period officially began with the signing of the Treaty of Guadalupe Hidalgo in 1848, in which the United States agreed to pay Mexico \$15 million for ceded territory, including California, Nevada, Utah, and parts of Colorado, Arizona, New Mexico, and Wyoming, and an additional \$3.25 million to settle American citizens’ claims against Mexico. Settlement of Southern California increased dramatically in the early American Period. Americans bought or otherwise acquired many ranchos in Southern California, and most were subdivided later into agricultural parcels or towns. The discovery of gold in Northern California in 1848 led to the California Gold Rush, despite the first California gold being discovered in Southern California at Placerita Canyon in 1842.³⁶³⁷ Southern California remained dominated by cattle ranches in the early American Period, though droughts and increasing population resulted in farming and more urban professions supplanting ranching through the late nineteenth century. In 1850, California was admitted into the United States and by 1853, the population of California exceeded 300,000. Thousands of settlers and immigrants continued to move into the state, particularly after completion of the transcontinental railroad in 1869.

Ethnographic Background

The project site is situated within the boundaries of three Native American tribal territories identified by anthropologists in the early twentieth century.³⁸ The historically identified territories are occupied by the Ventureño Chumash, Gabrieleño-Tongva, and Fernandeno-Tataviam. While these boundaries are defined based on interviews with informants and research in records such as those of the Hispanic Catholic Missions in the region, it is likely such boundaries were not static; they were likely fluid and may have changed through time. Below are synopses of ethnographic data for each of these three Native American groups.

³⁴ Los Angeles Almanac, “Pío Pico – Last Governor of Mexican California,” <http://www.laalmanac.com/history/hi05s.php>, 2018.

³⁵ Nevin, David. *The Mexican War*. Time-Life Books, Inc., Alexandria, Virginia, 1978.

³⁶ Guinn, James M., *Gold! Gold! Gold! From San Francisquito! In Los Angeles Biography of a City*, John Caughey and LaRee Caughey, eds., pgs. 107-108, University of California, Berkeley Press, Berkeley, California, 1976.

³⁷ Workman, Boyle, *The City That Grew*, The Southland Publishing Company, Los Angeles, California, 1935.

³⁸ Kroeber, Alfred J., *Handbook of the Indians of California*, Bureau of American Ethnology, Bulletin 78, originally published 1925, Smithsonian Printing Office, Washington D.C., Unabridged reprint 1976, Dover Publications, Inc., New York, 1925.

Ventureño Chumash

The project site lies within an area historically occupied by the Ventureño Chumash, so called after their historic period association with Mission San Buenaventura.³⁹ The Chumash spoke six closely related languages, which have been divided into three branches – Northern Chumash (consisting only of Obispeño), Central Chumash (consisting of Purisimeño, Ineseño, Barbareño, and Ventureño), and Island Chumash.⁴⁰ The Chumash language currently is considered in isolate stock with a long history in the Santa Barbara region.⁴¹ Groups neighboring Chumash territory included the Salinan to the north, the Southern Valley Yokuts and Tataviam to the east, and the Gabrieleño (Tongva) to the south.

Early Spanish accounts describe the Santa Barbara channel as heavily populated at the time of contact. Estimates of the total Chumash population range from 8,000 to 10,000, to 18,000 to 22,000.⁴² Coastal Chumash lived in hemispherical dwellings made of tule reed mats, or animal skins in rainy weather. These dwellings could usually accommodate as many as 60 people. The village of šukuw (or shuku), at Rincon Point, was encountered by Gaspar de Portolá in 1769. This village had 60 dwellings and seven canoes, with an estimated population of 300.⁴³

The tomol, or wooden plank canoe, was an especially important tool for the procurement of marine resources and for maintaining trade networks between Coastal and Island Chumash. Sea mammals were hunted with harpoons, while deep-sea fish were caught using nets, hooks, and lines. Shellfish were gathered from beach sands using digging sticks, and mussels and abalone were pried from rocks using wood or bone wedges.

The acorn was an especially important resource. Acorn procurement and processing involved the manufacture of baskets for gathering, winnowing, cooking, and the production of mortars and milling stones for grinding. Bows and arrows, spears, traps, and other methods were used for hunting. The Chumash also manufactured various utilitarian and non-utilitarian items. Eating utensils, ornaments, fishhooks, harpoons, and other items were made using bone and shell. Olivella shell beads were especially important for trade.

The Chumash were impacted heavily by the arrival of Europeans. The Spanish missions and later Mexican and American settlers dramatically altered traditional Chumash lifeways. The Chumash population was affected drastically by the introduction of European diseases. However, many Chumash descendants still inhabit the region.

Gabrieleño-Tongva

The name “Gabrieleño” denotes those people who were administered by the Spanish from the San Gabriel Mission and included people from the Gabrieleño area proper as well as other social groups.^{44,45} Archaeological evidence suggests the Gabrieleño arrived in the Los Angeles Basin around 500 BCE, but this has been a subject of debate. Many contemporary Gabrieleño identify themselves as descendants of the indigenous people living across the plains of the

³⁹ Grant, Campbell. “Chumash: Introduction,” *In California*, edited by R.F. Heizer, pgs. 505-508, Handbook of North America Indians, vol. 8, William C. Sturtevant, general editor, 1978.

⁴⁰ Jones, Terry L. and Kathryn A. Klar, *California Prehistory: Colonization, Culture, and Complexity*, AltaMira Press, Lanham, Maryland, 2007.

⁴¹ Mithun, Marianne, *The Languages of Native North America*, reprinted in 2001 by Cambridge University Press, Cambridge Massachusetts, originally published by Cambridge University Press, 1999.

⁴² Cook, Sherburne A., and Robert F. Heizer, *The Quantitative Approach to the Relations Between Population and Settlement Size*, University of California Archaeological Survey Reports 64, Berkeley, California, 1965.

⁴³ Grant, Campbell, *Eastern Coastal Chumash*, *In California*, edited by R.F. Heizer, Handbook of North American Indians, vol. 8, W.C. Sturtevant, general editor, Smithsonian Institution, Washington D.C., 1978.

⁴⁴ Kroeber, Alfred J., *Handbook of the Indians of California*, Bureau of American Ethnology, Bulletin 78, originally published 1925, Smithsonian Printing Office, Washington D.C., Unabridged reprint 1976, Dover Publications, Inc., New York, 1925.

⁴⁵ Bean, Lowell J., and Charles R. Smith, *Gabrielino in California*, Handbook of North American Indians, vol. 8, Robert F. Heizer, ed. and William C. Sturtevant, general ed. Pgs. 539-549, Smithsonian Institution Scholarly Press, Washington D.C., 1978.

Los Angeles Basin and use the native term Tongva.⁴⁶ This term is used in the remainder of this section to refer to the pre-contact inhabitants of the Los Angeles Basin and their descendants. Surrounding native groups included the Chumash and Tataviam to the northwest, the Serrano and Cahuilla to the northeast, and the Juaneño and Luiseño to the southeast.

Tongva lands encompassed the greater Los Angeles Basin and three Channel Islands: San Clemente, San Nicolas, and Santa Catalina. The Tongva established large, permanent villages in the fertile lowlands along rivers and streams, and in sheltered areas along the coast, stretching from the foothills of the San Gabriel Mountains to the Pacific Ocean. A total tribal population has been estimated to be at least 5,000, but recent ethnohistoric work suggests a number approaching 10,000. Houses constructed by the Tongva were large, circular, domed structures made of willow poles thatched with tule that could hold up to 50 people. Other structures served as sweathouses, menstrual huts, ceremonial enclosures, and probably communal granaries. Cleared fields for races and games, such as lacrosse and pole throwing, were created adjacent to Tongva villages.⁴⁷

The Tongva subsistence economy was centered on hunting and gathering. The surrounding environment was rich and varied, and the tribe exploited mountains, foothills, valleys, deserts, riparian, estuarine, and open and rocky coastal eco-niches. Like most native Californians, acorns were the staple food (an established industry by the time of the early Intermediate Horizon). Acorns were supplemented by the roots, leaves, seeds, and fruits of a wide variety of flora (e.g., islay, cactus, yucca, sages, and agave). Freshwater and saltwater fish, shellfish, birds, reptiles, insects, and large and small mammals were also consumed.

The Tongva used a wide variety of tools to gather food resources, including the bow and arrow, traps, nets, blinds, throwing sticks and slings, spears, harpoons, and hooks. Groups residing near the ocean used oceangoing plank canoes and tule balsa canoes for fishing, travel, and trade between the mainland and the Channel Islands. Tongva people processed food with a variety of tools, including hammerstones and anvils, mortars and pestles, manos and metates, strainers, leaching baskets and bowls, knives, bone saws, and wooden drying racks. Food was consumed from a variety of vessels. Catalina Island steatite was used to make ollas and cooking vessels.⁴⁸

At the time of Spanish contact, the basis of Tongva religious life was the Chinigchinich cult, centered on the last of a series of heroic mythological figures. Chinigchinich gave instruction on laws and institutions and taught the people how to dance, the primary religious act for this society. He later withdrew into heaven, where he rewarded the faithful and punished those who disobeyed his laws.⁴⁹ The Chinigchinich religion seems to have been relatively new when the Spanish arrived. It was spreading south into the Southern Takic groups even as Christian missions were being built and may represent a mixture of Native and Christian beliefs and practices.⁵⁰

Deceased Tongva were either buried or cremated, with inhumation more common on the Channel Islands and the neighboring mainland coast and cremation dominating on the remainder of the coast and in the interior.⁵¹ At the behest of the Spanish missionaries, cremation essentially ceased during the post-contact period.

⁴⁶ King, Chester D., and Thomas C. Blackburn, "Tataviam", *Handbook of North American Indians*, vol. 8, R.F. Heizer, ed., pgs. 535-537, Smithsonian Institution, Washington D.C., 1978.

⁴⁷ McCawley, William. *The First Angelinos: The Gabrielino Indians of Los Angeles*, Malki Museum, Press, Banning, California, 1996.

⁴⁸ Kroeber, Alfred J., *Handbook of the Indians of California*, Bureau of American Ethnology, Bulletin 78, originally published 1925, Smithsonian Printing Office, Washington D.C., Unabridged reprint 1976, Dover Publications, Inc., New York, 1925.

⁴⁹ Kroeber, Alfred J., *Handbook of the Indians of California*, Bureau of American Ethnology, Bulletin 78, originally published 1925, Smithsonian Printing Office, Washington D.C., Unabridged reprint 1976, Dover Publications, Inc., New York, 1925.

⁵⁰ McCawley, William. *The First Angelinos: The Gabrielino Indians of Los Angeles*, Malki Museum, Press, Banning, California, 1996.

⁵¹ Harrington, John P., *Cultural Element Distributions: XIX Central California Coast*, University of California Anthropological Records, vol. 7, no. 1, pgs. 1-46, 1942.

Tataviam

The Tataviam were not well documented by early ethnographers. However, researchers today generally agree the Tataviam spoke an Uto-Aztecan language, most likely a Takic language.⁵² Tataviam territory included the upper Santa Clara River from Piru Creek eastward, extending over the Sawmill Mountains to the southwest edge of the Antelope Valley.⁵³ Their territory was bounded on the west and north by various Chumash groups, on the south by the Tongva, and to the east by the Kitanemuk and Serrano.

Exogamous marriage was common, with Tataviam intermarrying with Tongva, Chumash, and Kitanemuk neighbors. King and Blackburn (1978) hypothesize the Tataviam relied on yucca as a food source more than their neighbors because of the predominance of large south-facing slopes within their territory. Additional food resources included acorns, sage seeds, berries, small mammals, and deer. Settlement size ranged from 10 to 200 persons, with small settlements often ancillary to large villages. Archaeological evidence from Bower's Cave, located between Newhall and Piru, combined with ethnographic evidence suggest their ritual organization was similar to both the Chumash and Gabrieleño, whose lifestyles were distinct from one another. By 1810 the Tataviam were virtually completely "missionized" through baptism at Mission San Fernando.

CULTURAL RESOURCES

Records Search

Literature searches of the California Historical Resources Information System (CHRIS) at the South Central Coast Information Center (SCCIC) located at California State University, Fullerton were conducted on September 26, 2022, by Duke CRM. The search was conducted as part of the cultural resources investigation undertaken in connection with this EIR for the Janss Marketplace Hotel. The records search included a review of all recorded cultural resources within a 0.5-mile radius of the project site, as well as a review of known cultural resource survey and excavation reports.

The records search identified one cultural resource within 0.5-mile of the project site. The resource, P-56-000490, is an isolated prehistoric projectile point recorded in 1976. The isolate was recorded approximately 1,950 feet south of the project footprint. The SCCIC identified 11 reports within the 0.5-mile search radius, none of which cover the project site. None of the reports identified cultural resources or historic properties within, or adjacent to the project site.

Duke CRM conducted a review of online historical aerial photographs and historical USGS quad maps utilizing UCSB FrameFinder, historicalaerials.com, and USGS Historical Topographic Map Explorer. The 1947 aerial shows a small development to the east of the project site. The 1967 aerial shows commercial development within the project site as well as the surrounding area. The project site and the surrounding area were well developed by 1980. The Phase I Environmental Site Assessment Report, prepared by Priority One Environmental, Inc. on July 25, 2022, indicates that the current building where the project site is located was built in 1963. Today, the existing Janss Marketplace is an approximately 611,000 SF shopping center consisting of retail establishments, a gym, a movie theater, restaurants, and a four-story parking structure on approximately 38-acres.

Previous Cultural Resources Studies

According to the SCCIC, eleven reports have been completed with a 0.5-mile radius of the project site, however none of them cover the project site and none of the reports identified cultural resources or historic properties within, or

⁵² Hudson, Travis, "The Alliklik-Tataviam Problem", *Journal of California and Great Basin Anthropology*, vol. 4, pgs. 222-232, 1982.

⁵³ King, Chester D., and Thomas C. Blackburn, "Tataviam", *Handbook of North American Indians*, vol. 8, R.F. Heizer, ed., pgs. 535-537, Smithsonian Institution, Washington D.C., 1978.

adjacent to the project site. The previous cultural resources studies conducted nearby are summarized in Table 5.4-1, Cultural Resources Reports Within 0.5-Mile of the Project, below:

**Table 5.4-1
Cultural Resources Reports Within 0.5-Mile of the Project**

| Report Number | Year | Report Title | Author(s) |
|---------------|------|---|---|
| VN-00028 | 1975 | Evaluation of the Archaeological Resources and Potential Impact of Proposed Widening and Realignment of the Ventura Freeway (federal Highway 101), Ventura County | Rosen, Martin D. |
| VN-00074 | 1976 | Archaeological Resource Survey and Impact Evaluation for Tentative Tract 2561, City of Thousand Oaks, Ventura County, California | Ivie, Pamela J. and David Scott Whitley |
| VN-00136 | 1978 | Cultural Resource Survey and Impact Assessment for a 26 Acre Parcel in the Downtown Section of the City of Thousand Oaks, Ventura County, California | Singer, Clay A. |
| VN-00518 | 1987 | Archaeological Evaluation of the Calleguas Municipal Water District, Lake Sherwood Project, Ventura County | Parker, John |
| VN-01040 | 1982 | For Improvement of the Operational Characteristics of Route 101, the Ventura Freeway in Los Angeles and Ventura Counties, Between Route 405 in Los Angeles, and the Santa Clara River in Oxnard | Stelle, Kenneth and Albert Gallardo |
| VN-01102 | 1977 | Preliminary Cultural Resource Survey and Potential Impact Assessment for Thirteen Areas in Southern Ventura County, California | Singer, Clay A. |
| VN-01520 | 1982 | Archaeological Survey Report for the 07-la/ven 101 Project P.m. 17.1-38.2/0.0-22.7 07351 - 076620 | Romani, John F. |
| VN-01539 | 1978 | Phase I Archaeological Survey Ven 1-1 P.m. 4.1/23.0 Freeway Widening and Pavement Reconstruction | Huey, Gene |
| VN-01954 | 2000 | Negative Archaeological Survey Report: 1y2601 Highway Project Description | Sylvia, Barbara |
| VN-02639 | 2003 | A Phase I Archaeological Study for the Oaks Mall Renovation/expansion Project City of Thousand Oaks, County of Ventura, California | Wlodarski, Robert J. |
| VN-03034 | 2011 | Archaeological Survey Report for the SR-23/U.S.-101 Interchange Project Ventura County, California | Kirksih, Alex |

HISTORICAL RESOURCES

The building currently occupying the project footprint was first constructed in 1963 and is therefore more than 45 years old. However, it is not listed in the National Register of Historic Places, and, according to the cultural resources records search conducted by Duke CRM, the building has been heavily modified over the years and is not recognizable as a historic building. The project site is also not listed in the Ventura County Historical Landmarks and Points of Interest List. Therefore, there are no historical resources present on-site that could be impacted by development of the proposed project.

NATIVE AMERICAN CONSULTATION

The project is subject to compliance with SB 18 (California Government Code Sections 65352, 65352.3), which requires that cities and counties notify and consult with California Native American tribes about proposed general plan and specific plan amendment proposals. The project is also subject to compliance with AB 52 (PRC Section 21074), which requires consideration of impacts to tribal cultural resources as part of the CEQA process, and requires that the lead agency provide tribes that have requested notification with early notice of the proposed project and, if requested, consultation to inform the CEQA process with respect to tribal cultural resources.

The project does not include a general plan or specific plan amendment. No California Native American tribes have requested notification for projects within the City's jurisdiction. As such, no notification letters pursuant to SB 18 or AB 52 were sent, and no tribal cultural resources were identified as a result of the SB 18 or AB 52 tribal outreach/consultation process.

5.4.2 Regulatory Setting

FEDERAL

National Historic Preservation Act of 1966

Enacted in 1966 and amended in 2000, the National Historic Preservation Act (NHPA) declared a national policy of historic preservation and instituted a multifaceted program, administered by the Secretary of the Interior, to encourage the achievement of preservation goals at the Federal, State, and local levels. The NHPA authorized the expansion and maintenance of the NRHP, established the position of SHPO and provided for the designation of State Review Boards, set up a mechanism to certify local governments to carry out the purposes of the NHPA, assisted Native American tribes to preserve their cultural heritage, and created the Advisory Council on Historic Preservation (ACHP).

Section 106 Process

Through regulations associated with the NHPA, an impact to a cultural resource would be considered significant if government action would affect a resource listed in or eligible for listing in the NRHP. The NHPA codifies a list of cultural resources found to be significant within the context of national history, as determined by a technical process of evaluation. Resources that have not yet been placed on the NRHP, and are yet to be evaluated, are afforded protection under the Act until shown to be not significant.

Section 106 of the NHPA and its implementing regulations (36 Code of Federal Regulations Part 800) note that for a cultural resource to be determined eligible for listing in the NRHP, the resource must meet specific criteria associated with historic significance and possess certain levels of integrity of form, location, and setting. The criteria for listing on the NRHP are applied within an analysis when there is some question as to the significance of a cultural resource. The criteria for evaluation are defined as the quality of significance in American history, architecture, archeology, engineering, and culture. This quality must be present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association. A property is eligible for the NRHP if it is significant under one or more of the following criteria:

- **Criterion A:** It is associated with events that have made a significant contribution to the broad patterns of our history; or
- **Criterion B:** It is associated with the lives of persons significant in our past; or

- **Criterion C:** It embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- **Criterion D:** It has yielded, or may be likely to yield, information important in prehistory or history.

Criterion D is usually reserved for archaeological resources. Eligible cultural resources must meet at least one of the above criteria and exhibit integrity, measured by the degree to which the resources retain their historical properties and convey their historical character regarding the following: location, design, setting, materials, workmanship, feeling, and association.

The Section 106 evaluation process does not apply to projects undertaken under City environmental compliance jurisdiction. However, should the undertaking require funding, permits, or other administrative actions issued or overseen by a Federal agency, analysis of potential impacts to cultural resources following the Section 106 process would likely be necessary. The Section 106 process typically excludes cultural resources created less than 50 years ago unless the resource is considered highly significant from the local perspective. Finally, the Section 106 process allows local concerns to be voiced and the Section 106 process must consider aspects of local significance before a significance judgment is rendered. The proposed Janss Marketplace Hotel project does not require any federal funding, permits, or other federal action.

Secretary of The Interior’s Standards for The Treatment of Historic Properties

Evolving from the Secretary of the Interior’s Standards for Historic Preservation Projects with Guidelines for Applying the Standards that were developed in 1976, the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstruction Historic Buildings were published in 1995 and codified as 36 CFR 67. Neither technical nor prescriptive, these standards are “intended to promote responsible preservation practices that help protect our Nation’s irreplaceable cultural resources.” “Preservation” acknowledges a resource as a document of its history over time, and emphasizes stabilization, maintenance, and repair of existing historic fabric. “Rehabilitation” not only incorporates the retention of features that convey historic character, but also accommodates alterations and additions to facilitate continuing or new uses. “Restoration” involves the retention and replacement of features from a specific period of significance. “Reconstruction”, the least used treatment, provides a basis for recreating a missing resource. These standards have been adopted, or are used informally, by many agencies at all levels of government to review projects that affect historic resources.

STATE

California Environmental Quality Act (CEQA)

CEQA requires a lead agency to determine whether a project may have a significant effect on historical resources (Public Resources Code Section 21084.1). An historical resource is a resource listed in, or determined to be eligible for listing, in the CRHR, a resource included in a local register of historical resources, or any object building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (CEQA Guidelines Section 15064.5[a][1-3]).

A resource is considered historically significant if it meets any of the following 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 to prehistory or history.

In addition, if it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (Public Resources Code Section 21083.2[a], [b], and [c]). Public Resources Code Section 21083.2(g) defines a unique archaeological resource as 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:

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

California Register of Historical Resources

Created in 1992 and implemented in 1998, the CRHR is “an authoritative guide in California to be used by State and local agencies, private groups, and citizens to identify the State’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.” Certain properties, including those listed in or formally determined to be eligible for listing in the NRHP and California Historical Landmarks numbered 770 or higher, are automatically included in the CRHR. Other properties recognized under the California Points of Historical Interest program, identified as significant in historical resources surveys or designated by local landmarks programs, may be nominated for inclusion in the CRHR. A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the State Historical Resources Commission determines that it meets one or more of the criteria modeled on the NRHP criteria.

Senate Bill 18

Signed into law in 2004, SB 18 requires that cities and counties notify and consult with California Native American tribes about proposed local land use planning decisions for the purpose of protecting traditional tribal cultural sites (California Government Code Sections 65352, 65352.3). Cities and counties must provide general plan and specific plan amendment proposals to tribes that have been identified by the NAHC as having traditional lands located within the lead agency’s boundaries. If requested by the tribes, the lead agency must also conduct consultations with the tribes prior to adopting or amending their general and specific plans.

Assembly Bill 52

On September 25, 2014, Governor Brown signed AB 52 in recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, it is the intent of AB 52 to accomplish all of the following:

1. Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.
2. Establish a new category of resources in CEQA called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.

3. Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
4. Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated. Because CEQA calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.
5. In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in CEQA environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision making body of the lead agency.
6. Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to CEQA.
7. Ensure that local and tribal governments, public agencies, and project proponents have information available, early in CEQA environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources, and to reduce the potential for delay and conflicts in the environmental review process.
8. Enable California Native American tribes to manage and accept conveyance of, and act as caretakers of, tribal cultural resources.
9. Establish that a substantial adverse change to a tribal cultural resource has a significant effect on the environment.

AB 52 requires that a lead agency consult with Native American tribes traditionally and culturally affiliated with the geographic area in which a project is proposed to be undertaken. AB 52 requires that if a Native American tribe has requested in writing to be informed of proposed projects in the geographic area, that consultation be initiated with that tribe prior to the release of an EIR. As part of the consultation process, the Native American tribe may among other comments, propose mitigation measures to avoid or reduce potentially significant impacts to tribal cultural resources (California Public Resources Code Sections 21080.3.1, 21080.3.2).

California Public Resources Code

Public Resources Code Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites; identify the powers and duties of the NAHC; require descendants to be notified when Native American human remains are discovered; and provide for treatment and disposition of human remains and associated grave goods.

California Health and Safety Code

The discovery of human remains is regulated in accordance with California Health and Safety Code Section 7050.5, which states:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation until the coroner has determined that the remains are not subject to provisions of law concerning investigation of the circumstances, manner and cause of

any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

LOCAL

Thousand Oaks General Plan

The General Plan Conservation Element includes policies and implementation measures to address the City's cultural resources. The following policies and implementation measures are relevant to the proposed project:

Conservation Element

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.

City Historic Landmarks and Points of Historical Interest List

The City preserves and protects landmarks and points of historic interest in the City which have a special historic or aesthetic character or interest for the use, education and view of the general public in order to remind the citizens of this community, and to visitors and tourists of this community, of the rich historic, cultural, and natural heritage of the City and Conejo Valley. The Thousand Oaks Cultural Heritage Board is hereby established, and the Thousand Oaks City Council and Ventura County Cultural Heritage Board shall perform the duties and functions as set forth herein to preserve landmarks and points of historic interest in the City.

Historical landmark designations were previously made by the Ventura County Cultural Heritage Board and approved by the City Council. Historic landmark designations are now approved by the City Council. Ventura County's local register is the Ventura County Historical Landmarks and Points of Interest List maintained by the Ventura County Cultural Heritage Board. The City of Thousand Oaks includes a list of Historic Landmarks in the General Plan Conservation Element. Historical Landmarks listed in this register are presumed to be a significant historical resource pursuant to CEQA. A landmark can be a structure, natural feature, site or area having historical, archaeological, cultural, or aesthetic significance.

Any object, building, structure, site, area, place, or natural formation which has historic, architectural, archaeological, cultural or aesthetic significance to the City of Thousand Oaks is eligible for designation as a City Landmark if any of the following criteria are met:

1. Exemplifies or reflects special elements of the City's social, aesthetic, engineering, architectural or natural history;
2. Is associated with events that have made a significant contribution to the broad patterns of the City's cultural heritage;
3. Is associated with the lives of persons important to the City;
4. Has yielded or has the potential to yield information important to the prehistory or history of the City; or,
5. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.

5.4.3 Impact Thresholds and Significance Criteria

The purpose of this analysis is to identify any potential cultural, tribal cultural, or historical resources within or adjacent to the site, and to assist the City in determining whether such resources meet the official definitions of "historical resources", as provided in the Public Resources Code, in particular CEQA.

SIGNIFICANCE GUIDELINES

Historical Resources

Impacts to a significant cultural resource that affect characteristics that would qualify it for the NRHP or that adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. These impacts could result from "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (CEQA Guidelines Section 15064.5[b][1],2000). Material impairment is defined as demolition or alteration "in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register" (CEQA Guidelines Section 15064.5[b][2][A]). CEQA states that when a project will cause damage to an historical resource, reasonable efforts must be made to preserve the resource in place or left in an undisturbed state. Mitigation measures are required to the extent that the resource could be damaged or destroyed by a project. Projects that follow the Secretary of the Interior's Standards for the Treatments of Historic Properties are typically mitigated below the level of significance.

Archaeological Resources

A significant prehistoric archaeological impact would occur if grading and construction activities result in a substantial adverse change to archaeological resources determined to be "unique" or "historic". "Unique" resources are defined in Public Resources Code Section 21083.2; "historic" resources are defined in Public Resources Code Section 21084.1 and CEQA Guidelines Section 15126.4.

Public Resources Code Section 21083.2(g) states:

As used in this section, “unique archaeological resource” means 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:

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

CEQA states that when a project would cause damage to a unique archaeological resource, reasonable efforts must be made to preserve the resource in place or leave it in an undisturbed state. Mitigation measures are required to the extent that the resource could be damaged or destroyed by a project. Implementation of the following mitigation measures would mitigate to the greatest extent feasible the potential for future projects to impact archaeological resources.

Tribal Cultural Resources

AB 52 established a new category of resources in CEQA called tribal cultural resources (Public Resources Code Section 21074). “Tribal cultural resources” are either of the following:

1. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
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 Section 5024.1. In applying the criteria as set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for the proposed project. The Public Resources Code now requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to tribal cultural resources to the extent feasible.

CEQA SIGNIFICANCE CRITERIA

Appendix G of the CEQA Guidelines contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

Cultural Resources:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5 (refer to Impact Statement CUL-1);

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 (refer to Impact Statement CUL-2); and/or
- c) Disturb any human remains, including those interred outside of dedicated cemeteries (refer to Impact Statement CUL-3).

Tribal Cultural Resources:

A project may create a significant adverse environmental impact on a tribal cultural resource if it would cause a substantial adverse change in the significance of a tribal cultural resource (as defined in Cal. Public Resources Code Section 21074) that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) (refer to Impact Statement TCR-1); and/or
- 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 Public Resources Code Section 5024.1. In applying criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe (refer to Impact Statement TCR-2).

5.4.4 Impacts and Mitigation Measures

HISTORICAL RESOURCES

Impact CUL-1 Development associated with implementation of the proposed project would not cause a significant impact to a historical resource or a change in the significance of a historical resource.

Impact Analysis: The National Register of Historic Places (NRHP) Database does not identify historic resources at the project site. As stated above, eleven cultural resources reports have been previously conducted for projects within 0.5-mile of the project area, however none of the reports identified cultural resources located within or adjacent to the project site. The project site's history is tied to the development of the Janss Marketplace in the 1960s, and the existing building on the project footprint was built in 1963. Prior to site development, the project site was historically utilized for agricultural purposes. The site was originally developed in 1961 as the Village Lane Shopping Center by the Janss family. It was the first mall established in the City, and the site configuration and structures remain similar in the central portion of the Marketplace. At the time, a greater proportion of the property on the east and west sides was utilized as surface level parking lots. In 1995, Goldman Sachs bought the property and renamed it Janss Marketplace⁵⁴. The mall has continued to modernize and shift tenants since 2000 and is now under the ownership of NewMark Merrill.

For a site to be historically significant, it must retain integrity, or have the ability to convey its historic significance. The Cultural Resources Records Review by Duke CRM determined that the building has been modified too many times over the years to qualify as a historical resource. The project site also lacks any association with individuals who have made significant historical contributions to the City, region, State, or nation. The existing building has been used for commercial purposes since it was built and has merely served as a component of a larger retail center. Furthermore, the building is simple and not architecturally designed, does not reflect distinctive characteristics of a type, period, or method of construction, and does not possess high artistic value. There is no evidence to suggest that the project site may yield information important to prehistory or history, and it is not a contributor or potential contributor to any existing or

⁵⁴ Bustillo, Miguel. Los Angeles Times, *Janss Center Renovation Leaves Some Tenants Upset*, <https://www.latimes.com/archives/la-xpm-1996-07-14-me-24015-story.html>, 14 July 1996.

potential historic district. As a result of the above conditions, it is recommended ineligible under NRHP and CRHR criteria, and is therefore not considered a historical resource for the purposes of CEQA, pursuant to Public Resources Code Section 21084.1. As such, project development would not adversely impact any historical resources.

The proposed project involves the demolition of the existing partial two-story building, to be replaced by a five-story, 216-room hotel, and retail units. Development would include landscaping upgrades and related improvements to the site. Significant changes in finish elevations are not expected, and it is anticipated that site grading would only require 84 cubic yards of cut. The project does not include large scale grading or subsurface excavation, causing substantial alteration of the site. Therefore, the project would not have any direct or indirect impacts to the project site or nearby sites with cultural resources. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

ARCHAEOLOGICAL RESOURCES

Impact CUL-2 Development associated with implementation of the proposed project could cause a significant impact to an archaeological resource on-site.

Impact Analysis: The NRHP Database found no archaeological resources at the project site, however, buried historical and/or archaeological materials have the potential to be uncovered during ground-disturbing activities. The proposed project involves the demolition of approximately 35,500 square feet of commercial development and reconstruction of the existing partial two-story building to be replaced by a five-story hotel and retail units. The project would not involve substantial ground/subsurface alteration or planned grading; the proposed earthwork would involve approximately 84 cubic yards of cut, and 28 cubic yards of fill, resulting in the export of 56 cubic yards of soil.

While the likelihood of discovery is low, the project construction would cut into the current grade. In the unlikely event that archaeological resources are encountered during project construction, Mitigation Measures CUL-1 and CUL-2 have been developed to reduce potential impacts to archaeological resources that may be inadvertently discovered during construction. These measures would require 1) implementation of a Worker Environmental Awareness Program before the start of construction to educate workers of the procedures if an unanticipated discovery is made, and 2) all project construction efforts to halt until an archaeologist examines the site, identifies the archaeological significance of the find, and recommends a course of action. An archaeologist would be required to monitor construction activities if large areas of earth-moving occur. If the archaeologist determines the resource constitutes a “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation would be made available to the applicant. With implementation of Mitigation Measures CUL-1 and CUL-2, the project would not cause a substantial adverse change in the significance of an archaeological resource or site pursuant to Section 15064.5 of the CEQA Guidelines, and impacts would be reduced to less than significant levels.

Mitigation Measures:

CUL-1 **Worker Environmental Awareness Program.** Worker Environmental Awareness Program (WEAP) training shall be provided to all construction personnel and monitors who are not trained archaeologists prior to the start of construction activities. A basic presentation and handout or pamphlet shall be prepared to ensure proper identification and treatment of inadvertent cultural resource discoveries. The purpose of the WEAP training is to provide specific details on the kinds of

cultural materials, both prehistoric and historic, that may be identified during construction of the project and explain the importance of and legal basis for the protection of cultural resources. Each worker shall also be provided with the proper procedures to follow in the event that cultural resources or human remains are discovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate notification of the site supervisor and the qualified archaeological and Native American monitors. If the discovery is Native American, a Native American monitor shall be notified.

CUL-2 **Unanticipated Discovery of Cultural Resources.** The project applicant shall retain a qualified archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards for archaeology, prior to the start of any earthwork activities related to project construction, to monitor all ground-disturbing activities within the areas of native soil (i.e., below existing areas of artificial fill from previous construction). In the event that potential prehistoric or historic-era archaeological resources (sites, features, or artifacts) are exposed during construction activities for the project, all construction work occurring within a 50-foot buffer of the find shall immediately stop and a qualified archaeologist must be notified immediately to assess the significance of the find and determine whether or not additional study is warranted. Depending on the significance of the find under the California Environmental Quality Act (CEQA), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work (e.g., preparation of an archaeological treatment plan, testing, or data recovery) may be warranted. If Native American resources are discovered or are suspected, each of the consulting tribes for the project will be notified, as dictated by California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e). An archaeological monitoring report shall be prepared within 60 days following completion of ground disturbance and submitted to the City of Thousand Oaks Community Development Director for review. This report shall document compliance with approved mitigation, document the monitoring efforts, and include an appendix with daily monitoring logs. The final report shall be submitted to the South Central Coastal Information Center and interested consulting tribes.

Level of Significance: Less Than Significant Impact, With Mitigation Incorporated.

HUMAN REMAINS

Impact CUL-3 Development associated with implementation of the proposed project could cause a significant impact to undiscovered human remains, including a potential tribal cultural resource.

Impact Analysis: The project site is developed and the proposal involves demolition and reconstruction of the site, and the project is not anticipated to involve substantial alteration of the subsurface condition of the site. However, in compliance with State and Federal requirements, if human remains are encountered during excavation activities, all work shall halt at the site and/or nearby areas reasonably suspected to overlie adjacent remains, and the County Coroner shall be notified (refer to Mitigation Measure CUL-3). The Coroner shall determine whether the remains are of forensic interest within two working days of receiving notification. If the Coroner, with the aid of the qualified archaeologist, determines that the remains are prehistoric, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours of the determination. The NAHC shall be responsible for designating the most likely descendant (MLD), who will be responsible for the ultimate disposition of the remains, as required by Section 5097.98 of the California Public Resources Code. Compliance with Mitigation Measure CUL-3 and regulatory requirements would ensure that impacts on human remains would be less than significant.

Mitigation Measures:

CUL-3 **Discovery of Human Remains.** If human remains are encountered during implementation of any phase of the project, the project archaeologist shall be allowed to temporarily divert or redirect excavation activities in the vicinity of the find in order to make an evaluation of the find. In the event that human remains are inadvertently encountered during construction activities, such resources would be treated in accordance with state and local regulations that provide requirements with regard to the accidental discovery of human remains, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be immediately notified of the discovery. No further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent remains can occur until the County Coroner has determined, within 2 working days of notification of the discovery, if the remains are potentially human in origin. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she is required to notify the NAHC within 24 hours. The NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant must then complete their inspection within 48 hours of being granted access to the site. The most likely descendant would then determine, in consultation with the property owner, the disposition of the human remains.

Level of Significance: Less Than Significant Impact, With Mitigation Incorporated.

TRIBAL CULTURAL RESOURCES

Impact TCR-1 Development associated with implementation of the proposed project would not cause a significant impact to the significance of a tribal cultural resource that is listed in the CRHR.

Impact Analysis: Refer to Impact Statements CUL-1 and CUL-3. As stated above, there are no cultural or historical resources listed in the California Register of Historical Resources, in the Ventura County Historical Landmarks and Points of Interest List, or in the City of Thousand Oaks Historic Landmarks list for the project site. Based on the Duke CRM Cultural Resources Records Review, it is anticipated that the site is ineligible for listing based on its past development and use, construction, and architecture. If an unknown significant tribal cultural resource were to be discovered during construction, implementation of Mitigation Measures CUL-1 through CUL-3 would ensure that no substantial adverse changes would occur to the resource and appropriate measures would be taken to handle the resource. Therefore, no significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact TCR-2 Development associated with implementation of the proposed project would not cause a significant impact to the significance of a tribal cultural resource that is determined by the lead agency.

Impact Analysis: Refer to Impact Statements CUL-1, CUL-3, and TCR-1. There is no evidence to suggest that there are significant tribal cultural resources at the project site. If one were to be discovered during construction, implementation of Mitigation Measures CUL-1 through CUL-3 would ensure the proper handling of the resource, including the involvement of relevant tribal parties.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.4.5 Cumulative Impacts

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, Cumulative Projects List, and illustrated on Exhibit 4-1, Cumulative Project Locations, cumulative projects are situated in the site vicinity.

- The project, combined with other related cumulative projects, could cause cumulatively considerable impacts to historical resources, archaeological resources, or tribal cultural resources.

Impact Analysis: The project, combined with other related cumulative projects, could cause cumulatively considerable impacts to historical, archaeological, and tribal cultural resources. Project-related impacts to historical, archaeological, and tribal cultural resources have been determined to be less than significant with implementation of Mitigation Measures CUL-1 through CUL-3 for the proposed project. Future cumulative projects would be evaluated on a project-by-project basis to determine the extent of potential impacts to site-specific historical, archaeological, and/or tribal cultural resources. Related projects would be required to adhere to State and Federal regulations, as well as project-specific mitigation measures.

As discussed under Impact Statements CUL-1 through CUL-3 and TRC-1 and TRC-2, implementation of Mitigation Measures CUL-1 through CUL-3 would reduce potentially significant project impacts to historical, archaeological, and tribal cultural resources to less than significant levels. Thus, the project’s less than significant impacts would not be cumulatively considerable.

Mitigation Measures: Refer to Mitigation Measures CUL-1 through CUL-3.

Level of Significance: Less Than Significant With Mitigation Incorporated.

5.4.6 Level of Significance After Mitigation

No significant unavoidable impacts related to cultural resources and tribal cultural resources have been identified and the proposed project would have less than significant impacts on cultural, historical, archaeological, and tribal cultural resources following compliance with Mitigation Measures CUL-1 through CUL-3.

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5.5 Energy

This section analyzes potential project impacts related to energy consumption and energy plan consistency. Such impacts include the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emissions of pollutants during both construction and operations. Mitigation measures are recommended to avoid or reduce potential impacts, if any. Energy technical data is included as Appendix C, Air Quality/Greenhouse Gas Emissions/Energy Data.

5.5.1 Existing Setting

ELECTRICITY/NATURAL GAS SERVICES

Southern California Edison (SCE) provides electrical services in Ventura County, including the City, through State-regulated public utility contracts. Over the past 15 years, electricity generation in California has undergone a transition. Historically, California has relied heavily on oil- and gas-fired plants to generate electricity. Spurred by regulatory measures and tax incentives, California's electrical system has become more reliant on renewable energy sources, including cogeneration, wind energy, solar energy, geothermal energy, biomass conversion, transformation plants, and small hydroelectric plants. Unlike petroleum production, generation of electricity is usually not tied to the location of the fuel source and can be delivered great distances via the electrical grid. The generating capacity of a unit of electricity is expressed in megawatt (MW). One MW provides enough energy to power 1,000 average California homes per day. Net generation refers to the gross amount of energy produced by a unit; minus the amount of energy the unit consumes. Generation is typically measured in megawatt-hours (MWh), kilowatt-hours (kWh), or gigawatt-hours (GWh).

Although SCE delivers electricity through its infrastructure, the City has been a participant in the regional Clean Power Alliance (CPA) since 2019. The CPA allows residents and businesses to choose to receive energy generated from renewable sources from CPA, delivered by SCE infrastructure. The default for new connections in the City is participation in the CPA. Power provided in the City is primarily procured from the CPA, which contracts with private firms to procure energy from producers that meet certain qualifications. Member cities and counties can choose a default rate option for the community, called Lean Power, Clean Power, and 100 Percent Green Power, which reflects the amount of renewable energy being delivered, but each end user is able to change the selection or opt out of the program. The default rate for Thousand Oaks customers is 100 Percent Green Power, which is electricity derived from solar and wind energy generators. The Lean Power and Clean Power options use a combination of other sources, but do not include energy derived from coal or natural gas.

The Southern California Gas Company (SoCalGas) provides natural gas services to the City. Natural gas is a hydrocarbon fuel found in reservoirs beneath the earth's surface and is composed primarily of methane (CH₄). It is used for space and water heating, process heating and electricity generation, and as transportation fuel. Use of natural gas to generate electricity is expected to increase in the coming years because it is a relatively clean alternative to other fossil fuels like oil and coal. In California and throughout the western United States, many new electrical generation plants that are fired by natural gas are being brought online. Thus, there is great interest in importing liquefied natural gas from other parts of the world. Nearly 45 percent of the electricity consumed in California was generated using natural gas.¹ While

¹ California Energy Commission, *Supply and Demand of Natural Gas in California*, <https://www.energy.ca.gov/data-reports/energy-almanac/californias-natural-gas-market/supply-and-demand-natural-gas-california>, accessed February 20, 2023.

the supply of natural gas in the United States and production has increased greatly, California produces little, and imports 90 percent of its natural gas.²

ENERGY USAGE

Energy usage is typically quantified using the British Thermal Unit (BTU). Total energy usage in California was 6,922.8 trillion BTU in 2020 (the most recent year for which this specific data is available), which equates to an average of 175 million BTU per capita.^{3,4} Of California’s total energy usage, the breakdown by sector is 42.9 percent transportation, 26.1 percent industrial, 13.5 percent commercial, and 17.5 percent residential.⁵ Electricity and natural gas in California are generally consumed by stationary users such as residences and commercial and industrial facilities, whereas petroleum consumption is generally accounted for by transportation-related energy use. In 2021, taxable gasoline sales (including aviation gasoline) in California accounted for 13,060,407,775 gallons of gasoline.⁶

The electricity consumption attributable to Ventura County from 2011 to 2021 is shown in Table 5.5-1, Electricity Consumption in Ventura County 2011-2021.⁷ As indicated in Table 5.5-1, energy consumption in Ventura County peaked in 2015 and slowly decreased after then.

**Table 5.5-1
Electricity Consumption in Ventura County 2011-2021**

| Year | Electricity Consumption (in millions of kilowatt hours) |
|------|---|
| 2011 | 5,471 |
| 2012 | 5,522 |
| 2013 | 5,398 |
| 2014 | 5,487 |
| 2015 | 5,592 |
| 2016 | 5,456 |
| 2017 | 5,510 |
| 2018 | 5,447 |
| 2019 | 5,463 |
| 2020 | 5,462 |
| 2021 | 5,242 |

Source: California Energy Commission, Electricity Consumption by County, <http://www.ecdms.energy.ca.gov/elecbycounty.aspx>, accessed February 20, 2023.

² Ibid.

³ United States Census Bureau, California Population as of April 1, 2020, <https://www.census.gov/quickfacts/fact/table/CA/POP010220#POP010220>, accessed February 20, 2023.

⁴ U.S. Energy Information Administration, *Table F33: Total Energy Consumption, Price, and Expenditure Estimates, 2020*, https://www.eia.gov/state/seds/sep_fuel/html/fuel_te.html, accessed February 20, 2023.

⁵ U.S. Energy Information Administration, *California Energy Consumption by End-Use Section, 2020*, <https://www.eia.gov/beta/states/states/ca/overview>, accessed February 20, 2023.

⁶ California Department of Tax and Fee Administration, Net Taxable Gasoline Gallons, <https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm>, accessed February 20, 2023.

⁷ Electricity consumption data is not available for the City. The year 2021 is the most recent year for which the County’s electricity consumption data is available.

The natural gas consumption in Ventura County from 2011 to 2021 is shown in Table 5.5-2, Natural Gas Consumption in Ventura County 2011-2021.⁸ Natural gas consumption in Ventura County reached a low point in 2014 and slowly increased.

**Table 5.5-2
Natural Gas Consumption in Ventura County 2011-2021**

| Year | Natural Gas Consumption (in millions of therms) |
|------|---|
| 2011 | 201 |
| 2012 | 187 |
| 2013 | 190 |
| 2014 | 160 |
| 2015 | 162 |
| 2016 | 173 |
| 2017 | 171 |
| 2018 | 167 |
| 2019 | 187 |
| 2020 | 180 |
| 2021 | 176 |

Source: California Energy Commission, Gas Consumption by County, <http://www.ecdms.energy.ca.gov/gasbycounty.aspx>, accessed February 20, 2023.

GASOLINE/DIESEL FUELS

Automotive fuel consumption in Ventura County from 2011 to 2023 is shown in Table 5.5-3, Automotive Fuel Consumption in Ventura County 2011-2023 (projections for the year 2023 are also shown). As shown in Table 5.5-3, since 2011, on-road automotive fuel consumption in Ventura County has steadily increased till 2018, and off-road fuel consumption has steadily increased.

**Table 5.5-3
Automotive Fuel Consumption in Ventura County 2011-2023**

| Year | On-Road Automotive Fuel Consumption (Gallons) | Off-Road Fuel Consumption (Gallons) |
|------|---|-------------------------------------|
| 2011 | 297,276,671 | 2,878,590 |
| 2012 | 295,189,969 | 3,125,983 |
| 2013 | 294,914,548 | 3,383,106 |
| 2014 | 296,364,390 | 3,647,698 |
| 2015 | 302,918,449 | 3,923,634 |
| 2016 | 307,891,286 | 4,208,104 |
| 2017 | 310,981,896 | 4,503,601 |
| 2018 | 308,359,198 | 4,808,145 |
| 2019 | 306,875,394 | 5,123,753 |
| 2020 | 273,997,452 | 5,449,375 |

⁸ Natural gas consumption data is not available for the City. The year 2021 is the most recent year for which the County's natural gas consumption data is available.

**Table 5.5-3
Automotive Fuel Consumption in Ventura County 2011-2023**

| Year | On-Road Automotive Fuel Consumption (Gallons) | Off-Road Fuel Consumption (Gallons) |
|------------------|--|--|
| 2021 | 305,340,488 | 5,564,254 |
| 2022 | 302,453,738 | 5,675,478 |
| 2023 (projected) | 298,164,892 | 5,780,936 |

Source: California Air Resources Board, EMFAC2021, accessed on February 20, 2023.

5.5.2 Regulatory Setting

FEDERAL

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020 and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

Federal Vehicle Standards

In 2007, the George W. Bush Administration issued Executive Order 13432 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, President Barack Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated Federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO₂ in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021, and NHTSA intends to set standards for model years 2022–2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022–2025 cars and light trucks.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO₂ emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baselines.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO₂ emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

In March 2021, The EPA and NHTSA adopted the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule. The SAFE Vehicles Rule sets tough but feasible fuel economy and CO₂ standards that increase 1.5 percent in stringency each year from model years 2021 through 2026. These standards apply to both passenger cars and light trucks and will continue the nation’s progress toward energy independence and CO₂ reduction, while recognizing the realities of the marketplace and consumers’ interest in buying vehicles that meet all of their diverse needs.

Construction Equipment Emission Standards

The United States Environmental Protection Agency (USEPA) sets emission standards for construction equipment (discussed in greater detail in Section 5.7, Greenhouse Gas Emissions); however, these standards have also resulted in more efficient equipment. The first three sets of standards, Tier 1 through Tier 3, implemented between 1994 and 2008, mandated emission reductions to be met through engine design, which generally resulted in more fuel-efficient equipment. Tier 4 standards, phased-in between 2008-2015, were designed such that they could be met through the use of control technologies such as exhaust gas aftertreatment. This allowed Tier 3 engines to be converted to Tier 4. However, manufacturers have continued to increase efficiency in construction equipment engines as it serves both to meet standards and reduce costs to the end user, making a more competitive product.

STATE

California’s Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

In 1978, the California Energy Commission (CEC) established the Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6), commonly referred to as “Title 24,” California’s energy efficiency standards for residential and non-residential buildings, in response to a legislative mandate to create uniform building codes to reduce California’s energy consumption and provide energy efficiency standards for residential and non-residential buildings. The 2022 Title 24 became effective on January 1, 2023. In general, Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The 2022 Title 24 standards encourage efficient electric heat pumps, establish electric-ready requirements for new homes, expand solar photovoltaic and battery storage standards, strengthen ventilation standards, and more. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Title 24 standards.

California Green Building Code

The 2022 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), commonly referred to as CALGreen, went into effect on January 1, 2023. CALGreen is the first-in-the-nation mandatory green buildings standards code. The California Building Standards Commission developed CALGreen to meet the State's landmark initiative Assembly Bill (AB) 32 goals, which established a comprehensive program of cost-effective reductions of greenhouse gas (GHG) emissions to 1990 levels by 2020. CALGreen was developed to (1) reduce GHG emissions from buildings; (2) promote environmentally responsible, cost-effective, and healthier places to live and work; (3) reduce energy and water consumption; and (4) respond to the environmental directives of the administration. CALGreen requires that new buildings employ water efficiency and conservation, increase building system efficiencies (e.g., lighting, heating/ventilation and air conditioning [HVAC], and plumbing fixtures), divert construction waste from landfills, and incorporate electric vehicles charging infrastructure. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive, and that there is a significant cost-savings potential in green building practices and materials.

California Public Utilities Commission Energy Efficiency Strategic Plan

The California Public Utilities Commission prepared an Energy Efficiency Strategic Plan (Strategic Plan) in September 2008 with the goal of promoting energy efficiency and a reduction in greenhouse gases. In January 2011, a lighting chapter was adopted and added to the Strategic Plan. The Strategic Plan is California's single roadmap to achieving maximum energy savings in the State between 2009 and 2020, and beyond 2020. The Strategic Plan contains the practical strategies and actions to attain significant statewide energy savings, because of a year-long collaboration by energy experts, utilities, businesses, consumer groups, and governmental organizations in California, throughout the West, nationally and internationally. The plan includes the four bold strategies:

1. All new residential construction in California will be zero net energy by 2020;
2. All new commercial construction in California will be zero net energy by 2030;
3. Heating, ventilation and air condition (HVAC) will be transformed to ensure that its energy performance is optimal for California's climate; and
4. All eligible low-income customers will be given the opportunity to participate in the low-income energy efficiency program by 2020.

California Energy Commission Integrated Energy Policy Report

In 2002, the California State legislature adopted Senate Bill (SB) 1389, which requires the CEC to develop an Integrated Energy Policy Report (IEPR) every two years. SB 1389 requires the CEC to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices, and use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the State's economy, and protect public health and safety.

The CEC adopted the 2021 integrated energy policy report (2021 IEPR) Volume I, Volume II, and Volume IV on February 1, 2022 and Volume III on February 24, 2022.⁹ the 2021 IEPR provides information and policy recommendations on advancing a clean, reliable, and affordable energy system for all Californian.¹⁰ Volume I of the

⁹ California Energy Commissions, 2021 Integrated Energy Policy Report, <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2021-integrated-energy-policy-report>, accessed February 20, 2023.

¹⁰ California Energy Commissions, Final 2021 Integrated Energy Policy Report Volume I Building Decarbonization, February 2022.

2021 IEPR addresses actions needed to reduce the GHG emissions related to the buildings in which California live and work, with an emphasis on energy efficiency; Volume II examines actions needed to increase the reliability and resiliency of California’s energy system; Volume III looks at the evolving role of gas in California’s energy system; and Volume IV reports on California’s energy demand outlook, including a forecast to 2035 and long-term energy demand scenarios of 2050. The 2021 IEPR builds on the goals and work in response to AB 758 (Energy: energy audit), SB 350 (Clean Energy and Pollution Reduction Act), AB 3232 (Zero-emissions buildings and sources of heat energy), and the 2019 IEPR to further a comprehensive approach toward decarbonizing buildings in a cost-effective and equitable manner. For the 2021 IEPR, the CEC extends the forecast timeframe to 15 years to coincide with several state goals that are planned for 2035 and improves methodologies to better quantify and predict the likelihood, severity, and duration of future extreme heat events.

LOCAL

City of Thousand Oaks General Plan

The Thousand Oaks General Plan (General Plan) provides a long-range comprehensive guide for the physical development of the City’s Planning Area. The City’s General Plan Conservation Element 2013 Update includes the following climate change policy, which relates to energy use:

Policy CO-39. Support efforts to reduce greenhouse gas emissions, consistent with the intent of the State of California’s California Global Warming Solutions Act of 2006 (Assembly Bill 32).

Implementation Measures:

- Prepare Greenhouse Gas Analyses for development projects which require the preparation of Environmental Impact Reports or Mitigated Negative Declarations.
- Reduce energy use and utilize sustainable energy sources at City facilities where feasible, in accordance with City-adopted Energy Action Plan.

Although the City does not have an adopted Climate Action Plan (CAP), the City is now developing its Climate and Environmental Action Plan (CEAP), which will detail the strategies and actions that the City will pursue to protect the environment and address the challenges of climate change. The CEAP is being developed in parallel with the City’s General Plan update.

Thousand Oaks Energy Action Plans

The City has adopted a Sustainability Plan for Municipal Operations (2018) and a Municipal Energy Action Plan (2019). The Sustainability Plan contains 150 strategies identified to improve sustainability, efficiency, and resilience in City operations, and generate long-term cost savings. This plan pertains to City operations and facilities and would not apply directly to the proposed project. The Municipal Energy Action Plan facilitates the Sustainability Plan by analyzing City facility energy use for the purposes of attaining the goals of the Sustainability Plan. It concerns City facilities and does not apply to the proposed project.

5.5.3 Impact Thresholds and Significance Criteria

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (refer to Impact Statement EN-1); and/or
- b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency (refer to Impact Statement EN-2).

Based on these standards/criteria, the effects of the project have been categorized as either a “less than significant impact” or a “potentially significant impact.” If a potentially significant impact cannot be reduced to a less than significant level through the application of goals, policies, standards, or mitigation, it is categorized as a significant and unavoidable impact.

Appendix F of the CEQA Guidelines is an advisory document that assists EIR preparers in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. The analysis in Impact Statement EN-1 relies upon Appendix F of the CEQA Guidelines, which includes the following criteria to determine whether this threshold of significance is met:

- **Criterion 1:** 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.
- **Criterion 2:** The effects of the project on local and regional energy supplies and on requirements for additional capacity.
- **Criterion 3:** The effects of the project on peak and base period demands for electricity and other forms of energy.
- **Criterion 4:** The degree to which the project complies with existing energy standards.
- **Criterion 5:** The effects of the project on energy resources.
- **Criterion 6:** The project’s projected transportation energy use requirements and its overall use of efficient transportation alternatives.

5.5.4 Impacts and Mitigation Measures

ENERGY CONSUMPTION

Impact EN-1 The project would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Impact Analysis: Electricity, natural gas, and fuel consumption associated with the project has been prepared utilizing the California Emissions Estimator Model Version 2022.1 (CalEEMod) and the 2021 CARB Emission Factor (EMFAC2021) model. Energy consumption was calculated for the project; refer to Appendix C, Air Quality/Greenhouse Gas/Energy Data. The project’s electricity, natural gas, and fuel consumption depicted in Table 5.5-4, Project and Countywide Energy Consumption, summarize the estimated energy consumption for the project. As shown in Table 5.5-4, the project’s energy usage would constitute an approximate 0.0377 percent increase over the County’s typical annual electricity consumption, and an approximate 0.0225 percent increase over the County’s typical annual natural gas consumption. Additionally, the project’s off-road construction equipment diesel fuel consumption, on-road construction fuel consumption, and operational vehicle fuel consumption would increase Ventura County’s consumption by 0.4185 percent, 0.0099 percent, and 0.0292 percent, respectively (CEQA Appendix F, Criterion 1).

**Table 5.5-4
Project and Countywide Energy Consumption**

| Energy Type | Project Annual Energy Consumption ¹ | Ventura County Annual Energy Consumption ² | Percentage Increase Countywide |
|--|--|---|--------------------------------|
| Electricity Consumption ³ | 1,978 MWh | 5,242,310 MWh | 0.0377% |
| Natural Gas Consumption ³ | 39,453 therms | 175,685,900 therms | 0.0225% |
| Fuel Consumption | | | |
| Construction Off-road Consumption ³ | 24,607 Gallons | 5,880,494 Gallons | 0.4185% |
| Construction On-road Consumption ³ | 29,853 Gallons | 292,180,171 Gallons | 0.0099% |
| Operational Automotive Fuel Consumption ³ | 116,408 Gallons | 284,797,593 Gallons | 0.0409% |

Source: Refer to Appendix C for assumptions used in this analysis.

Notes:

- ¹ As modeled in CalEEMod version 2022.1.
- ² The project's electricity and natural gas consumption are compared to the total consumption in Ventura County in 2021. The project increases in construction off-road and on-road fuel consumption are compared with the projected Ventura Countywide off-road fuel consumption and Ventura Countywide on-road fuel consumption in 2024, respectively. The project increase in automotive fuel consumption is compared with the projected Countywide on-road fuel consumption in 2024.
Ventura County electricity consumption data source: California Energy Commission, Electricity Consumption by County, <http://www.ecdms.energy.ca.gov/elecbycounty.aspx>, accessed February 20, 2023.
Ventura County natural gas consumption data source: California Energy Commission, Gas Consumption by County, <http://www.ecdms.energy.ca.gov/gasbycounty.aspx>, accessed February 20, 2023.
- ³ Project fuel consumption is calculated based on CalEEMod results for the project. Trip generation and vehicle miles traveled modeled are based on the Janss Marketplace Hotel Project – DP 2022-70097 Traffic Impact/Trip Generation Analysis prepared by the City's Public Works Department on May 5, 2023. Countywide fuel consumption is from the California Air Resources Board's EMFAC2021 model.

Construction-Related Energy

During construction, the project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during grading, paving, building construction, and architectural coatings. The project would be required to implement Mitigation Measures AQ-2 and AQ-3 to reduce daily reactive organic gases emissions. Mitigation Measure AQ-2 would require the architectural coating phase of the project construction to last for at least six weeks. Mitigation Measure AQ-3 would require the Tier 4 construction equipment. Fuel energy consumed during construction would be temporary and would not represent a significant demand on energy resources. In addition, some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest U.S. Environmental Protection Agency (EPA) and California Air Resources Board (CARB) engine emissions standards. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. In addition, because the cost of fuel and transportation is a significant aspect of construction budgets, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction (CEQA Appendix F, Criterion 4).

Significant reductions in energy inputs for construction materials can be achieved by selecting green building materials composed of recycled materials that require less energy to produce than non-recycled materials.¹¹ The integration of green building materials can help reduce environmental impacts associated with the extraction, transport, processing, fabrication, installation, reuse, recycling, and disposal of these building industry source materials.¹² The project-related incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. As indicated in Table 5.5-4, the project's off-road fuel consumption and on-road fuel consumption from construction would be approximately 24,607 gallons and 29,853 gallons, respectively. The project's off-road fuel consumption and on-road fuel consumption from construction would increase off-road construction equipment diesel fuel use and on-road vehicle fuel consumption in the County by approximately 0.4185 percent and 0.0099 percent, respectively. As such, construction would have a nominal effect on the local and regional energy supplies (CEQA Appendix F, Criterion 2). It is noted that construction fuel use is temporary and would cease upon completion of construction activities. There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or State (CEQA Appendix F, Criterion 5). Therefore, construction fuel consumption would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. As such, a less than significant impact would occur in this regard.

Operational Energy Consumption

Transportation Energy Demand

Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration is responsible for establishing additional vehicle standards and for revising existing standards. Compliance with Federal fuel economy standards is not determined for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. Table 5.5-4 estimates the annual fuel consumed by vehicles traveling to and from the project site. As indicated in Table 5.5-4, project operation is estimated to consume approximately 116,408 gallons of fuel per year, which would increase the Countywide automotive fuel consumption by 0.0409 percent. As such, the project does not propose any unusual features that would result in excessive long-term operational fuel consumption (CEQA Appendix F, Criterion 2).

The key drivers of transportation-related fuel consumption are job locations/commuting distance and many personal choices on when and where to drive for various purposes. Those factors are outside of the scope of the design of the project. However, the project would include on-site electric vehicle charging stations, bicycle parking, and vanpool/carpool parking spaces in compliance with the CALGreen Code. This project design feature would encourage and support alternative mode of transportation by employees, customers, and visitors of the project and thus reduce petroleum fuel consumption (CEQA Appendix F, Criterion 4 and Criterion 6).

Therefore, fuel consumption associated with vehicle trips generated by the project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region. A less than significant impact would occur.

¹¹ California Department of Resources Recycling and Recovery, *Green Building Materials*, <https://www.calrecycle.ca.gov/greenbuilding/materials#Material>, accessed February 22, 2023.

¹² Ibid.

Building Energy Demand

The CEC developed 2020 to 2035 forecasts for energy consumption and peak demand in support of the 2021 IEPR for each of the major electricity and natural gas planning areas and the State based on the economic and demographic growth projections.¹³ CEC forecasts that the Statewide annual average growth rates of energy demand between 2021 and 2030 would be 1.3 percent to 2.3 percent for electricity and less than 0.1 percent to 0.8 percent increase for natural gas.¹⁴ As shown in Table 5.5-4, operational energy consumption of the project would represent approximately 0.0377 percent increase in electricity consumption and 0.0225 percent increase in natural gas consumption over the current Countywide usage, which would be significantly below CEC’s forecasts and the current Countywide usage. Therefore, the project would be consistent with the CEC’s energy consumption forecasts and would not require additional energy capacity or supplies (CEQA Appendix F, Criterion 2). The project would also consume energy during the same time periods as other commercial development. As a result, the project would not result in unique or more intensive peak or base period electricity demand (CEQA Appendix F, Criterion 3).

The project would be required to comply with the most current version of the Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. The project would install high efficiency lighting, energy efficient appliances, and solar panels on the roof as required. Compliance with the current Title 24 standards significantly reduces energy usage. The Title 24 Building Energy Efficiency Standards are updated every three years and become more stringent between each update; therefore, complying with the latest Title 24 standards would make the project more energy efficient than existing buildings built under the earlier versions of the Title 24 standards (CEQA Appendix F, Criterion 4).

Furthermore, the electricity provider, SCE, is subject to California’s Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 60 percent of total procurement by 2030, and 100 percent of total procurement by 2045. As part of the regional Clean Power Alliance (CPA), the hotel and retail businesses may choose to receive energy generated from renewable sources from CPA, delivered by SCE infrastructure. The default rate for Thousand Oaks customers is 100 Percent Green Power, which is electricity derived from solar and wind energy generators. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat. The increase in reliance of such energy resources further ensures that new development projects would not result in the waste of the finite energy resources (CEQA Appendix F, Criterion 5).

Therefore, the project would not cause wasteful, inefficient, and unnecessary consumption of building energy during project operation, or preempt future energy development or future energy conservation. A less than significant impact would occur.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

¹³ California Energy Commission, *Final 2021 Integrated Energy Policy Report Volume IV California Energy Demand Forecast*, February 2022. Annual average growth rates of electricity demand and natural gas per capita demand are shown in Figure 10 and Figure 14, respectively.

¹⁴ Ibid.

CONFLICT WITH APPLICABLE ENERGY PLAN

Impact EN-2 The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Impact Analysis: The project would utilize construction contractors who must demonstrate compliance with applicable federal, state, and local regulations. Construction equipment would be required to comply with federal, state, and regional requirements, where applicable. State and local policy efforts to increase energy efficiency and reduce reliance on fossil fuels are generally focused on: increasing the efficiency of buildings; transitioning away from fossil fuel energy sources; electrification of vehicles; and reduction of VMT. The project does not conflict with any policies with those focuses or a related focus as it is a mixed-use urban infill project that will comply with the most recent standards of efficiency. The project would be required to comply with current Title 24 standards and CALGreen Code. Compliance with current Title 24 standards and CALGreen Code would ensure the project incorporates energy-efficient building design. The project would install high efficiency light, solar panels on the roof as required, and energy efficient appliances. Additionally, the project would utilize electricity provided by the CPA through SCE’s infrastructure. Therefore, the project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency and impacts will be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.5.5 Cumulative Impacts

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, Cumulative Projects List, and illustrated on Exhibit 4-1, Cumulative Project Locations, cumulative projects are situated in the site vicinity.

ENERGY CONSUMPTION AND PLAN CONSISTENCY

- Implementation of the project and other cumulative projects would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Impact Analysis: The geographic context for cumulative energy consumption impacts for electricity and natural gas is Countywide and relative to SCE’s and SoCalGas’ service areas. While the geographic context for transportation-related energy use is more difficult to define, it is meaningful to consider the project in the context of Countywide consumption. Future growth within the County is anticipated to increase the demand for electricity, natural gas, and transportation energy, as well as the need for energy infrastructure. As stated above, the project would nominally increase the County’s electricity, natural gas, off-road construction fuel consumption, on-road construction fuel consumption and operational fuel consumption by 0.0377, 0.0225, 0.4185, 0.0099, and 0.0409 percent, respectively; refer to Table 5.5- 4. Additionally, per the RPS, the project and cumulative projects would utilize electricity provided by SCE that would be comprised of 60 percent renewable energy by 2030 and 100 percent renewable energy by 2045. Moreover, the project would utilize electricity provided by the CPA through SCE’s infrastructure with a current default 100 Percent Green Power rate for Thousand Oaks customers. Furthermore, the project and other cumulative projects in the site vicinity would be subject to Title 24 and CALGreen standards. Thus, the project and related projects would comply with energy conservation plans and efficiency standards required to ensure that energy is used efficiently. As such, implementation of the project and other cumulative projects would not result in wasteful, inefficient, or unnecessary consumption of energy resources, and the project’s cumulatively considerable impacts would be less than significant.

Mitigation Measures: No mitigation measures required.

Level of Significance: Less Than Significant Impact.

5.5.6 Level of Significance After Mitigation

No significant unavoidable impacts related to energy have been identified.

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5.6 Geology and Soils

This section describes the geologic and seismic conditions within the project area and evaluates the potential for geologic hazard impacts associated with implementation of the proposed project. Information in this section is based on the following documentation:

- *Limited Geotechnical Engineering Investigation – Proposed Aldi Project 179 North Moorpark Road*, prepared by Salem Engineering Group, Inc., dated September 17, 2019 (refer to Appendix F, Limited Geotechnical Investigation);
- *Geotechnical Engineering Investigation – Proposed Restaurant Building 401 North Moorpark Road*, prepared by Salem Engineering Group, Inc., dated October 4, 2019 (refer to Appendix G, Geotechnical Investigation);
- *Geotechnical Update/Addendum*, prepared by Sladden Engineering, Inc., dated March 28, 2023 (refer to Appendix H, Geotechnical Update/Addendum; and
- *Phase 1 Environmental Site Assessment Report – 225 North Moorpark Road*, prepared by Priority One Environmental, Inc., dated July 25, 2022 (refer to Appendix I, Phase I ESA Report).

5.6.1 Existing Setting

GEOTECHNICAL CONDITIONS

Methodology

In order to identify existing geologic and soil conditions and assess potential impacts associated with development of the proposed project, this section provides information available from geotechnical investigations conducted at sites in proximity to the project footprint, within the Janss Marketplace (refer to Exhibit 5.6-1, Geotechnical Studies Vicinity Map). A third geotechnical update/addendum was provided which identifies the two geotechnical investigations for sites within the Janss Marketplace as applicable for use in the preliminary design of the proposed project, and identifies that a complete project-specific geotechnical investigation should be performed subsequent to the demolition and removal of the existing commercial building. The scope of these geotechnical investigations included background review, site reconnaissance, subsurface exploration, laboratory tests, engineering analysis, and report preparation. The reports are provided in Appendices F and G.

Regional Geology

The site is located within the Transverse Range Geomorphic Province. The region is characterized by east-trending ridge and valley sequences, resulting from normal and reversed faulting that uplifted the Santa Ynez and Santa Susana Mountains. The site lies on the southern end of an east-trending syncline that is south of and parallel to the Simi fault. The Simi fault is an east-trending, north-dipping reverse fault that extends from the Las Posas Hills east-northeastward along the northern edge of the valley. The area south of the Simi fault is relatively void of faults.

The valley floor is covered by a thick layer of Quaternary alluvium which can be up to 400 feet thick. The hills in the area consist of marine and nonmarine sedimentary sequences. Volcanic units are prevalent in the western end of the valley, overlying the sedimentary units. Subsurface lithologies in the vicinity of the project site are generally composed of alluvial deposits comprised of sands, silty sands, and silts with minor clays and gravels. The source rock for this material is primarily metasedimentary, in the Santa Susanna Mountains north of the project site. Sediments currently at or near the surface are believed to be of Quaternary Age (2 million years old or younger).¹

There are no active faults mapped within the City of Thousand Oaks, however there are two quaternary age faults, the Boney Mountain and Sycamore Canyon faults, that cross within city limits. Quaternary age faults are faults that have recorded movement in the last 1.6 million years and are considered potentially active.²

Project Area Geology

Site Description

The project site is located within the existing Janss Marketplace, which is an approximately 611,000 SF shopping center consisting of retail establishments, a gym, a movie theater, restaurants, and a four-story parking structure on approximately 38-acres. The existing site improvements at the location of the proposed hotel include a concrete curb and gutters, paved walkways, approximately 35,500 square feet of commercial development in a two-story volume, along with adjacent hardscape and landscape improvements. The majority of the site is relatively flat and level; there are no moderate or significant slopes on the site.

Topography and Soils

The elevation within the proposed project site is approximately 742 feet above mean sea level. According to the U.S. Department of Agriculture Natural Resources Conservation Service Web Soil Survey for Ventura County, California, there are several soil types at the proposed project site, including mostly coarse-grained soils, sands, sands with fines, and clayey sand.³

Groundwater

Groundwater monitoring wells occur at the Janss Car Wash (Los Angeles RWQCB Case # C-03013), located at 467 North Moorpark Road, in Thousand Oaks (approximately 645 feet from the subject site). Groundwater is shown at a depth of 17-38 feet below ground surface.⁴ It should be noted that water table elevations fluctuate with time because they are dependent on seasonal precipitation, irrigation, land use, climatic conditions, and other factors. Therefore, water level observations at the time of the field investigation may vary from those encountered both during the construction phase and the operational life of the proposed project.

¹ Thousand Oaks, City of. *General Plan, Safety Element*, <https://www.toaks.org/departments/community-development/planning/general-plan>, March 2014.

² Thousand Oaks, City of. *General Plan, Safety Element*, <https://www.toaks.org/departments/community-development/planning/general-plan>, March 2014.

³ United States Department of Agriculture Natural Resources Conservation Service, *Web Soil Survey*, <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>, 2022.

⁴ Priority One Environmental, Inc., *Phase 1 Environmental Site Assessment Report*, June 2022.

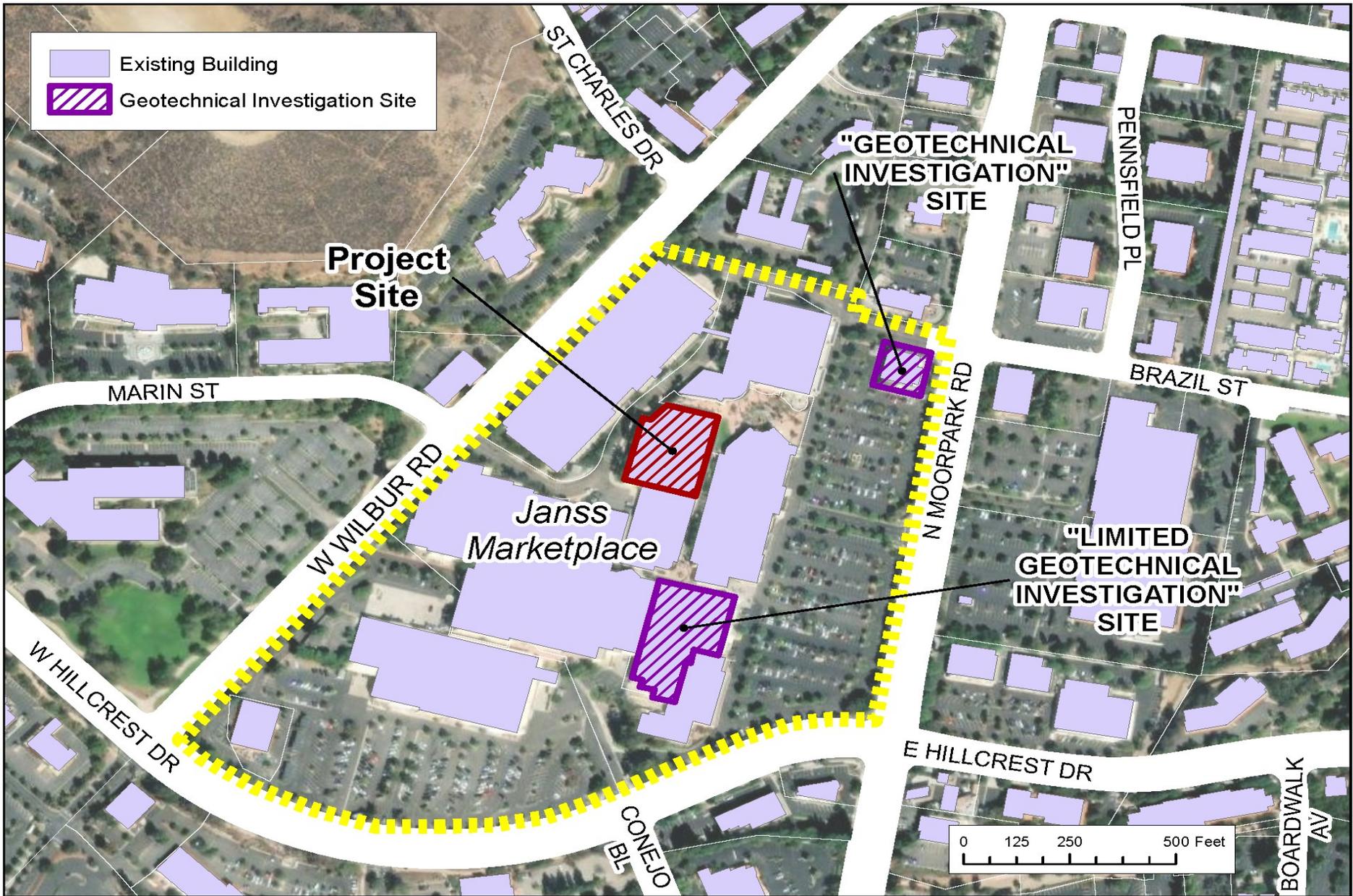


EXHIBIT 5.6-1

Geotechnical Studies Vicinity Map

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Seismic Hazards

Potential seismic hazards involve primary hazards (i.e., surface fault rupture and seismicity/ground shaking) and secondary hazards including liquefaction, seismically-induced flooding, seiches, and tsunamis. The primary and secondary seismic hazards with potential to impact the project site are discussed below.

Faulting and Seismicity

According to the California Geological Survey, a fault is defined as a fracture in the crust of the earth along which rocks on one side have moved relative to those on the other side. Most faults are the result of repeated displacements over a long period of time. An inactive fault is a fault that has not experienced earthquake activity within the last three million years. In comparison, an active fault is one that has experienced earthquake activity in the past 11,000 years. A fault that has moved within the last two to three million years but has not been proven by direct evidence to have moved within the last 11,000 years, is considered potentially active.

There are no known active fault traces in the vicinity of the project site, however, because of the proximity of active faults in Ventura County, ground shaking has affected and is likely to continue to affect the City of Thousand Oaks.⁵ The faults nearest to the project site are associated with the Simi Santa Rosa Fault system which is considered active and is located approximately 4.9 miles north-northeast of the project site. The Malibu Coast Fault is located approximately 9.7 miles south of the project site, and the Oak Ridge Fault is located approximately 13.2 miles northwest; both are active faults.⁶ The Oak Ridge Fault has the highest possible maximum magnitude of the three nearest faults at 7.40 on the Richter Scale. The Boney Mountain and Sycamore Canyon faults traverse parts of the City of Thousand Oaks and are classified as potentially active.⁷

The Alquist-Priolo Earthquake Fault Zoning Act, Public Resources Code Sections 2621-2624, Division 2, Chapter 7.5 regulates development near active faults in order to mitigate the hazard of surface fault-rupture. Under the Act, the State Geologist is required to delineate “special study zones” along known active faults in California. The Act also requires that, prior to approval of a project, a geologic study be conducted to define and delineate any hazards from surface rupture. The project area is not within an Alquist-Priolo Earthquake Fault Zone and will not require a special Alquist-Priolo site investigation by an Engineering Geologist. There are no active or potentially active faults with the potential for surface fault rupture known to occur on-site or in the vicinity. Soils on-site are classified as Site Class D in accordance with Chapter 16 of the California Building Code. The proposed structures are determined to be in Seismic Design Category D.

Earthquake events from one of the regional active or potentially active faults near the project area could result in strong ground shaking. 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.

⁵ Thousand Oaks, City of. General Plan, Safety Element, <https://www.toaks.org/departments/community-development/planning/general-plan>, March 2014.

⁶ USGS, 2008 National Seismic Hazard Maps – Source Parameters, https://earthquake.usgs.gov/cfusion/hazfaults_2008_search/query_results.cfm, 2008.

⁷ Thousand Oaks, City of. General Plan, Safety Element, <https://www.toaks.org/departments/community-development/planning/general-plan>, March 2014.

Seismic-Induced Landslides

The project site is not located within an area mapped as having the potential for seismic-induced landslides.⁸

Secondary Seismic Hazards

Liquefaction

Seismic ground shaking of relatively loose, granular soils that are saturated or submerged can cause the soils to liquefy and temporarily behave as a dense fluid. Soil liquefaction is a state of soil particles suspension caused by a complete loss of strength when the effective stress drops to zero. Liquefaction normally occurs under saturated conditions in soils in which the strength is purely frictional, such as sand. Primary factors that trigger liquefaction include: moderate to strong ground shaking (seismic source), relatively clean, loose granular soils (primarily poorly graded sands and silty sands), and saturated soil conditions (shallow groundwater). Due to the increase in overburden pressure with depth, liquefaction of granular soils is generally limited to the upper 50 feet of a soil profile. However, liquefaction has occurred in soils other than clean sand. Based on the State of California, Seismic Hazard Zone Map, Newbury Park Quadrangle, dated February 7, 2002, the site is not located in a potential liquefaction zone.

Soil Erosion

Soil erosion is most prevalent in unconsolidated alluvium and surficial soils, which are prone to downcutting, sheet flow, and slumping and bank failure during and after heavy rainstorms. Strong wind forces can also produce varying amounts of soil erosion of unconsolidated surficial soils. The project site is relatively flat and does not possess site conditions necessarily conducive to soil erosion.

Lateral Spreading

Lateral spreading is a phenomenon in which soils move laterally during seismic shaking and is often associated with liquefaction. The amount of movement depends on the soil strength, duration and intensity of seismic shaking, topography, and free face geometry. Due to the relatively flat site topography, the likelihood of lateral spreading to occur is low.

Landslides

The proposed project area is not within an identified landslide zone or landslide hazard area. There is no potential for a landslide to be a hazardous occurrence at this project site.

Tsunamis

The site is not located within a coastal area, therefore tsunamis are not considered a significant hazard at the project area.

⁸ California Department of Conservation, Earthquake Zones of Required Investigation, <https://maps.conservation.ca.gov/cgs/EQZApp/app/>, accessed March 10, 2023.

5.6.2 Regulatory Setting

FEDERAL

Earthquake Hazards Reduction Act

The Earthquake Hazards Reduction Act of 1977 (Public Law 95-124) established the National Earthquake Hazards Reduction Program which is coordinated through the Federal Emergency Management Agency (FEMA), the U.S. Geological Survey (USGS), the National Science Foundation, and the National Institute for Standards and Technology. The purpose of the program is to establish measures for earthquake hazards reduction and promote the adoption of earthquake hazards reduction measures by Federal, State, and local governments; national standards and model code organizations; architects and engineers; building owners; and others with a role in planning and constructing buildings, structures, and lifelines. This is achieved through the following:

- (1) Grants, contracts, cooperative agreements, and technical assistance;
- (2) Development of standards, guidelines, and voluntary consensus codes for earthquake hazards reduction for buildings, structures, and lifelines; and
- (3) Development and maintenance of a repository of information, including technical data, on seismic risk and hazards reduction.

The program is intended to improve the understanding of earthquakes and their effects on communities, buildings, structures, and lifelines through interdisciplinary research that involves engineering, natural sciences, and social, economic, and decisions sciences.

Clean Water Act

Congress enacted the Clean Water Act (CWA), formerly the Federal Water Pollution Control Act of 1972, with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA Section 402). NPDES permitting authority is administered by the California State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCBs). Thousand Oaks is within a watershed administered by the Los Angeles RWQCB. Individual projects within the city that disturb more than one acre would be required to obtain NPDES coverage under the California General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit).

The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) describing best management practices (BMPs) the discharger would use to prevent and retain storm water runoff and to prevent soil erosion. The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the Plan Area. The SWPPP must list BMPs the discharger would use to protect storm water runoff and the placement of those BMPs. 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. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP.

Soil and Water Resources Conservation Act

The purpose of the Soil and Water Resources Conservation Act of 1977 is to protect or restore soil functions on a permanent sustainable basis. Protection and restoration activities include prevention of harmful soil changes, rehabilitation of the soil of contaminated sites and of water contaminated by such sites, and precautions against negative soil impacts. If the soil is impacted, disruptions of its natural functions and of its function as an archive of natural and cultural history should be avoided, as far as practicable. In addition, CWA requirements provide guidance for protection of geologic and soil resources through the NPDES permit.

International Building Code

The International Building Code (IBC) is published by the International Code Council and forms the basis for California's Building Code, as well as approximately half of the state building codes in the United States. It has been adopted by California Legislature to address the specific building conditions and structural requirements for California, as well as provide guidance on foundation design and structural engineering for different soil types. The IBC defines and ranks the regions of the United States according to their seismic hazard potential. There are four types of regions defined by Seismic Zones 1 through 4, with Zone 1 having the least seismic potential and Zone 4 having the highest.

STATE

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act of 1972 (Act) was passed into law following the destructive February 9, 1971, M6.6 San Fernando earthquake, to mitigate the hazard of surface faulting to structures for human occupancy. The Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Act requires the State Geologist to establish regulatory zones, known as "Earthquake Fault Zones", around the surface traces of active faults and to issue appropriate maps. Local agencies must regulate most development projects within these zones. Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. 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 from the fault (typically 50-foot setbacks are required). This Act groups faults into categories of active, potentially active, and inactive. Historic and Holocene age faults are considered active, Late Quaternary and Quaternary age faults are considered potentially active, and pre-Quaternary age faults are considered inactive.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (Seismic Act) addresses geo-seismic hazards, other than surface faulting, and applies to public buildings and most private buildings intended for human occupancy. The Seismic Act identifies and maps seismic hazard zones to assist cities and counties in preparing the safety elements of their general plans and encourages land use management policies and regulations that reduce seismic hazards. The Seismic Act mandates the preparation of maps delineating "Liquefaction and Earthquake-Induced Landslide Zones of Required Investigation." Review of the Seismic Hazard Zones maps for the State of California shows the project area to not be in a Liquefaction Zone.

Natural Hazards Disclosure Act

California Health and Safety Code Sections 17953-17955 and Section 1802 of the California Building Code identify requirements for soils investigations for subdivisions requiring tentative and final maps, and for other specified types of structures. Testing of samples from subsurface investigations is required, such as from borings or test pits. Studies must be done as needed to evaluate slope stability, soil strength, position and adequacy load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness.

California Building Code

The California Building Code (CBC), Title 24, Part 2 provides building codes and standards for the design and construction of structures in the state. The CBC requires, among other things, seismically resistant construction and foundation and soil investigations prior to construction. The CBC also establishes grading requirements that apply to excavation and fill activities and require the implementation of erosion control measures. California's building codes are published in their entirety every three years. California Building Standards Code, California Code of Regulations, and Title 24 are approved and adopted by the California Building Standards Commission. The current CBC is based on the latest International Building Code (IBC) with the addition of more extensive structural seismic provisions. Chapter 16 of the California Building Code contains definitions of seismic sources and the procedure used to calculate seismic forces on structures. The city is responsible for enforcing the most current CBC version.

The purpose of the CBC is to establish minimum standards to safeguard the public health, safety, and general welfare through structural strength, means of egress, and general stability by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within its jurisdiction. In addition, the CBC contains necessary California amendments, which are based on the American Society of Civil Engineers (ASCE) Minimum Design Standards 7-05. ASCE 7-05 provides requirements for general structural design and includes means for determining earthquake loads as well as other loads (flood, wind, etc.) for inclusion into building codes. The provisions of the CBC apply to the construction, alteration, movement, replacement, and demolition of every building or structure, or any appurtenances connected or attached to such buildings or structures, throughout California.

The earthquake design requirements of the CBC take into account the occupancy category of the structure, site class, soil classifications, and various seismic coefficients, which are used to determine a Seismic Design Category (SDC) for a project. The SDC is a classification system that combines the occupancy categories with the level of expected ground motions at the site and ranges from SDC A (very small seismic vulnerability) to SDC E/F (very high seismic vulnerability and near a major fault). Design specifications are then determined according to the SDC. The proposed project would be required to comply with the CBC, including Part 2, Volume 2, Chapter 18, Soils and Foundations, which outlines the minimum standards for structural design and construction. This includes geotechnical evaluations, which among other requirements, include a record of the soil profile, regulation of active faults in the area, recommendations for foundation type and design criteria that address issues, as applicable, such as (but not limited to) bearing capacity of soils, provisions to address expansive soils, settlement, and varying soil strength. If a building department or other appropriate enforcement agency, determines that recommended action(s) presented in the geotechnical evaluations are likely to prevent structural damage, the approved recommended action(s) must be made a condition to the building permit (Section 1803.1.1.3 of Chapter 18).

The CBC provides standards for various aspects of construction, including but not limited to excavation, grading and earthwork construction, preparation of the site prior to fill placement, specification on fill materials and fill compaction and field testing, retaining wall design and construction, foundation design and construction, and seismic requirements. It includes provisions to address issues such as (but not limited to) construction on expansive soils and soil strength loss. In accordance with California law, project design and construction would be required to comply with provisions of the CBC.

California Environmental Quality Act

Paleontological resources are protected under the California Environmental Quality Act (CEQA), which states, in part, that a project will “normally” have a significant effect on the environment if it, among other things, will disrupt or adversely affect a paleontological site except as part of a scientific study. Specifically, in Appendix G of the CEQA Guidelines, the Environmental Checklist Form, the question is posed, “Will the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.” To determine the uniqueness of a given paleontological resource, it must first be identified or recovered (i.e., salvaged).

Public Resources Code Section 5097.5 and Section 30244

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 and 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.”

State Water Resources Control Board – Construction General Permit Order 2009-0009-DWQ

The SWRCB administers water rights, water pollution control, and water quality functions throughout the State, while the RWQCBs conduct planning, permitting, and enforcement activities. For the proposed project, the NPDES permit would be addressed in two parts: construction and post-construction (operations). Construction permitting would be administered by the SWRCB, while post-construction permitting would be administered by the RWQCB.

On November 16, 1990, the EPA published final regulations that established stormwater permit application requirements for specific categories of industries. The regulations prohibit discharges of stormwater to waters of the United States from construction projects unless the discharge complies with an NPDES Permit (Water Quality Order 99-08-DWQ). On December 8, 1999, the SWRCB amended Order 99-08-DWQ to apply to sites as small as one acre.

Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore a facility’s original line, grade, or capacity.

The Construction General Permit requires the development of a Stormwater Pollution Prevention Plan (SWPPP). Construction General Permit Section A describes the elements that must be contained in a SWPPP, which include a site map(s), a list of Best Management Practices (BMPs) the discharger would use to protect stormwater runoff, and the placement of those BMPs. Additionally, the SWPPP is required to 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. A project applicant must submit a Notice of Intent (NOI) to the SWRCB, to be covered by the Construction General Permit, and prepare the SWPPP prior to construction. Implementation of the plan begins at commencement of construction and continues through project completion. Upon project completion, the applicant is required to submit a Notice of Termination (NOT) to the SWRCB to indicate that construction is completed.

LOCAL

County of Ventura Stormwater Program

The County of Ventura Stormwater Program reviews proposed land development projects in order to prevent potential impacts to surface water quality and to ensure compliance with the requirements in the NPDES Ventura County Stormwater Municipal Permit No. CAS004002 issued by the Los Angeles RWQCB. Proposed projects that are deemed complete after October 11, 2011 are subject to the 2010 Ventura County Stormwater Municipal Permit (Order No. R4-2010-0108).

City of Thousand Oaks General Plan

The City of Thousand Oaks General Plan Safety and Conservation Elements contain 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 California Building Code (International Building Code with California amendments) and Thousand Oaks Municipal Code (TOMC) for proposed new developments and/or when deemed necessary by the City Engineer and/or through the 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.

Policy A-4. Continue to allocate a percentage of building permit fees (as specified in Chapter 8 of Division 2 of the Public Resources Code) to a trust fund (Strong Motion Instrumentation Program Fund) which is remitted to the State of California. The moneys are earmarked for seismic education pursuant to the Seismic Hazards Mapping Act of 1990.

Policy A-5. Provide setbacks, as determined to be necessary, for any proposed development located on or near an active or potentially active fault. Appropriate setback distances will be determined through engineering geologic investigation. No active faults have been mapped within the Planning Area. Potentially active faults include the Sycamore Canyon and Boney Mountain Faults.

Policy A-6. Require all developers and/or subdividers of a parcel or parcels in an area of known fault hazard to record a Notice of Geologic Hazards with the County Recorder describing the hazards on the parcel and the level of prior geologic investigation conducted.

Policy A-7. Require project modifications, including but not limited to hazard mitigation, project redesign, elimination of building sites, and the delineation of building envelopes, building setbacks and foundation requirements, as deemed necessary, in order to mitigate faulting/seismic hazards.

Geologic Hazards

Goal S-2. Safeguard life, limbs, 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-4. Prohibit grading or relocation of earth on land having a natural slope greater than 25% unless approval is obtained from the Planning Commission or City Council and a grading permit has been obtained from the City Engineer (Municipal Code Section 7-3.07).

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.

Policy B-8. Require the developers and/or subdividers of a parcel or parcels in a Liquefaction Hazard Zone 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 unless the condition has been mitigated.

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-11. Where washouts or landslides have occurred on public or private roads, require that road reconstruction meet the conditions of appropriate geologic and engineering reports and provide for adequate engineering supervision.

Policy B-12. In general, prohibit building sites within the flowline or discharge areas of hillside swales or channels. Building may be able to occur near smaller swales and channels given appropriate mitigation measures.

Policy B-13. In an area of known slope stability or debris flow hazards, require developers and/or subdividers of a parcel or parcels 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-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.

Paleontology

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 or interest in these matters, including but not limited to the Stagecoach Inn Museum, local natural history museums, colleges and universities.

City of Thousand Oaks Municipal Code

The City's Municipal Code contains several regulations and development standards implementing the General Plan Policies identified above that address geology and soils. Building plans for development on the project site would be reviewed for consistency with the following ordinances:

TOMC Title 7, Chapter 3: Grading

This chapter establishes minimum requirements for regulating grading and procedures in order to safeguard life, limb, health, property, and the public welfare.

TOMC Title 8, Chapter 1: Building Code

This chapter provides minimum standards to safeguard life, limb, property, and public health, safety, and welfare, by regulation and control of the design, construction, addition, alteration, conversion, erection, installation, location, relocation, demolition, repair, maintenance, occupancy, and use of all structures and buildings located within the City and equipment regulated therein.

5.6.3 Impact Thresholds and Significance Criteria

Section VII of Appendix G of the CEQA Guidelines contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i. 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 (refer to Impact Statement GEO-1);
 - ii. Strong seismic ground shaking (Refer to Impact Statement GEO-2);
 - iii. Seismic-related ground failure, including liquefaction (Refer to Impact Statement GEO-3); and
 - iv. Landslides (Refer to Impact Statement GEO-4).
- b) Result in substantial soil erosion or the loss of topsoil (Refer to Impact Statement GEO-5);
- c) 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 (Refer to Impact Statement GEO-6);
- d) 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 (Refer to Impact Statement GEO-7);
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (Refer to Impact Statement GEO-8); and/or
- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Refer to Impact Statement GEO-9).

Based on these standards, the effects of the proposed project have been categorized as either a “less than significant impact” or a “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact.

5.6.4 Impacts and Mitigation Measures

Threshold a(i): *Would the project 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?*

Impact GEO-1 No active faults exist within the project site. The proposed project would not be subject to ground rupture and impacts would be less than significant.

Impact Analysis: The proposed project site has not been identified as having a known earthquake fault as delineated in the most recent Alquist-Priolo Earthquake Fault Zoning Map. In addition, no active faults have been mapped within the City of Thousand Oaks.

Considering the proximity of active and potentially active faults around Thousand Oaks, the proposed project site is susceptible to strong seismic ground shaking in the event of a major earthquake. The closest active fault to the proposed project, the Simi-Santa Rosa Fault Zone, is located approximately 4.9 miles north-northwest and is delineated as an Alquist-Priolo Fault Zone. However, the proposed project would not be in a designated fault zone and there is no known potential for surface fault rupture to occur on-site, thus potential adverse effects as a result of surface fault rupture are unlikely. Impacts would be less than significant in this regard.

The impact to people, buildings, or structures on the proposed project site from strong seismic ground shaking would be reduced by the required conformance with applicable building codes, accepted engineering practices, and the Thousand Oaks General Plan and Municipal Code policies. Geology and seismicity policies in the Safety Element (Policies A-1 through A-7, B-1 through B-5, and B-15 through B-18) require all structures within the City to be built to the latest seismic safety requirements of the California Building Code (CBC), Uniform Building Code (UBC), and the Thousand Oaks Municipal Code.

The UBC and the CBC include building standards to ensure that the design and construction of new structures are engineered to withstand the expected ground acceleration that may occur at this site. Therefore, through compliance with the applicable building codes, the proposed project would not directly or indirectly cause potential substantial adverse effects involving rupture of a known earthquake fault. Potential impacts associated with rupture of the ground surface within the vicinity of the proposed project site would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Threshold a(ii): *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*

Impact GEO-2 The project site is susceptible to strong seismic ground shaking in the event of a major earthquake and may expose people or structures to potential substantial adverse effects. However, with adherence to applicable building codes and city policies, potential impacts would be less than significant, with mitigation measures.

Impact Analysis: Given the highly seismic character of the southern California region and proximity to active and potentially active faults, the project site would likely be subject to some level of earthquake ground shaking as a result

of movement along the major active fault zones that characterize the region. Thus, potential impacts associated with strong seismic ground shaking at the project site are considered significant. The most significant earthquake in recent history in the project region was the 1994 Northridge earthquake, which resulted in a magnitude 6.7 earthquake.⁹

Mitigation would be required in order to provide long-term site stability and proper support of proposed structures. A geotechnical investigation of the project site, to be completed prior to construction, is required to determine appropriate seismic design that would reduce potential project impacts related to seismic ground shaking to a less than significant level. Compliance with the City of Thousand Oaks grading and building requirements, including the most current CBC, and the recommendations that would be provided in the geotechnical investigation would mitigate site hazards. Implementation of Mitigation Measures GEO-1 and GEO-2 requires the applicant to complete a geotechnical investigation and comply with the recommendations of the resulting report, which would stipulate appropriate seismic design. Potential project impacts related to seismic ground shaking would be reduced to a less than significant level.

Mitigation Measures:

GEO-1 A geotechnical investigation shall be conducted by the project applicant to analyze the soil conditions and potential threats to building stability, and shall include a report that recommends grading, construction, and design operations appropriate for seismic conditions. All grading operations and construction shall be conducted in conformance with the recommendations included in the geotechnical report. Design, grading, and construction shall also be performed in accordance with the requirements of the City of Thousand Oaks Building Code and the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project geotechnical consultant summarized in a final written report, subject to review and approval by the City of Thousand Oaks Building Official, or designee, prior to commencement of grading activities.

GEO-2 A qualified Geotechnical Engineer shall be retained to perform the following tasks prior to and during construction:

- Review final grading, foundation, and drainage plans to verify that the recommendations contained in the geotechnical investigation have been properly interpreted and are incorporated into the project specifications.
- Observe and advise during all grading activities, including site preparation, foundation, and placement of fill, to confirm that suitable fill materials are placed upon component material and to allow design changes if subsurface conditions differ from those anticipated prior to the start of grading and construction.
- Observe the installation of drainage devices.
- Test all fill placed for engineering purposes to confirm that suitable fill materials are used and properly compacted.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

⁹ Earthquake Track, “Biggest Earthquakes Near Thousand Oaks, California, United States”, <https://earthquaketrack.com/us-ca-thousand-oaks/biggest>, 2022.

Threshold a(iii): *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

Impact GEO-3 The proposed project may expose people or structures to potential substantial adverse effects associated with seismically induced liquefaction and settlement.

Impact Analysis: Based on the State of California, Seismic Hazard Zone Map, Newbury Park Quadrangle, dated February 7, 2002, the site is not located in a potential liquefaction zone. Information about the project site, including the depth of groundwater, type of soils encountered below the groundwater, and settlement calculations are necessary to determine the likelihood of significant liquefaction during a seismic event. The geotechnical investigation required in Mitigation Measure GEO-1 shall provide this information such that appropriate design measures can be taken.

The City regulates geotechnical hazards associated with site development through its Municipal Code, including compliance with the CBC. Municipal Code Title 7, Chapter 3, *Grading*, requires each application for a grading permit or building permit be accompanied by supporting data consisting of soil engineering and engineering geology report, or other needed documents. Recommendations in the soil engineering report or engineering geology report, approved by the Building Official, are required to be incorporated into grading plans and specifications. The geotechnical investigation that shall be conducted, pursuant to Mitigation Measure GEO-1, shall provide recommendations regarding site preparation and grading, temporary slope stability, post-grading and ground improvement, onsite stormwater capture, foundation design, concrete flatwork design, and pavement design, among other recommendations, that would be required to be incorporated into the design and construction phase of the proposed project (Mitigation Measures GEO-1 and GEO-2). With implementation of Mitigation Measures GEO-1 and GEO-2 potential impacts associated with seismically induced hazards would be reduced to a less than significant level.

Mitigation Measures: Refer to Mitigation Measures GEO-1 and GEO-2.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Threshold a(iv): *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

Impact GEO-4 The project site is not located within an identified landslide hazard area. Therefore, the potential for landslides within the project site is low and potential impacts would be less than significant.

Impact Analysis: The proposed project site is generally flat and lacks sufficient slopes for landslides to occur. According to the California Seismic Hazard Map as well as the Thousand Oaks General Plan Safety Element, the proposed project site is not located within an earthquake-induced landslide hazard zone.¹⁰ Therefore, potential impacts associated with landslides would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

¹⁰ California Department of Conservation, *Earthquake Zones of Required Investigation*, <https://maps.conservation.ca.gov/cgs/EQZApp/app/>, accessed March 10, 2023.

Threshold b: Would the project result in substantial soil erosion or the loss of topsoil?

Impact GEO-5 The proposed project may result in substantial soil erosion or the loss of topsoil.

Impact Analysis: The project site primarily consists of impervious surfaces (developed land). The project site is relatively flat and does not possess site conditions necessarily conducive to soil erosion. However, construction of the proposed project would require grading and excavation activities that would temporarily expose bare soils, creating an increased potential for soil erosion compared to existing conditions. Construction would disturb more than one acre of land, which mandates implementation of a National Pollutant Discharge Elimination System (NPDES)-compliant Stormwater Pollution Prevention Program (SWPPP), as enforced by the Los Angeles Regional Water Quality Control Board. The SWPPP includes BMPs to reduce soil erosion and sedimentation and to prevent construction pollutants from impacting receiving waters; refer to Section 5.9, Hydrology and Water Quality. Additionally, because grading would exceed 50 cubic yards, a grading permit would be required. Erosion and loss of topsoil as a result of wind (fugitive dust) would be minimized with implementation of standards referred to in Section 5.2, Air Quality.

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 NPDES Ventura County Stormwater Municipal Permit issued by the Los Angeles RWQCB. The NPDES Permit requires projects to implement low-impact development (LID) features during operation in order to reduce urban runoff pollution to the “maximum extent practicable.” In addition to preventing the discharge of pollution, LID features also prevent erosion and siltation. Following completion of the project, the site would be improved with structures, hardscape, landscaping, and appropriate drainage infrastructure. Therefore, sedimentation and erosion impacts upon completion of construction are considered less than significant.

With implementation of referenced standards and compliance with NPDES requirements and local regulations, erosion is not expected to be a significant impact to the proposed development and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Threshold c: Would the project 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?

Impact GEO-6 Development of the proposed project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project.

Impact Analysis: The project site is relatively flat and there are no documented landslides within or adjacent to the project area. However, the project site could be located on unstable or expansive soils that could result in lateral spreading, subsidence, liquefaction, or collapse. Refer to Impact Statement GEO-3 for a discussion concerning the project’s potential impacts in regard to liquefaction.

UNSTABLE SOILS

Subsidence: Subsidence occurs when a large portion of land is displaced vertically, usually due to the withdrawal of groundwater, oil, or natural gas. Soils that are particularly subject to subsidence include those with high silt or clay content. The project site is not located within an area of known ground subsidence. Additionally, there is no large-scale extraction of groundwater, gas, oil, or geothermal energy occurring or planned at the site or in the general site vicinity. Thus, the project site would have little to no potential for ground subsidence. No impacts are anticipated in this regard.

Lateral Spreading: The project would potentially be susceptible to settlement during earthquake-induced seismic ground shaking. Thus, the project could be susceptible to liquefaction-induced lateral spreading. A geotechnical investigation is required to determine the degree to which the site may be susceptible to lateral spreading and the amount of settlement; refer to Mitigation Measures GEO-1 and GEO-2.

Collapse: A geotechnical investigation is required to determine whether soils on-site are compressible/collapsible; refer to Mitigation Measures GEO-1 and GEO-2.

Specific construction practices to mitigate potential impacts regarding lateral spreading and collapse shall be recommended in the required geotechnical investigation; refer to Mitigation Measure GEO-1. Compliance with these recommendations would mitigate potential settlement due to compressible soils and limit settlement to acceptable levels so that the structure would not be adversely impacted. Compliance with the California Building Code (CBC), as adopted by the City of Thousand Oaks, would require the project applicant to implement the recommendations from the project's geotechnical investigation into the construction activities for the project. Thus, impacts regarding unstable soils would be reduced to less than significant.

Overall, compliance with applicable laws, standards, and guidelines, including the CBC, would ensure that project implementation does not expose people or structures to potential substantial adverse effects involving unstable or expansive soils. Impacts would be less than significant in this regard.

Mitigation Measures: Refer to Mitigation Measures GEO-1 and GEO-2.

Level of Significance: Less Than Significant Impact with Mitigation Incorporated.

Threshold d: *Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

Impact GEO-7 The proposed project may be located on expansive soil creating substantial risks to life or property.

Impact Analysis: Expansive soils are predominantly comprised of clays, which expand in volume when water is absorbed and shrink when the soil dries. Expansion is measured by shrink-swell potential, which is the volume change in soil with a gain in moisture. A geotechnical investigation is necessary to classify the expansiveness of on-site soils and to recommend appropriate design and grading measures to mitigate potential hazards due to expansive soils; refer to Mitigation Measures GEO-1 and GEO-2. As discussed above, compliance with CBC standards would ensure recommended design and construction methods are implemented to reduce potential impacts due to expansive soils. The project would also be required to establish a foundation system to be utilized for support of the proposed project structures; refer to CBC Section 1808.6.2, *Slab-On-Ground Foundations*. Remedial measures for expansive soils include over-excavation of expansive clays beneath proposed foundations and replacement with non-expansive sand, or construction of post-tension slabs-on-ground. Additional soil testing for potentially expansive soils would be completed during grading, as applicable, to prevent highly expansive soils from being placed directly beneath concrete foundations, if possible.

Compliance with applicable laws, standards, and guidelines, including the CBC, would ensure that project implementation does not expose people or structures to potential substantial adverse effects involving expansive soils. Impacts would be less than significant in this regard.

Mitigation Measures: Refer to Mitigation Measures GEO-1 and GEO-2.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

Threshold e: Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Impact GEO-8 The proposed project would not include the use of septic tanks or alternative wastewater disposal systems and therefore would not require soils supportive of that type of infrastructure.

Impact Analysis: 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. The project would be served by the existing City sewer system. The proposed development would be connected to existing sewer mainlines and service lines, which are currently available in the project area. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Threshold f: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Impact GEO-9 Project implementation could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact Analysis: The project site is located in the central Transverse Ranges Geomorphic Province, which extends from Point Conception in the west to the San Bernardino Mountains in the east. The province also includes the San Gabriel, Santa Monica, and Santa Ynez Mountains and the offshore San Miguel, Santa Rosa, and Stand Cruz Islands.¹¹ According to surface geological mapping by Jennings and Strand (1969) at a scale of 1:250,000, the project site is underlain by middle Miocene (23,000,000 to 5,300,000 million years ago) marine sediment.¹² Ground-disturbing activities in fossil-bearing soils and rock formations have the potential to damage or destroy paleontological resources that may be present below the ground surface. Therefore, construction-related and earth-disturbing actions have the potential to damage or destroy fossils in these rock units resulting in a significant impact.

The proposed project involves the demolition of the existing partial two-story building, to be replaced by a five-story, 216-room hotel, and retail units. Development would include landscaping upgrades and related improvements to the site. Significant changes in finish elevations are not expected, and it is anticipated that site grading would only require 84 cubic yards of cut. The project does not include large scale grading or subsurface excavation, causing substantial alteration of the site.

While the likelihood of discovery is low, the project construction would cut into the current grade. In the unlikely event that paleontological resources are encountered during project construction, Mitigation Measures CUL-1 and GEO-3 have been developed to reduce potential impacts to paleontological resources that may be inadvertently discovered during construction. These measures would require 1) implementation of a Worker Environmental Awareness Program before the start of construction to educate workers of the procedures if an unanticipated discovery is made and 2) all project construction efforts to halt until a paleontologist examines the site, identifies the paleontological significance

¹¹ California Department of Conservation, "California Geomorphic Provinces", <https://www.conservation.ca.gov/cgs/Documents/Publications/CGS-Notes/CGS-Note-36.pdf>, 2002.

¹² The Resources Agency Department of Conservation, "Geologic Map of California Los Angeles Sheet", https://www.conservation.ca.gov/cgs/Documents/Publications/Geologic-Atlas-Maps/GAM_08-LosAngeles-1969-Map.pdf, 1969.

of the find, and recommends a course of action. A paleontologist would be required to monitor construction activities if large areas of earth-moving occur. If the paleontologist determines the resource constitutes a significant paleontological resource, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, would be made available to the applicant. Implementation of Mitigation Measures CUL-1 and GEO-2 would reduce this potential impact to a less than significant level. Therefore, impacts would be less than significant in this regard, with mitigation.

Mitigation Measures: Refer to Mitigation Measure CUL-1.

GEO-3 Prior to the commencement of ground disturbing activities, the Project Applicant shall retain a qualified Project Paleontologist to direct all mitigation measures related to paleontological resources. A qualified Project Paleontologist is defined by the Society of Vertebrate Paleontology standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years. The Project Paleontologist shall be retained to prepare and implement a Paleontological Resources Impact Mitigation Plan (PRIMP) for the project.

The PRIMP shall be consistent with the 2010 Society of Vertebrate Paleontology guidelines and outline requirements for pre-construction meeting attendance and worker environmental awareness training, where paleontological monitoring is required within the project site based on construction plans and/or geotechnical reports; procedures for adequate paleontological monitoring and discoveries treatment; and paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils), reporting, and collections management.

Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources and meets the minimum standards of the Society of Vertebrate Paleontology for a Paleontological Resources Monitor. The paleontological monitor shall be responsible for maintaining daily monitoring logs for those days monitoring occurs. The duration and timing of the monitoring shall be determined by the Project Paleontologist based on the observation of the geologic setting from initial ground disturbance, and subject to review and approval by the City of Thousand Oaks. If the Project Paleontologist determines full-time monitoring is no longer warranted based on the geologic conditions at depth, they may recommend that monitoring be reduced or cease entirely. Monitoring shall be reinstated if any new ground disturbances are required, and reduction or suspension shall be reconsidered by the Project Paleontologist at that time.

If a paleontological resource is discovered, the monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:

Salvage of Fossils. If fossils are discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) shall recover them following standard field procedures for collecting paleontological resources as outlined in PRIMP for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity.

In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Project Paleontologist and/or paleontological monitor shall have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.

Fossil Preparation and Curation. The PRIMP for the project shall identify the museum that has agreed to accept fossils that may be discovered during project related excavations. Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossils specimens shall be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository no later than 30 days after all laboratory work is completed. The cost of curation shall be assessed by the repository and shall be the responsibility of the Project Applicant.

A paleontological monitoring report shall be prepared within 60 days following completion of ground disturbance and submitted to the City of Thousand Oaks for review. This report shall document compliance with approved mitigation, document the monitoring efforts, and include an appendix with daily monitoring logs. The final report shall be submitted to the South-Central Coastal Information Center and the Society of Vertebrate Paleontology.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.6.5 Cumulative Impacts

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, Cumulative Projects List, and illustrated on Exhibit 4-1, Cumulative Project Locations, cumulative projects are situated in the site vicinity.

- Project implementation, combined with other related cumulative projects, could expose people and structures to potential substantial adverse effects involving geology and soils and could impact unknown paleontological resources.

Impact Analysis: Project implementation, combined with other related cumulative projects, could expose people and structures to potential substantial adverse effects involving geology and soils and could impact unknown paleontological resources. Cumulative projects identified in Table 4-1 would be located within proximity to similar fault zones as the proposed project. However, the intensity of the seismic ground shaking would vary by site based on earthquake magnitude, distance to epicenter, and geology of the area between the epicenter and the cumulative site. Other potential geologic hazards, including effects associated with liquefaction, landslides, soil erosion, unstable soils, and expansive soils, are site specific, and individual development would not create compounding impacts that would affect geologic conditions at other sites. Potential paleontological resource impacts associated with the development of each cumulative project would be specific to each site. Additionally, the potential environmental impacts resulting from the proposed project and those on the Cumulative Projects List would be subject to CEQA review on a case-by-case basis and would be required to comply with applicable provisions of the Thousand Oaks General Plan, Thousand Oaks Municipal Code, CBC, other Federal, State, and local laws and regulations mentioned above, as well as project-specific mitigation measures related to geologic hazards. The City of Thousand Oaks also requires that all new structures comply with seismic and geologic hazard safety standards, including design and construction standards that regulate land use in areas known to have or to potentially have significant seismic and/or other geologic hazards.

As concluded above, geologic and seismic hazards associated with the proposed project would be reduced to less than significant levels following conformance with established regulatory requirements, including the CBC, Municipal Code, and NPDES requirements. Mitigation Measures GEO-1 and GEO-2 and compliance with the CBC regulations would require the proposed project to incorporate all engineering recommendations contained within the anticipated geotechnical investigation to reduce impacts associated with seismically induced hazards, expansive soils, and unstable geologic units. Mitigation Measures CUL-1 and GEO-3 would require the proposed project to accommodate and properly handle any unknown paleontological resources that might be discovered with the oversight of a Qualified Paleontologist. As such, with compliance with the recommended mitigation, the proposed project would not result in cumulatively considerable impacts in this regard.

Mitigation Measures: Refer to Mitigation Measures GEO-1, GEO-2, GEO-3, and CUL-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.6.6 Level of Significance After Mitigation

No significant unavoidable impacts related to geology and soils have been identified and the proposed project would have less than significant impacts on geology and soils following compliance with Mitigation Measures GEO- 1, GEO-2, GEO-3, and CUL-1.

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5.7 Greenhouse Gas Emissions

This section evaluates greenhouse gas (GHG) emissions associated with the proposed project and analyzes project compliance with applicable regulations. Consideration of the project’s consistency with applicable plans, policies, and regulations, as well as the introduction of new sources of GHGs, is included in this section. GHG technical data is included as Appendix C, Air Quality/Greenhouse Gas Emissions/Energy Data.

5.7.1 Existing Setting

EXISTING PROJECT SITE GREENHOUSE GAS EMISSIONS

The project site is located within the existing Janss Marketplace, which is an approximately 611,000 SF shopping center consisting of retail establishments, a gym, a movie theater, restaurants, and a four-story parking structure on approximately 38-acres. The project would demolish approximately 35,500 square feet of commercial development and develop a five-story, 216-room hotel with guest amenities and approximately 13,600 square feet of commercial retail space within the Janss Marketplace. The location of the proposed hotel contains an existing building with a two-story volume, which was previously a Marshall’s department store until 2017 and dental offices until 2019, and has most recently been occupied by “pop up” tenants including the Reign of Terror Haunted House and USA Vein Clinics.

During construction, on-site equipment, vendor vehicles, and worker vehicles would consume fossil fuels and produce GHG emissions. Temporary tie-ins to the electrical grid would provide electrical power and some of that power may come from fossil fuels. Energy provided to the project during operations would be delivered by Southern California Edison (SCE) for electricity and Southern California Gas Company (SoCalGas) for natural gas. Although SCE delivers electricity through its infrastructure, the City has been a participant in the regional Clean Power Alliance (CPA) since 2019. The CPA allows residents and businesses to choose to receive energy generated from renewable sources from CPA, delivered by SCE infrastructure. The default for new connections in the City is participation in the CPA.

Individual projects do not generate sufficient GHG emissions to influence climate change directly. However, physical changes caused by a project can contribute incrementally to significant cumulative effects, even if individual changes resulting from a project are limited. The issue of climate change typically involves an analysis of whether a project’s contribution towards an impact would be cumulatively considerable. “Cumulatively considerable” means the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (14 CCR 15064[h][1]).

SCOPE OF ANALYSIS FOR CLIMATE CHANGE

The study area for climate change and the analysis of GHG emissions is broad as climate change is influenced by world-wide emissions and their global effects. However, the study area is also limited by *CEQA Guidelines* Section 15064(d), which directs lead agencies to consider an “indirect physical change” only if that change is a reasonably foreseeable impact which may be caused by the project.

The baseline against which to compare potential impacts of the project includes the natural and anthropogenic drivers of global climate change, including world-wide GHG emissions from human activities that have grown more than 90 percent between 1970 and 2014. The State of California is leading the nation in managing GHG emissions. Accordingly, the impact analysis for this project relies on guidelines, analyses, policy, and plans for reducing GHG emissions established by the California Air Resources Board (CARB).

GLOBAL CLIMATE CHANGE – GREENHOUSE GASES

The natural process through which heat is retained in the troposphere is called the “greenhouse effect.”¹ The greenhouse effect traps heat in the troposphere through a threefold process as follows: Short wave radiation emitted by the Sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of long wave radiation; and GHG in the upper atmosphere absorb this long wave radiation and emit this long wave radiation into space and toward the Earth. This “trapping” of the long wave (thermal) radiation emitted back toward the Earth is the underlying process of the greenhouse effect.

The most abundant GHGs are water vapor and carbon dioxide (CO₂). Many other trace gases have greater ability to absorb and re-radiate long wave radiation; however, these gases are not as plentiful. For this reason, and to gauge the potency of GHGs, scientists have established a Global Warming Potential (GWP) for each GHG based on its ability to absorb and re-radiate long wave radiation. GHGs normally associated with development projects include the following:²

- **Water Vapor (H₂O).** Although water vapor has not received the scrutiny of other GHGs, it is the primary contributor to the greenhouse effect. Natural processes, such as evaporation from oceans and rivers, and transpiration from plants, contribute 90 percent and 10 percent of the water vapor in our atmosphere, respectively. The primary human related source of water vapor comes from fuel combustion in motor vehicles; however, it does not contribute a significant amount (less than one percent) to atmospheric concentrations of water vapor. The IPCC has not determined a GWP for water vapor.
- **Carbon Dioxide (CO₂).** Carbon dioxide is primarily generated by fossil fuel combustion in stationary and mobile sources. Due to the emergence of industrial facilities and mobile sources in the past 250 years, CO₂ emissions from fossil fuel combustion increased by a total of 1.6 percent between 1990 and 2021.³ Carbon dioxide is the most widely emitted GHG and is the reference gas (GWP of 1) for determining GWPs for other GHGs.
- **Methane (CH₄).** Methane is emitted from biogenic sources, incomplete combustion in forest fires, landfills, manure management, and leaks in natural gas pipelines. The United States’ top three methane sources are landfills, natural gas systems, and enteric fermentation. Methane is the primary component of natural gas, used for space and water heating, steam production, and power generation. The GWP of methane is 27.9.
- **Nitrous Oxide (N₂O).** Nitrous oxide is produced by both natural and human related sources. Primary human related sources include agricultural soil management, animal manure management, sewage treatment, mobile and stationary combustion of fossil fuels, adipic acid production, and nitric acid production. The GWP of nitrous oxide is 273.
- **Hydrofluorocarbons (HFCs).** Typically used as refrigerants for both stationary refrigeration and mobile air conditioning, use of HFCs for cooling and foam blowing is increasing, as the continued phase out of chlorofluorocarbons (CFCs) and HCFCs gains momentum. The 100-year GWP of HFCs range from 4.84 for HFC-161 to 14,600 for HFC-23.
- **Perfluorocarbons (PFCs).** PFCs are compounds consisting of carbon and fluorine and are primarily created as a byproduct of aluminum production and semiconductor manufacturing. PFCs are potent GHGs with a GWP several

¹ The troposphere is the bottom layer of the atmosphere, which varies in height from the Earth’s surface to 10 to 12 kilometers.

² All GWPs are given as 100-year GWP. Generally, GWPs were obtained from the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report (AR4) and Fifth Assessment Report (AR5), with the addition of GWPs from the IPCC’s Sixth Assessment Report for fluorinated GHGs that did not have GWPs in the AR4 and AR 5.

³ U.S. Environmental Protection Agency, *Draft Inventory of United States Greenhouse Gas Emissions and Sinks 1990 to 2021, 2023*. <https://www.epa.gov/system/files/documents/2023-02/US-GHG-Inventory-2023-Main-Text.pdf>, accessed March 7, 2023

thousand times that of CO₂, depending on the specific PFC. Another area of concern regarding PFCs is their long atmospheric lifetime (up to 50,000 years). The GWP of PFCs range from 7,380 to 12,400.

- **Sulfur hexafluoride (SF₆).** SF₆ is a colorless, odorless, nontoxic, nonflammable gas. SF₆ is the most potent GHG that has been evaluated by the IPCC with a GWP of 25,200. However, its global warming contribution is not as high as the GWP would indicate due to its low mixing ratio compared to CO₂ (4 parts per trillion [ppt] in 1990 versus 365 ppm, respectively).

In addition to the six major GHGs discussed above (excluding water vapor), many other compounds have the potential to contribute to the greenhouse effect. Some of these substances were previously identified as stratospheric ozone (O₃) depletors; therefore, their gradual phase out is currently in effect. The following is a listing of these compounds:

- **Hydrochlorofluorocarbons (HCFCs).** HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, all developed countries that adhere to the Montreal Protocol are subject to a consumption cap and gradual phase out of HCFCs. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year GWPs of HCFCs range from 56.4 for HCFC-122 to 2,300 for HCFC-142b.
- **1,1,1 trichloroethane.** 1,1,1 trichloroethane or methyl chloroform is a solvent and degreasing agent commonly used by manufacturers. The GWP of methyl chloroform is 161 times that of CO₂.
- **Chlorofluorocarbons (CFCs).** CFCs are used as refrigerants, cleaning solvents, and aerosols spray propellants. CFCs were also part of the U.S. Environmental Protection Agency's (EPA) Final Rule (57 Federal Register [FR] 3374) for the phase out of O₃ depleting substances. Currently, CFCs have been replaced by HFCs in cooling systems and a variety of alternatives for cleaning solvents. Nevertheless, CFCs remain suspended in the atmosphere contributing to the greenhouse effect. CFCs are potent GHGs with 100-year GWPs ranging from 3,550 for CFC-11 to 16,200 for CFC-13.

SEA LEVEL RISE

Sea level rise is caused primarily by two factors related to global warming: the added water from melting ice sheets and glaciers, and the expansion of seawater as it warms. Global mean sea level has risen about eight to nine inches since 1880, with about a third of that coming in just the last two and a half decades.⁴ In the United States, almost 30 percent of the population lives in relatively high population-density coastal area, where sea level plays a role in flooding, shoreline erosion, and hazards from storms.⁵ Rising sea levels threaten infrastructure necessary for local jobs and regional industrials. Projections for U.S. sea level rise for the end of the century and beyond depend on which GHG pathway we follow and how the major ice sheets respond to this ocean and atmospheric warming. If we are able to significantly reduce greenhouse gas emissions, U.S. sea level in 2100 is projected to be around 0.6 meters (2 feet) higher on average than it was in 2000. But on a pathway with high greenhouse gas emissions and rapid ice sheet collapse, models project that average sea level rise for the contiguous United States could be 2.2 meters (7.2 feet) by 2100 and 3.9 meters (13 feet) by 2150.⁶ It should be noted that the elevation of the project site is approximately 50 feet, and therefore is not expected to be affected by sea level rise.

⁴ National Oceanic and Atmospheric Administration, Climate Change: Global Sea Level, <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level>, April 19, 2022, accessed March 7, 2023.

⁵ Ibid.

⁶ Ibid

5.7.2 Regulatory Setting

FEDERAL

To date, no national standards have been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the Federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

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-CO₂ 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.

U.S. Environmental Protection Agency Endangerment Finding

GHGs meet the definition of air pollutants under the existing Clean Air Act and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. In December 2009, the EPA finalized an endangerment finding and, based on scientific evidence, it found that six GHGs (CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆) constitute a threat to public health and welfare. That finding forms the basis for the EPA's regulatory actions.

Clean Air Act

In *Massachusetts v. EPA* (549 US 497 [2007]) the U.S. Supreme Court found that CO₂ and other greenhouse gases (GHGs) are pollutants under the Clean Air Act (CAA) and could be regulated by the EPA. The Court did not require the EPA to regulate GHG emissions, but indicated 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 EPA administrator made two findings regarding GHGs under Section 202(a) of the CAA:

- **Endangerment Finding:** The Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases (CO₂, methane [CH₄], nitrous oxide [N₂O], hydrofluorocarbons [HFCs], perfluorocarbons [PFCs], and sulfur hexafluoride [SF₆]) in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution that threatens public health and welfare.

These findings did not impose any requirements; however, the action was a prerequisite for implementing GHG emissions standards for vehicles and other sectors.⁷ Subsequently, these findings were used to modify existing Corporate Average Fuel Economy (CAFE) standards.

⁷ United States Environmental Protection Agency. "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act." 13 February 2023. <https://www.epa.gov/climate-change/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a>.

In March 2020, the U.S. Department of Transportation (USDOT) and the EPA issued the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule, which further amended existing CAFE standards and tailpipe CO₂ emissions standards for passenger cars and light trucks, and established new standards covering model years 2021 through 2026.

Inflation Reduction Act

The Inflation Reduction Act (IRA), signed into law August 16, 2022, explicitly defined GHGs - carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride - as air pollutants under the CAA. However, the bill only gives the EPA the explicit authority to regulate GHGs within seven new sections added to the CAA. The IRA aims to reduce GHG emissions to 40% below 2005 levels by 2030 primarily through the use of incentives and investments in clean energy.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020 and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

Federal Vehicle Standards

In 2007, the George W. Bush Administration issued Executive Order 13432 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, President Barack Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated Federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO₂ in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021, and NHTSA intends to set standards for model years 2022–2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022–2025 cars and light trucks.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO₂ emissions and fuel consumption are tailored to three main vehicle categories: combination tractors,

heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baselines.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO₂ emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

In March 2021, The EPA and NHTSA adopted the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule. The SAFE Vehicles Rule sets tough but feasible fuel economy and CO₂ standards that increase 1.5 percent in stringency each year from model years 2021 through 2026. These standards apply to both passenger cars and light trucks and will continue the nation's progress toward energy independence and CO₂ reduction, while recognizing the realities of the marketplace and consumers' interest in buying vehicles that meet all of their diverse needs.

Presidential Executive Order 13783

Presidential Executive Order 13783, Promoting Energy Independence and Economic Growth (March 28, 2017), orders all Federal agencies to apply cost-benefit analyses to regulations of GHG emissions and evaluations of the social cost of CO₂, CH₄, and N₂O.

Construction Equipment Emission Standards

The EPA sets emission standards for construction equipment. Tier 1 standards were adopted in 1994 for new nonroad diesel engines over 50 hp, to be phased-in from 1996 to 2000. In 1998 Tier 1 standards were then applied to all equipment under 350 hp. Tier 2 and Tier 3 standards for all equipment were then introduced with phase-in schedules from 2000 to 2008. The Tier 1-3 standards are met through advanced engine design, meaning emission reductions generally cannot be obtained through the use of exhaust gas aftertreatment.

In 2004, the EPA signed the final rule introducing Tier 4 emission standards, which were phased-in over the period of 2008-2015. The Tier 4 standards require that emissions of PM and NO_x be further reduced from existing standards by about 90%. Tier 4 emission reductions can be achieved through the use of control technologies, including exhaust gas aftertreatment. Tier 4 standards also included reductions in sulfur content in nonroad diesel fuels, which was not present in previous standards.

These standards cover mobile nonroad diesel engines of all sizes, the sort of equipment used in construction, agricultural and industrial uses. Tier 1 standards were phased-in from 1996 to 2000, Tier 2 from 2001 to 2006, and Tier 3 standards were phased-in from 2006 to 2008. Equipment must meet the standards in place when built. However, rules governing the replacement or modification of equipment are geared toward retiring older equipment.

STATE

Various Statewide and local initiatives to reduce the State's contribution to GHG emissions have raised awareness that, even though the various contributors to and consequences of global climate change are not yet fully understood, global climate change is under way, and there is a real potential for severe adverse environmental, social, and economic effects in the long term.

Executive Order S-1-07

Executive Order S-1-07 proclaims that the transportation sector is the main source of GHG emissions in California, generating more than 40 percent of Statewide emissions. It establishes a goal to reduce the carbon intensity of transportation fuels sold in California by at least ten percent by 2020. This order also directs CARB to determine whether this Low Carbon Fuel Standard (LCFS) could be adopted as a discrete early-action measure as part of the effort to meet the mandates in AB 32. The development of CARB's 2017 Scoping Plan Update has identified the LCFS as a regulatory measure to reduce GHG emissions to meet the 2030 emissions target. In calculating Statewide emissions and targets, the 2017 Scoping Plan Update has assumed the LCFS be extended to an 18-percent reduction in carbon intensity beyond 2020. On September 27, 2018, CARB approved a rulemaking package that amended the Low Carbon Fuel Standard to relax the 2020 carbon intensity reduction from 10 percent to 7.5 percent and to require a carbon intensity reduction of 20 percent by 2030.

Executive Order S-3-05

Executive Order S-3-05 set forth a series of target dates by which Statewide emissions of GHGs would be progressively reduced, as follows:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The Executive Order directed the secretary of the California Environmental Protection Agency (Cal/EPA) to coordinate a multi-agency effort to reduce GHG emissions to the target levels. The secretary also submits biannual reports to the governor and California Legislature describing the progress made toward the emissions targets, the impacts of global climate change on California's resources, and mitigation and adaptation plans to combat these impacts. To comply with the executive order, the secretary of Cal/EPA created the California Climate Action Team, made up of members from various State agencies and commissions. The team released its first report in March 2006. The report proposed to achieve the targets by building on the voluntary actions of California businesses, local governments, and communities and through State incentive and regulatory programs.

Executive Order S-13-08

Executive Order S-13-08 seeks to enhance the State's management of climate impacts including sea level rise, increased temperatures, shifting precipitation, and extreme weather events by facilitating the development of the State's first climate adaptation strategy. This Executive Order results in consistent guidance from experts on how to address climate change impacts in the State of California.

Assembly Bill 1279 (AB 1279)

AB 1279 (also known as the California Climate Crisis Act) was enacted September 16, 2022. It codifies previous executive orders by requiring California to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and to achieve and maintain net negative GHG emissions thereafter. It also requires that statewide anthropogenic GHG emissions be reduced to at least 85 percent below 1990 levels by 2045.

Executive Order N-79-20

Governor Gavin Newsom signed Executive Order N-79-20 on September 23, 2020. The Executive Order N-79-20 would phase out sales of new gas-powered passenger cars by 2035 in California with an additional 10-year transition period for heavy vehicles. The State would not restrict used car sales, nor forbid residents from owning gas-powered vehicles.

In accordance with the Executive Order, CARB is developing 2020 Mobile Source Strategy, a comprehensive analysis that presents scenarios for possible strategies to reduce the carbon, toxic and unhealthy pollution from cars, trucks, equipment, and ships.

Senate Bill 100 (SB 100)

SB 100 (Chapter 312, Statutes of 2018) requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt-hours (kWh) of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, 60 percent by December 31, 2030, and 100 percent by December 31, 2045. The bill would require the California Public Utilities Commission (CPUC), CEC, state board, and all other state agencies to incorporate that policy into all relevant planning. In addition, SB 100 would require the CPUC, CEC, and state board to utilize programs authorized under existing statutes to achieve that policy and, as part of a public process, issue a joint report to the Legislature by January 1, 2021, and every four years thereafter, that includes specified information relating to the implementation of the policy.

Assembly Bill 1493

AB 1493 (also known as the Pavley Bill) requires that CARB develop and adopt, by January 1, 2005, regulations that achieve “the maximum feasible reduction of GHG emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the State.” To meet the requirements of AB 1493, CARB approved amendments to the California Code of Regulations (CCR) in 2004 by adding GHG emissions standards to California’s existing standards for motor vehicle emissions. Amendments to CCR Title 13, Sections 1900 and 1961 and adoption of 13 CCR Section 1961.1 require automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty weight classes for passenger vehicles (i.e., any medium-duty vehicle with a gross vehicle weight rating less than 10,000 pounds that is designed primarily to transport people), beginning with the 2009 model year. Emissions limits are reduced further in each model year through 2016. The near-term standards were intended to achieve a reduction of about 22 percent in GHG emissions compared to the emissions from the 2002 fleet, while the mid-term standards were intended to achieve a reduction of about 30 percent.

Assembly Bill 32 (California Global Warming Solutions Act of 2006)

California passed the California Global Warming Solutions Act of 2006 (AB 32; *California Health and Safety Code* Division 25.5, Sections 38500-38599). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on Statewide GHG emissions. AB 32 requires that Statewide GHG emissions be reduced to 1990 levels by 2020. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then CARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

Senate Bill 32 (SB 32)

Signed into law on September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

CARB Scoping Plan

On December 11, 2008, CARB adopted its Scoping Plan, which functions as a roadmap to achieve the California GHG reductions required by AB 32 through subsequently enacted regulations. CARB's Scoping Plan contains the main strategies California would implement to reduce the projected 2020 "Business-as-Usual" (BAU) emissions to 1990 levels, as required by AB 32. These strategies are intended to reduce carbon dioxide equivalent (CO₂e) emissions by 174 million metric tons. This reduction of 42 million metric tons carbon dioxide equivalent (MTCO₂e), or almost ten percent from 2002 to 2004 average emissions, would be required despite the population and economic growth forecasted through 2020.

CARB's Scoping Plan calculates 2020 BAU emissions as those expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (e.g., transportation, commercial and residential, industrial, etc.). CARB used three-year average emissions, by sector, for 2002 to 2004 to forecast emissions to 2020. When CARB's Scoping Plan process was initiated, 2004 was the most recent year for which actual data was available. The measures described in CARB's Scoping Plan are intended to reduce the projected 2020 BAU to 1990 levels, as required by AB 32.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes recent science related to climate change, including anticipated impacts to California and the levels of GHG reduction necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. The Scoping Plan update also looks beyond 2020 toward the 2050 goal, established in Executive Order S-3-05, and observes that "a mid-term Statewide emission limit will ensure that the State stays on course to meet our long-term goal." The Scoping Plan Update did not establish or propose any specific post-2020 goals, but identified such goals in water, waste, natural resources, clean energy, transportation, and land use.

On January 20, 2017, CARB released the proposed Second Update to the Scoping Plan, which identifies the State's post-2020 reduction strategy. The Second Update was finalized in November 2017 and approved on December 14, 2017 and reflects the 2030 target of a 40 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. The 2017 Scoping Plan Update establishes a new Statewide emissions limit of 260 million MTCO₂e for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030.

On December 15, 2022, CARB released the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan), which identifies the strategies achieving carbon neutrality by 2045 or earlier. The 2022 Scoping Plan contains the GHG reductions, technology, and clean energy mandated by statutes. The 2022 Scoping Plan was developed to achieve carbon neutrality by 2045 through a substantial reduction in fossil fuel dependence, while at the same time increasing deployment of efficient non-combustion technologies and distribution of clean energy. The plan would also reduce emissions of short-lived climate pollutants (SLCPs) and would include mechanical CO₂ capture and sequestration actions, as well as emissions and sequestration from natural and working lands and nature-based strategies. Under 2022 Scoping Plan, by 2045, California aims to cut GHG emissions by 85 percent below 1990 levels, reduce smog-forming air pollution by 71 percent, reduce the demand for liquid petroleum by 94 percent compared to current usage, improve health and welfare, and create millions of new jobs. This plan also builds upon current and previous environmental justice efforts to integrate environmental justice directly into the plan, to ensure that all communities can reap the benefits of this transformational plan. Specifically, this plan:

- Identifies a path to keep California on track to meet its SB 32 GHG reduction target of at least 40 percent below 1990 emissions by 2030.
- Identifies a technologically feasible, cost-effective path to achieve carbon neutrality by 2045 and a reduction in anthropogenic emissions by 85 percent below 1990 levels.

- Focuses on strategies for reducing California’s dependency on petroleum to provide consumers with clean energy options that address climate change, improve air quality, and support economic growth and clean sector jobs.
- Integrates equity and protecting California’s most impacted communities as driving principles throughout the document.
- Incorporates the contribution of natural and working lands (NWL) to the State’s GHG emissions, as well as their role in achieving carbon neutrality.
- Relies on the most up-to-date science, including the need to deploy all viable tools to address the existential threat that climate change presents, including carbon capture and sequestration, as well as direct air capture.
- Evaluates the substantial health and economic benefits of taking action.
- Identifies key implementation actions to ensure success.

Senate Bill 375

Acknowledging the relationship between land use planning and transportation sector GHG emissions, SB 375 was passed by the State Assembly on August 25, 2008, and signed by the Governor on September 30, 2008. The legislation links regional planning for housing and transportation with the GHG reduction goals outlined in AB 32. Reductions in GHG emissions can be achieved by, for example, locating employment opportunities close to transit. Under SB 375, each Metropolitan Planning Organization (MPO) is required to adopt a Sustainable Communities Strategy (SCS) to encourage compact development that reduces passenger vehicle miles traveled (VMT) and trips so the region can meet a target, created by CARB, for reducing GHG emissions. If the SCS is unable to achieve the regional GHG emissions reduction targets, then the MPO is required to prepare an alternative planning strategy that shows how the GHG emissions reduction target can be achieved through alternative development patterns, infrastructure, and/or transportation measures.

Energy Efficiency Standards

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 for 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.⁸

⁸ California Energy Commission. *2019 Building Energy Efficiency Standards*, December 2018, available at: <https://ww2.energy.ca.gov/2018publications/CEC-400-2018-020/CEC-400-2018-020-CMF.pdf>, accessed October 2019.

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 most recently updated in 2022 to include new mandatory measures for residential and non-residential uses; the new measures took effect on January 1, 2023.

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 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.
- Senate Bill 1020, adopted in 2022, requires that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035, 95 percent by December 31, 2040, and 100 percent by December 31, 2045, and 100 percent of electricity procured to serve all state agencies by December 31, 2035. The bill authorizes CARB and the California Energy Commission to implement the policy through existing statutes and authority.

Center for Biological Diversity v. California Department of Fish and Wildlife

On November 30, 2015, the California Supreme Court released its opinion on Center for Biological Diversity v. California Department of Fish and Wildlife, commonly referred to as the Newhall Ranch Case. Due to the importance of the Supreme Court as the top entity within the California Judiciary, and because of the relative lack of judicial guidance regarding how GHG issues should be addressed in CEQA documents, the opinion provides important legal guidance to agencies charged with preparing EIRs and evaluating impacts related to GHG emissions. The Supreme Court provided the following guidance regarding potential alternative approaches to GHG impact assessments at the project level for lead agencies⁹:

- The lead agency may use a project’s compliance with performance-based standards, such as high building efficiency, adopted to fulfill a statewide plan to reduce or mitigate GHG emissions to assess consistency with

⁹ Kaatz, Joe. “Energy Policy Initiative Center, University of San Diego, Center for Biological Diversity, et. al. v. California Department of Fish and Wildlife, and the Newhall Land and Farming Company: The Burden of CEQA Land Use GHG Emission Reduction Analysis at the Local Level.” 20 January 2016.

AB 32 to the extent that the project features comply with or exceed the regulation. A significance analysis would then need to account for the additional GHG emissions, such as transportation emissions, beyond the regulated activity. Transportation emissions are in part a function of the location, size, and density or intensity of a project, and thus can be affected by local governments' land use decision making. Additionally, the lead agency may use a programmatic effort including a general plan, long range development plan, or a separate plan to reduce GHG emissions (such as a CAP or a SB 375 metropolitan regional transportation impact SCS) that accounts for specific geographical GHG emission reductions to streamline or tier project level CEQA analysis pursuant to CEQA Guidelines Section 15183.5(a) through (b) for land use and PRC Sections 21155.2 and 21159.28 and CEQA Guidelines Section 15183.5(c) for transportation.

- The lead agency may rely on existing numerical thresholds of significance for GHG emissions (such as the Bay Area Air Quality Management District's (BAAQMD) proposed threshold of significance of 1,100 MT CO₂E in annual emissions for CEQA GHG emission analysis on new land use projects). The use of a numerical value provides what is "normally" considered significant but does not relieve a lead agency from independently determining the significance of the impact for the individual project (CEQA Guidelines Section 15064.7).

REGIONAL

Southern California Association of Governments

On September 3, 2020, the Regional Council of Southern California Association of Governments (SCAG) formally adopted The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments – Connect SoCal (2020-2045 RTP/SCS). The SCS portion of the 2020-2045 RTP/SCS highlights strategies for the region to reach the regional target of reducing GHGs from autos and light-duty trucks by 8 percent per capita by 2020, and 19 percent by 2035 (compared to 2005 levels). Specifically, these strategies are:

- Focus growth near destinations and mobility options;
- Promote diverse housing choices;
- Leverage technology innovations;
- Support implementation of sustainability policies; and
- Promote a green region.

Furthermore, the 2020-2045 RTP/SCS discusses a variety of land use tools to help achieve the state-mandated reductions in GHG emissions through reduced per capita VMT. Some of these tools include center focused placemaking, focusing on priority growth areas, job centers, transit priority areas, as well as high quality transit areas and green regions.

Southern California Association of Governments

Ventura County Air Pollution Control District (VCAPCD) ensures protection for public health and agriculture from adverse effects of air pollution by identifying air pollution problems and developing a comprehensive program to achieve and maintain state and federal air quality standards. VCAPCD provides a list of potential thresholds that can be used in evaluating GHG impacts for projects: Greenhouse Gas Thresholds of Significance Options for Land Use Development Projects in Ventura County is used for evaluating GHG impacts in Ventura County under CEQA.¹⁰ This

¹⁰ Ventura County Air Pollution Control District. "Greenhouse Gas Thresholds of Significance Options for Land Use Development Project in Ventura County." 08 November 2011.

letter notes that the most common approach for determining the significance of GHG emissions for land use projects is a tiered approach involving: (1) applicability of any CEQA exemptions; (2) project consistency with a local climate action plan; and (3) application of an efficiency-based threshold and/or a bright line gap-based threshold based on capturing 90 percent of project GHG emissions. 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 Thousand Oaks General Plan (General Plan) provides a long-range comprehensive guide for the physical development of the City's Planning Area. The General Plan policies and goals were adopted in 1970 and updated in 1994, 1996, and 1997. The City is currently in the process of updating its General Plan. The following policy from the Conservation Element of the current General Plan is related to GHG emissions reduction:

Policy CO-39. Support efforts to reduce greenhouse gas emissions, consistent with the intent of the State of California's California Global Warming Solutions Act of 2006 (Assembly Bill 32).

Implementation Measures

- Prepare Greenhouse Gas Analyses for development projects which require the preparation of Environmental Impact Reports or Mitigated Negative Declarations.
- Reduce energy use and utilize sustainable energy sources at City facilities where feasible, in accordance with City-adopted Energy Action Plan.

City of Thousand Oaks Climate and Environmental Action Plan

The City does not have an adopted climate action plan. The City is now developing its Climate and Environmental Action Plan (CEAP), which is anticipated to detail the strategies and actions that the City will pursue to protect the environment and address the challenges of climate change. On January 12, 2021, the City Council adopted GHG reduction targets of 40 percent below 2010 levels by 2030 and 80 percent below 2010 levels by 2050, aligned with those of the State of California, to guide the development of the City's CEAP. The final recommendation will be incorporated into the CEAP and subject to review and approval by City Council. 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. The CEAP is still under development and therefore will not be used for the consistency analysis in the Impact Analysis.

5.7.3 Impact Thresholds and Significance Criteria

Amendments to CEQA Guidelines Section 15064.4 were adopted to assist lead agencies in determining the significance of the impacts of GHG emissions. Consistent with existing CEQA practice, Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. This section recommends certain factors to be considered in the determination of significance (i.e., the extent to which a project may increase or reduce GHG emissions compared to the existing environment; whether the project exceeds an applicable significance threshold; and the extent to which the project complies with regulations or requirements adopted to implement a plan for the reduction or mitigation of GHGs). The amendments do not establish a quantified or performance-based

threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies or suggested by other experts, such as the California Air Pollution Control Officers Association (CAPCOA), so long as any threshold chosen is supported by substantial evidence (see CEQA Guidelines Section 15064.7(c)).

The California Natural Resources Agency (CNRA) has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and therefore GHG emissions should be analyzed in the context of CEQA's requirements for cumulative impact analyses (see CEQA Guidelines Section 15064(h)(3)).¹¹ A project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements to avoid or substantially lessen the cumulative problem within the geographic area of the project.¹²

The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions, nor have the Ventura County Air Pollution Control District (VCAPCD), CARB, or any other State or regional agency adopted a numerical significance threshold for assessing GHG emissions that is applicable to the project. Since 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.

Notwithstanding, for informational purposes, the analysis also calculates the amount of GHG emissions that would be attributable to the project using recommended air quality models, as described below. The primary purpose of quantifying the project's GHG emissions is to satisfy State CEQA Guidelines Section 15064.4(a), which calls for a good-faith effort to describe and calculate emissions. The estimated emissions inventory is also used to determine if there would be a reduction in the project's incremental contribution of GHG emissions because of compliance with regulations and requirements adopted to implement plans for the reduction or mitigation of GHG emissions. However, the significance of the project's GHG emissions impacts is not based on the amount of GHG emissions resulting from the project.

CONSISTENCY WITH PLANS

The project's GHG impacts are evaluated by assessing the project's consistency with applicable local, regional, and Statewide GHG reduction plans and strategies. On a regional level, the SCAG 2020-2045 RTP/SCS contains measures to achieve VMT reductions required under SB 375. On a Statewide level, the 2022 Scoping Plan provides measures to achieve SB 32 targets. Thus, if the project complies with these plans, policies, regulations, and requirements, the project would result in a less than significant impact because it would be consistent with the overarching State and regional plans for GHG reduction. A consistency analysis is provided below and describes the project's compliance with performance-based standards included in the regulations outlined in the applicable portions of the 2020-2045 RTP/SCS and 2022 Scoping Plan.

¹¹ See Generally California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action (December 2009)*, pp. 11-13, 14, 16; see also Letter from Cynthia Bryant, Director of the Office of Planning and Research to Mike Chrisman, secretary for Natural Resources, April 13, 2009. Available at <https://planning.lacity.org/eir/CrossroadsHwd/deir/files/references/C01.pdf>, accessed March 7, 2023.

¹² 14 CCR Section 15064(h)(3).

QUANTIFICATION OF EMISSIONS

In view of the above considerations, this EIR quantifies the project’s total annual GHG emissions for informational purposes, taking into account the GHG emission reduction features that would be incorporated into the project’s design. The California Emissions Estimator Model version 2022.1 (CalEEMod) is a Statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use projects. CalEEMod was developed in collaboration with the air districts of California, who provided data (e.g., emission factors, trip lengths, meteorology, source inventory, etc.) to account for local requirements and conditions. The model is considered by the VCAPCD to be an accurate and comprehensive tool for quantifying air quality and GHG impacts from land use projects throughout California.

CEQA SIGNIFICANCE CRITERIA

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (refer to Impact Statement GHG-1); and/or
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (refer to Impact Statement GHG-2).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.7.4 Impacts and Mitigation Measures

GREENHOUSE GAS EMISSIONS

GHG-1 Greenhouse Gas Emissions generated by the project would not have a significant impact on global climate change.

Impact Analysis: The project involves demolishing approximately 35,500 square feet of existing commercial development and constructing a 216-room hotel with guest amenities and approximately 13,600 square feet of commercial retail space. The proposed project-related GHG emissions would include emissions from direct and indirect sources. Direct project-related GHG emissions include emissions from construction activities, area sources, mobile sources, and refrigerants, while indirect sources include emissions from electricity and natural gas consumption, water demand, and solid waste generation. CalEEMod was used to calculate project-related GHG emissions.

CalEEMod relies upon trip data provided in the Janss Marketplace Hotel Project – DP 2022-70079 Traffic Impact/Trip Generation Analysis (Trip Generation Analysis) prepared by the City’s Public Works Department on May 5, 2023, and project-specific land use data to calculate emissions. Although the existing structures on-site have been occupied by “pop up” tenants including the Reign of Terror Haunted House and USA Vein Clinics, as a conservative analysis, except for mobile sources, emissions from existing uses on-site were not modeled or deducted from project-generated emissions. Table 5.7-1, Project Greenhouse Gas Emissions, presents the estimated proposed project’s CO₂, CH₄, and N₂O emissions. CalEEMod outputs are contained within Appendix C.

**Table 5.7-1
Project Annual Greenhouse Gas Emissions**

| Source | CO ₂ | CH ₄ | N ₂ O | Refrigerants | CO ₂ e |
|--|-------------------------------------|-----------------|------------------|--------------|-------------------|
| | Metric Tons/year ¹ | | | | |
| Direct Emissions | | | | | |
| Construction (amortized over 30 years) | 20.2 | <0.01 | <0.01 | 0.01 | 20.5 |
| Area Source | 2.12 | <0.01 | <0.01 | 0.00 | 2.13 |
| Mobile Source | 744 | 0.04 | 0.04 | 1.33 | 757 |
| Refrigerants | 0.00 | 0.00 | 0.00 | 34.2 | 34.2 |
| <i>Total Direct Emissions²</i> | <i>766</i> | <i>0.04</i> | <i>0.04</i> | <i>35.5</i> | <i>814</i> |
| Indirect Emissions | | | | | |
| Energy | 664 | 0.05 | <0.01 | 0.00 | 666 |
| Solid Waste | 5.88 | 0.59 | 0.00 | 0.00 | 20.60 |
| Water Demand | 11.20 | 0.19 | <0.01 | 0.00 | 17.20 |
| <i>Total Indirect Emissions²</i> | <i>681.08</i> | <i>0.83</i> | <i>0.00</i> | <i>0.00</i> | <i>703.80</i> |
| Total Project-Related Emissions² | 1,518 MTCO₂e/year | | | | |

Source: Refer to Appendix C, for detailed model input/output data.

Notes:

¹ Emissions calculated using California Emissions Estimator Model Version 2022.1 (CalEEMod) computer model.

² Totals may be slightly off due to rounding.

Direct Project-Related Sources of Greenhouse Gases

Construction Emissions

Construction GHG emissions are typically summed and amortized over the lifetime of the project (assumed to be 30 years), then added to the operation emissions.¹³ It should be noted that construction emissions have accounted for the implementation of Mitigation Measure AQ-2, which requires that the architectural coating phase of the project construction would last for at least six weeks. As shown in Table 5.7-1, construction of the proposed project would result in 20.5 MTCO₂e per year when amortized over 30 years (or a total of 616 MTCO₂e in 30 years).

Area Source

Area source emissions were calculated using CalEEMod and project-specific land use data. Project-related area sources include exhaust emissions from landscape maintenance equipment, such as lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the site. As noted in Table 5.7-1, the proposed project would result in 2.13 MTCO₂e per year of area source GHG emissions.

Mobile Source

According to the City's Trip Generation Analysis, the proposed project would generate 724 net daily trips when compared to existing conditions, including 64 more trips during a.m. peak hour and 41 more trips during p.m. peak

¹³ The project lifetime is based on the standard 30-year assumption.

hour. Based on the proposed project-generated daily vehicle trips, the proposed project would result in a net increase of approximately 757 MTCO₂e per year of mobile source-generated GHG emissions; refer to Table 5.7-1.

Refrigerants

Refrigerants are substances used in equipment for air conditioning and refrigeration. Most of the refrigerants used today are HFCs or blends thereof, which can have high GWP values. All equipment that uses refrigerants has a charge size (i.e., quantity of refrigerant the equipment contains), and an operational refrigerant leak rate, and each refrigerant has a GWP that is specific to that refrigerant. CalEEMod quantifies refrigerant emissions from leaks during regular operation and routine servicing over the equipment lifetime, and then derives average annual emissions from the lifetime estimate. As noted in Table 5.7-1, the proposed project would result in 34.2 MTCO₂e per year of GHG emissions from refrigerants.

Indirect Project-Related Sources of Greenhouse Gases

Energy Consumption

Energy consumption emissions were calculated using the CalEEMod model and project specific land use data. Although SCE delivers electricity through its infrastructure, the City has been a participant in the regional Clean Power Alliance (CPA) since 2019. The CPA default rate for Thousand Oaks customers is 100 Percent Green Power, which is electricity derived from solar and wind energy generators. The Lean Power and Clean Power options use a combination of other sources, but do not include energy derived from coal or natural gas. Conservatively, the project has been analyzed assuming on-site electricity would be provided by Southern California Edison (SCE) and natural gas would be provided by Southern California Gas Company (SoCal Gas). The project would use energy efficient appliances, which was modeled in the CalEEMod. As shown in Table 5.7-1, the project would indirectly result in 666 MTCO₂e/year GHG emissions due to energy consumption.

Solid Waste

Solid waste emissions associated with operations of the project were calculated using the CalEEMod model and project-specific land use data. As a project design feature, the project would reduce, recycle, or compost at least 75 percent of the solid waste generated. Table 5.7-1 shows the project's operational solid waste emissions, which would result in 20.6 MTCO₂e/year.

Water Demand

The project would be required to comply with the CALGreen Code, which requires newer developments to be fitted with low flow plumbing fixtures and fittings, as well as water-efficient landscaping. Based on CalEEMod output, the project is anticipated to consume approximately 5.7 million gallons of water per year, resulting in 17.2 MTCO₂e/year of GHG emissions, refer to Table 5.7-1.

Total Project-Related Sources of Greenhouse Gases

As shown in Table 5.7-1, the total amount of project related operational GHG emissions from direct and indirect sources combined minus the mobile source GHG emissions from existing uses would be 1,518 MTCO₂e per year. The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions, nor have the VCAPCD, CARB, or any other State or regional agency adopted a numerical significance threshold for assessing GHG emissions

that is applicable to the project. As such, per the Impact Statement GHG-2, below, the proposed project would not have a significant impact on emissions, since the proposed project would be consistent with applicable measures in the 2020-2045 RTP/SCS, 2022 Scoping Plan, and the City’s General Plan. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

GHG-2 Implementation of the proposed project would not conflict with an applicable greenhouse gas reduction plan, policy, or regulation.

Impact Analysis: The project’s GHG plan consistency analysis is based on the project’s consistency with the 2020-2045 RTP/SCS, 2022 Scoping Plan, and applicable goals found within the City’s General Plan. The 2020-2045 RTP/SCS is a regional growth-management strategy that targets per-capita GHG reduction from passenger vehicles and light-duty trucks in the Southern California region. The 2020-2045 RTP/SCS incorporates local land use projections and circulation networks in city and county general plans. The 2022 Scoping Plan describes the approach California will take to achieve carbon neutrality by the year 2045. The only applicable goal from the City’s General Plan requires preparation of a GHG study for the project, which the project is consistent with the preparation of this EIR section. Therefore, the following discussion focuses on the project’s consistency with the 2020-2045 RTP/SCS and the 2022 Scoping Plan.

Consistency With the SCAG 2020-2045 RTP/SCS

On September 3, 2020, the Regional Council of SCAG formally adopted the 2020-2045 RTP/SCS. The 2020-2045 RTP/SCS includes performance goals that were adopted to help focus future investments on the best-performing projects; and different strategies to preserve, maintain, and optimize the performance of the existing transportation system. The SCAG 2020-2045 RTP/SCS is forecast to help California reach its GHG reduction goals by reducing GHG emissions from passenger cars by eight percent below 2005 levels by 2020 and 19 percent by 2035 in accordance with the most recent CARB targets adopted in March 2018. Five key SCS strategies are included in the 2020-2045 RTP/SCS to help the region meet its regional VMT and GHG reduction goals, as required by the State. Table 5.7-2 , Consistency with the 2020-2045 RTP/SCS, shows the project’s consistency with these five strategies found within the 2020-2045 RTP/SCS. As shown therein, the proposed project would be consistent with the GHG emission reduction strategies contained in the 2020-2045 RTP/SCS.

**Table 5.7-2
Consistency with the 2020-2045 RTP/SCS**

| Reduction Strategy | Applicable Land Use Tools | Project Consistency Analysis |
|---|---|---|
| Focus Growth Near Destinations and Mobility Options | | |
| <ul style="list-style-type: none"> ▪ Emphasize land use patterns that facilitate multimodal access to work, educational and other destinations ▪ Focus on a regional jobs/housing balance to reduce commute times and distances and expand job opportunities near transit and along center-focused main streets | Center Focused Placemaking, Priority Growth Areas (PGA), Job Centers, High Quality Transit Areas (HQTAs), Transit Priority Areas (TPA), Neighborhood Mobility Areas (NMAs), | Consistent. Transit Priority Areas (TPAs) are defined in the 0.5-mile radius around an existing or planned major transit stop or an existing stop along a High-Quality Transit Corridor (HQTC). A HQTC is defined as a corridor with fixed route bus service frequency of 15 |

**Table 5.7-2
Consistency with the 2020-2045 RTP/SCS**

| Reduction Strategy | Applicable Land Use Tools | Project Consistency Analysis |
|--|---|---|
| <ul style="list-style-type: none"> ▪ Plan for growth near transit investments and support implementation of first/last mile strategies ▪ Promote the redevelopment of underperforming retail developments and other outmoded nonresidential uses ▪ Prioritize infill and redevelopment of underutilized land to accommodate new growth, increase amenities and connectivity in existing neighborhoods ▪ Encourage design and transportation options that reduce the reliance on and number of solo car trips (this could include mixed uses or locating and orienting close to existing destinations) ▪ Identify ways to “right size” parking requirements and promote alternative parking strategies (e.g., shared parking or smart parking) | <p>Livable Corridors, Spheres of Influence (SOIs), Green Region, Urban Greening.</p> | <p>minutes (or less) during peak commute hours. The project site is not located in a TPA or HQTC. The project is an infill development located near transit stops (Route 42 and Route 41 run by City of Thousand Oaks). Further, the project site is located within a pedestrian-oriented shopping center which fronts existing sidewalks to the west, south and east. The project site is in an urbanized area and within walking and biking distance to existing commercial and neighborhood-serving retail uses. The project would also provide bicycle parking spaces, electric vehicle (EV) parking spaces, and carpool/vanpool parking spaces in accordance with CALGreen Code. Therefore, the project would focus growth near destinations and mobility options.</p> |
| Promote Diverse Housing Choices | | |
| <ul style="list-style-type: none"> ▪ Preserve and rehabilitate affordable housing and prevent displacement ▪ Identify funding opportunities for new workforce and affordable housing development ▪ Create incentives and reduce regulatory barriers for building context sensitive accessory dwelling units to increase housing supply ▪ Provide support to local jurisdictions to streamline and lessen barriers to housing development that supports reduction of greenhouse gas emissions | <p>PGA, Job Centers, HQTAs, NMA, TPAs, Livable Corridors, Green Region, Urban Greening.</p> | <p>Not Applicable. The proposed project is not a housing development and therefore would not affect housing supplies.</p> |
| Leverage Technology Innovations | | |
| <ul style="list-style-type: none"> ▪ Promote low emission technologies such as neighborhood electric vehicles, shared rides hailing, car sharing, bike sharing and scooters by providing supportive and safe infrastructure such as dedicated lanes, charging and parking/drop-off space | <p>HQTA, TPAs, NMA, Livable Corridors.</p> | <p>Consistent. The project would be required to comply with all applicable Title 24 and CALGreen building codes at the time of construction. These building codes would require EV charging stations, designated EV parking, as well as</p> |

**Table 5.7-2
Consistency with the 2020-2045 RTP/SCS**

| Reduction Strategy | Applicable Land Use Tools | Project Consistency Analysis |
|--|--|--|
| <ul style="list-style-type: none"> ▪ Improve access to services through technology—such as telework and telemedicine as well as other incentives such as a “mobility wallet,” an app-based system for storing transit and other multi-modal payments ▪ Identify ways to incorporate “micro-power grids” in communities, for example solar energy, hydrogen fuel cell power storage and power generation | | <p>bike parking. Therefore, the project would leverage technology innovations and help the City, County, and State meet its GHG reduction goals. The project would be consistent with this reduction strategy.</p> |
| Support Implementation of Sustainability Policies | | |
| <ul style="list-style-type: none"> ▪ Pursue funding opportunities to support local sustainable development implementation projects that reduce greenhouse gas emissions ▪ Support Statewide legislation that reduces barriers to new construction and that incentivizes development near transit corridors and stations ▪ Support local jurisdictions in the establishment of Enhanced Infrastructure Financing Districts (EIFDs), Community Revitalization and Investment Authorities (CRIAs), or other tax increment or value capture tools to finance sustainable infrastructure and development projects, including parks and open space ▪ Work with local jurisdictions/communities to identify opportunities and assess barriers to implement sustainability strategies ▪ Enhance partnerships with other planning organizations to promote resources and best practices in the SCAG region ▪ Continue to support long range planning efforts by local jurisdictions | <p>Center Focused Placemaking, Priority Growth Areas (PGA), Job Centers, High Quality Transit Areas (HQTAs), Transit Priority Areas (TPA), Neighborhood Mobility Areas (NMAs), Livable Corridors, Spheres of Influence (SOIs), Green Region, Urban Greening.</p> | <p>Consistent. As previously discussed, the project would comply with sustainable practices included in the 2022 Title 24 standards and CALGreen Code, such as installation of EV charging stations, bike parking, solar panels, and low-flow water fixtures. Thus, the project would be consistent with this reduction strategy.</p> |
| <ul style="list-style-type: none"> ▪ Provide educational opportunities to local decisions makers and staff on new tools, best practices and policies related to implementing the Sustainable Communities Strategy | <p>—</p> | <p>Consistent. The proposed project would be used to educate staff, decision makers, and the public to provide real world demonstrations of compliance with 2022 Title 24 standards and CALGreen Code.</p> |

**Table 5.7-2
Consistency with the 2020-2045 RTP/SCS**

| Reduction Strategy | Applicable Land Use Tools | Project Consistency Analysis |
|---|---|---|
| Promote a Green Region | | |
| <ul style="list-style-type: none"> ▪ Support development of local climate adaptation and hazard mitigation plans, as well as project implementation that improves community resiliency to climate change and natural hazards ▪ Support local policies for renewable energy production, reduction of urban heat islands and carbon sequestration ▪ Integrate local food production into the regional landscape ▪ Promote more resource efficient development focused on conservation, recycling and reclamation ▪ Preserve, enhance and restore regional wildlife connectivity ▪ Reduce consumption of resource areas, including agricultural land ▪ Identify ways to improve access to public park space | <p>Green Region, Urban Greening, Greenbelts and Community Separators.</p> | <p>Consistent. The proposed project consists of an infill development in an urbanized area and would therefore not interfere with regional wildlife connectivity or consumption of agricultural land. In addition, the project would be required to comply with 2022 Title 24 standards and CALGreen Code, which would help reduce energy consumption and reduce GHG emissions. Thus, the project would support efficient development that reduces energy consumption and GHG emissions. The project would be consistent with this reduction strategy.</p> |

Consistency With the 2022 Carb Scoping Plan

The 2022 Scoping Plan identifies reduction measures necessary to achieve the goal of carbon neutrality by 2045 or earlier. Actions that reduce GHG emissions are identified for each AB 32 inventory sector. Provided in Table 5.7- 3, Consistency with the 2022 Scoping Plan: AB 32 GHG Inventory Sectors, is an evaluation of applicable reduction actions/strategies by emissions source category to determine how the project would be consistent with or exceed reduction actions/strategies outlined in the 2022 Scoping Plan.

**Table 5.7-3
Consistency with the 2022 Scoping Plan: AB 32 Inventory Sectors**

| Actions and Strategies | Project Consistency Analysis |
|--|--|
| Smart Growth / Vehicles Miles Traveled (VMT) | |
| <p>100 percent of light-duty vehicle sales are ZEVs by 2035.</p> | <p>Not Applicable. This action is in regard to vehicle sales, with an aim to have 100 percent of light-duty vehicle sales be ZEVs by 2035. The proposed project is a hotel and commercial development and would not interfere with such policymaking.</p> |
| <p>Reduce VMT per capita to 25% below 2019 levels by 2030, and 30% below 2019 levels by 2045</p> | <p>Consistent. The project would provide required bicycle parking spaces and provide EV parking spaces, which would promote alternative mode of transportation to reduce VMT. As such, the project would be consistent with this action.</p> |

**Table 5.7-3
Consistency with the 2022 Scoping Plan: AB 32 Inventory Sectors**

| Actions and Strategies | Project Consistency Analysis |
|--|---|
| New Residential and Commercial Buildings | |
| All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed statewide by 2030 | Consistent. The project is expected to consist of natural gas heating and/or cooking on-site. The City of Thousand Oaks has not adopted an ordinance or program limiting the use of natural gas for on-site cooking and/or heating. However, if adopted, the project would comply with the applicable goals or policies limiting the use of natural gas equipment in the future. Furthermore, the project would install high efficiency lighting and appliances. As such, the project would be consistent with this action. |
| Construction Equipment | |
| Achieve 25% of energy demand electrified by 2030 and 75% electrified by 2045 | Consistent. The City of Thousand Oaks has not adopted an ordinance or program requiring electricity-powered construction equipment. However, if adopted, the project would comply with the applicable goals or policies requiring the use of electric construction equipment in the future. As such, the project would be consistent with this action. |
| Non-combustion Methane Emissions | |
| Divert 75% of organic waste from landfills by 2025 | Consistent. SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The law establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025. The project would comply with local and regional regulations and recycle or compost 75 percent of waste by 2025 pursuant to SB 1383. As such, the project would be consistent with this action. |

Source: California Air Resources Board, 2022 Scoping Plan, November 16, 2022.

Thousand Oaks General Plan

State policies to reduce GHG emissions associated with energy use, including the Renewables Portfolio Standard and Title 24 of the California Building Code, would reduce GHG emissions associated with the project. Therefore, the project would also be consistent with Policy CO-39 of the Thousand Oaks General Plan, which supports GHG reduction efforts consistent with AB 32. Consequently, the project would not conflict with the policies of the Thousand Oaks General Plan aimed at reducing GHG emissions.

Conclusion

In summary, the plan consistency analysis provided above demonstrates that the proposed project complies with or exceeds the plans, policies, regulations and GHG reduction actions/strategies outlined in the 2020-2045 RTP/SCS and the 2022 Scoping Plan. The proposed project would also be consistent with the City's General Plan with the preparation of this EIR section. Therefore, the project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions and impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.7.5 Cumulative Impacts

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, Cumulative Projects List, and illustrated on Exhibit 4-1, Cumulative Project Locations, cumulative projects are situated in the site vicinity.

GHG-3 Greenhouse Gas Emissions generated by the project and other related cumulative projects would not have a significant cumulative impact on global climate change or could conflict with an applicable greenhouse gas reduction plan, policy, or regulation.

Impact Analysis: Project-related GHG emissions are not confined to a particular air basin; instead, GHG emissions are dispersed worldwide. No single project is large enough to result in a measurable increase in global concentrations of GHG emissions. Therefore, impacts identified under Impact Statement GHG-1 are not project-specific impacts to global climate change, but the proposed project’s contribution to this cumulative impact. Furthermore, the City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions, nor have the VCAPCD, CARB, or any other State or regional agency adopted a numerical significance threshold for assessing GHG emissions that is applicable to the project.

GHG impacts are recognized as exclusively cumulative impacts, and there are no non-cumulative GHG emission impacts from a climate change perspective. As such, significant direct impacts associated with the project and proposed project also serve as the project’s cumulative impact. As analyzed in Impact Statements GHG-1 and GHG-2, the proposed project would be consistent with applicable measures in the 2020-2045 RTP/SCS, 2022 Scoping Plan, and the City’s General Plan and the project’s GHG emissions would be considered less than significant. Thus, the project would not cumulatively contribute to GHG impacts and impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.7.6 Level of Significance After Mitigation

No significant unavoidable impacts related to GHG emissions have been identified.

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5.8 Hazards and Hazardous Materials

This section identifies the potential for the proposed project to expose the public or the environment to hazards and/or hazardous materials that may be related to existing conditions or new hazards created as a result of the proposed project. Where potentially significant impacts are identified, mitigation measures are provided to reduce these impacts to the extent feasible. This section is based on a Phase I Environmental Site Assessment (Phase I ESA) (prepared by Priority One Environmental, Inc. dated July 25, 2022); refer to Appendix I, Phase I ESA Report.

For the purpose of this analysis, the term “hazardous material” refers to both hazardous substances and hazardous waste. The term “hazardous material” is defined in the State of California’s Health and Safety Code (HSC), Chapter 6.95, Section 25501(n)(1) as:

[Any material] that, because of its quantity, concentration, 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 that a handler or the administering agency has a reasonable basis for believing that it 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 is hazardous material generated, intentionally or unintentionally, as a byproduct of some process or condition. Hazardous wastes are defined in California HSC Section 25141(b) as wastes that:

...because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause, or significantly contribute to an increase in mortality or an increase in [serious] illness [or] pose a substantial present or potential hazard to human health or the environment due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bio-accumulative properties, or persistence in the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.

According to the U.S. Environmental Protection Agency (USEPA), waste may be considered hazardous under the Resource Conservation and Recovery Act (RCRA, the primary Federal hazardous materials law) if it is specifically listed as known hazardous waste or if it meets the one or more of the following characteristics of a hazardous waste:

- **Toxicity.** Poisonous, harmful when ingested or absorbed.
- **Ignitability.** Capable of being ignited by open flame, liquids with flash points¹ below 60 degrees Celsius, non-liquids that cause fire through specific conditions, ignitable compressed gases and oxidizers.
- **Corrosivity.** Capable of corroding other materials, aqueous wastes with a pH of 2 or less or greater than or equal to 12.5
- **Reactivity.** May be unstable under normal conditions, may react with water, may give off toxic gases or may be capable of detonation or explosion under normal conditions or when heated.

Waste which meets certain criteria included in 40 CFR 261.11 (a) (2), including being ‘fatal to humans in low doses’ or having specified lethal dose levels in laboratory rats or rabbits is designated as ‘acute hazardous waste’ under RCRA.

5.8.1 Existing Setting

The project site is situated within a mixed-use commercial, institutional, and residential area of the City, and is located within the Janss Marketplace, an approximately 611,000 shopping center consisting of retail establishments, a gym, a movie theater, restaurants, and a four-story parking structure on approximately 38-acres. The proposed site is currently developed and consists of approximately 35,500 square feet of commercial development with a two-story volume, which was previously a Marshall's department store until 2017 and dental offices until 2019, and has most recently been occupied by "pop up" tenants including Reign of Terror Haunted House and USA Vein Clinics.

HISTORICAL ON-SITE USES

Prior to site development, the project site was historically utilized for agricultural purposes. The site was originally developed in 1961 as the Village Lane Shopping Center by the Janss family. It was the first mall established in the City, and the site configuration and structures remain similar in the central portion of the Marketplace. Based on the Phase I ESA, the project site has been developed as a commercial development with a two-story volume since 1963 and has been occupied by several commercial retailers since development. In 1985 the property was occupied by Northeast Apparel, Marshalls, and Dimensions in Fashion, then solely by Northeast Apparel in 1986, and as Marshalls in 1993 and 1994. The northern portion of the commercial development was developed between 1994 and 2002 and was listed under the name Payless ShoeSource in 1999. Between 2004 and 2017 the combined structure was occupied by Marshalls, two dental centers, and Payless ShoeSource. Based on the Phase I ESA, no environmental conditions of concern have been identified on-site as a result of historical on-site uses. The following describes specific development/operations associated with the project site.

Past Agricultural Activities

Sites previously used for agricultural purposes have the potential to contain pesticide residues of certain persistence in soil at concentrations that are considered to be hazardous. Commonly used pesticides prior to 1973 include dichlorodiphenyldichloroethane (DDD), dichlorodiphenyltrichloroethane (DDT), and dichlorodiphenyldichloroethylene (DDE), all of which are of certain persistence in soil.

The project site appears to have been vacant, undeveloped land used for agriculture until 1961. However, since this time, the site was redeveloped into commercial uses. As such, due to the highly disturbed nature of the site, it is unlikely that residual contamination from pesticide/herbicides remain in elevated quantities.

EXISTING CONDITIONS

Hazardous Materials Use, Storage, and/or Transport

Currently, the commercial building occupied and seasonally run by the Haunted House does not involve the use/storage/transport of hazardous materials. The Marshalls that occupied the building previously had reported waste, including unspecified solvent mixture, other inorganic solid waste and off-specification, aged or surplus organics, from 2013 to 2017. The USA Vein Clinics occupying Unit C is listed as a Medical Waste Small Quantity Generator. No reported releases of hazardous materials have occurred as a result of these operations. Based on the Phase I ESA, the presence of these materials at the project site does not represent a significant environmental concern.

According to the Phase I ESA, the following potentially hazardous materials were not found at the project site and are therefore not of concern: hazardous materials and petroleum products, storage tanks, strong, pungent, or noxious odors, standing surface water or pools, drums, totes, and intermediate bulk containers, hazardous substance and petroleum product containers not in connection with identified uses, unidentified substance containers,

polychlorinated biphenyls, stains or corrosion, area drains, sumps, drywells, catch basins, clarifiers, pits, ponds, lagoons, stained soil or pavement, stressed vegetation, water/wastewater discharged from the property, wells, septic system or cesspool. However, many transformers contain Polychlorinated Biphenyls (PCBs). The use of PCBs was banned in 1977 and most production/use in 1979. Phase I ESA noted the presence pad-mounted transformers near the southwest corner of the building. Based on the Phase I ESA, the on-site transformers are in good condition and do not present an environmental condition at the project site. The project is expected to install a new transformer adjacent to the proposed trash enclosure.

On-Site Structures

The project site is occupied by one partial two-story building with a one-story section split into two units. These on-site structures may be associated with hazardous materials (e.g., asbestos containing material [ACM] and/or lead-based paint [LBP]), as they were constructed prior to 1989. Additionally, organochlorine-containing termiticides (OCPs) may have been used to treat wooden buildings constructed prior to 1989, and universal waste (certain categories of hazardous waste such as batteries, pesticides, mercury-containing equipment, and lamps that are not commonly generated by a wide variety of establishments) are often present in sites with historical uses.

Structural Asbestos

Asbestos is a strong, incombustible, and corrosion resistant material, which was used in many commercial products up until the late 1980s. If inhaled, asbestos fibers can result in serious health problems. The California Division of Occupational Safety and Health (Cal/OSHA) asbestos construction standard (Title 8, CCR, Section 1259) defines ACM as material containing more than one percent asbestos. Asbestos Containing Construction Material (ACCM) is defined as any manufactured construction material which contains more than one tenth of one percent asbestos by weight.

Based on the Phase 1 ESA, due to the age of the on-site buildings, there is a high potential that ACMs are present in on-site buildings. Suspect materials that may contain ACMs include, but may not be limited to, drywall systems, floor tiles, ceiling tiles, and roofing systems. Currently, Federal and State regulations govern the renovation and demolition of structures where ACMs are present. Based on the Phase I ESA, an asbestos survey should be conducted prior to the start of demolition and construction to determine health and environmental risks.

Lead-Based Paints

Lead has long been used as a component of paint, primarily as a pigment and for its ability to inhibit and resist corrosion. Over time, as concern over the health effects associated with lead began to grow, health and environmental regulations were enacted to restrict the use of lead in certain products and activities in the U.S.. In the last twenty-five years, lead-based paint, leaded gasoline, leaded can solder, and lead-containing plumbing materials were among the products that were gradually restricted or phased out of use.

Currently, Federal and State regulations govern the renovation and demolition of structures where LBPs are present. Due to the age of on-site buildings, there is a potential that LBP is present in on-site buildings. Based on the Phase I ESA, a lead-based paint survey should be conducted prior to the start of demolition and construction to determine health and environmental risks.

Groundwater Concerns from Off-Site Properties

It is acknowledged that surrounding off-site properties within the project area also handle/store/transport hazardous materials that could have affected groundwater (and associated soil) at the project site. According to the Phase I ESA, a few properties adjacent to the project footprint, including Village Cleaners, Ulta-Beauty, Petco, and Old Navy, are listed

under the California Environmental Reporting System Hazard Waste Generator program. Village Cleaners had a leakage of hazardous waste that was cleaned up and deemed completed in April 1995. Petco is listed under the chemical storage facilities program. The Old Navy unit had 0.1 tons of asbestos removed in 2005. Additionally, properties surrounding the project site are listed as Cleanup Program Sites; the Janss Mall Car Wash had a case of gasoline potentially contaminating groundwater in 2017, the Chik-Fil-A Restaurant had a leakage case completed in 2012, the former Mr. Cleaners had a leakage case closed in 2003, and the Arco 1,500 feet northeast of the project site has a gasoline leakage case open for which remediation started in 2013 and there is ongoing monitoring. According to the Phase I ESA, none of the above cases are anticipated to impact the proposed project site based on the topography, distance, and closed or remediated status of the above sites.

Proximity to Airports

There are no airports or airstrips within two miles of the project site. The closest airport is Camarillo Airport, which is approximately 14 miles west. Van Nuys Airport is approximately 20 miles to the east of the project site.

Emergency Response

The City of Thousand Oaks *2020 Emergency Operations Plan* (Emergency Operations Plan) provides the framework for responding to major emergencies or disasters within the City. The Emergency Operations Plan summarizes potential threats, identifies authorities and assigns responsibilities to appropriate agencies; identifies other jurisdictions and organizations with which planning and emergency response activities are coordinated; establishes an organizational structure to manage the emergency response; outlines preplanned response actions to be taken by emergency personnel to mitigate the effects of a disaster; outlines a process of disseminating information and instructions to the public; establishes responsibilities for maintaining the overall City emergency operations plan; provides the basis for initial training and subsequent retraining of emergency workers; and establishes the continuity of City government in the event of a disaster. Additionally, the General Plan Safety Element includes information about disaster preparedness, including evacuation routes and evacuation centers, and attributes emergency operations planning and management to the Emergency Operations Plan.

The Ventura County Sheriff's Office (VCSO) 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. 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.

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, the project site is not located within an area designated as a very high fire hazard severity zone (VHFHSZ).

5.8.2 Regulatory Framework

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.

According to the USEPA, a “hazardous” waste is defined as one “which because of its quantity, concentrations, or physiochemical or infectious properties, may either increase mortality or produce irreversible or incapacitating illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed” (U.S. Public Health and Welfare Code Section 6903). Special handling and management are required for materials and waste that exhibit hazardous properties. Treatment, storage, transport, and disposal of these materials are highly regulated at both the Federal and State levels. The Federal and State laws provide the “cradle to grave” regulation of hazardous wastes. Businesses, institutions, and other entities that generate hazardous waste are required to identify and track their hazardous waste from the point of generation until it is recycled, reused, or disposed of. Compliance with Federal and State hazardous materials laws and regulations minimizes the potential risks to the public presented by these potential hazards.

Resource Conservation and Recovery Act (RCRA)

RCRA was enacted in 1974 to provide a general framework for the national hazardous waste management system, including the determination of whether hazardous wastes are being generated, techniques for tracking wastes to eventual disposal, and the design and permitting of hazardous waste management facilities.

RCRA Subtitle C regulates the generation, transportation, treatment, storage, and disposal of hazardous waste by LQGs (1,000 kilograms per month or more) through comprehensive life cycle or “cradle to grave” tracking requirements. The requirements include maintaining inspection logs of hazardous waste storage locations, records of quantities being generated and stored, and manifests of pick-ups and deliveries to licensed treatment/storage/disposal facilities. RCRA also identifies standards for treatment, storage, and disposal, which are codified in 40 CFR 260.

The Hazardous and Solid Waste Amendments were enacted in 1984 to better address hazardous waste; this amendment began the process of eliminating land disposal as the principal hazardous waste disposal method.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) is a law developed to protect the water, air, and soil resources from the risks created by past chemical disposal practices. This law is also referred to as the Superfund Act and regulates sites on the National Priority List, which are called Superfund sites.

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.

Hazardous Materials Transportation Act (HMTA)

The transportation of hazardous materials is regulated by the Hazardous Materials Transportation Act of 1975 (49 CFR § 101 et seq.), which is administered by the Office of Hazardous Materials Safety within the Pipeline and Hazardous Materials Administration of the Department of Transportation (DOT). The HMTA empowered the Secretary of Transportation to designate as hazardous material any “particular quantity or form” of a material that “may pose an

unreasonable risk to health and safety or property”. The HMTA governs the safe transportation of hazardous materials by all modes. DOT regulations that govern the transportation of hazardous materials are applicable to any person who transports, ships, or causes to be transported or shipped hazardous materials, or who is involved in any way with the manufacture or testing of hazardous materials packaging or containers. The DOT regulations govern every aspect of the movement of hazardous materials including packaging, handling, labeling, marking, placarding, operational standards, and highway routing. In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The HMTUSA statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials.

Federal Disaster Mitigation Act

The Disaster Mitigation Act of 2000 provided a new set of mitigation plan requirements that encourage state and local jurisdictions to coordinate disaster mitigation planning and implementation. States are encouraged to complete a “Standard” or an “Enhanced” Hazard Mitigation Plan. “Enhanced” plans demonstrate increased coordination of mitigation activities at the state level and, if completed and approved, increase the amount of funding through the Hazard Mitigation Grant Program. California’s Hazard Mitigation Plan is an ‘Enhanced’ Plan.

Emergency Planning and Community Right-To-Know Act (EPCRA)

In 1986, Congress passed the Superfund Amendments and Reauthorization Act. Title III of this regulation may be cited as the “Emergency Planning and Community Right-To-Know Act of 1986” (EPCRA). The EPCRA required the establishment of state commissions, planning districts, and local committees to facilitate the preparation and implementation of emergency plans. Under the requirements, local emergency planning committees are responsible for developing a plan for preparing for and responding to a chemical emergency, including:

- An identification of local facilities and transportation routes where hazardous materials are present.
- The procedures for immediate response in case of an accident (this must include a community-wide evacuation plan).
- A plan for notifying the community that an incident has occurred.
- The names of response coordinators at local facilities.
- A plan for conducting drills to test the plan.

The emergency plan is reviewed by the State Emergency Response Commission and publicized throughout the community. The local emergency planning committee is required to review, test, and update the plan each year. The goal of the plan is to improve public- and private-sector readiness and to mitigate local impacts resulting from natural or man-made emergencies.

Another purpose of the EPCRA is to inform communities and citizens of chemical hazards in their areas. Sections 311 and 312 of EPCRA require businesses to report to state and local agencies the location and quantities of chemicals stored on-site. Under Section 313 of EPCRA, manufacturers are required to report chemical releases for more than 600 designated chemicals. In addition to chemical releases, regulated facilities are also required to report off-site transfers of waste for treatment or disposal at separate facilities, pollution prevention measures, and chemical recycling activities. The EPA maintains the Toxic Release Inventory database that documents the information that regulated facilities are required to report annually.

National Emission Standards for Hazardous Air Pollutants

The National Emission Standards for Hazardous Air Pollutants (NESHAP) are stationary source standards for hazardous air pollutants established by the EPA. Hazardous air pollutants (HAPs) are those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects. Sources subject to NESHAPs are required to perform an initial performance test to demonstrate compliance. To demonstrate continuous compliance, sources are generally required to monitor control device operating parameters which are established during the initial performance test. Sources may also be required to install and operate continuous emission monitors to demonstrate compliance.

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.

STATE

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.

The California Environmental Protection Agency (CalEPA) and the California Department of Toxic Substances Control (DTSC) have developed and continue to update lists of hazardous wastes subject to regulation. In addition to the EPA and DTSC, the Regional Water Quality Control Board, Los Angeles Region (Los Angeles RWQCB), is the enforcing agency for the protection and restoration of water resources, including remediation of unauthorized releases of hazardous substances in soil and groundwater. Other State agencies involved in hazardous materials management include the Office of Emergency Services (OES), California Department of Transportation (Caltrans), California Highway Patrol (CHP), Air Resources Board (CARB), and the California Integrated Waste Management Board (CalRecycle).

California Unified Program Administration (CUPA)

The CUPA consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs, as listed below:

- Hazardous Materials Release Response Plans and Inventories (Business Plans)
- California Accidental Release Prevention (CalARP) Program
- UST Program
- Aboveground Petroleum Storage Act Program
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs
- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements

The state agency partners involved in the Unified Program have the responsibility of setting program element standards, working with CalEPA on ensuring program consistency, and providing technical assistance to the CUPA. The following state agencies are involved with the Unified Program:

- CalEPA is directly responsible for coordinating the administration of the Unified Program; the Secretary of the CalEPA certifies CUPAs
- DTSC provides technical assistance and evaluation for the hazardous waste generator program including onsite treatment (tiered permitting)
- The OES is responsible for providing technical assistance and evaluation of the Hazardous Material Release Response Plan (Business Plan) Program and the CalARP Programs
- The Office of the State Fire Marshal is responsible for ensuring the implementation of the Hazardous Material Management Plans and the Hazardous Material Inventory Statement Programs. These programs tie in closely with the Business Plan Program
- SWRCB provides technical assistance and evaluation for the UST program in addition to handling the oversight and enforcement for the aboveground storage tank program

The CUPA for Ventura County is the VCEHD. The VCEHD is responsible for implementing the federal and state laws and regulations pertaining to the handling of hazardous wastes and hazardous materials.

California Fire Code

The California Fire Code is Chapter 9 of CCR Title 24. It is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The California Fire Code regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The California Fire Code and the California Building Code use a hazard classification system to determine what protective measures are required to protect fire and life safety. These measures may include construction standards, separations from property lines, and specialized equipment. To ensure that these safety measures are met, the California Fire Code employs a permit system based on hazard classification.

California Accidental Release Prevention Program

The CalARP Program addresses facilities that contain specified hazardous materials, known as “regulated substances,” that, if involved in an accidental release, could result in adverse off-site consequences. The CalARP Program defines regulated substances as chemicals that pose a threat to public health and safety or the environment because they are highly toxic, flammable, or explosive.

State Assembly Bill 2948

Enacted in 1986 and sometimes referred to as ‘Tanner 1986’, State Assembly Bill 2948 mandates that local governments have hazardous waste plans for dealing with hazardous wastes generated within the community, including identifying sources of hazardous wastes, transportation routes needed to remove the waste and areas for potential treatment and disposal. These plans are often integrated with or part of municipal and county General Plan documents.

California Health and Safety Code

California Health and Safety Code section 25150, requires DTSC to adopt, and revise when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to the public health, domestic livestock,

wildlife, or the environment. In adopting or revising standards and regulations pursuant to this chapter, the department shall, insofar as practicable, make the standards and regulations conform with corresponding regulations adopted by the USEPA pursuant to the federal act. This section does not prohibit the department from adopting standards and regulations that are more stringent or more extensive than federal regulations.

CalEPA, in cooperation with the DTSC and the SWRCB and the Office of Environmental Health Hazard Assessment, publishes a list of screening numbers for select contaminants. Screening numbers are defined as the concentration of a contaminant published by CalEPA as an advisory number. In determining screening numbers, CalEPA considers the toxicology of the contaminant, risk assessments prepared by federal or state agencies, epidemiological studies, risk assessments or other evaluations of the contaminant during remediation of a site, and screening numbers that have been published by other agencies.

In January 2018, the DTSC's Human and Ecological Risk Office issued Human Health Risk Assessment Note Number 3. The document lists DTSC-SLs for select compounds in soil, tap water, and air for use in the human health risk assessment process at hazardous waste sites and permitted facilities.

California Public Resources Code 21151.4

Pursuant to Public Resources Code Section 21151.4, projects that can be reasonably anticipated to produce hazardous air emissions or handle extremely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school must consult with the potentially affected school district and provide written notification not less than 30 days prior to the proposed certification or adoption of an environmental document. Where a school district proposes property acquisition or the construction of a school, the environmental document must address existing environmental hazards, and written findings must be prepared regarding existing pollutant sources.

California Cortese List, Government Code 65962.5

Government Code Section 65962.5 requires CalEPA to develop and update the Hazardous Waste and Substance Sites (Cortese) List. The Cortese List is a planning document used by state and local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites.

California Hazardous Materials Release Response Plans and Inventory Law

The California Hazardous Materials Release Response Plans and Inventory Law of 1985 (Business Plan Act) requires that any business that handles hazardous materials prepare a Business Plan. That Business Plan must include details of the facility and business conducted at the project site, an inventory of hazardous materials that are handled or stored on site, an emergency response plan and a training program for safety and emergency response for new employees, with annual refresher courses.

Hazardous Materials Release Notification

Many state statutes require emergency notification of a hazardous chemical release:

- California Health and Safety Codes Sections 25270.8, and 25507;
- Vehicle Code Section 23112.5;
- Public Utilities Code Section 7673, (PUC General Orders #22-B, 161);
- Government Code Sections 51018, 8670.25.5 (a);
- Water Code Sections 13271, 13272; and
- California Labor Code Section 6409.1 (b)10.

Requirements for immediate notification of all significant spills or threatened releases cover owners, operators, persons in charge, and employers. Notification is required regarding significant releases from facilities, vehicles, vessels, pipelines, and railroads. In addition, all releases that result in injuries or harmful exposure to workers must be immediately reported to the California Occupational Safety and Health Administration pursuant to the California Labor Code Section 6409.1(b).

California Code of Regulations, Title 8

CCR Title 8 contains the General Industry Safety Orders of the state regulations. Article 4 addresses dusts, fumes, mists, vapors, and gasses. Article 4, Section 1529 deals with asbestos and ACM and Section 1532.1 addresses lead and LBP. Both Sections set out requirements for employer monitoring of employee exposure to these materials as well as regulations on worker personal protective equipment (PPE), disposal of wastes, medical examinations of exposed workers, and action levels and exposure limits for ACM and LBP dusts. Title 8 is administered by the California Occupational Safety and Health Administration (Cal/OSHA).

Transportation of Hazardous Materials/Waste

Transportation of hazardous materials/wastes is regulated by CCR Title 26. The DOT is the primary regulatory authority for the interstate transport of hazardous materials. The DOT establishes regulations for safe handling procedures (i.e., packaging, marketing, labeling, and routing) and enforces Federal and State regulations and response to hazardous materials transportation emergencies along with the California Highway Patrol. Emergency responses are coordinated as necessary between Federal, State, and local government authorities and private persons through a State-mandated Emergency Management Plan.

Worker and Workplace Hazardous Materials Safety

Occupational safety standards exist to minimize worker safety risks from both physical and chemical hazards in the workplace. Cal/OSHA is responsible for developing and enforcing workplace safety standards and assuring worker safety in the handling and use of hazardous materials. Among other requirements, Cal/OSHA requires many businesses to prepare Injury and Illness Prevention Plans and Chemical Hygiene Plans. The Hazard Communication Standard requires that workers be informed of the hazards associated with the materials they handle.

Department of Toxic Substances Control (DTSC)

The responsibility for implementation of RCRA was given to DTSC in August 1992. The DTSC is also responsible for implementing and enforcing California's own hazardous waste laws, which are known collectively as the Hazardous Waste Control Law. Although similar to RCRA, the California Hazardous Waste Control Law and its associated regulations define hazardous waste more broadly and regulate a larger number of chemicals. Hazardous wastes regulated by California but not by the EPA are called "non-RCRA hazardous wastes".

Hazardous Materials Transportation Act (HMTA)

The Los Angeles RWQCB is the enforcing agency for the protection and restoration of water resources, including remediation of unauthorized releases of hazardous substances in soil and groundwater. The Site Cleanup Program (SCP) regulates and oversees the investigation and cleanup of 'non-federally owned' sites where recent or historical unauthorized releases of pollutants to the environment, including soil, groundwater, surface water, and sediment, have occurred. Sites in the program are varied and include, but are not limited to, pesticide and fertilizer facilities, rail yards,

ports, equipment supply facilities, metals facilities, industrial manufacturing and maintenance sites, dry cleaners, bulk transfer facilities, refineries, and some brownfields. These releases are generally not from strictly petroleum USTs. The types of pollutants encountered at the sites are plentiful and diverse and include solvents, pesticides, heavy metals, and fuel constituents to name a few.

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, and 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.

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.

LOCAL

Ventura County and Thousand Oaks Hazardous Materials Plans

There are several hazardous materials plans in effect in Thousand Oaks that regulate and guide the storage, use, handling, transport, and disposal of hazardous materials. Some are managed by the County and enforced by local agencies as appropriate and others, such as individual city plans, are managed directly by local authorities.

The Ventura County Hazardous Materials Emergency Response Plan is overseen by the CUPA. It integrates many regional response plans to provide a cohesive system of information sharing, individual agency responsibilities and command and control of hazardous materials spill response, which is generally managed on the ground by Ventura County Fire Protection District. An important part of the Hazardous Materials Emergency Response Plan is the incorporation of Business Plans for each individual commercial operation. The CUPA integrates these Business Plans into both local and regional emergency planning.

The County Hazardous Waste/Materials Management Plan (CHWMP) is the Tanner 1986 document for the County and sets out the standards and plans for transportation and disposal of hazardous wastes including household wastes. On July 10, 1990, the City adopted the CHWMP as an element of the City General Plan.

The City of Thousand Oaks adopted their own Tanner 1986 document with the City Hazard Mitigation Plan on October 12, 2004. The City Hazard Mitigation Plan includes detailed plans to reduce hazardous materials risks through interagency cooperation, risk reduction, public outreach, and similar goals.

Ventura County Sheriff's Office of Emergency Services

In cooperation with local jurisdictions, Ventura County Sheriff's Office of Emergency Services developed the Ventura County Emergency Operations Plan (EOP) which addresses the County's planned response to extraordinary emergency situations and natural, human caused or technological disasters as well as provides an overview of operational concepts and identifies components of the County's emergency management organization within the California Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) and describes the overall responsibilities of the federal, state, and county entities for protecting life, property, the environment and assuring the overall well-being of the population. The latest draft EOP was published in February 2021.

Ventura County Air Pollution Control District Rule 62.7

VCAPCD regulates demolition and renovation operations involving ACM through Rule 6.27, which applies to any planned demolition or renovation that involves 100 square feet or more of ACM, with exceptions for indoor renovations, single-unit dwelling renovations performed by the owner or occupant, and work with certain categories of ACM that are removed according to a subset of VCAPCD requirements. The requirements include a noticing period and a general prohibition on demolition until ACM has been abated and removed from the location and requires that abatement be conducted by persons with specific asbestos certifications (primarily Asbestos Hazard Emergency Response Act [AHERA] certification).

Thousand Oaks General Plan

The Safety Element of the City of Thousand Oaks General Plan contains an evaluation of environmental and manmade hazards that have the potential to threaten human life, public health, and property to varying degrees. The City works in conjunction with several other government entities to ensure a clean environment through various land use policies and its Municipal Code, expediting the cleanup of contaminated sites, and making sure proper measures are taken to manage hazardous materials and plan for hazardous waste incidents. The following Safety Element policies apply to the proposed project:

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.

Goal S-7: “Protect life, property, and the environment from the effects of releases of hazardous materials into the air, land, or water.”

Policy E-3. Strive to locate businesses that utilize hazardous materials in areas which will minimize risks to the public or environment.

Policy E-4. Coordinate with Ventura County Environmental Health Department and the LARWQCB to encourage cleanup of sites that have been impacted by hazardous materials releases – especially those that have impacted groundwater.

Thousand Oaks Municipal Code

The following sections of the Municipal Code address hazards and hazardous materials:

Chapter 6, Fire Control and Prevention

The City adopted the California Code of Regulations (CCR) Title 24, Part 9, known and designated as the 2016 California Fire Code, with the modifications set forth in Section 4-6.06 *Amendments to Uniform Fire Code*, of the Municipal Code, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. The provisions of the California Fire Code constitute the fire code regulations of the City.

The City Municipal Code further affirms the City’s use of uniform standards which contain provisions including the Uniform Fire Code, California Health and Safety Code, and Uniform Building Code and regulations are administered by CUPA through the appropriate local agencies.

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.

5.8.3 Impact Thresholds and Significance Criteria

Appendix G of the CEQA Guidelines contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (refer to Impact Statement HAZ-1);
- b) 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 (refer to Impact Statement HAZ-2);
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (refer to Impact Statement HAZ-3);
- d) 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 it create a significant hazard to the public or the environment (refer to Impact Statement HAZ-4);

- e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within 2 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 (refer to Impact Statement HAZ-5);
- f) Impair implementation of or physical interfere with an adopted emergency response plan or emergency evacuation plan (refer to Impact Statement HAZ-6); and/or
- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires (refer to Impact Statement HAZ-7).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact”. Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.8.4 Impacts and Mitigation Measures

Impact HAZ-1 Construction and operation of the project could involve the use, storage, disposal, or transportation of hazardous materials.

Impact Analysis: Demolition and construction activities for the proposed project would involve the use of chemical substances such as solvents, paints, fuel for equipment, and other potentially hazardous materials. Hazards to the environment or the public would be possible with the transport, use, storage, or disposal of these hazardous materials. However, demolition and construction activities would be relatively short-term, the above hazardous materials would be used in limited amounts, and the transport, use, and disposal of hazardous materials as part of these activities would be temporary. The contractor would be required to comply with existing Federal, State, and local regulations and standards for the transport, use, and disposal of hazardous materials to prevent public safety hazards. These regulations include the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, California Hazardous Waste Control Act, and California Accidental Release Prevention Program, among others.

Once constructed, the proposed project’s operational activities would use hazardous materials, including minor cleaning products, typical pool water treatment chemicals, and the occasional use of pesticides and herbicides, for maintenance activities. However, these materials would be used in minimal quantities typical for hotel developments. The project would not utilize, store, or generate hazardous materials or wastes in quantities that would pose a significant hazard to the public.

With compliance with the existing Federal, State, and local procedures that are intended to minimize potential health risks associated the routine use of hazardous materials, impacts associated with handling, storage, and transport of these hazardous materials would be less than significant, and no mitigation is required.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact HAZ-2 The proposed project could create a significant hazard to the public or environment through accident conditions involving the release of hazardous materials.

Impact Analysis

SHORT-TERM CONSTRUCTION

The developer has submitted a draft “Safety Engineering Multi-Employer Hazard Assessment and Safety Plan” dated January 12, 2023 (Safety Plan), which is intended to ensure there is a clear understanding of job site hazards and risk mitigation before any scope of work begins. The Safety Plan will be implemented on the project job site by the construction superintendent. The Safety Plan includes a Work Area Protection and Pedestrian Traffic Controlled Access Zone (CAZ) to eliminate public accessibility to the construction site and to protect the public who would be adjacent to the construction zone from truck operations, power tool utilization, demolition scope, and products of demolition scope i.e., dust, debris, noise disturbance; refer to Exhibit 5.8-1, Worker Area Protection and Pedestrian Traffic Controlled Access Zone.

Structural Demolition

The Phase I ESA review of historical aerial photographs indicates the site was used for agricultural purposes until 1963 when the on-site building was constructed. Since construction, the site has been used for commercial/retail purposes and has been occupied by a number of different retailers, as stated in Section 5.8.1. According to the Phase I ESA, no evidence of controlled recognized environmental conditions, historical recognized environmental conditions, recognized environmental conditions, or vapor intrusion risks are present on the project site. Therefore, there are no anticipated impacts in regard to historical operations. Surrounding and adjacent properties with environmental concerns were addressed in Section 5.8.1; none of the properties recognized in the Phase I ESA were determined to impact the project site, because all of the relevant cases of hazardous materials have already been closed or are in the remediation process.

Based on the Phase 1 ESA, because the structure was constructed prior to 1978, there is a high potential that asbestos containing materials (ACM) and/or lead-based paints (LBP) exist on-site. Demolition of the structures could expose construction personnel and the public to ACMs or LBPs. Federal and State regulations govern the renovation and demolition of structures where ACMs and LBPs are present. Prior to demolition, an asbestos and lead-based paint survey should be conducted to determine the necessary procedures for construction and demolition if ACMs or LBPs are confirmed on-site; refer to Mitigation Measure HAZ-1. All demolition, removal, and disposal that could result in the release of ACMs or LBPs must be conducted according to Federal and State standards, including the Federal and State Occupational Safety and Health Regulations, Ventura County Air Pollution Control District Rule 62.7 – Asbestos: Demolition and Renovation, and California Code of Regulations Title 8, Section 1532.1 – Lead and Section 1529 – Asbestos. If ACM material is found, abatement of asbestos would be required prior to any demolition activities. If paint is separated from building materials (chemically or physically) during demolition of the structure, the paint waste would be required to be evaluated independently from the building material by a qualified Environmental Professional; refer to Mitigation Measure HAZ-2. If LBP is found, abatement would be required to be completed by a qualified Lead Specialist prior to any demolition activities. Compliance with these regulations would be included on the contractor specifications and verified by the City’s Community Development Director, or designee in conjunction with the issuance of the Demolition Permit. Compliance with these regulations and Mitigation Measures HAZ-1 and HAZ-2 would ensure that no impacts pertaining to demolition would occur. Impacts would be reduced to less than significant levels.

Utility Removal/Relocation

Based on the Phase I ESA, one pad-mounted transformer was noted on-site which is owned and operated by Southern California Edison. Based on the Phase I ESA, the transformer is expected to contain PCBs. In its current condition, the transformer does not present an environmental condition at the project site. However, the proposed hotel and retail use associated with the project are expected to have a new 4,000-amp main panel installed and a new transformer adjacent to the proposed trash enclosure. The modification, relocation and/or removal of the existing transformer during the construction of the project would be required to be evaluated independently by a qualified Environmental Professional; refer to Mitigation Measure HAZ-3. If PCBs are found, abatement would be required to be completed by a qualified PCB Specialist prior to any demolition activities. Compliance with these regulations would be included on the contractor specifications and verified by the City's Community Development Director, or designee, in conjunction with the issuance of the Demolition Permit.

Existing Soil/Groundwater Contamination in Vicinity

Construction activities could encounter groundwater during site disturbance activities. However, based on the Phase I ESA conducted for the project site, no hazardous materials above regulatory thresholds are anticipated at the project site as a result of off-site properties. Thus, disturbance activities are not anticipated to result in health and safety impacts to construction workers as a result of encountering groundwater at the project site.

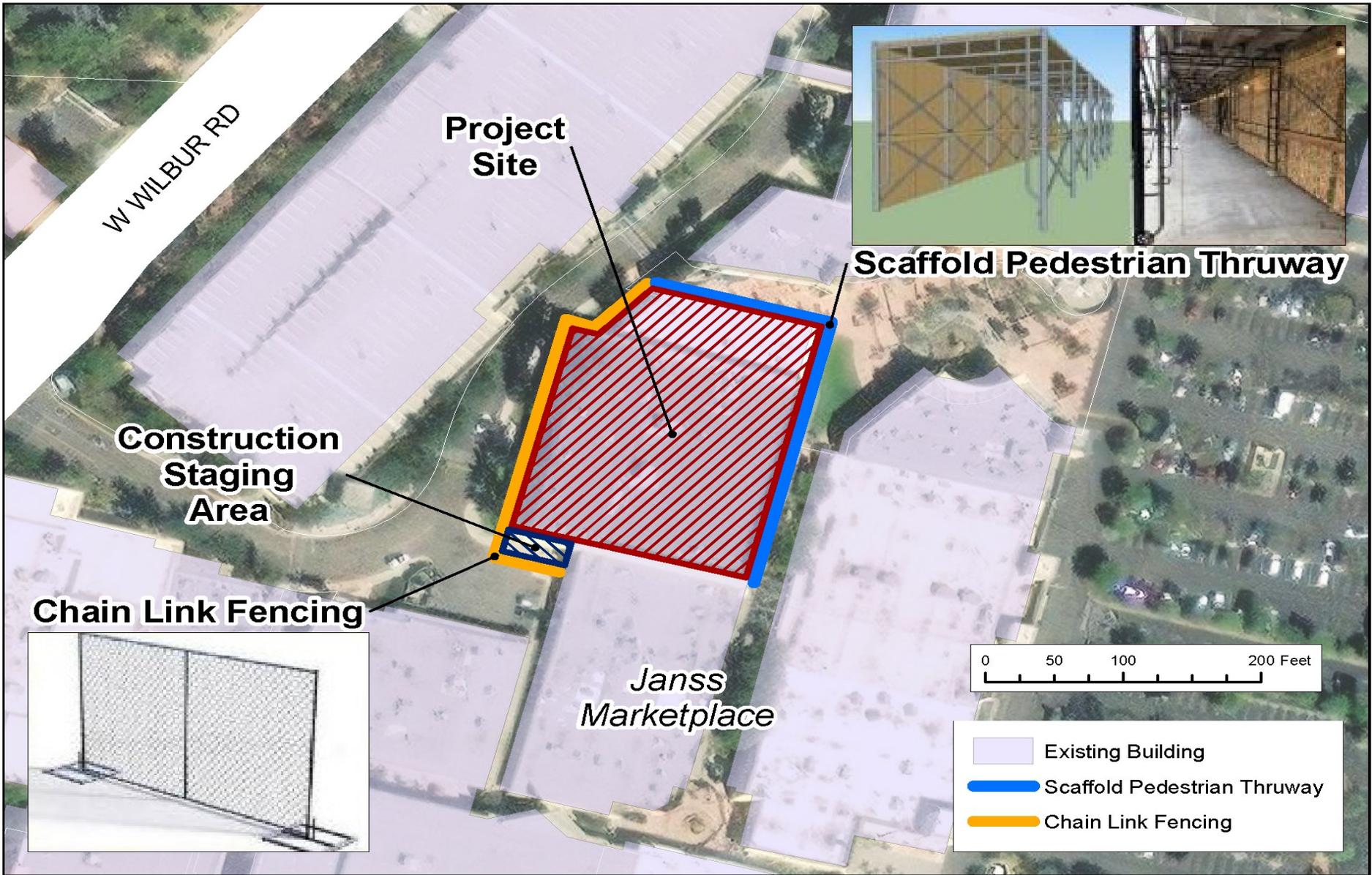
Proposed Soil Import

It is anticipated that site grading would require 84 cubic yards of cut, 28 cubic yards of fill, and the export of 56 cubic yards of soil. No soil is anticipated to be imported. If the proposed project would require the import of fill materials, the materials used for fill would be required to be below regulatory hazardous substances thresholds and impacts in this regard would be less than significant.

Encountering Unexpected Hazardous Materials Conditions

Site disturbance/demolition activities could expose workers and patrons of the Janss Marketplace to a variety of potentially hazardous materials. Implementation of Mitigation Measures HAZ-1, HAZ-2, and HAZ-3 would reduce potential impacts from site disturbance/demolition activities that would result in accidental conditions at the project site. If unknown wastes or suspect materials are discovered during construction by the contractor, which they believe may involve hazardous wastes/materials, the contractor would be required to complete the following (Mitigation Measure HAZ-4):

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
- Notify the Community Development Director of the City of Thousand Oaks;
- Secure the areas as directed by the Community Development Director; and
- Notify the Ventura County Health Care Agency's (VCHCA) Hazardous Waste/Materials Coordinator or other appropriate agency specified by the Community Development Director.



SOURCE: ESRI; California Department of Transportation, County of Ventura; City of Thousand

EXHIBIT 5.8-1

Worker Area Protection and Pedestrian Traffic Controlled Access Zone

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Transport of Hazardous Materials

In the event that hazardous materials are encountered in soil/groundwater during excavation and grading activities, the off-site transport and disposal of hazardous materials may occur. Further, the off-site transport and disposal of hazardous materials associated with the demolition of the existing on-site structure may occur. The off-site transport and disposal would be short-term in nature, only occurring during demolition and excavation/grading activities, and would be subject to Federal, State, and local health and safety regulations that protect public safety. Handling, transport, and disposal of these materials are regulated by the DTSC, CalEPA, Cal/OSHA, and VCFD. The project construction contractor would also be subject to the requirements of the Cal/OSHA and local regulations governing removal actions. DTSC regulations would require specific hazardous materials handling methods, truck haul routes, and schedules to minimize potential exposure during hazardous materials removal actions. With adherence to the requirements of affected regulatory agencies regarding the handling, transport, and disposal of hazardous materials, the proposed project would not create a significant hazard to the public or the environment. As such, impacts related to the temporary off-site hauling and disposal of hazardous building materials during demolition would be less than significant.

Project Operations

The proposed project would consist of the operation of a hotel facility and accessory uses typically found with hotels including restaurants, meeting rooms, retail, pool, recreational activities, etc., and a retail pad. Large quantities of hazardous materials posing a substantial risk to public health and safety are not typically associated with these uses. Minor amounts of cleaning products, typical pool water treatment chemicals, and the occasional use of pesticides and herbicides for landscape maintenance are the extent of materials anticipated to be utilized on-site. Thus, as only small quantities of commonly used chemicals (e.g., cleaning products, pesticides, herbicides) are expected to be used/stored on-site, long-term operational impacts associated with potential accidental conditions would be less than significant.

Conclusion

With implementation of Mitigation Measures HAZ -1 through HAZ-4 and compliance with applicable Federal, State, and local regulatory requirements pertaining to hazardous materials, potential impacts would be reduced to less than significant levels.

Mitigation Measures:

HAZ-1 Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing materials (ACMs). If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the Ventura County Air Pollution Control District (VCAPCD) Rule 62.7. Prior to issuance of a certificate of occupancy, documentation of asbestos abatement shall be provided to the VCAPCD for review and approval. Documentation shall include proper training and licensure of abatement contractors, results of asbestos samples collected, and disposal documentation showing appropriate disposal of hazardous materials at an approved facility. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.

- HAZ-2** If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulations Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City Engineer. Prior to issuance of a certificate of occupancy, documentation of lead abatement shall be provided to the VCAPCD for review and approval. Documentation shall include proper training and licensure of abatement contractors, results of lead samples collected, and disposal documentation showing appropriate disposal of hazardous materials at an approved facility. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.
- HAZ-3** Prior to the modification, relocation and/or removal of the existing transformer, a PCB survey shall be conducted by a California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence of PCB containing materials. If PCB is found, abatement shall be completed by a qualified PCB Specialist prior to any activities that would create a PCB hazard. Prior to issuance of a certificate of occupancy, documentation of hazardous building material identification and removal (such as PCBs, mercury switches, and other hazardous materials) shall be provided to the permitting agency for review and approval. Documentation shall include proper training and licensure of abatement contractors, results of samples collected (including field notes from PCB sampling), and disposal documentation showing appropriate disposal of hazardous materials at approved landfill, recycling, or transfer facilities. Documentation shall verify all abatement activities have been completed in compliance with applicable laws, rules, and regulations.
- HAZ-4** If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:
- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
 - Notify the Community Development Director of the City of Thousand Oaks;
 - Secure the areas as directed by the Community Development Director; and
 - Notify the Ventura County Health Care Agency’s (VCHCA) Hazardous Waste/Materials Coordinator or other appropriate agency specified by the Community Development Director. The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

Level of Significance: Less Than Significant With Mitigation Incorporated.

Impact HAZ-3 The proposed project would not generate hazardous emissions or handle hazardous or acutely hazardous materials or waste. No existing or proposed schools are located within 0.25-mile of the project site.

Impact Analysis: California Public Resources Code 21151.4 establishes notification requirements when projects which may involve the use of hazardous materials or generate hazardous emissions within 0.25-mile of a school. The

notification requirements include consultation with the relevant school district prior to submission of environmental documents and written notification not less than 30 days before proposed certification of environmental documents. The notification requirements are intended to give school districts time to make lead agencies and project applicants aware of potential issues regarding the location of area schools and to ensure the districts are made aware of comment periods and opportunities for input on the approval process. The Conejo Valley Unified School District has been contacted and does not anticipate any impacts from the proposed project on its school facilities. There are no schools within 0.25-mile of the project site; the nearest schools are over 1-mile away. Additionally, the proposed project would not generate hazardous emissions or handle hazardous or acutely hazardous materials or waste, and any unexpected or accidental generation of hazardous materials would be applicable to all Federal, State, and local regulations regarding hazardous materials. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact HAZ-4 The project site is not located on a site which is included on a list of hazardous materials sites. The project would not create a significant hazard because of existing hazardous conditions.

Impact Analysis: A review of the Department of Toxic Substances Control's (DTSC) Hazardous Waste and Substances List – Site Cleanup (Cortese List) indicates that there are no identified hazardous material sites located within the proposed project site. Further, a database search of hazardous materials sites using the online DTSC EnviroStor and the State Water Resources Control Board (SWRCB) GeoTracker database identified zero hazardous clean-up sites within the project area. A closed Leaking Underground Storage Tank (LUST) cleanup site is located 900 feet southwest of the project at 145 Hillcrest Drive. The potential contaminant was waste oil, motor, hydraulic, and lubricating oil, and the media of concern was soil. However, the case was closed in May of 1996.

Since the proposed project would disturb an area of more than an acre, the project would be required to comply with the Construction General Permit, including the preparation and implementation of a site-specific SWPPP. The SWPPP would contain BMPs to monitor and prevent pollutants (including sediment and hazardous materials) from leaving the construction site via surface runoff. In addition, compliance with Federal, State, and local standards would be required. Therefore, the project does not have the potential to create a significant hazard to the public or the environment due to the presence of an existing hazardous materials site identified on the Cortese List. Refer to Impact Statements HAZ-1 and HAZ-2 for a discussion regarding the potential for the project to generate new hazards to the public or the environment. The proposed project would not be located on a hazardous materials site and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact HAZ-5 The project site would not be in an airport land use plan area or be located within two miles of a public airport or public use airport.

Impact Analysis. The proposed project site is not located within an airport land use plan or within two miles of a public or private airport. The closest airport is Camarillo Airport, which is approximately 14 miles west. The Airport Master Plan for Camarillo Airport does not include the project site in its planning area noise contours.¹ Van Nuys Airport is approximately 20 miles to the east of the project site.

¹ Camarillo Airport, *Airport Master Plan*, [http://vcportal.ventura.org/AIRPORTS/docs/document_library/Camarillo_Airport_Master_Plan_\(Draft_Final\).pdf](http://vcportal.ventura.org/AIRPORTS/docs/document_library/Camarillo_Airport_Master_Plan_(Draft_Final).pdf), 2010.

There are multiple small heliports in the region, including the Los Robles Medical Center and Westlake Medical Center helipads and the East Valley Sheriff's Station Heliport. The Los Robles Medical Center helipad is approximately two miles north, and the Westlake Medical Center helipad is approximately five miles southeast. Noise from helicopters taking off and landing at these medical centers would be barely discernable at the project site and would not result in a safety hazard or excessive noise for people residing or working in the project area. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact HAZ-6 Operations of the project would not create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.

Impact Analysis. The primary documents governing emergency response in Thousand Oaks are the Ventura County Multi-Hazard Mitigation Plan², the Thousand Oaks Emergency Operations Plan³, and the Disaster Preparedness chapter of the Thousand Oaks General Plan Safety Element. The Ventura County Sheriff's Office of Emergency Services is responsible for the County evacuation plans and maintains evacuation route plans for Thousand Oaks which are depicted in the General Plan Disaster Preparedness chapter, as well as handling the operational control of the various levels of evacuation which may be advised or ordered.

The plans identify key locations and areas which are critical to emergency operations. Access to U.S. Route 101 is a key component of an orderly evacuation in the project vicinity, as well as in all emergency response scenarios. The on-ramps to US-101 south of the project site are considered critical access points. Construction of the proposed project would not involve temporary or long-term obstruction of these access points, nor would it involve shutdown of State Highway 23 or Hampshire Road (a secondary evacuation route to US-101 for southern Thousand Oaks in case of loss of State Highway 23). Standard practices in construction traffic management require notification of local emergency response agencies in the event of a planned shutdown or obstruction of traffic along any public thoroughfare; access to the project site is provided by West Wilbur Road, Brazil Street, and North Moorpark Road, none of which are evacuation routes. The project footprint is accessed by a service road that runs between the Janss Marketplace and the parking structure located west of the project footprint; development of the proposed project would not directly impact any major streets or roadways, since the footprint is not adjacent to a main road. Nevertheless, any potential impacts related to obstruction of roadways would be made known to local agencies.

Upon project completion, proposed egress/ingress for the new hotel would be designed to accommodate emergency vehicles. The project's application materials were reviewed by the VCFD and, upon revision, the project design would include a change to the northern boundary of the project footprint to accommodate greater access for emergency vehicles in the Janss Marketplace. Thus, the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

² Ventura County, *Multi-Jurisdictional Hazard Mitigation Plan*, https://vcportal.ventura.org/OES/2022-03-01_VenturaHMP_Vol2_PublicReviewDraft-compressed.pdf, 2022.

³ City of Thousand Oaks, *2020 Emergency Operations Plan*, <https://www.toaks.org/home/showpublisheddocument/25785/637177953044900000>, 2020.

Impact HAZ-7 The proposed project would not create a significant hazard to the public involving wildland fires. However, operations of the project could create a significant hazard to the public or environment as a result of urban fire hazards.

Impact Analysis: The project site consists of, and is surrounded by, urban/developed land, and no areas of wildland are present in the project vicinity. Additionally, the CAL FIRE adopted Fire Hazard Severity Zone map does not identify the project site as being within a very high fire hazard severity zone. Any fires within the project area would not comprise wildland fires. Accordingly, the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and a less than significant impact would occur in this regard.

The project site is susceptible to urban fires as portions of the Janss Marketplace consist of older buildings and the project footprint is located within a compact urban development area. Fires within the Janss Marketplace could potentially spread quickly. However, the proposed project would demolish all existing buildings on-site and redevelop the site with new construction in accordance with the current Fire Code, including fire protection measures that would attenuate the risk of fire hazards. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.8.5 Cumulative Impacts

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, Cumulative Projects List, and illustrated on Exhibit 4-1, Cumulative Project Locations, cumulative projects are situated in the site vicinity.

RELEASE OF HAZARDOUS MATERIALS

- The proposed project, combined with other related projects, could create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, and/or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Impact Analysis: The project could contribute, cumulatively (although not significantly), to a hazard involving the transport of hazardous materials during construction. Other cumulative projects could result in the transport of hazardous materials during site disturbance/demolition/remedial activities. Handling, transport, and disposal of these materials are regulated by the DTSC, CalEPA, Cal/OSHA, VCAPCD, and VCFD. The construction contractor, on a project-by-project basis, would be subject to the requirements of the DTSC governing removal actions. DTSC regulations require specific hazardous materials handling methods, truck haul routes, and schedules to minimize potential exposure during hazardous materials removal actions. Compliance with all applicable Federal and State laws related to the transportation of hazardous materials would reduce the likelihood and severity of accidents during transit, thereby ensuring that a less than significant cumulatively considerable impact would occur as a result of implementation of the proposed project.

Cumulative projects could result in creating a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. However, as discussed above, with implementation of existing laws and regulations established by the Los Angeles RWQCB, DTSC,

DOT, Caltrans, Cal/OSHA, among others, these cumulative impacts would be minimized. As discussed above, with implementation of Mitigation Measures HAZ-1 through HAZ-4, implementation of the proposed project would not result in significant impacts involving hazards and hazardous materials.

Mitigation Measures: Refer to Mitigation Measures HAZ-1 through HAZ-4.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

NEARBY SCHOOLS

- The proposed project, combined with other related projects, could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school.

Impact Analysis: Cumulative projects that result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school would be required to go through CEQA clearance to ensure that no significant impacts to sensitive receptors would result. Further, with compliance with the laws and regulations established by the DTSC, DOT, Cal/OSHA, among others, these cumulative impacts would be minimized. As the proposed project would not result in significant impacts involving hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, the project would not significantly contribute to a cumulatively considerable impact in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

EMERGENCY RESPONSE OR EVACUATION PLAN

- The proposed project, combined with other related projects, could create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.

Impact Analysis: Cumulative projects that may interfere with an adopted emergency response or evacuation plan, most notably the capital improvement projects that involve improvement of roadways, would be required to go through CEQA clearance to ensure that surrounding roadways would remain open and emergency access in the site vicinity would not be impacted. As discussed above, the proposed project would not result in significant impacts through interference with an adopted emergency response or evacuation plan. As such, the project would not significantly contribute to a cumulatively considerable impact in this regard. Cumulative impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.8.6 Level of Significance After Mitigation

No significant unavoidable impacts related to hazards and hazardous materials have been identified and the proposed project would have less than significant impacts on hazards and hazardous materials following compliance with Mitigation Measures HAZ-1 through HAZ-4.

5.9 Hydrology and Water Quality

This section analyzes potential project impacts to water quality, drainage patterns and flood control facilities, and groundwater supplies and recharge. Potential impacts associated with flooding are also analyzed. This section is primarily based on the Drainage Memo, prepared by Kimley-Horn and Associates, Inc., dated December 13, 2022, and the following chapters of the City of Thousand Oaks Municipal Code: Title 7, Chapter 1, Curbs, Gutters, Sidewalks, Pavement, Rights-of-Way and Drainage Facilities, Title 7, Chapter 3, Grading, and Title 7, Chapter 8, Stormwater Discharges and Stormwater Quality Management; refer to Appendix J, Drainage Memo.

5.9.1 Existing Setting

PROJECT SITE HYDROLOGY AND DRAINAGE

The project site is located within the existing Janss Marketplace, which is an approximately 611,000 SF shopping center consisting of retail establishments, a gym, a movie theater, restaurants, and a four-story parking structure on approximately 38-acres. The existing project area of disturbance is already developed for commercial use. Under existing conditions, drainage within the project site generally flows southwest across the project area. There is an existing gutter system along the service road that separates the western side of the project site from the parking structure, located west of the project site. The area is drained by a 24-inch storm drain line that extends for 86 feet under the service road, immediately west of the project footprint. This 24-inch pipe connects to additional pipelines that run south under the Janss Marketplace and eventually connects to a 192-inch reinforced concrete box (RCB) line that flows west, parallel to and just south of West Hillcrest Drive.

The existing gutter system providing drainage for the project site includes four circular drains west and southwest of the project footprint. A 12-inch, 22-foot long, polyvinyl chloride (PVC) drain is located on the west side of the project footprint, near the proposed western entrance to the hotel. An 18-inch, 50-foot long, reinforced concrete pipe (RCP), providing flows to the southeast, is located under the service road between the project footprint and the parking structure, near the southwest corner of the project footprint. A 17-foot long, 12-inch RCP pipeline that provides flow to the south, is located under the service road, approximately 30-feet southwest of the southwest corner of the project footprint. An additional 6-inch RCP pipeline, providing flow to the southwest from the southern edge of the project footprint, is located underneath the existing service lot, immediately south of the project footprint. This line connects to a short 12-inch PVC pipeline that flows under the existing waste service area on the service lot and connects to the 24-inch pipeline that connects to the drainage system flowing to the south under the Janss Marketplace.

Flows into the RCB pipeline, located south of West Hillcrest Drive, are conveyed through storm drain lines downstream within the City and connect into regional creeks that ultimately discharge into the Pacific Ocean.¹

REGIONAL WATERSHED

Thousand Oaks is predominantly situated in the 343-square mile Calleguas Creek watershed, though a portion of the City—generally east of North Westlake Boulevard and southeast of Potrero Road—drains to the Malibu Creek watershed. The proposed project site is located within the Calleguas Creek Watershed, which is Zone 3 of the Ventura County Watershed. The Calleguas Creek Watershed covers approximately 343-square miles at the southern end of Ventura County and a small portion of Los Angeles County. All stream flows in Zone 3 eventually end up in Mugu Lagoon before entering the Pacific Ocean. Major tributaries to Calleguas Creek include Revolon Slough (drains a portion of

¹ Ventura Countywide Stormwater Quality Management Program, “Ventura Countywide Unified Storm Drain Map”, <https://www.vcstormwater.org/Publications/Maps/Ventura-Countywide-Unified-Storm-Drain-Map>, 2015.

Flood Zone 2), Conejo Creek, Arroyo Santa Rosa, Arroyo Conejo, Arroyo Las Posas/Arroyo Simi, Happy Camp Canyon, Lang Creek, and Tapo Canyon. Virtually the entire watershed is within Ventura County, with dozens of smaller creeks. Land uses vary throughout the watershed. Urban developments are generally restricted to the city limits of Simi Valley, Moorpark, Thousand Oaks, and Camarillo. Although some residential development has occurred along the slopes of the watershed, most upland areas are still open space; however, golf courses are becoming increasingly popular to locate in these open areas. Agricultural activities, primarily cultivation of orchards and row crops, are spread out along valleys and on the Oxnard Plain.^{2,3}

Conejo Creek is the main tributary of the Ventura County Watershed in Thousand Oaks, and several smaller tributaries flow throughout the surrounding area. There are no significant tributaries within 3 miles of the project site. The Pacific Ocean is approximately 10 miles south of the project site.

FLOODPLAIN MAPPING

The subject property is not located within a flood hazard zone. According to the FEMA Flood Insurance Rate Map No. 06111C0967E, which was revised on January 20, 2010, the project site is located within the FEMA Flood Unshaded Zone 'X' representing areas of minimum flood hazard.

STORMWATER QUALITY

Point Source Pollutants

Historically, point source pollutants have consisted of industrial operations with discrete discharges to receiving waters. Over the past several decades, many industrial operations have been identified as potential sources of pollutant discharges. For this reason, many types of industrial operations require coverage under the State of California's General Industrial Permit. This permit regulates the operation of industrial facilities and monitors and reports mechanisms to ensure compliance with water quality objectives. State regulations require industrial operations to comply with California's General Industrial Permit, which significantly lessens impacts on the quality of receiving waters. However, industrial operations that are not covered under the General Industrial Permit's jurisdiction may still have the potential to affect the water quality of receiving waters. These industrial operations would be considered nonpoint source pollutants. There are currently no point source pollutants generated on the project site, and the proposed project would not introduce point source pollutants to the site.

Nonpoint Source Pollutants

A net effect of urbanization can be to increase pollutant export over naturally occurring conditions. The impact of the higher export affects the adjacent streams and the downstream receiving waters. However, an important consideration in evaluating stormwater quality is to assess whether the beneficial use to the receiving waters is impaired. Nonpoint source pollutants are characterized by the following major categories to assist in determining the pertinent data and its use. Receiving waters can assimilate a limited quantity of various constituent elements; however, there are thresholds beyond which the measured amount becomes a pollutant and results in an undesirable impact. Standard water quality categories of typical urbanization impacts are:

- **Sediment.** Sediment is made up of tiny soil particles that are washed or blown into surface waters. It is the major pollutant by volume in surface water. Suspended soil particles can cause the water to look cloudy or

² Ventura County Public Works. 2020. "Calleguas Creek." <https://www.vcpbublicworks.org/wp/calleguas-creek/>.

³ California Water Boards. "Calleguas Creek Watershed." July 2023. https://www.waterboards.ca.gov/losangeles/water_issues/programs/regional_program/Water_Quality_and_Watersheds/calleguas_creek_watershed/calleguas_creek.pdf.

turbid. The fine sediment particles also act as a vehicle to transport other pollutants, including nutrients, trace metals, and hydrocarbons. Construction sites are the largest source of sediment for urban areas under development. Another major source of sediment is streambank erosion, which may be accelerated by increases in peak rates and volumes of run-off due to urbanization.

- **Nutrients.** Nutrients are a major concern for surface water quality, especially phosphorous and nitrogen, which can cause algal blooms and excessive vegetative growth. Of the two, phosphorus is usually the limiting nutrient that controls the growth of algae in lakes. The orthophosphorous form of phosphorous is readily available for plant growth. The ammonium form of nitrogen can also have severe effects on surface water quality. The ammonium is converted to nitrate and nitrite forms of nitrogen in a process called nitrification. This process consumes significant amounts of oxygen, which can impair the dissolved oxygen levels in water. The nitrate form of nitrogen is very soluble and is found naturally at low levels in water. When nitrogen fertilizer is applied to lawns or other areas more than needed by the plant, nitrates can leach below the root zone, eventually reaching groundwater. Orthophosphate from automobile emissions also contributes phosphorus in areas with heavy automobile traffic. Generally, nutrient export is greatest from development sites with the most impervious areas. Other problems resulting from excess nutrients are: 1) surface algal scums, 2) water discolorations, 3) odors, 4) toxic releases, and 5) overgrowth of plants.
- **Trace Metals.** Trace metals are primarily a concern because of their toxic effects on aquatic life, and their potential to contaminate drinking water supplies. The most common trace metals found in urban run-off are lead, zinc, and copper. Fallout from automobile emissions is also a major source of lead in urban areas. A large fraction of the trace metals in urban run-off are attached to sediment; this effectively reduces the level, which is immediately available for biological uptake and subsequent bioaccumulation. Metals associated with sediment settle out rapidly and accumulate in the soils. Urban run-off events typically occur over a shorter duration, reducing the amount of exposure, which could be toxic to the aquatic environment. The toxicity of trace metals in run-off varies with the hardness of the receiving water. As total hardness of the water increases, the threshold concentration levels for adverse effects increases.
- **Oxygen-Demanding Substances.** Aquatic life is dependent on the dissolved oxygen in the water. When organic matter is consumed by microorganisms, dissolved oxygen is consumed in the process. A rainfall event can deposit significant quantities of oxygen-demanding substance in lakes and streams. The biochemical oxygen demand of typical urban run-off is on the same order of magnitude as the effluent from an effective secondary wastewater treatment plant. A problem from low dissolved oxygen results when the rate of oxygen-demanding material exceeds the rate of replenishment. Oxygen demand is estimated by direct measure of dissolved oxygen and indirect measures such as biochemical oxygen demand (BOD), chemical oxygen demand (COD), and oils and greases.
- **Bacteria.** Bacteria levels in undiluted urban run-off exceed public health standards for water contact recreation almost without exception. Studies have found that total coliform counts exceeded the U.S. Environmental Protection Agency's (EPA) water quality criteria at almost every site and almost every time it rained. The coliform bacteria that are detected may not be a health risk by themselves but are often associated with human pathogens.
- **Oil and Grease.** Oil and grease contain a wide variety of hydrocarbons, some of which could be toxic to aquatic life in low concentrations. These materials initially float on water and create the familiar rainbow-colored film. Hydrocarbons have a strong affinity for sediment and quickly become absorbed to it. The major source of hydrocarbons in urban run-off is through leakage of crankcase oil and other lubricating agents from automobiles. Hydrocarbon levels are highest in the run-off from parking lots, roads, and service stations. Residential land uses generate less hydrocarbon export, although illegal disposal of waste oil into stormwater can be a local problem.

- **Other Toxic Chemicals.** Priority pollutants are generally related to hazardous wastes or toxic chemicals and can sometimes be detected in stormwater. Priority pollutant scans have been conducted in previous studies of urban run-off, which evaluated the presence of over 120 toxic chemicals and compounds. The scans rarely revealed toxins that exceeded the current safety criteria. The urban run-off scans were primarily conducted in suburban areas not expected to have many sources of toxic pollutants (possibly except for illegally disposed or applied household hazardous wastes). Measures of priority pollutants in stormwater include: 1) phthalate (plasticizer compound), 2) phenols and creosols (wood preservatives), 3) pesticides and herbicides, 4) oils and greases, and 5) metals.

Physical Characteristics of Surface Water Quality

Standard parameters, which can assess stormwater quality, provide a method of measuring impairment. A background of these typical characteristics assists in understanding water quality requirements. The quantity of a material in the environment and its characteristics determine the degree of availability as a pollutant in surface run-off. In an urban environment, the quantity of certain pollutants in the environment is a function of the intensity of the land use. For instance, high automobile traffic volumes cause various potential pollutants (such as lead and hydrocarbons) to be more prevalent. The availability of a material, such as a fertilizer, is a function of the quantity and the way in which it is applied. Applying fertilizer in quantities that exceed plant needs leaves the excess nutrients available for loss to surface or groundwater.

The physical properties and chemical constituents of water traditionally have served as the primary means for monitoring and evaluating water quality. Evaluating the condition of water through a water quality standard refers to its physical, chemical, or biological characteristics. There are many types and classifications of water quality parameters for stormwater. Typically, the concentration of an urban pollutant, rather than the annual load of that pollutant, is required to assess a water quality problem. Some of the physical, chemical, or biological characteristics that evaluate the quality of the surface run-off are listed below.

- **Dissolved Oxygen.** DO in the water has a pronounced effect on the aquatic organisms and the chemical reactions that occur. It is one of the most important biological water quality characteristics in the aquatic environment. The DO concentration of a water body is determined by the solubility of oxygen, which is inversely related to water temperature, pressure, and biological activity. DO is a transient property that can fluctuate rapidly in time and space and represents the status of the water system at a point and time of sampling. The decomposition of organic debris in water is a slow process, as are the resulting changes in oxygen status. The oxygen demand is an indication of the pollutant load and includes measurements of biochemical oxygen demand or chemical oxygen demand.
- **Biochemical Oxygen Demand.** The BOD is an index of the oxygen-demanding properties of the biodegradable material in the water. Samples are taken from the field and incubated in the laboratory at 20 degrees Celsius, after which the residual dissolved oxygen is measured. The BOD value commonly referenced is the standard 5-day values. These values are useful in assessing stream pollution loads and for comparison purposes.
- **Chemical Oxygen Demand.** The COD is a measure of the pollutant loading in terms of complete chemical oxidation using strong oxidizing agents. It can be determined quickly because it does not rely on bacteriological actions as with BOD. COD does not necessarily provide a good index of oxygen demanding properties in natural waters.
- **Total Dissolved Solids.** Total dissolved solids (TDS) concentration is determined by evaporation of a filtered sample to obtain residue whose weight is divided by the sample volume. The TDS of natural waters varies widely. There are several reasons why TDS is an important indicator of water quality. Dissolved solids affect

the ionic bonding strength related to other pollutants such as metals in the water. TDS are also a major determinant of aquatic habitat. TDS affects saturation concentration of dissolved oxygen and influences the ability of a water body to assimilate wastes. Eutrophication rates depend on TDS.

- **pH.** The pH of water is the negative log, base 10, of the hydrogen ion activity. A pH of 7 is neutral, a pH greater than 7 indicates alkaline water, and a pH less than 7 represents acidic water. In natural water, carbon dioxide reactions are some of the most important in establishing pH. The pH at any one time is an indication of the balance of chemical equilibrium in water and affects the availability of certain chemicals or nutrients in water for uptake by plants. The pH of water directly affects fish and other aquatic life; generally, toxic limits are pH values less than 4.8 and greater than 9.2.
- **Alkalinity.** Alkalinity is the opposite of acidity, representing the capacity of water to neutralize acid. Alkalinity is also linked to pH and is caused by the presence of carbonate, bicarbonate, and hydroxide, which are formed when carbon dioxide is dissolved. A high alkalinity is associated with a high pH and excessive solids. Most streams have alkalinities of less than 200 milligrams per liter (mg/l). Ranges of alkalinity of 100-200 mg/l seem to support well-diversified aquatic life.
- **Specific Conductance.** The specific conductivity of water, of its ability to conduct an electric current, is related to the total dissolved ionic solids. Long-term monitoring of project waters can develop a relationship between specific conductivity and TDS. Its measurement is quick and inexpensive and can be used to approximate TDS. Specific conductivities more than 2000 microohms per centimeter indicate a TDS level too high for most freshwater fish.
- **Turbidity.** The clarity of water is an important indicator of water quality that relates to the alkalinity of photosynthetic light to penetrate. Turbidity is an indicator of the property of water that causes light to become scattered or absorbed. Turbidity is caused by suspended clays and other organic particles. It can be used as an indicator of certain water quality constituents, such as predicting sediment concentrations.
- **Nitrogen.** Sources of nitrogen in stormwater are from the additions of organic matter to water bodies or chemical additions. Ammonia and nitrate are important nutrients for the growth of algae and other plants. Excessive nitrogen can lead to eutrophication since nitrification consumes dissolved oxygen in the water. Nitrogen occurs in many forms. Organic nitrogen breaks down into ammonia, which eventually becomes oxidized to nitrate-nitrogen, a form available for plants. High concentrations of nitrate-nitrogen in water can stimulate growth of algae and other aquatic plants, but if phosphorus is present, only about 0.30 mg/l of nitrate-nitrogen is needed for algal blooms. Some fish life can be affected when nitrate-nitrogen exceeds 4.2 mg/l. There are several ways to measure the various forms of aquatic nitrogen. Typical measurements of nitrogen include Kjeldahl nitrogen (organic nitrogen plus ammonia), ammonia, nitrite plus nitrate, nitrite, and nitrogen in plants. The principal water quality criterion for nitrogen focuses on nitrate and ammonia.
- **Phosphorus.** Phosphorus is an important component of organic matter. In many water bodies, phosphorus is the limiting nutrient that prevents additional biological activity from occurring. The origin of this constituent in urban stormwater discharge is generally from fertilizers and other industrial products. Orthophosphate is soluble and considered the only biologically available form of phosphorus. Since phosphorus strongly associates with solid particles and is a significant part of organic material, sediments influence concentration in water and are an important component of the phosphorus cycle in streams. Important methods of measurement include detecting orthophosphate and total phosphorus.

EXISTING REGIONAL WATER QUALITY CONDITIONS

The Calleguas Creek Watershed is under the jurisdiction of the Los Angeles Regional Water Quality Control Board (RWQCB). The Los Angeles RWQCB adopted the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura

Counties (Basin Plan), dated September 11, 2014, that designates beneficial uses of the Los Angeles RWQCB’s surface and ground waters, designates water quality objectives for the reasonable protection of those uses, and establishes an implementation plan to achieve the objectives. A beneficial use is one of the various ways that water can be used for the benefit of people and/or wildlife. Although more than one beneficial use may be identified for a given waterbody, the most sensitive use must be protected. The Basin Plan and LARWQCB’s Calleguas Creek Summary identify the following beneficial uses for all or parts of the Calleguas Creek Watershed:

- IND – Industrial Service Supply
- PROC – Industrial Process Supply
- AGR – Agricultural Supply
- MUN – Municipal and Domestic Supply
- GWR – Ground Water Recharge
- NAV – Navigation
- WARM – Warm Freshwater Habitat
- COLD – Cold Freshwater Habitat
- EST – Estuarine Habitat
- MAR – Marine Habitat
- WILD – Wildlife Habitat
- RARE – Rare, Threatened, or Endangered Species
- MIGR – Migration of Aquatic Organisms
- SPWN – Spawning, Reproduction, and/or Early Development
- WET – Wetland Habitat
- FRSH – Freshwater Replenishment
- COMM – Commercial and Sport Fishing
- BIOL – Preservation of Biological Habitats of Special Significance
- SHELL – Shellfish Harvesting
- Contact and Noncontact Water Recreation

The State and RWQCBs assess water quality data for California’s waters every two years to determine if they contain pollutants at levels that exceed protective water quality criteria and standards. This biennial assessment is required under Clean Water Act (CWA) Section 303(d). Once a water body has been listed as “impaired”, a Total Maximum Daily Load (TMDL) for the constituent of concern (pollutant) must be developed for that water body. According to the Los Angeles RWQCB, the Calleguas Creek Watershed is listed pursuant to CWA 303(d) for the following pollutants:⁴

- Ammonia;
- Boron;
- ChemA;
- Chlordane;
- Chloride;
- Chlorpyrifos;
- Copper;
- DDT;
- Diazinon;
- Dieldrin;
- Endosulfan;
- Fecal Coliform;
- Indicator Bacteria;
- Lindane/gamma-Hexachlorocyclohexane
- Malathion;
- Nitrogen, Nitrite, Nitrate;
- Nitrate as Nitrate;
- Organophosphate Pesticides;
- Polychlorinated biphenyls;
- Sedimentation/Siltation;
- Selenium;
- Sulfates;
- Total DDT;
- Total Dissolved Solids;
- Toxaphene;
- Toxicity; and
- Trash.

⁴ State water resources control board, *2022 California 303(d) list of water quality limited segments -category 5*, https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_revised_final/apx-c-catreports/category5_report.shtml, 2022.

Surface Water

Major water bodies within the Calleguas Creek Watershed area include the following: Arroyo Conejo, Conejo Creek, Arroyo Santa Rosa, Arroyo Simi, Arroyo Las Posas, Calleguas Creek, Revolon Slough, and Mugu Lagoon. Historically, creeks and tributaries in the Calleguas Creek Watershed only flowed seasonally, with little flow during the summer months. Much of the water flow now is perennial, and is predominantly fed continuously by treated wastewater flows, with secondary surface flows originating from rising groundwater, agricultural and urban runoff, and periodic stormwater flows.⁵

Groundwater

The proposed project site is located in the Conejo Valley Groundwater Basin, which is a relatively small alluvial basin underlying the Conejo Valley in southern Ventura County, bounded by surface drainage divides. Ground surface elevation ranges from 300 to 2,300 feet above sea level and surface waters are drained westward by Conejo Creek. Average annual precipitation ranges from 13 to 17 inches.⁶ The annual average precipitation is 14.82 inches. Rainfall occurs most frequently in February, with an average rainfall of 3.33 inches.⁷

The principal water-bearing formations are Quaternary alluvium and the Modelo, Topanga, and Conejo Formations. Quaternary alluvium in the City of Thousand Oaks averages up to 60 feet thick. The valley floor is covered by a thick layer of Quaternary alluvium which can be up to 400 feet thick. The Miocene Modelo Formation consists of marine sandstones and shales and can be up to 6,500 feet thick. The Miocene-age Topanga and Conejo Formations are coeval intercalated deposits; the former consists of sandstone, conglomerate, and shale, and the latter contains volcanic tuff, debris flow, basaltic flow and breccia deposits that reach up to 13,000 feet thick. Because these formations have high porosity, they produce much of the groundwater in the basin. Groundwater in the Conejo Valley Basin is unconfined and generally flows westward.⁸

The Quaternary alluvium and Modelo, Topanga, and Conejo Formations do not cause significant water quality impairments to the groundwater available in the basin. Groundwater derived from the Modelo and Topanga Formations may contain calcium-magnesium bicarbonate and magnesium-calcium sulfate. Groundwater from other parts of the basin may range from magnesium-calcium bicarbonate to calcium-magnesium bicarbonate in character because of volcanic deposits. Based on water quality data taken from public supply wells, contaminants such as inorganics, radiological substances, pesticides, and VOCs or SVOCs are not a concern for the basin, however one well had nitrate concentration levels above the maximum contaminant level.⁹

Per the geotechnical investigations in the project area, groundwater was encountered at depths ranging from approximately 17-38 feet below ground surface.¹⁰ Historic groundwater levels indicate historic high groundwater levels at approximately 10 feet below ground surface.

⁵ Ventura County Public Works. 2020. "Calleguas Creek." <https://www.vcpbublicworks.org/wp/calleguas-creek/>.

⁶ Department of Water Resources, "Conejo Valley Groundwater Basin", https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/4_010_Conejo-alley.pdf, 2004.

⁷ Period of Record Monthly Climate Summary, *Oxnard, CA*, <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca6569>, accessed February 21, 2023.

⁸ Department of Water Resources, "Conejo Valley Groundwater Basin", https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/4_010_Conejo-alley.pdf, 2004.

⁹ Department of Water Resources, "Conejo Valley Groundwater Basin", https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/4_010_Conejo-alley.pdf, 2004.

¹⁰ Priority One Environmental, Inc., *Phase 1 Environmental Site Assessment Report*, June 2022.

It should be noted that water table elevations fluctuate with time since they are dependent upon seasonal precipitation, irrigation, land use, and climatic conditions as well as other factors. Therefore, water level observations at the time of the field investigation may vary from those encountered both during the construction phase and the operational life of the proposed project.

5.9.2 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.

Impaired Water Bodies

CWA Section 303(d) and California’s Porter-Cologne Water Quality Control Act require that the State establish the beneficial uses of its State waters and to adopt water quality standards to protect those beneficial uses. Section 303(d) establishes a TMDL, which is the maximum quantity of a contaminant that a water body can maintain without experiencing adverse effects, to guide the application of State water quality standards. Section 303(d) also requires the State to identify “impaired” streams (water bodies affected by the presence of pollutants or contaminants) and to establish the TMDL for each stream.

National Pollution Discharge Elimination System

To achieve its objectives, the CWA is based on the concept that all discharges into the nation’s waters are unlawful, unless specifically authorized by a permit. The NPDES is the permitting program for discharge of pollutants into surface waters of the United States under CWA Section 402. Thus, industrial and municipal dischargers (point source discharges) must obtain NPDES permits from the appropriate RWQCB. The existing NPDES (Phase I) stormwater program requires municipalities serving more than 1,000,000 persons to obtain a NPDES stormwater permit for any construction project larger than five acres. Proposed NPDES stormwater regulations (Phase II) expand this existing national program to smaller municipalities with populations of 10,000 persons or more and construction sites that disturb more than one acre. For other dischargers, such as those affecting groundwater or from nonpoint sources, a Report of Waste Discharge must be filed with the RWQCB. For specified situations, some permits may be waived, and some discharge activities may be handled through inclusion in an existing General Permit.

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 Mugu Lagoon, which ultimately drains to the Pacific Ocean. The beneficial land uses in Mugu Lagoon are identified in Table 5.9-1.

**Table 5.9-1
Beneficial Use Designations for Major Water Bodies in the Project Area**

| Beneficial Use | Water Body |
|---|-------------|
| | Mugu Lagoon |
| Municipal and Domestic Supply (MUN) | N/A |
| Agriculture Supply (AGR) | N/A |
| Preservation of Biological Habitats (BIOL) | E |
| Industrial Service Supply (IND) | N/A |
| Industrial Process Supply (PROC) | N/A |
| Groundwater Recharge (GWR) | N/A |
| Freshwater Replenishment (FRSH) | N/A |
| Navigation (NAV) | E |
| Hydropower Generation (POW) | N/A |
| Commercial and Sport Fishing (COMM) | Ed |
| Aquaculture (AQUA) | N/A |
| Wildlife Habitat (WILD) | Eo |
| Marine Habitat (MAR) | N/A |
| Warm Freshwater Habitat (WARM) | N/A |
| Cold Freshwater Habitat (COLD) | N/A |
| Inland Saline Water Habitat (SAL) | N/A |
| Estuarine Habitat (EST) | E |
| Marine Habitat (MAR) | E |
| Preservation of Rare and Endangered Species (RARE) | Ee, p |
| Wetland Habitat (WET) | E |
| Migration of Aquatic Organisms (MIGR) | Ef |
| Spawning, Reproduction, and/or Early Development (SPWN) | Ef |
| Shellfish Harvesting (SHELL) | Ed |
| Recreation 1 (REC1) | Pn |
| Recreation 2 (REC2) | E |

Source: RWQCB 2020.

Notes: N/A = not applicable. 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. P = potential beneficial uses. d = limited public access precludes full utilization. o = marine habitats of the Channel Islands and Mugu Lagoon serve as pinniped haul-out areas for one or more species (i.e., sea lions). p = habitat of the Clapper Rail. n = area is currently under control of the Navy: swimming is prohibited. Some designations may be considered for exemption at a later date (see pages 2-3, 4 of the RWQCB-LA Basin Plan [2020] for more details).

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.

State Water Resources Control Board

The SWRCB administers water rights, water pollution control, and water quality functions throughout the State, while the RWQCBs conduct planning, permitting, and enforcement activities. For the proposed project, the NPDES permit is divided into two parts: construction, and post-construction. Construction permitting is administered by the SWRCB, while post-construction permitting is administered by the RWQCB. In California, NPDES permits are also referred to as waste discharge requirements (WDRs) that regulate discharges to waters of the United States.

Construction General Permit Order 2009-0009-DWQ

On November 16, 1990, the U.S. EPA published final regulations that established stormwater permit application requirements for specified categories of industries. The regulations provide that discharges of stormwater to waters of the United States from construction projects are effectively prohibited unless the discharge complies with an NPDES Permit. On August 19, 1999, the State Water Board reissued the General Construction Stormwater Permit (Water Quality Order 99-08-DWQ). On December 8, 1999, the State Water Board amended Order 99-08-DWQ to apply to sites as small as one acre.

Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Stormwater Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ (it is acknowledged that this permit has been administratively extended until a new order is adopted and becomes effective). Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore a facility's original line, grade, or capacity.

To obtain coverage under the Construction General Permit, Permit Registration Documents (PRDs), including a Notice of Intent (NOI), Risk Assessment, Site Map, and Storm Water Pollution Prevention Plan (SWPPP), among others, must be filed with the SWRCB prior to commencement of construction activity. The NOI would notify the SWRCB of the applicant's intent to comply with the Construction General Permit. The SWPPP, which must be prepared by a Qualified SWPPP Developer (QSD), would include a list of best management practices (BMPs) the discharger would use to protect stormwater run-off and the placement of those BMPs. Additionally, the project's SWPPP must contain a visual monitoring program and a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs.

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. 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. 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.

A new Regional Phase I MS4 NPDES permit (Order No. R4-2021-0105) was issued by the RWQCB on September 11, 2021, which covers Ventura and Los Angeles Counties and all the incorporated cities therein. The permit contains discharge prohibitions, receiving water limitations, effluent limitations and discharge specifications, monitoring and reporting program requirements, stormwater management program minimum control measures, watershed management programs, and other provisions to reduce the discharge of pollutants and mandate participating municipalities to implement a Watershed Management Program or SMP control measures. The Watershed Management Programs incorporate customized strategies, control measures, and BMPs that include construction controls (such as a grading ordinance), legal and regulatory approaches (such as stormwater ordinances), inspection activities, wet weather monitoring, and special studies. The permit allows the permittees flexibility in determining whether to implement a Watershed Management Program, an Integrated or Coordinated Integrated Monitoring Program, or to address baseline requirements through SMP control measures. WMPs and Monitoring Programs are due in September 2023 for approval by the RWQCB. As of June 2023, several permittees have submitted WMPs and Monitoring Programs, some in groups and some individually. The Ventura County Watershed Protection District serves as the lead coordinator for the incorporated cities of Ventura County, and collectively they are a WMP participant and are participating in a Coordinated Integrated Monitoring Program. The countywide WMP is not yet available, however public outreach regarding program development occurred in July 2023.

During operation of the proposed project, nonstormwater 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).

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 Conejo 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 Conejo 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 are 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.

Thousand Oaks Municipal Code

Municipal Code Title 7, Chapter 1, Curbs, Gutters, Sidewalks, Pavements, Rights-of-Way, and Drainage Facilities:

Municipal Code Title 7, Chapter 1, Curbs, Gutters, Sidewalks, Pavements, Rights-of-Way, and Drainage Facilities, determines that every owner, or lessee or agent thereof, constructing or substantially modifying or causing the construction of, or substantial modifications to, a building...shall provide or make provisions for the constructions of sidewalks, curbs, gutters, adequate drainage facilities, and paving, unless adequate sidewalks, curbs, gutters, drainage facilities, and paving exist along all street frontages adjoining the lot on which the building is to be constructed or modified.

Municipal Code Title 7, Chapter 3, Grading*:

Municipal Code Title 7, Chapter 3, Grading*, establishes requirements for regulating grading and procedures to enforce such requirements, with the goal of protecting health, property, and public welfare. Permits and compliance with CEQA are required measures for all projects involving grading that meet certain thresholds. All construction for which a permit is required is subject to inspections by authorized City employees and the City Engineer. Appropriate erosion control and drainage devices are identified and requirements for the use and material of different types of devices are outlined. Requirements for various types of fill, excavation, and operations on unstable soil are provided, as well as penalties for violations.

Municipal Code Title 7, Chapter 8, Stormwater Discharges and Stormwater Quality Management:

Municipal Code Title 7, Chapter 8, Stormwater Discharges and Stormwater Quality Management, establishes local regulations, pursuant to the Clean Water Act, to prohibit certain acts and inappropriate discharges into the storm drain system, and to require the implementation of best management practices by property owners to reduce the discharge of pollutants. Improper property maintenance and illicit connections and discharges are prohibited. This chapter also mandates that all development activity within the City must follow all stormwater pollution control and prevention plans, stormwater quality master plans, and other requirements established by the City regarding urban runoff and watersheds. This chapter also establishes the right to enter to inspect facilities.

5.9.3 Impact Thresholds and Significance Criteria

Section X of Appendix G of the CEQA Guidelines contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality (refer to Impact Statement HWQ-1);
- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin (refer to Impact Statement HWQ-2);
- c) 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 which would:
 - i. Result in substantial erosion or siltation on- or off-site (refer to Impact Statement HWQ-3);
 - ii. Substantially increase the rate or amount of surface run-off in a manner that would result in flooding on- or off-site (refer to Impact Statement HWQ-3);

- iii. 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 (refer to Impact Statement HWQ-3);
- iv. Impede or redirect flood flows (refer to Impact Statement HWQ-3);
- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants as a result of project inundation (refer to Impact Statement HWQ-4); and/or
- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (refer to Impact Statement HWQ-5).

Based on these standards, the effects of the proposed project have been categorized as either a “less than significant impact” or a “potentially significant impact”. Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant unavoidable impact.

5.9.4 Impacts and Mitigation Measures

Impact HWQ-1 Grading, excavation, and construction activities associated with the proposed project could impact water quality.

Impact Analysis

SHORT-TERM CONSTRUCTION IMPACTS

Project-related construction activities could result in short-term impacts to water quality associated with the handling, storage, and disposal of construction materials, maintenance and operation of construction equipment, and earthmoving activities. These activities could result in on- and off-site soil erosion due to stormwater run-off or operation of mechanical equipment. Poorly maintained construction vehicles and heavy equipment leaking fuel, oil, antifreeze, or other vehicle-related fluids on the site are also common sources of stormwater pollution and soil contamination.

Given that the project would disturb more than one acre of land, the project would be subject to the NPDES permit requirements and would be required to prepare and submit a Notice of Intent and a SWPPP to the SWRCB demonstrating compliance with the Construction General Permit. The Construction General Permit requires the following:

- Non-stormwater discharges from construction sites are required to be eliminated or reduced to the maximum extent practicable; a SWPPP shall be prepared to govern project construction activities; and
- Routine inspections shall be performed of all stormwater pollution prevention measures and control practices being used at the site, including inspections before and after storm events.

Should the project encounter groundwater during on-site grading, dewatering activities would also require permitting and would be covered under the required NPDES permit. The SWPPP would identify point and nonpoint sources of pollutant discharge within the project site that could adversely affect water quality in the City. The SWPPP is required to include the following, among other components:

- A list of BMPs that would be used to control sediment and other pollutants in storm water and non-storm water runoff;
- A visual monitoring program;
- A chemical monitoring program for “nonvisible” pollutants to be implemented if there is a failure of BMPs; and
- A monitoring plan if the site discharges directly to a water body listed on the State’s 303(d) list of impaired waters.

Examples of construction BMPs include soil and wind erosion controls, sediment controls, tracking controls, non-stormwater management controls, and waste management controls. Compliance with the NPDES Construction General Permit requirements would minimize short-term construction water quality impacts.

It is the City's policy to preserve aquatic resources and water quality in the groundwater basin by seeking strict quality standards and enforcement (General Plan Conservation Element Policy CO-15). Accordingly, the project would be required to comply with Municipal Code Title 7, Chapter 1, Curbs, Gutters, Sidewalks, Pave-Outs, Rights-of-Way, and Drainage Facilities, Municipal Code, Title 7, Chapter 3, *Grading**, and Title 7, Chapter 8, Stormwater Discharges and Stormwater Quality Management, all of which would ensure construction-related impacts to water quality would be minimized to less than significant levels. Specifically, Municipal Code Title 7, Chapter 3, *Grading**, details requirements for obtaining grading permits for construction activities, which include grading plans and specifications prepared and signed by a civil engineer and supporting data consisting of soil engineering and engineering geology reports. Erosion control plans and water quality maintenance are also required to ensure erosion impacts are reduced with implementation of erosion control system devices, such as inlet structures, cleanouts, down drains, etc. Municipal Code Title 7, Chapter 8, Stormwater Discharges and Stormwater Quality Management, requires compliance with the NPDES permit, proof of a SWPPP and other BMPs in construction plans prior to issuance of a grading permit, and otherwise reinforces the authority of State regulations at a local level.

As discussed in Impact HAZ-1 in Section 5.8.4, Hazards and Hazardous Materials, 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 comply with existing Federal, State, and local regulations and standards for the transport, use, and disposal of hazardous materials to prevent public safety hazards. These regulations include the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, California Hazardous Waste Control Act, and California Accidental Release Prevention Program, among others, and the contractor would need to prepare and implement a 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.

Based on the depth to groundwater in the vicinity of the project site (17-38 feet below ground¹¹) and the maximum anticipated depth of excavation required for the proposed building's conventional shallow spread footings, construction would not be expected to encounter groundwater. In addition, no active groundwater wells that would provide a direct conduit to groundwater are located at the project site. As such, construction would not have the potential to encounter or introduce contaminants into the groundwater.

Given the size of the project, the required SWPPP would discuss potential site pollutants, identify minimum BMPs, and require development of a construction site monitoring plan for the project. In addition, the City is required to regulate stormwater quality at construction sites in accordance with the NPDES Storm Water Permit and Waste Discharge Requirements for the Municipal Separate Storm Sewer Systems (MS4) within Ventura County (NPDES Permit No. CAS0040002) (MS4 Permit). Under this County of Ventura permit, the City is required to ensure implementation of adequate BMPs at active construction sites.

¹¹ Priority One Environmental, Inc., *Phase 1 Environmental Site Assessment Report*, June 2022.

LONG-TERM OPERATIONAL IMPACTS

The project site is currently developed/disturbed and is largely covered with impervious surfaces. Compared to existing conditions, the proposed project would not significantly alter the commercial character of the site, involve extensive landscaping, or change the proportion of impervious surfaces on-site. Due to the project's area of disturbance of approximately 1.21-acres, the project will be subject to the MS4 onsite retention requirements. Thus, project implementation is not anticipated to result in substantially increased surface runoff.

To help prevent long-term impacts associated with the proposed development, and in accordance with the requirements of the City and the regional MS4 Permit, the project would also be required to implement low-impact development (LID) features to reduce water-quality impacts during project operations. The redevelopment would be required to incorporate site design principles and techniques, source control measures, retention BMPs, biofiltration BMPs, and/or treatment control measures to reduce water-quality impacts during project operations, as well as implement maintenance procedures to ensure that selected LID features provide effective, long-term pollution control to pollutants such as suspended-solids/sediments, nutrients, heavy metals, pathogens (bacteria/virus), pesticides, oil and grease, toxic organic compounds, and trash and debris. The LID design would be completed in accordance with the Ventura County Technical Guidance Manual for Stormwater Quality Control Measures Manual (Ventura County Stormwater Manual). Project implementation would include drainage improvements, while drainage patterns would remain the same as existing conditions, in that the gutter and drainage systems located west of the project footprint along the adjacent service road would remain the primary resource for drainage. Incorporation of mandated BMPs during construction and installation of LID features for project operations, as described above, would filter out stormwater contaminants.

In addition, the project would include an HMBP that would require hazardous materials used for operations to be properly used and stored in appropriate containers, that spill prevention measures would be implemented, and that spill response procedures would be in place to respond to accidental releases. The California Fire Code would also require measures for the safe storage and handling of hazardous materials.

With implementation of State, regional, and local regulations and requirements, BMPs, and LID features, stormwater runoff generated during short- and long-term project construction and operations would be minimal and would be adequately controlled prior to entering the City's existing storm drain system. As such, the project would not result in violation of water quality standards or waste discharge requirements or otherwise substantially degrade water quality. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact HWQ-2 The proposed project would not deplete groundwater supplies or interfere with groundwater recharge.

Impact Analysis: The proposed project would not result in any groundwater excavation or the depletion of groundwater supplies. Groundwater was encountered at sites nearby at depths of 17 to 38 feet below existing grades, and the project site does not rest above a drinking water aquifer. Construction and operation of the project would use a municipal water supply and would not use any wells or other direct means of extracting groundwater for water supply use. The project site is within the boundaries of California American Water (Cal-AM), which receives its water from Calleguas Municipal Water District (CMWD). CMWD is a wholesale water agency whose primary source of water is State Water

Project (SWP) water purchased from Metropolitan Water District of Southern California (MWD). Although CMWD has incorporated groundwater storage strategies and water transfer agreements into its water resources portfolio, CMWD does not pump native groundwater.¹² Furthermore, purchased SWP water is sourced from surface water in Northern California, primarily the Feather River Watershed located east of the California-Nevada border near Reno. Therefore, the project's water demand would not substantially indirectly interfere with groundwater recharge or impede sustainable groundwater management of basins under the purview of the water supplier(s). Based on the City's 2020 Urban Water Management Plan, groundwater from the underlying Conejo Valley Groundwater Basin is not currently part of the City's water supply but may be used beginning in 2025. Groundwater within the City is of poor quality and would likely require treatment in a desalter prior to municipal use. Regardless, as part of its reliability analysis, CMWD's planning documents anticipate having sufficient supplies to meet water demands through 2045, and anticipate having surplus supplies, including during 5 consecutive drought years. As a result, 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. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact HWQ-3 The proposed project would not substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, flooding on- or off-site, overflow of existing or planned storm water drainage systems, increases in sources of polluted run-off, or impeded flood flows.

Impact Analysis: The project site is currently developed and is covered with impervious surfaces, including sidewalks and an existing building. There are drainage inlets throughout the site that connect to the existing City storm drain network, and current surface drainage flows west toward gutters located along the service road adjacent to the project footprint. According to the Drainage Memo, prepared by Kimley-Horn and Associates, Inc. (dated December 13, 2022), the proposed drainage pattern would match existing conditions and primarily drain toward the western side of the service road and into nearby catch basins. It is anticipated that the impervious surface area would remain approximately the same as existing conditions with redevelopment, thus runoff flow rates and volumes would be similar to the existing conditions and only minimal drainage improvements would be required. Therefore, construction of the proposed project would not substantially alter the existing drainage pattern of the site or area. Internal drainage improvements would be completed to accommodate new construction, but the overall drainage pattern would remain similar to existing conditions. Further, erosion/siltation during construction activities would be minimized by complying with the NPDES Construction General Permit requirements related to erosion. Through implementation of all applicable regulations, proposed runoff rates are anticipated to be the approximately the same as existing conditions. The project would therefore have minimal effect on existing or planned storm water drainage systems and would not exceed their capacity beyond levels already being generated by the existing site conditions. As such, impacts related to erosion, siltation, and storm water drainage systems would be less than significant in this regard.

Additionally, the project site is not located within a flood hazard zone. The project site is located within the FEMA Flood Unshaded Zone 'X' per FEMA Flood Insurance Rate Map (FIRM) No. 06111C0967E, map revised January 20, 2010. Flood Unshaded Zone 'X' represents areas of minimum flood hazard. Thus, project development on-site would not exacerbate existing flood hazard conditions. Given that project implementation would not substantially increase the amount or

¹² Calleguas Municipal Water District. 2021. "2020 Urban Water Management Plan." June 2021. Pg. 6-5.

rate of runoff, the project similarly would not result in flooding impacts off-site. Further, because project development would not substantially alter existing land use or impervious surface conditions, the project would not impede or redirect flood flows. Conditions under redevelopment of the site would remain very similar to existing conditions. Impacts would be less than significant in this regard.

As analyzed under Impact Statement HWQ-1, the project would be required to comply with all Federal, State, regional, and local regulations regarding the treatment and capture of run-off to protect water quality. As such, the project would be subject to the NPDES permit requirements and would be required to establish a SWPPP and list of BMPs for construction and operation of the project. The project would also be required to implement LID features to reduce water quality impacts during the project's operational phase in accordance with the Ventura County Stormwater Manual. Compliance with all applicable regulations and procedures would ensure that the project would not provide substantial additional sources of polluted runoff. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact HWQ-4 The proposed project would not risk release of pollutants as a result of inundation by tsunamis, floods, or seiche zones.

Impact Analysis: As discussed in Impact Statement HWQ-3, the project is not located in a flood hazard zone. The closest tsunami hazard area, as identified by the California Department of Conservation, is 10 miles south and its boundary is limited to the coastline. The project would not be subject to tsunamis, as it is approximately 10 miles north of the Pacific Ocean and protected by the Santa Monica Mountains which are located south of the City. No major water-retaining structures are located immediately upslope of the project site, and, as referenced in the Safety Element of the General Plan, risk of flooding from a seismically induced seiche is not a concern. A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. The project site is not in the vicinity of a reservoir, harbor, lake, or storage tank capable of creating a seiche that could inundate the project area. As a result, the project would not risk releases of pollutants due to project inundation, and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact HWQ-5 The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Impact Analysis: The 2014 Sustainable Groundwater Management Act requires local public agencies and groundwater sustainability agencies in high- and medium-priority basins to develop and implement groundwater sustainability plans (GSPs) or prepare an alternative to a GSP. The project site is located within the Conejo Valley Groundwater Basin (CVB), which is ranked as a low to very low priority basin by the California Department of Water Resources. Therefore, there is no groundwater sustainability plan established for the CVB pursuant to the 2014 Sustainable Groundwater Management Act. The proposed development would not conflict with or obstruct implementation of a local plan upon compliance with existing water quality and groundwater regulations. Furthermore, neither construction nor operation of the project is anticipated to encounter groundwater, therefore, the extraction of groundwater would not be required. Additionally, as detailed in Impact Statement HWQ-2, the project would not (1) directly interfere with groundwater recharge as the project site is unlikely to serve as an existing source of groundwater recharge for the Basin

and implementation of the project would result in a reduction of impervious surface area at the site; or (2) indirectly interfere with groundwater recharge as the project's water supply would be provided by CMWD, which does not pump native groundwater.

Water quality control plans applicable to the project include the LARWQCB's Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan). Adopted by the LARWQCB, the Basin Plan designates beneficial uses for surface and groundwaters, sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state's anti-degradation policy, and describes implementation programs to protect all waters in the Los Angeles Region. In addition, the Basin Plan incorporates (by reference) all applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. Construction and operation of the project would involve activities that have the potential to conflict with the water quality goals in the Basin Plan through the spread of contaminants into surface or groundwater supplies. However, as discussed in Impact Statement HWQ-1, water quality impacts during construction would be minimized as a result of the implementation of a SWPPP, in accordance with the NPDES Construction General Permit (Order No. 2009-009-DWQ). Similarly, water quality impacts during operations would be minimized as a result of the implementation of the Ventura County Stormwater Manual. These programs would in turn contribute to compliance with the water quality objectives of the Water Quality Control Plan, Los Angeles Region. As a result, the project would not conflict with a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.9.5 Cumulative Impacts

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in Table 4-1, Cumulative Projects List, and illustrated in Exhibit 4-1, Cumulative Projects Map, cumulative projects are located on both developed and undeveloped sites.

For purposes of hydrology and water quality, cumulative impacts are considered for cumulative projects located in the same watershed (i.e., Calleguas Creek Watershed) as the proposed project.

WATER QUALITY

- The proposed project, combined with other related cumulative projects, could violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.

Impact Analysis: Cumulative projects could contribute to water quality degradation in the City. However, similar to the proposed project, cumulative projects would be required to mitigate specific hydrologic impacts on a project-by-project basis pursuant to all applicable Federal, State, and local stormwater regulations and requirements, including NPDES and MS4 permit requirements (i.e., preparing and implement project-specific SWPPPs and associated BMPs and/or LID features). Additionally, the Municipal Code incorporates Federal and State regulations and guidelines pertaining to stormwater runoff to reduce or eliminate regional water quality impacts.

As discussed in Impact Statement HWQ-1, the project would be required to implement site design, source control, and LID BMPs, which would ensure the proposed development does not adversely impact existing drainage courses and hydrologic flows in the project area. Construction-related BMPs would be proposed to reduce construction-related

runoff volume and pollutants. Overall, the implementation of a SWPPP, BMPs, and other applicable regulations and procedures would effectively minimize the off-site discharge of anticipated and potential pollutant runoff during construction and post-development conditions. As a result, the project would not result in violation of water quality standards or waste discharge requirements or otherwise substantially degrade water quality. Therefore, implementation of the proposed project would not result in a substantial cumulative contribution to water quality impacts and impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

EROSION, FLOODING, STORMWATER DRAINAGE SYSTEMS, POLLUTED RUNOFF

- The proposed project, combined with other related cumulative projects, could substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site. The proposed project, combined with other related cumulative projects, could also create or contribute runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Impact Analysis: Cumulative projects could alter drainage patterns in the watershed and result in substantial erosion/siltation and/or flooding. However, as stated above, cumulative projects would be required to consider specific hydrologic impacts on a project-by-project basis pursuant to all applicable Federal, State, and local stormwater regulations and requirements, including NPDES, MS4 permit requirements, and FEMA guidelines. These regulations would require project-specific BMP conditions, LID features, and/or on-site retention techniques, which would reduce peak flow rate or runoff volumes. As such, potential erosion/siltation and flooding would be reduced with compliance with existing Federal, State, and local laws and regulations.

As stated above, the project would be required to propose site design, source control, and LID BMPs. As discussed in Impact Statement HWQ-3, the proposed project does not result in a significant change in stormwater runoff generated from the project site when compared to existing conditions. Thus, project operations would not increase runoff in a manner that would result in substantial erosion, siltation, or flooding on- or off-site. Further, erosion/siltation during construction activities would be minimized with implementation of construction related BMPs required under the NPDES program. As such, implementation of the proposed project would not result in a substantial cumulative contribution to erosion, siltation, or flooding on- or off-site and impacts in this regard would be less than significant.

Additionally, cumulative projects could contribute runoff water, impact stormwater drainage systems, or generate substantial additional sources of runoff in Thousand Oaks. However, as stated above, cumulative projects would be required to mitigate specific hydrologic impacts on a project-by-project basis pursuant to all applicable Federal, State, and local stormwater regulations and requirements, including NPDES and MS4 permit requirements (i.e., project-specific SWPPP, associated BMP conditions or LID features, and possibly on-site retention techniques). It is the City's policy to identify local storm drainage deficiencies and develop a capital improvement program for the correction and replacement of aging or inadequate drainage system components to ensure the Citywide drainage system has adequate capacity to accommodate existing and future uses. The City would also require individual development projects to prepare drainage and hydrology analyses that ensure on- and off-site drainage facilities can accommodate any increases in stormwater flows pursuant to Municipal Code Chapter 8. Implementation of these regulations would minimize increases in peak flow rates or runoff volumes on a project-by-project basis.

As concluded in Impact Statement HWQ-3, project implementation would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Stormwater runoff would remain the same when compared to existing conditions at the project site. As such, implementation of the proposed project would not result in a substantial cumulative contribution to runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts in this regard would be less than significant and the project would not be significantly cumulatively considerable.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

PROJECT INUNDATION

- The proposed project, combined with other related cumulative projects, could risk release of pollutants due to project inundation.

Impact Analysis: Depending on the location of cumulative projects within the City, such projects could result in the release of pollutants due to project inundation in seiche zones. None of the cumulative projects are in flood or tsunami hazard zones. Given the site-specific nature of seiche zones, future cumulative projects would be analyzed on a project-by-project basis and would be required to comply with existing local, State, and Federal regulations related to seiche hazards. As such, potential pollutant release due to project inundation would be reduced with compliance with existing regulations.

As discussed in Impact Statement HWQ-3 and HWQ-4, the proposed development would not be impacted by potential seiche, tsunamis, or floods. Additionally, the project would result in similar stormwater runoff volumes under post-development conditions compared to existing conditions, and runoff would be conveyed into the City's existing storm drain system. Thus, project implementation would not result in a substantial cumulative contribution to the release of pollutants due to project inundation. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

WATER QUALITY CONTROL PLAN/SUSTAINABLE GROUNDWATER MANAGEMENT PLAN

- The proposed project, combined with other related cumulative projects, could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Impact Analysis: Similar to the proposed project, cumulative projects in the project area are located within the CVB, which is ranked as a low to very low priority basin. Therefore, there is no groundwater sustainability plan established for the CVB and cumulative projects would not conflict with or obstruct a sustainable groundwater management plan in this regard. Cumulative projects within Thousand Oaks would be required to comply with the Ventura County Stormwater Manual.

As discussed in Impact Statement HWQ-5, the project would be required to implement site design, source control, and LID BMPs. Therefore, the project would not result in a cumulatively considerable impact with regard to conflicting with a water quality control plan or sustainable groundwater management plan. Impacts in this regard would be less than significant and the project would not be significantly cumulatively considerable.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.9.6 Level of Significance After Mitigation

No significant and unavoidable impacts related to hydrology and water quality have been identified.

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5.10 Land Use and Planning

This section addresses the consistency of the project with applicable local and regional land use policies. In addition, it 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), and the City of Thousand Oaks Municipal Code (TOMC). It is further noted that the City is in the process of completing a 2045 General Plan Update branded as the “Thousand Oaks 2045 General Plan: Rooted in Community.” The Draft 2045 General Plan publicly became available on June 2, 2023 (<https://www.toaks2045.org/>).

5.10.1 Existing Setting

EXISTING SETTING AND ADJACENT LAND USES

The proposed Janss Hotel Project (project) site is located within the City of Thousand Oaks (City), in the eastern portion of Ventura County. The project site is located within the central portion of the City, at 225 North Moorpark Road. West Wilbur Road borders the site to the west, North Moorpark Road borders the site to the east, and West Hillcrest Drive borders the site to the south. The site is situated within the Janss Marketplace, an outdoor shopping mall, for which regional access is provided via Highway 101 (U.S. 101) and State Route 23. U.S. 101 is located approximately 1,900 feet south of the hotel site while the closest edge of the Janss Marketplace is located approximately 850 feet from the centerline of U.S. 101. The U.S. 101/State Route 23 interchange is located approximately one mile to the east. Local access to the project site is provided via North Moorpark Road, a minor arterial street, which provides signalized access to the Janss Marketplace and the project site. Exhibit 3-1, Regional Location, and Exhibit 3-2, Site Vicinity, provided in Section 3.0, Project Description, show the location of the project site.

The existing Janss Marketplace is an approximately 611,000 SF shopping center consisting of retail establishments, a gym, a movie theater, restaurants, and a four-story parking structure on approximately 38-acres. Within the 38-acre Janss Marketplace, the proposed hotel would be on an existing 27.16-acre parcel (project site). Within the 27.16-acre parcel, the footprint of the proposed hotel (project footprint) would be approximately 36,300 square feet (0.83-acres) while the project’s area of disturbance (project area of disturbance) would encompass approximately 1.21-acres. The project site is bounded by a service/access road to the west, and a four-story parking structure west of the service road. Retail shops ranging from one- to two- stories in height are located within the Janss Marketplace to the north, east, and south of the project site.

The location of the proposed hotel contains an existing building with a two-story volume, which was previously a Marshall’s department store until 2017 and dental offices until 2019, and has most recently been occupied by “pop up” tenants including the Reign of Terror Haunted House and USA Vein Clinics.

The project site is surrounded by the following uses (also refer to Exhibit 3-2):

- North:** To the north, the project site and the Janss Marketplace are bounded by Brazil Street. Commercial Uses are to the north of Brazil Street, including, but not limited to, Sparkling Image Car Wash, Chick-fil-A Fast Food, and Five Guys Fast Food.
- East:** The project site and the Janss Marketplace are immediately bounded by a large surface parking lot to the east. North Moorpark Road is adjacent to the parking lot. Commercial Uses are to the east of North Moorpark Road, including, but not limited to, Best Buy, Total Wine and More, and Ross Dress for Less.
- South:** The project site and the Janss Marketplace are bounded by a large surface parking lot to the south, followed by West Hillcrest Drive. Commercial uses are south of West Hillcrest Drive, including, but not limited to, Chuck E. Cheese Pizza and Goodwill Retail Store and Donation Center.

West: To the west, the project site is bounded by West Wilbur Road. To the west of West Wilbur Road, uses include a variety of commercial, office, industrial, and residential uses.

Thousand Oaks Planning Designations

General Plan Land Use Designation for the site, as identified by the City's General Plan Land Use and Circulation Element Map, is Commercial; refer to Exhibit 5.10-1, Thousand Oaks General Plan Land Use Map. The existing General Plan does not describe allowed uses and density ranges for commercial, industrial, and institutional land use designations. Under the presently adopted Land Use and Circulation Element Map, surrounding uses to the north of the project site and beyond West Wilbur Road are designated as High Density Residential. Uses to the east and south are designated as Commercial and uses to the west are designated as Commercial/ Residential in the General Plan.

The City is in the process of updating the Thousand Oaks General Plan (General Plan). An updated, 'preferred alternative' Land Use Map was endorsed by City Council in May 2021, but updates to the Land Use Map will not go into effect until the new General Plan is approved (anticipated in Fall-Winter 2023). Based on the Preferred Land Use Map, the project footprint, as part of the Marketplace, is designated Mixed-Use with residential at 20 to 30 du/acre¹. Allowed uses within the Mixed-Use land use designation include: retail, restaurants, entertainment, bars, service commercial uses (such as banks or real estate offices), office buildings, hotels, multi-family buildings and attached single-family, such as rowhouses or townhomes. Detached single-family homes, duplexes and industrial/manufacturing uses are prohibited. Uses such as religious institutions, daycare centers, parks, schools, and other public facilities are allowed. Refer to Section 3.1.3, Project Setting (Existing Conditions) for additional information regarding the pending updates to the Preferred Land Use Map. Refer to Exhibit 5.10-2, which includes the Draft 2045 General Plan Figure 4.4 Land Use Designations. The Draft 2045 General Plan includes Area Specific Guidance that provides Goals and Policies focused on specific areas of the community. Refer to Figure 5.10-1, which includes the Draft 2045 General Plan Moorpark Road/Janss Marketplace Area Specific Guidance. Specifically, the following Goals and Policies are provided for the Moorpark Road/Janss Marketplace area.

Goal LU-16. Repurpose Moorpark Road between Thousand Oaks Boulevard and Wilbur Road into a mixed-use district.

- 16.1.** Site planning. Require the preparation of a specific plan or master plan effort for the mixed-use and commercial properties along Moorpark Road and West Hillcrest Drive and Thousand Oaks Boulevard that comprehensively envisions the future of the area prior to the approval of substantial new development or redevelopment.
- 16.2.** Building heights. Allow building heights of up to 75 feet as specified within a specific plan or zoning height overlay.
- 16.3.** Moorpark Road. Undertake streetscape improvements to slow traffic speeds and create a pedestrian-friendly environment on Moorpark Road between Thousand Oaks Boulevard and just north of Wilbur Road.
- 16.4.** Building setbacks. Amend the zoning regulations to reduce setbacks and parking requirements for buildings along Moorpark Road in order to create a walkable urban streetscape.
- 16.5.** Janss Marketplace. Repurpose the Janss Marketplace to offer a mix of multi-family residential, hotel, entertainment, visitor serving, and commercial uses that result in a destination for residents of Thousand Oaks and the larger region.

¹ Mixed-Use Low Description: This designation provides for neighborhood-serving goods and services and multifamily residential in a mixed-use format (vertical or horizontal) or as stand-alone projects. Buildings with this designation will be designed to be walkable with wide sidewalks, active frontages, and minimal setbacks from the back of the sidewalk.

Thousand Oaks General Plan

Land Use and Circulation Elements

Legend

CIRCULATION ELEMENT

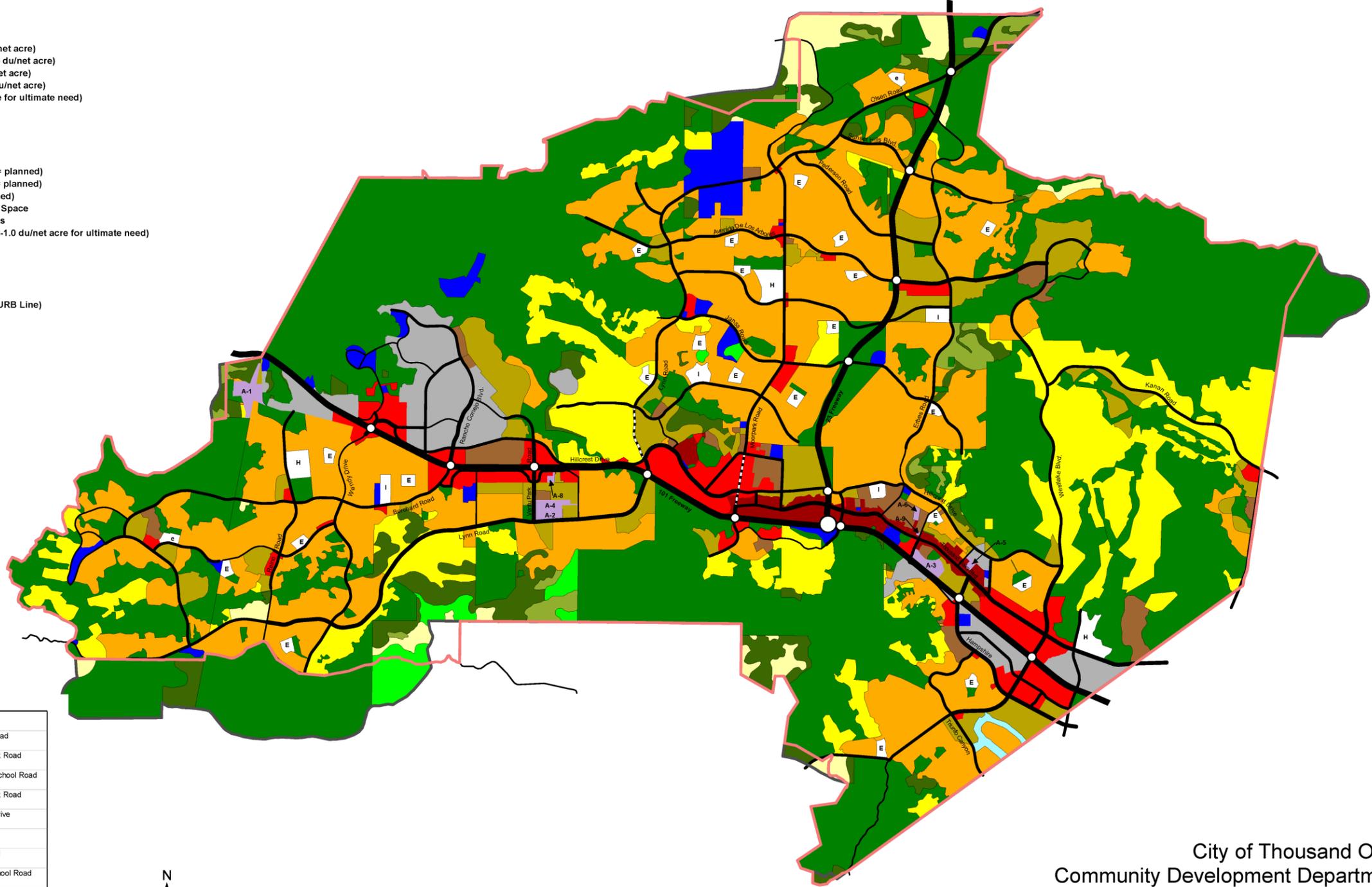
- Freeway
- Six Lane Road
- Five Lane Road
- Four Lane Road
- Two Lane Road

LAND USE ELEMENT

- High Density Residential (15-30 du/net acre)
- Medium Density Residential (4.6-15 du/net acre)
- Low Density Residential (2-4.5 du/net acre)
- Very Low Density Residential (0-2 du/net acre)
- Reserve Residential (0-2 du/net acre for ultimate need)
- Mobile Home Exclusive
- Commercial/Residential
- Commercial
- Industrial
- Institutional
- Elementary School (E = existing, e = planned)
- Intermediate School (I = existing, i = planned)
- High School (H = existing, h = planned)
- Existing Parks, Golf Courses, Open Space
- Proposed Park and Recreation Areas
- Residentially Developable Land (0.2-1.0 du/net acre for ultimate need)
- Undevelopable Land
- Lake

Planning Area Boundary

City Urban Restriction Boundary (CURB Line)



| MOBILE HOME EXCLUSIVE | | |
|-----------------------|-----------------------------------|---|
| A-1 | Vallecito Mobile Home Park | 1251 Old Conejo Road Newbury Park |
| A-2 | Ventu Park Villa Mobile Home Park | 50 South Ventu Park Road Newbury Park |
| A-3 | Thunderbird Oaks Mobile Home Park | 200 South Conejo School Road Thousand Oaks |
| A-4 | Ventu Estates Mobile Home Park | 26 South Ventu Park Road Newbury Park |
| A-5 | Twin Palms Mobile Home Park | 198 North Skyline Drive Thousand Oaks |
| A-6 | Ranch Mobile Home Park | 2133 Los Feliz Drive Thousand Oaks |
| A-8 | Elms Plaza Mobile Home Park | 1262 Newbury Road Newbury Park |
| A-9 | Crestview Trailer Park | 53 North Conejo School Road Thousand Oaks |

0 0.5 1 2 3 Miles



Updated through Resolution Number 2018-017, adopted April 24, 2018

CURB applicable through December 31, 2030 (see Open Space Element, Chapter VII)

City of Thousand Oaks
Community Development Department

2100 E. Thousand Oaks Boulevard
Thousand Oaks, CA 91362
(805) 449-2323

This map was created by the City of Thousand Oaks for administrative use and for the convenience of various City Departments. The map is believed to be an accurate representation of the General Plan land use and circulation designations; however, the City does not make any representation on the extent of detail contained hereon nor warrant its accuracy. To verify specific information about a parcel, please contact the Community Development Department.

GIS/CD/Plan/Community/General Plan Map/General Plan Map 34-22.mxd

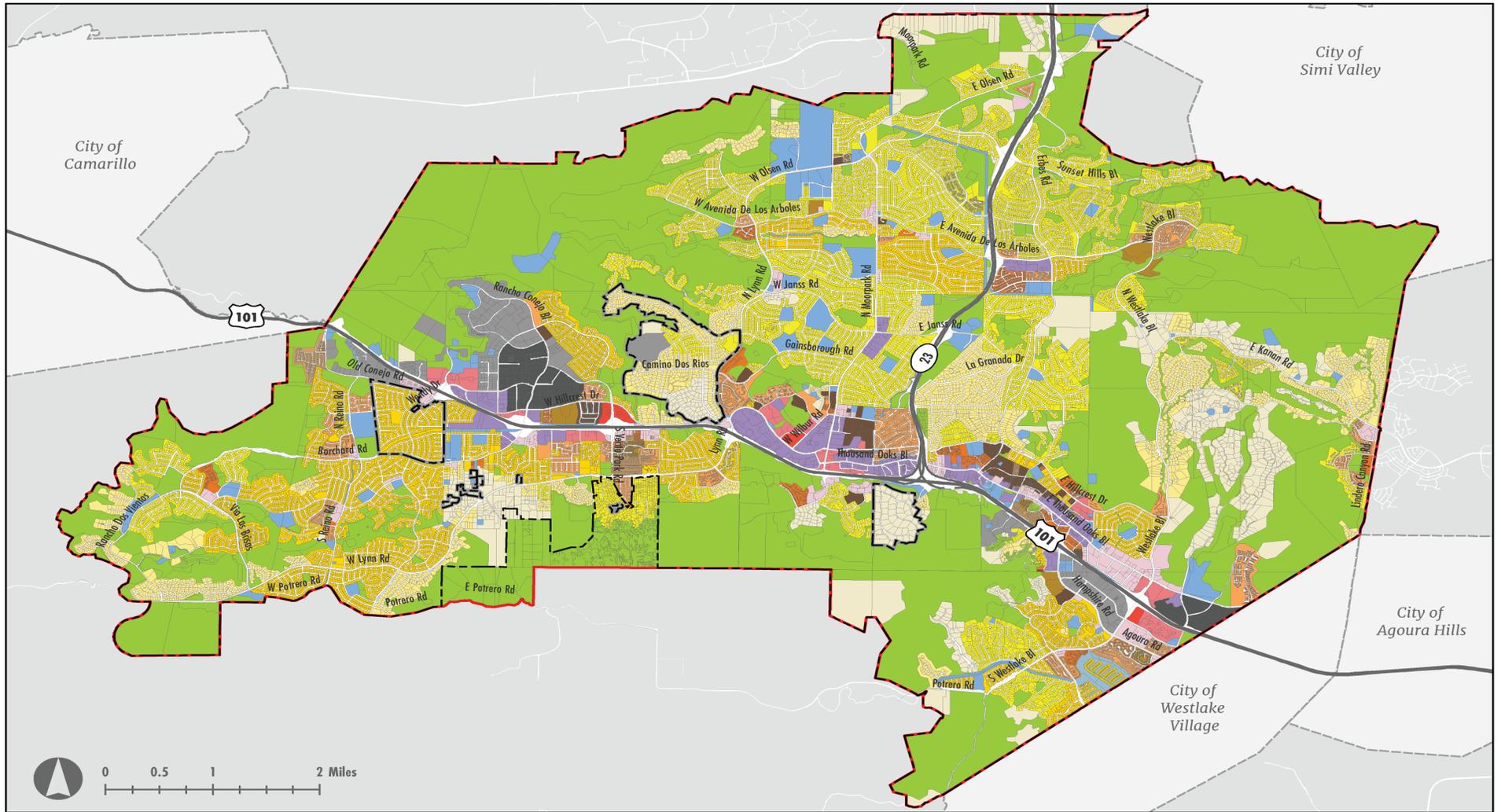


EXHIBIT 5.10-1

Thousand Oaks General Plan Land Use Map

Environmental Impact Report for Janss Hotel Project

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Raimi + Associates 2022 | Data Source: City of Thousand Oaks, County of Ventura, County of Los Angeles; UrbanFootprint Base Canvas, 2022

RESIDENTIAL

- Neighborhood Rural (0 to 1.0 du/acre)
- Neighborhood Very Low (>1 to 2 du/acre)
- Neighborhood Low 1 (>2 to 4.5 du/acre)
- Neighborhood Low 2 (>4.5 to 6 du/acre)
- Neighborhood Low Medium (>6 to 10 du/acre)
- Neighborhood Medium 1 (>10 to 15 du/acre)
- Neighborhood Medium 2 (>15 to 20 du/acre)

- Neighborhood High (>20 to 30 du/acre)
- Mobile Home Exclusive

MIXED-USE

- Mixed-Use (>20 to 30 du/acre, 1.0 FAR)

COMMERCIAL

- Commercial Neighborhood (0.5 FAR)
- Commercial Town (1.0 FAR)
- Commercial Regional (2.0 FAR)

INDUSTRIAL

- Industrial Low (1.0 FAR)
- Industrial Flex (2.0 FAR)

INSTITUTIONAL

- Institutional
- Parks, Golf Courses, And Open Space

- City Limits
- City Sphere
- Unincorporated County Islands
- Freeways
- Major Roads

EXHIBIT 5.10-2

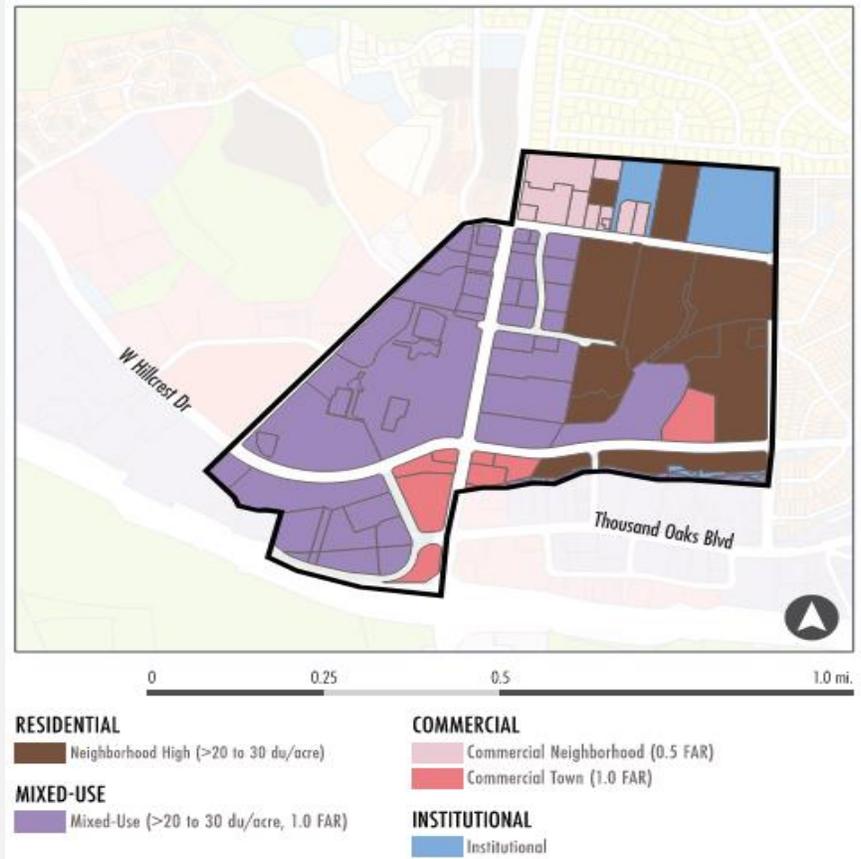
Thousand Oaks Draft 2045 General Plan Land Use Designations

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Zoning

The project site is currently zoned as Community Shopping Center Zone (C-3). According to the Thousand Oaks Municipal Code (TOMC), C-3 is intended for planned shopping centers which serve several neighborhoods and where the land and compatible retail stores and associated facilities are designed and developed together as an integrated unit using modern site planning techniques. The primary tenant will usually be a junior department or variety store, and the center will provide not only convenience goods, such as food, drugs and personal services, but also shopping goods, such as apparel and furniture, as well as professional services and recreation. Shopping Centers of this size will be designed and located to minimize traffic congestion on public highways and streets in the vicinity and to best fit the general land use pattern of the area to be served (TOMC Sec. 9-4.1400).

Figure 5.10-1 Thousand Oaks Draft 2045 General Plan Moorpark Road/Janss Marketplace Area Specific Guidance



Source: City of Thousand Oaks 2045 Draft General Plan

The following discretionary permits are requested with the subject project.

- City of Thousand Oaks – Zoning Change (Z 2021-70997), limited to the footprint of the hotel, from C-3 (Community Shopping Center) to C-3-H (Community Shopping Center – Height Overlay) to increase the hotel’s maximum height to 75 feet;
- City of Thousand Oaks – Tentative Parcel Map (TTM 2022-70265) creating airspace rights which would allow the retail component to be sold separately from the hotel component;
- City of Thousand Oaks – Development Permit (DP 2022-70079) identifying the project’s physical development and consistency with, or waived provisions of the City’s three-dimensional development standards contained in the TOMC. Additionally, specifying the operations of the hotel, including outdoor dining; and
- City of Thousand Oaks – Special Use Permit (SUP 2023-70009), identifying operational characteristics associated with the sale and consumption of alcohol.

5.10.2 Regulatory Setting

FEDERAL

There are no applicable Federal regulations with respect to land use and planning for this project.

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. (California Government Code, Article 8, Sections 65450 through 65457.) 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 (California Government Code, Article 8, Section 65302.).

The land use element identifies the 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 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 that are determined to be important to a community can be adopted by a jurisdiction. After an element has been adopted, it has the same legal standings as the seven state-mandated elements.

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:

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.

As noted above, the City is in process of completing a 2045 General Plan Update. The Draft 2045 General Plans is anticipated to be approved in Fall-Winter 2023.

Zoning

The City's Zoning Ordinance is set forth in Chapter 4, 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 within different zones, with defined regulations that identify permitted uses and applicable development standards such as density, building height, parking, setbacks, and landscaping requirements. As discussed above in section 5.10.1, Existing Setting, the land within the project site is zoned C-3 (Community Shopping Center).

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 project site is situated within the Janss Marketplace, an outdoor shopping mall, for which regional access is provided via U.S. 101. Highway 101 (U.S. 101) is located approximately 1,900 feet south of the hotel site while the closest edge of the Janss Marketplace is located approximately 850 feet from the centerline of U.S. 101. The Janss Marketplace Hotel Project has been designed in full compliance with the Guidelines.

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 engage community participation, pedestrian orientation, and to foster commercial success.

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, *Bicycle Facilities Master Plan*).

North Moorpark Road is adjacent to 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.”

5.10.3 Impact Thresholds and Significance Criteria

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 the 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.

CEQA significance criteria 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:

- a) Physically divide an established community (refer to Impact Statement LU-1); and/or

- b) 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 (refer to Impact Statement LU-2).

5.10.4 Impacts and Mitigation Measures

DIVIDE AN ESTABLISHED COMMUNITY

Impact LU-1 The proposed project would not physically divide an established community.

Impact Analysis: The project would not physically divide an established community nor remove or alter existing neighborhoods.

The project site is located within the existing Janss Marketplace, which is an approximately 611,000 SF shopping center consisting of retail establishments, a gym, a movie theater, restaurants, and a four-story parking structure on approximately 38-acres. The project site is considered an infill site, bounded by North Moorpark Road to the east, East Hillcrest Road to the south, West Wilbur Road to the west, and Brazil Street to the north. Uses to the northwest include commercial, office, and medical buildings, and commercial uses are present to the north, east, and south. The location of the proposed hotel contains an existing building with a two-story volume, which was previously a Marshall’s department store until 2017 and dental offices until 2019, and has most recently been occupied by “pop up” tenants including the Reign of Terror Haunted House and USA Vein Clinics. The project would result in the demolition of approximately 35,500 square feet of commercial development and the construction of a five-story, 216-room hotel with guest amenities and approximately 13,600 square feet of commercial retail space within the Janss Marketplace. Implementation of the project would result in further commercial development within an already developed, commercial area. Commercial buildings with two-story massing currently exist throughout the Janss Marketplace; a Height Overlay has previously been granted for the movie theater (255 North Moorpark Road) and the building formerly occupied by the Burlington Coat Factory (285 North Moorpark Road) to exceed 35 feet up to 44 feet, and a four-story parking structure is located in the Janss Marketplace. Therefore, the construction of a new hotel with a five-story massing would not create a conflict of scale, intensity, or use that would serve as an indirect physical division.

The project would maintain the existing pedestrian and vehicular circulation pattern in the Janss Marketplace. There is an existing four-story parking structure across a service/access road that would provide parking for the project. The proposed project includes pedestrian circulation improvements in order to provide greater continuity with pedestrian access points within the Marketplace. The project would not cause any permanent street closures, block access to any surrounding land use, or cause any change in the existing street grid system. Therefore, development under the proposed project would not result in the division of an existing community; and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less than significant impact.

CONFLICT WITH APPLICABLE PLANS, POLICIES, OR REGULATIONS

Impact LU-2 The project would not cause a significant unavoidable impact that results in 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, Municipal Code,

Guidelines for Development within the Corridors of Route 101 and 23 Freeways, and the SCAG 2020-2045 RTP/ SCS.

Impact Analysis: 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. The analysis provided below concludes 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.

City of Thousand Oaks General Plan

The City's General Plan contains goals and policies for land development. These goals, objectives and policies are listed below, and are followed by a discussion of consistency. The final authority for interpretation of these goals and policy statements, and determination of the consistency of the project with the General Plan rests with the City Council. This section includes a review of consistency with each of the broad Goals of the General Plan, and with applicable land use policies and resolutions.

The 38-acre Janss Marketplace, which includes the project site, has a land use designation of Commercial per the City's General Plan. The entire Janss Marketplace, which includes the project site, is zoned Community Shopping Center (C-3 Zone) with two other height overlays already being granted. Although the existing General Plan does not describe allowed uses and density ranges for commercial, industrial, and institutional land use designations, the City's C-3 zoning allows both the current uses and the proposed project's uses.

The project would be consistent with applicable policies of the General Plan, in that it would not exceed population projections; would be consistent with the General Plan's commercial land use designation; and would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating environmental effects. Refer to Section 5.1, Aesthetics/Light Glare, Table 5.1-1, Project Consistency with Relevant General Plan Policies, which provides a consistency analysis of the proposed project and relevant General Plan goals and policies related to scenic quality. Refer to Table 5.10-2, General Plan Consistency Analysis, for a consistency analysis of other goals and policies.

As noted above, the City is in the process of completing a 2045 General Plan Update.

On May 25, 2021, the City Council endorsed the Draft Preferred Land Use Map, with modifications, which would not go into effect until the new General Plan is approved by City Council. The Preferred Land Use Map would change the General Plan Land Use Designation for the project site to "Mixed-Use," which would "provide for neighborhood-serving goods and services and multifamily residential in a mixed-use format (vertical or horizontal) or as stand-alone projects".²

The Draft 2045 General Plan publicly became available on June 2, 2023 (<https://www.toaks2045.org/>).

The Draft 2045 General Plan is anticipated to be approved in Fall-Winter 2023.

The proposed project would be consistent with the key strategies listed above by introducing a new hotel use in an otherwise commercially dense area. The proposed project is consistent with the hotels, retail, and restaurant uses which are anticipated to be allowed within the Mixed-Use land use designation; with the proposed Floor-Area-Ratio (FAR), a 38-acres would allow up to 1,655,280 square feet of commercial development, and the maximum height of 75 feet where

² City of Thousand Oaks. 2023. Preferred Land Use Designations.

specified by a Height Overlay. The project is approximately 0.30 miles from Thousand Oaks Boulevard and is in proximity to local transit opportunities and non-vehicular modes of transportation. The project would encourage development at a currently underutilized site with additional retail area on the first floor, hotel restaurant and bar, event space, and associated hotel rooms and fitness areas. Development of the project is consistent with the existing neighborhood character of the area. Therefore, the project would be consistent with the proposed “key strategies” of the Draft 2045 General Plan.

Municipal Code Consistency

As referenced by the TOMC, the following entitlements are required in conjunction with the Zoning overlay: Tentative Tract Map (TTM), Development Permit (DP), Special Use Permit (SUP), and Landscape Plan Check (LCP). The Height Overlay would be subject to approval of a Zoning overlay to allow for height up to 75 feet. Zoning overlays are an additional layer of planning controls that are applied to properties as tailored zoning districts, with a specialized set of regulations. Presently, there are portions of the Janss Marketplace that have a Community Shopping Center – Height (C-3-H) zoning overlay, which allows an anchor tenant and theater building to exceed the maximum allowable height of 35 feet within the C-3 zoning designation. The applicant requested an equivalent change to allow the proposed project footprint to be considered for an increased building height of up to 75 feet, instead of 35 feet.

The TOMC indicates that height in the C-3 zone shall not exceed thirty-five (35) feet in height. The code however does provide for relief from this height limitation, Section 9-4.2501(d), which states that these building height limitations may be waived if a subject property is designated within the “Height Limit Overlay Zone (H), as defined by Article 33 of this chapter.” (TOMC 2023). Article 33 indicates that the Height Limit Overlay Zone is intended to be applied as an overlay zone for the C-1, C-2, C-3, M-1, and M-2 zones on properties where “it may be appropriate to consider a waiver of the building height limit specified by the underlying commercial or industrial zone to a maximum of seventy-five (75) feet.” (TOMC 2023).

Further, Section 9-4.3301 (H) allows the height limit of the underlying zone may be waived by the Commission or Council upon the review of an individual application. In no case, however, shall a building exceed seventy-five (75) feet in the Height Overlay Zone (H). In 1994, two height overlays were approved under Permit Number Z 93-680, which allowed two buildings to apply a height overlay to accommodate individual buildings. An anchor tenant is currently granted a height overlay, directly adjacent to the project site, at a height of 44 feet. The second parcel that involves a height overlay, is the movie theater, which has a height of 40.5'. Height overlays have precedent within the City of Thousand Oaks, as displayed by the approval of DP 81-497, which allowed the construction of a 75' office building (previously Exxon Corporation), located west of the subject site. This building remains in place as of 2023.

The proposed project would have a flat roof and parapet wall to screen rooftop equipment, at a height of 73 feet. Per TOMC section 9-4.307 “Height Limit Overlay Zone,” a waiver of the maximum height limits of the C-3 use zone may be granted. The maximum permitted height that may be granted by a Height Overlay Zone is 75 feet, with which the application is compliant, at a requested 73 feet. The proposed height of the building is 73 feet. Per the March 14, 1994, staff report and Resolution Number 13-94 PC, exceptions have been granted in the past for height overlays, where deemed appropriate. Due to the location of the subject site within a commercial core area of the city and the existence of a prominent hilltop behind the building site, the perceived height of the building is lowered. The perceived height of the building is shown in the Line of Sight Exhibits 5.1-2a through 5.1-2g. Under Section 9-4.307, the requirements of the underlying C zone apply to the property, which would facilitate the development of the five-story building, providing 216 hotel rooms, a swimming pool, and associated hotel amenities, as well as dedicated retail space that would occupy a portion of the first floor. The height overlay does not conflict with the General Plan, as it would increase the diversity of uses within the Janss Marketplace and promotes the efficient use of land through concentrated development. Given the

overlay’s consistency with the General Plan and City’s Zoning Code, it is concluded that the height proposed through the height overlay would not result in a significant impact.

The Tentative Tract Map is required by the City to process an airspace subdivision of the entire Janss Marketplace parcel into three separate parcels. The first parcel would total 27.16 acres, the second parcel would total 0.52 acres and consist of the hotel, and the third parcel would total 0.31 acres. Vehicle access and utilities are to be provided for all parcels. The Development Permit is required by the City to demonstrate the proposed design of 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, which follows the requirements of the City of Thousand Oaks.

The project has been reviewed and found to be consistent with the TOMC with approval of the Height Overlay. Refer to Section 5.1, Aesthetics/Light Glare, Table 5.1-2, TOMC Consistency Analysis Governing Scenic Quality, which provides a consistency analysis of the proposed project and relevant municipal code requirements related to scenic quality. Refer to Table 5.10-1, TOMC Consistency Analysis, for a consistency analysis of other code requirements. Refer to Section 5.1, Aesthetics/Light Glare, Table 5.1-3, Project Consistency with the Thousand Oaks Guidelines for Development within the Corridors of Route 101 and 23 Freeways, which provides a consistency analysis of the proposed project related to special scenic requirements.

**Table 5.10-1
TOMC Consistency Analysis**

| Development Standard | Analysis of Project Consistency |
|--|---|
| <p>9-4.2105. Permitted use matrix – Non-residential zones</p> | <p>Consistent. See Table 5.1-2.</p> |
| <p>9-4.2501 (b)(1) In the C-1, C-2, and C-3 Zones, no building or structure shall exceed thirty-five (35') feet in height.</p> <p>-and-</p> <p>9-4.2501(d) Height limit overlay zone (h). The building height limits set forth in subsections (b) and (c) of this section may be waived if the subject property is designated within the Height Limit Overlay Zone (H), as defined by Article 33 of this chapter</p> | <p>Consistent. The project includes a request for a height overlay, as discussed extensively in the paragraphs above. The project proposes a 73-foot-tall structure. Since the existing C-3 zone allows a maximum building height of 35 feet, the project proposes a Height Limit Overlay Zone to be applied to the project site, resulting in a zone change to C-3-H. The C-3-H allows for a building height increase up to 75 feet. Thus, upon approval of proposed zone change, the project would be consistent with TOMC 9-4.3300.</p> |
| <p>9-4.2504(b)(2) In the C-1 and C-3 Zones no permanent building or structure shall be located within one hundred (100') feet of the center line of any public road, street, or highway, unless otherwise stated in the development permit. The conditions and limitations set forth in this subsection shall apply in all cases, unless modified or waived by the Commission and so stated in the permit. Additional yard, area, and width requirements may be imposed by the Commission where such are reasonably necessary to assure the compatibility of the proposed use in detail with existing uses in the same vicinity and zone.</p> | <p>Consistent. The proposed development is located within the Janss Marketplace and will replace an existing structure. The structure will be built over 300 feet from the Centerline of any public road, street, or highway. The creation of three airspace subdivision parcels would not alter the building distance from the centerline of any public road, street, or highway. As such, the project is compliant with this standard.</p> |

As indicated in Table 5.10-1, the proposed project would be consistent with applicable TOMC development standards and impacts in this regard would be less than significant.

**Table 5.10-2
General Plan Consistency Analysis**

| Goals and Policies | Analysis of Project Consistency |
|---|---|
| General Plan Goals | |
| <p>Goal 1: To enhance and preserve the spaciousness and attractiveness of the Conejo Valley</p> | <p>Consistent. The spaciousness and attractiveness of the Conejo Valley would be largely unaffected by the proposed building due to its location within an existing commercial plaza, as well as its location toward the rear of the property, as seen from North Moorpark Road.</p> <p>The project was also found to be consistent with the Thousand Oaks Guidelines for Development within the Corridors of Route 101 and 23 Freeways. See Table 5.1-3.</p> |
| <p>Goal 3: To encourage commercial facilities which satisfy the Valley's mercantile needs, arranged and located to provide convenient access and compatibility with adjoining use through proper design.</p> | <p>Consistent. The Valley's mercantile needs would be enhanced through the provision of a hotel in the Janss Marketplace, which would provide additional visitors to the Janss Marketplace and encourage local spending. The location of the hotel would contribute to the commercial uses within the Janss Marketplace and would be compatible with adjoining uses through the provision of retail along the first floor, facing the interior pedestrian walkways of the Janss Marketplace.</p> |
| <p>Goal 5: To provide the framework for a planned and unified community containing a balance of living, working, shopping, educational, civic, cultural and recreational facilities.</p> | <p>Consistent. The project would provide both a hotel and retail space, which would provide a balance of working, shopping, and recreation. The proposed amenity spaces would encourage social interaction.</p> |
| Policies | |
| Conservation Element | |
| <p>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.</p> | <p>Consistent. See Table 5.1-1</p> |
| General Development Policies | |
| <p>Policy 2: 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.</p> | <p>Consistent. The project site is located within a low-lying portion of the City and is not located on any mountainous terrain. The project is an infill development of an already developed parcel, which has been graded to accommodate the existing structures, adjacent parking structure, and surface parking. No protected trees are proposed to be removed, and a landscape plan is provided.</p> |
| <p>Policy 4: Major City gateways, where the Route 101 and 23 Freeways enter the City and streets</p> | <p>Consistent. See Table 5.1-1 and Table 5.1-3.</p> |

**Table 5.10-2
General Plan Consistency Analysis**

| Goals and Policies | Analysis of Project Consistency |
|--|--|
| interchange with the freeways, shall receive special aesthetic enhancement. | |
| Policy 5: Highly intensive land uses -- major industrial and commercial centers -- should be located in proximity to or within easy access of the Ventura Freeway corridor. | Consistent. The project site is located 0.35 miles from the North Moorpark Road exit of U.S. 101 Freeway and approximately 0.90 miles west of SR 23 providing easy access to the Ventura Freeway corridor. Thus, the project is consistent with this policy. Access to the Janss Marketplace and surrounding surface parking is available through two two-lane driveways into the Janss Marketplace from North Moorpark Road to the east, West Hillcrest Drive to the south, West Wilbur Road to the west and Brazil Street to the north. See Table 5.1-1 and Table 5.1-3. |
| Commercial Policies | |
| Policy 2: Strengthen the City's commercial core area by improving and enhancing retail, office and service uses. | Consistent. The project would strengthen the City's commercial core by improving and enhancing retail, office, and service uses through the redevelopment of the hotel and associated amenities, as well as through the redevelopment of the first flood retail suites. |
| Policy 3: Commercial development should comply with the City's height restrictions. Exceptions, through height overlays, may be appropriate under certain conditions. | Consistent. The project requests an exception to the height of the zone via a height overlay, as discussed above. Due to the location of the project within the central core area, the topography behind the Janss Marketplace, existing height overlays and precedent set on properties adjacent to the subject parcel, the setback of the proposed structure from major roads, and the renovation of the existing structure, the additional height would not create a significant impact. See Table 5.1-1. |
| Commercial/ Industrial Policies | |
| Policy 1: Employment centers which provide industrial and commercial employment, consistent with community needs, shall be encouraged. | Consistent. Per the applicant's project description, the hotel project estimates to employ approximately 35 employees, including approximately 15 during daytime hours. The specific number of employees that would be employed within the approximately 13,600 square feet are already included in the existing commercial retail space of approximately 35,500 square feet (the baseline condition). Consequently, the project's net number of employees is equal to the hotel's employee count. The first-floor retail suites would have the opportunity to employ additional individuals that would provide employment consistent with community needs. |
| Policy 2: Low profile and aesthetically designed signage shall be allowed for all developments; no billboards shall be allowed | Consistent. The signage design would be developed during or after the construction documentation phase of the project and would be designed to comply with the TOMC and Thousand Oaks Guidelines for Development within the Corridors of Route 101 and 23 Freeways. |
| Additional Policies | |

**Table 5.10-2
General Plan Consistency Analysis**

| Goals and Policies | Analysis of Project Consistency |
|---|--|
| Policy 2: Aesthetics: As the City ages, it is important to maintain, improve and enhance the City's aesthetic appearance. | Consistent: See Table 5.1-1 and Table 5.1-3. |
| Policy 3: Air Quality: The City shall place high priority on maintaining and improving local and regional air quality. | Consistent: Refer to Section 5.2, Air Quality for the proposed project's potential air quality impacts. The analysis identified impacts and mitigation measures to reduce those impacts to below a level of significance. |
| Policy 4: Archaeological: The City shall preserve and protect archaeological resources for future generations and the Conejo Valley's cultural heritage. | Consistent: Refer to Section 5.4, Cultural, Tribal Cultural, and Historical Resources for the proposed project's potential impacts. The analysis identified impacts and mitigation measures to reduce those impacts to below a level of significance. |

As demonstrated in Table 5.10-2, the proposed project would be consistent with General Plan goals and policies and impacts in this regard would be less than significant.

SCAG's 2020–2045 RTP/SCS

Table 5.10-3 provides a detailed analysis of the project's consistency with applicable SCAG 2045 RTP/SCS goals.

**Table 5.10-3
SCAG 2045 RTP/SCS Consistency Analysis**

| Goals | Analysis of Project Consistency |
|--|---|
| Goal 1: Encourage regional economic prosperity and global competitiveness | Consistent. 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. |
| Goal 2: Improve mobility, accessibility, reliability, and travel safety for people and goods. | Consistent. The location of the project site, in proximity to the Janss Marketplace as a whole and multiple regional and local bus lines; the U.S. 101 Freeway and SR 23; North Moorpark Road; 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 42 (TOB Express), which provides bus service from The Oaks, Conejo Valley High School, Thousand Oaks High School, al Lutheran, and Los Robles Hospital. Both the North Moorpark Road and West Wilbur Road provide direct access to the project site via the U.S. 101 Freeway. These roadways have been designed with sufficient capacity to convey the project's anticipated traffic without creating a significant impact. The project would maintain the existing vehicular and pedestrian circulation. |

**Table 5.10-3
SCAG 2045 RTP/SCS Consistency Analysis**

| Goals | Analysis of Project Consistency |
|---|--|
| Goal 3: Enhance the preservation, security, and resilience of the regional transportation system. | Consistent: 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. |
| Goal 4: Increase person and goods movement and travel choices within the transportation system. | Consistent. The location of the project site, in proximity to the U.S. 101 Freeway 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. |
| Goal 5: Reduce greenhouse gas emissions and improve air quality. | Consistent. The project would develop the building on an infill location within a 38-acre shopping center which is close to retail, restaurant, office, and residential uses 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 and promote access from the nearby transit. 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 development. All of these implementations would reduce GHG emissions and improve air quality. |
| Goal 7: Adapt to changing climate and support an integrated regional development pattern and transportation network. | Consistent. The project would develop commercial uses within proximity to the U.S. 101 Freeway and multiple local bus stops; pedestrian sidewalks and signalized crossings; and bicycle facilities, thus supporting an integrated regional development pattern and transportation network. |
| Goal 8: Leverage new transportation technologies and data-driven solutions that result in more efficient travel. | Consistent: The project would not adversely affect SCAG’s ability to develop more efficient travel consistent with this goal. This goal pertains to SCAG leveraging new transportation technologies and data-driven solutions that result in more efficient travel. |

Based on the analysis as presented in Table 5.10-3, the proposed project would be consistent with applicable 2045 RTP/SCS goals. 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; adapt to climate change and support an integrated regional development pattern; and leverage new transportation technologies and data driven solutions that result in more efficient travel.

Mitigation Measures: No mitigation measures are required.

Level of significance: Less than significant impact.

5.10.5 Cumulative Impacts

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as “two or more individual impacts which, when considered together, are considerable, or which compound or increase other environmental impacts.” Table 4-1, Cumulative Projects List, identifies the related projects and other possible development within a three-mile radius determined as having the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. As outlined in Table 4-1, Cumulative Projects List, cumulative projects are located on both developed and undeveloped sites.

- The proposed project, combined with other related projects, could conflict with land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Impact Analysis: Table 4-1, Cumulative Projects List, identifies the related projects and other possible development within a three-mile radius determined as having the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. Development projects in the City undergo a similar plan review process to determine potential land use planning policy and regulation conflicts. Each cumulative project would be analyzed independent of other projects, within the context of their respective land use and regulatory setting. As part of this review process, each project would be required to demonstrate compliance with the provisions of the applicable jurisdiction’s land use designation (s) and zoning districts. Each project would be analyzed to ensure consistency and compliance with the applicable jurisdiction’s General Plan goals and policies, Municipal Code, and other applicable land use plans or policies, including Specific Plan (s).

As analyzed above, the proposed project would be consistent with relevant goals, policies, and/or standards from the General Plan, Municipal Code, Guidelines for Development within the Corridors of Route 101 and 23 Freeways, and 2045 RTP/SCS goals. Thus, the proposed project would not result in a significantly cumulatively considerable impact in this regard. Impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less than Significant Impact.

5.10.6 Level of Significance After Mitigation

No significant unavoidable impacts related to land use and planning have been identified.

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5.11 Noise

The purpose of this section is to evaluate noise source impacts to surrounding land uses as a result of implementation of the proposed project. This section evaluates short-term construction-related noise and vibration impacts, as well as future buildout conditions. Mitigation measures are also recommended to avoid or lessen the project's noise impacts. Noise measurement and traffic noise modeling data can be found in Appendix K, Noise Data.

5.11.1 Existing Setting

NOISE SCALES AND DEFINITIONS

Sound is described in terms of the loudness (amplitude) of the sound and frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound is the decibel (dB). Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers in a manner similar to the Richter scale used to measure earthquakes. In terms of human response to noise, a sound 10 dBA higher than another is judged to be twice as loud, and 20 dBA higher four times as loud, and so forth. Everyday sounds normally range from 30 dBA (very quiet) to 100 dBA (very loud). Examples of various sound levels in different environments are illustrated in Figure 5.11-1, Common Environmental Noise Levels.

Many methods have been developed for evaluating community noise to account for, among other things:

- The variation of noise levels over time;
- The influence of periodic individual loud events; and
- The community response to changes in the community noise environment.

Numerous methods have been developed to measure sound over a period of time; refer to Table 5.11-1, Noise Descriptors.

**Table 5.11-1
Noise Descriptors**

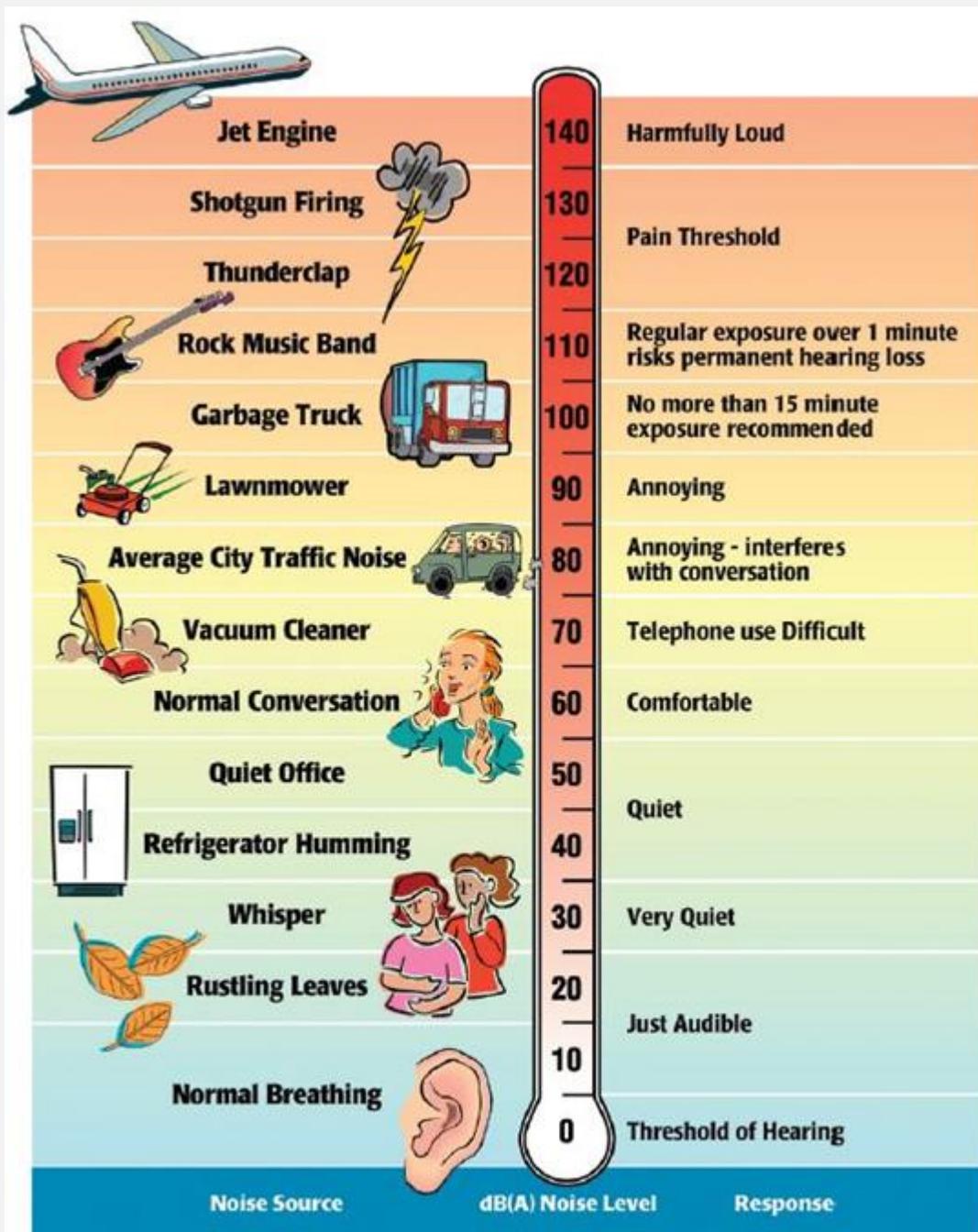
| Term | Definition |
|-------------------------------------|--|
| Decibel (dB) | The unit for measuring the volume of sound equal to 10 times the logarithm (base 10) of the ratio of the pressure of a measured sound to a reference pressure (20 micro Pascals). |
| A-Weighted Decibel (dBA) | A sound measurement scale that adjusts the pressure of individual frequencies according to human sensitivities. The scale accounts for the fact that the region of highest sensitivity for the human ear is between 2,000 and 4,000 cycles per second (hertz). |
| Equivalent Sound Level (L_{eq}) | The sound level containing the same total energy as a time varying signal over a given time period. The L_{eq} is the value that expresses the time averaged total energy of a fluctuating sound level. |

**Table 5.11-1
Noise Descriptors**

| Term | Definition |
|---|---|
| Maximum Sound Level (L_{max}) | The highest individual sound level (dBA) occurring over a given time period. |
| Minimum Sound Level (L_{min}) | The lowest individual sound level (dBA) occurring over a given time period. |
| Community Noise Equivalent Level (CNEL) | A rating of community noise exposure to all sources of sound that differentiates between daytime, evening, and nighttime noise exposure. These adjustments are +5 dBA for the evening, 7:00 PM to 10:00 PM, and +10 dBA for the night, 10:00 PM to 7:00 AM. |
| Day/Night Average (L_{dn}) | The L_{dn} is a measure of the 24-hour average noise level at a given location. It was adopted by the U.S. Environmental Protection Agency (EPA) for developing criteria for the evaluation of community noise exposure. It is based on a measure of the average noise level over a given time period called the L_{eq} . The L_{dn} is calculated by averaging the L_{eq} 's for each hour of the day at a given location after penalizing the "sleeping hours" (defined as 10:00 PM to 7:00 AM) by 10 dBA to account for the increased sensitivity of people to noises that occur at night. |
| Exceedance Level (L_n) | The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% (L_{01} , L_{10} , L_{50} , L_{90} , respectively) of the time during the measurement period. |

Source: Cyril M. Harris, Handbook of Noise Control, 1979.

Figure 5.11-1. Common Environmental Noise Levels.



Source:

Melville C. Branch and R. Dale Beland, *Outdoor Noise In the Metropolitan Environment*, 1970.

Environmental Protection Agency, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (EPA/ONAC 550/9-74-004)*, March 1974.

HEALTH EFFECTS OF NOISE

Human response to sound is highly individualized. Annoyance is the most common issue regarding community noise. However, many factors influence people's response to noise. The factors can include the character of the noise, the variability of the sound level, the presence of tones or impulses, and the time of day of the occurrence. Additionally, non-acoustical factors, such as the person's opinion of the noise source, the ability to adapt to the noise, the attitude towards the source and those associated with it, and the predictability of the noise, all influence people's response. As such, response to noise varies widely from one person to another and with any particular noise, individual responses will range from "not annoyed" to "highly annoyed".

The effects of noise are often only transitory, but adverse effects can be cumulative with prolonged or repeated exposure. The effects of noise on the community can be organized into six broad categories:

- Noise-Induced Hearing Loss;
- Interference with Communication;
- Effects of Noise on Sleep;
- Effects on Performance and Behavior;
- Extra-Auditory Health Effects; and
- Annoyance.

According to the United States Public Health Service, nearly ten million of the estimated 21 million Americans with hearing impairments owe their losses to noise exposure. Noise can mask important sounds and disrupt communication between individuals in a variety of settings. This process can cause anything from a slight irritation to a serious safety hazard, depending on the circumstance. Noise can disrupt face-to-face communication and telephone communication, and the enjoyment of music and television in the home. It can also disrupt effective communication between teachers and pupils in schools and can cause fatigue and vocal strain in those who need to communicate despite the noise.

Interference with communication has proved to be one of the most important components of noise-related annoyance. Noise-induced sleep interference is one of the critical components of community annoyance. Sound level, frequency distribution, duration, repetition, and variability can make it difficult to fall asleep and may cause momentary shifts in the natural sleep pattern, or level of sleep. It can produce short-term adverse effects on mood changes and job performance, with the possibility of more serious effects on health if it continues over long periods. Noise can cause adverse effects on task performance and behavior at work, and non-occupational and social settings. These effects are the subject of some controversy, since the presence and degree of effects depends on a variety of intervening variables. Most research in this area has focused mainly on occupational settings, where noise levels must be sufficiently high and the task sufficiently complex for effects on performance to occur.

Annoyance can be viewed as the expression of negative feelings resulting from interference with activities, as well as the disruption of one's peace of mind and the enjoyment of one's environment. Field evaluations of community annoyance are useful for predicting the consequences of planned actions involving highways, airports, road traffic, railroads, or other noise sources. The consequences of noise-induced annoyance are privately held dissatisfaction, publicly expressed complaints to authorities, and potential adverse health effects, as discussed above. In a study conducted by the United States Department of Transportation, the effects of annoyance to the community were quantified. In areas where noise levels were consistently above 60 dBA CNEL, approximately nine percent of the community is highly annoyed. When levels exceed 65 dBA CNEL, that percentage rises to 15 percent. Although evidence for the various effects of noise have differing levels of certainty, noise can affect human health. Most of the effects are, to a varying degree, stress related.

GROUND-BORNE VIBRATION

Sources of ground-borne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains, construction equipment, etc.). Vibration sources may be continuous (e.g., factory machinery) or transient (e.g., explosions).

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the peak particle velocity (PPV); another is the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. PPV is typically used for evaluating potential building damage, whereas PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. Typically, ground-borne vibration, generated by man-made activities, attenuates rapidly with distance from the source of vibration. Man-made vibration issues are therefore usually confined to short distances (i.e., 500 feet or less) from the source. Both construction and operation of development projects can generate ground-borne vibration.

Table 5.11-2, Human Reaction and Damage to Buildings from Continuous Vibration Levels, displays the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown in Table 5.11-2 should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Table 5.11-2
Human Reaction and Damage to Buildings from Continuous Vibration Levels

| Peak Particle Velocity (inch/second) | Human Reaction | Effect on Buildings |
|---|--|---|
| 0.006–0.019 | Range of threshold of perception | Vibrations unlikely to cause damage of any type |
| 0.08 | Vibrations readily perceptible | Recommended upper level to which ruins and ancient monuments should be subjected |
| 0.1 | Level at which continuous vibrations may begin to annoy people, particularly those involved in vibration sensitive activities | Virtually no risk of architectural damage to normal buildings |
| 0.2 | Vibrations may begin to annoy people in buildings | Threshold at which there is a risk of architectural damage to normal dwellings ¹ |
| 0.4–0.6 | Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges | Architectural damage and possibly minor structural damage |

Source: California Department of Transportation, Transportation and Construction Vibration Guidance Manual, Table 20, April 2020.

Note:

¹ Historic and some old buildings have a threshold of 0.25 PPV (in/sec).

SENSITIVE RECEPTORS

Human response to noise varies widely depending on the type of noise, time of day, and sensitivity of the receptor. The effects of noise on humans can range from temporary or permanent hearing loss to mild stress and annoyance due to such things as speech interference and sleep deprivation. Prolonged stress, regardless of the cause, is known to contribute to a variety of health disorders. Noise, or the lack thereof, is a factor in the aesthetic perception of some settings, particularly those with religious or cultural significance. Certain land uses are particularly sensitive to noise, including schools, hospitals, rest homes, long-term medical and mental care facilities, and parks and recreation areas. Residential areas are also considered noise sensitive, especially during the nighttime hours. The site vicinity is predominantly composed of commercial and residential uses. The following receptors were identified as sensitive receptors in vicinity of the project site:

- Multi-family residential development located approximately 1,180 feet to the northeast of the project site.
- Medical facility located approximately 630 feet to the north of the project site.

AMBIENT NOISE MEASUREMENTS

In order to quantify existing ambient noise levels in the project area, Michael Baker International conducted two noise measurements on February 2, 2023; refer to Exhibit 5.11-1, Noise Measurement Locations, and Table 5.11- 3, Noise Measurements. The noise measurement sites were representative of typical existing noise exposure within and immediately adjacent to the project site. Short-term measurements were taken at each site between 11:00 a.m. and 12:00 p.m.

**Table 5.11-3
Noise Measurements**

| Measurement Location Number | Location | L_{eq} (dBA) | L_{min} (dBA) | L_{max} (dBA) | Peak (dBA) | Time |
|-----------------------------|---|----------------|-----------------|-----------------|------------|------------|
| 1 | Wilbur Road and Saint Charles Road Intersection | 62.9 | 53.1 | 79.0 | 98.6 | 11:26 a.m. |
| 2 | West of driveway outside Biltmore Apartment | 57.5 | 46.4 | 76.4 | 92.6 | 11:52 a.m. |

Source: Michael Baker International, February 22, 2023.

Notes: dBA = A-weighted decibels; L_{eq} = Equivalent Sound Level; L_{min} = Minimum Sound Level; L_{max} = Maximum Sound Level

Meteorological conditions were partly cloudy, cool temperatures, with light wind speeds (0 to 5 miles per hour), and low humidity. Measured noise levels during the daytime measurements ranged from 57.5 to 62.9 dBA L_{eq} . Noise monitoring equipment used for the ambient noise survey consisted of a Brüel & Kjær Hand-held Analyzer Type 2250 equipped with a Type 4189 pre-polarized microphone. The monitoring equipment complies with applicable requirements of the American National Standards Institute (ANSI) for sound level meters. The results of the field measurements are included in Appendix K, Noise Data.

MOBILE SOURCES

The most prominent source of mobile traffic noise in the project vicinity is along West Wilbur Road and North Moorpark Road.

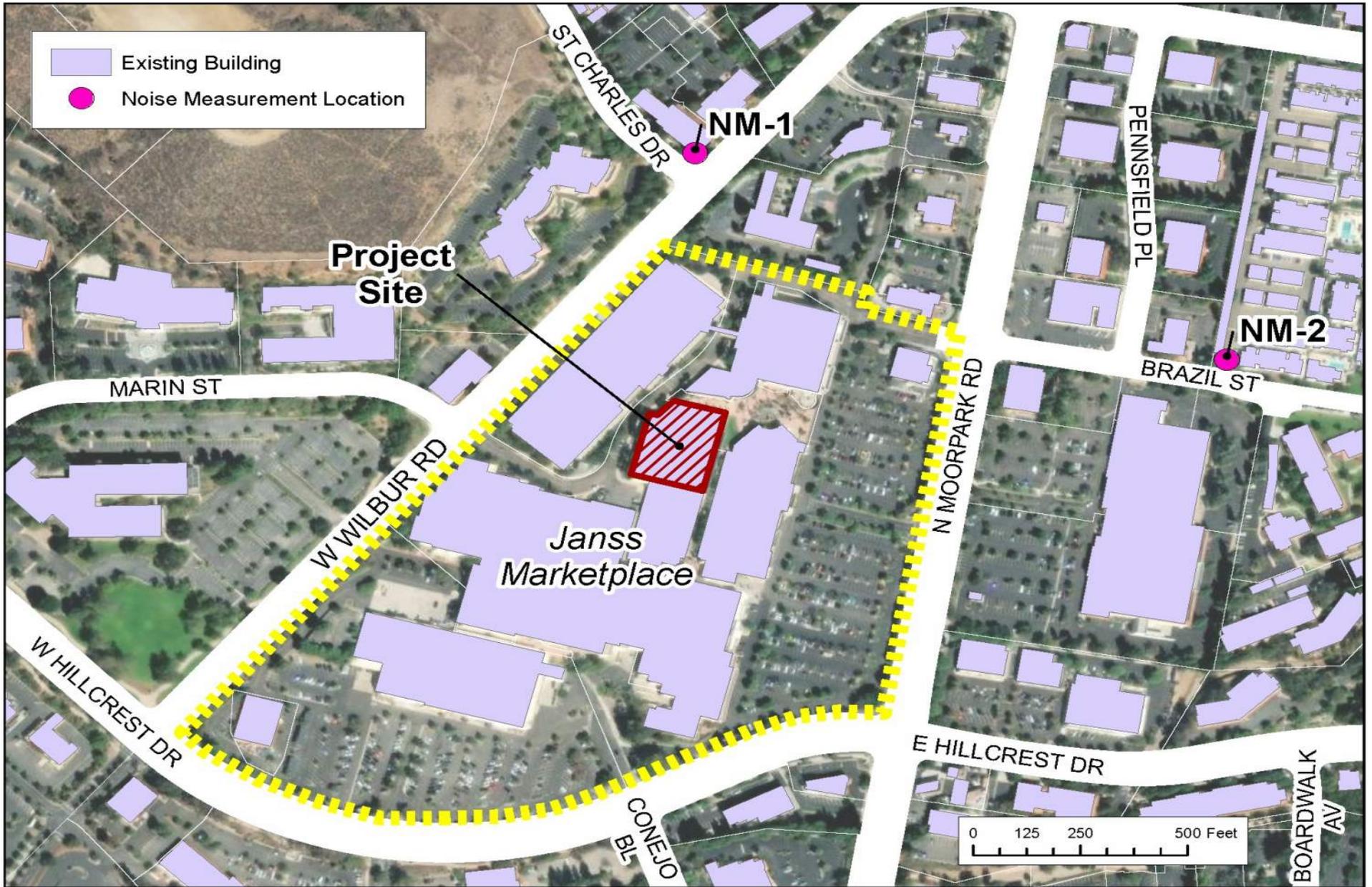


EXHIBIT 5.11-1

Noise Measurement Locations

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STATIONARY NOISE SOURCES

The project area consists of commercial and retail uses. The primary sources of stationary noise in the project vicinity are urban-related activities (e.g., mechanical equipment, parking areas, and pedestrians). The noise associated with these sources may represent a single event or a continuous occurrence.

5.11.2 Regulatory Setting

FEDERAL LEVEL

U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) offers guidelines for community noise exposure in the publication *Noise Effects Handbook – A Desk Reference to Health and Welfare Effects of Noise*. These guidelines consider occupational noise exposure as well as noise exposure in homes. The EPA recognizes an exterior noise level of 55 dB L_{dn} as a general goal to protect the public from hearing loss, activity interference, sleep disturbance, and annoyance. The EPA and other Federal agencies have adopted suggested land use compatibility guidelines that indicate that residential noise exposures of 55 to 65 dB L_{dn} are acceptable. However, the EPA notes that these levels are not regulatory goals, but are levels defined by a negotiated scientific consensus, without concern for economic and technological feasibility or the needs and desires of any particular community.

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) stipulates 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 (FTA)

There are no federal noise regulations applicable to the project. However, various federal agencies have established rules and guidelines addressing noise and vibration. For example, in its *Transit Noise and Vibration Impact Assessment guidance manual*, the Federal Transit Administration (FTA) offers guidance on the estimation of construction noise levels from a construction site.¹ It also provides suggested thresholds that include no more than 80 dBA Leq (over an 8-hour daytime period) as received at a residential land use. Since the City does not provide a quantified construction noise limit, this analysis adopts the 80 dBA Leq 8-hour FTA guidance for quantitative construction noise impact assessment. With respect to vibration, the same above-mentioned manual from the FTA provides guidance for the assessment of vibration impacts on people (i.e., potential annoyance), building damage risk, and disruption of vibration-sensitive processes. Vibration impact criteria suggested by the FTA vary both with the frequency of vibration event occurrence and the sensitivity of the building or process that may be exposed to groundborne vibration. By way of example, a modern commercial building constructed from reinforced concrete or steel would have a vibration impact threshold of 0.5 inches/sec PPV, while a non-engineered timber or masonry structure more akin to a typical single-family or multi-family residence may have a more stringent 0.2 inches/sec

¹ Federal Transit Administration. 2018. "Transit Noise and Vibration Impact Assessment Manual, FTA Report No. 123." September 2018.

PPV vibration impact criteria against which project-attributed vibration due to construction could be assessed for the nearest such receptors in the surrounding community.

STATE LEVEL

California Noise Control Act

The California Noise Control Act (CNCA) of 1973 is included in the California Health and Safety Code as Division 28 Noise Control Act, Sections 46000-46080. The legislature declares excessive noise as a serious hazard to public health and welfare that can result in physiological, psychological, and economic damage. The state is responsible to protect the well-being of the people by control, prevention, and abatement of noise. The State Office of Noise Control has the duty to protect the health and well-being of people through establishing and maintaining a program on noise control. The office coordinates with other state agencies to research noise, abatement, prevention, and control within the scope of their agency's jurisdiction.

California Environmental Quality Act

The State Office of Planning and Research (OPR) Noise Element Guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The Noise Element Guidelines contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. Table 5.11-4, Land Use Compatibility for Community Noise Environments, presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution.

Table 5.11-4
Land Use Compatibility for Community Noise Environments

| Land Use Category | Community Noise Exposure (CNEL) | | | |
|--|----------------------------------|---------------------------------------|------------------------------------|-----------------------------------|
| | Normally Acceptable ¹ | Conditionally Acceptable ² | Normally Unacceptable ³ | Clearly Unacceptable ⁴ |
| Residential-Low Density, Single-Family, Duplex, Mobile Homes | 50 – 60 | 55 - 70 | 70 – 75 | 75 – 85 |
| Residential – Multiple Family | 50 – 65 | 60 – 70 | 70 – 75 | 70 – 85 |
| Transient Lodging – Motel, Hotels | 50 – 65 | 60 – 70 | 70 – 80 | 80 – 85 |
| Schools, Libraries, Churches, Hospitals, Nursing Homes | 50 – 70 | 60 – 70 | 70 – 80 | 80 – 85 |
| Auditoriums, Concert Halls, Amphitheaters | N/A | 50 – 70 | N/A | 65 – 85 |
| Sports Arenas, Outdoor Spectator Sports | N/A | 50 – 75 | N/A | 70 – 85 |
| Playgrounds, Neighborhood Parks | 50 – 70 | N/A | 67.5 – 77.5 | 72.5 – 85 |
| Golf Courses, Riding Stables, Water Recreation, Cemeteries | 50 – 70 | N/A | 70 – 80 | 80 – 85 |
| Office Buildings, Business Commercial and Professional | 50 – 70 | 67.5 – 77.5 | 75 – 85 | NA |
| Industrial, Manufacturing, Utilities, Agriculture | 50 – 75 | 70 – 80 | 75 – 85 | NA |

Source: Office of Planning and Research, California, General Plan Guidelines, July 2017.

Notes: CNEL = community noise equivalent level; N/A = not applicable

- ¹ Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
- ² Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features have been included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.
- ³ Normally Unacceptable: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise-insulation features must be included in the design.
- ⁴ Clearly Unacceptable: New construction or development should generally not be undertaken.

As depicted in Table 5.11-4, the range of noise exposure levels overlap between the normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable categories. OPR's State General Plan Guidelines note that noise planning policy needs to be rather flexible and dynamic to reflect not only technological advances in noise control, but also economic constraints governing application of noise-control technology and anticipated regional growth and demands of the community. In project specific analyses, each community must decide the level of noise exposure its residents are willing to tolerate within a limited range of values below the known levels of health impairment. Therefore, the City may use their discretion to determine which noise levels are considered acceptable or unacceptable, based on land use, project location, and other project factors.

LOCAL LEVEL

City of Thousand Oaks General Plan

Chapter 4.6 of the General Plan Noise Element develops more specific thresholds of significance where the ambient noise is at or above certain levels. Table 5.11-5, General Plan Thresholds of Significance for Noise Impact identifies noise impacts associated with project related noise level increases.

**Table 5.11-5
General Plan Thresholds of Significance for Noise Impact**

| Combined Annual Average Noise Level | Noise-Sensitive Land Use | Project Annual Average Noise Level |
|--|--|---|
| <i>If the annual average noise level with the proposed project, cumulative projects, and General Plan buildout in an area currently used for or designated in the General Plan for a noise-sensitive land use is expected to be:</i> | <i>A significant project or cumulative impact may result if the change in annual average noise levels from existing conditions due to all sources in an area currently used for or designated in the General Plan for a noise-sensitive land use is:</i> | <i>The project alone may be considered to make a substantial contribution to significant cumulative impact if the change in annual average noise level due to the project is:</i> |
| Less than 55 dBA CNEL | Not significant for any change in noise level | Not significant for any change in noise level |
| 55 – 60 dBA CNEL | Equal to or greater than 3.0 dBA | Equal to or greater than 1.0 dBA |
| 60 – 70 dBA CNEL | Equal to or greater than 1.5 dBA | Equal to or greater than 0.5 dBA |
| Greater than 70 dBA CNEL | Equal to or greater than 1.0 dBA | Equal to or greater than 0.5 dBA |

Source: City of Thousand Oaks General Plan, Noise Element, 2000.

Notes:

- ¹ A noise-sensitive land use is a use for which the lower limit of the noise level considered “normally unacceptable” for development because of noise impact is 70 dBA CNEL or lower. In identifying land use areas, areas which are undevelopable for noise-sensitive uses because of slope, development restriction, easement, etc., or which are used for non-noise-sensitive components of a multiple-use or mixed-use project, should not be considered noise sensitive.

Exceptions. Development of single-family or multi-family residential uses in an infill project in an existing residential area which is designated for development for residential uses in the General Plan, and for which a sound insulation study has been prepared by a qualified acoustical engineer or other sound insulation specialist, and for which sound insulation is included in the proposed project to meet state standards for interior noise levels for multi-family residential development, shall not be considered to have a significant adverse effect when considering the exposure of the project itself to noise level exceeding the standards of this Noise Element.

For project which would result in a potentially significant impact, the City may require an acoustical study to identify mitigation measures to reduce impacts to a less-than-significant level.

The General Plan Noise Element also outlines the objectives and policies for noise control within the City. The following goals and policies are applicable to the project:

Goal N-1. Achieve and maintain an environment in which noise-sensitive uses are not disturbed by noise that exceeds exposure guide- lines established in this Noise Element.

Policy N 1-1. 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 N 1-2. 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 N 1-3. 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 N 1-4. 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 N 1-5. 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, tonal 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.

Policy N 1-6. Monitoring of the Noise Environment. The City will regularly evaluate the noise environment to ensure that the objective of minimizing reducing noise conflicts is being achieved. As a general guideline, a comprehensive review of community noise levels may be conducted approximately every 10 years.

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 N 2-1. 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.

Thousand Oaks Municipal Code

Section 8-11.01, Hours for Construction Activities

Section 8-11.01, *Construction activities restricted to certain hours*, of the Municipal Code states the following:

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.

5.11.3 Impact Thresholds and Significance Criteria

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- (a) 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 (refer to Impact Statements NOI-1);
- (b) Generate excessive groundborne vibration or groundborne noise levels (refer to Impact Statement NOI-2); and/or
- (c) 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, expose people residing or working in the project area to excessive noise levels (refer to Impact Statement NOI-3).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.11.4 Impacts and Mitigation Measures

Impact NOI-1 The proposed project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project, in excess of standards established in the general plan or noise ordinance, and applicable standards of other agencies.

SHORT-TERM CONSTRUCTION NOISE IMPACTS

Impact Analysis: The project involves demolishing the existing commercial uses and developing a 216-room hotel with guest amenities and approximately 13,600 square feet of commercial retail space. Construction of the project would involve three weeks of demolition, two weeks of grading, 17 months of building construction, two days of paving, and at least six weeks of painting (see Mitigation Measure AQ-2). There would be no overlap in timing of these construction activities. The total development would take approximately 20 months in total, under a single phase (i.e., occur in one setting).

Construction activities would generate perceptible noise levels during the demolition, grading, paving, building construction, and architectural coating activities. High groundborne noise levels and other miscellaneous noise levels can be created by the operation of heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, scrapers, and other heavy-duty construction equipment. Table 5.11-6, Maximum Noise Levels Generated by Construction Equipment, indicates the anticipated noise levels of construction equipment. The average noise levels presented in Table 5.11-6 are based on the quantity, type, and Acoustical Use Factor for each type of equipment that is anticipated to be used.

**Table 5.11-6
Maximum Noise Levels Generated by Construction Equipment**

| Equipment Type | Actual L_{max} at 50 Feet (dBA) | Actual L_{max} at 630 Feet (dBA) | Actual L_{max} at 1,180 Feet (dBA) |
|----------------|-----------------------------------|------------------------------------|--------------------------------------|
| Backhoe | 78 | 56 | 51 |
| Compactor | 82 | 60 | 55 |
| Compressor | 78 | 56 | 51 |
| Concrete Mixer | 79 | 57 | 52 |
| Concrete Pump | 81 | 59 | 54 |
| Crane, Mobile | 81 | 59 | 54 |
| Dump Truck | 76 | 54 | 49 |
| Dozer | 82 | 60 | 55 |
| Excavator | 81 | 59 | 54 |
| Generator | 81 | 59 | 54 |
| Grader | 85 | 63 | 58 |
| Loader | 79 | 57 | 52 |
| Paver | 77 | 55 | 50 |
| Roller | 80 | 59 | 53 |
| Tractor | 84 | 62 | 57 |
| Welder | 74 | 52 | 47 |

Source: Federal Highway Administration, 2006.

The primary construction equipment noise sources used during construction would be during earthwork activities (use of graders, rollers, loaders, and scrapers), and building construction (use of graders, rollers, loaders, and scrapers). Graders typically generate the highest noise levels, emitting approximately 85 dBA at 50 feet. The project is to construct a shallow conventional foundation system, so piles would not need to be driven into the ground. Point sources of noise emissions are atmospherically attenuated by a factor of 6 dBA per doubling of distance. This assumes a clear line-of-

sight and no other machinery or equipment noise that would mask project construction noise. The shielding of buildings and other barriers that interrupt line-of-sight conditions further reduce noise levels from point sources.

Construction noise impacts generally happen when construction activities occur in areas immediately adjoining noise sensitive land uses, during noise sensitive times of the day, or when construction durations last over extended periods of time. The closest sensitive receptors are residential uses are located approximately 1,180 feet north of the project site. As indicated in Table 5.11-6, typical construction noise levels would range from approximately 47 to 58 dBA at this distance. The closest medical facility is located approximately 630 feet to the north of the project site. As indicated in Table 5.11-6, typical construction noise levels would range from approximately 52 to 63 dBA at this distance. These noise levels could intermittently occur for a few days when construction equipment is operating closest to these uses. The remainder of the time, the construction noise levels would be much less because the equipment would be working further away from the existing sensitive uses.

Noise levels presented in Table 5.11-6 are conservative, as these noise levels assume the simultaneous operation of all heavy construction equipment (e.g., concrete saws, excavators, and dozers) at the same precise location. Construction equipment would be used throughout the project site and would not be concentrated at the point closest to the sensitive receptors. Furthermore, the project site is surrounded by the existing commercial buildings which would block the line-of-sight between the project site and the nearest sensitive receptors. As a result, project construction noise would be further reduced at the nearest sensitive receptors.

Project construction activities would comply with Municipal Code Section 8-11.01, Construction activities restricted to certain hours which prohibits 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 between the hours of 7:00 p.m. and 7:00 a.m., or any time on Sundays or holidays. As such, a less than significant impact would occur.

LONG-TERM OPERATIONAL NOISE IMPACTS

Off-Site Mobile Noise

Future development generated by the proposed project would result in some additional traffic on adjacent roadways, thereby potentially increasing vehicular noise in the vicinity of existing and proposed land uses. The most prominent source of mobile traffic noise in the project vicinity is along West Wilbur Road and North Moorpark Road. According to the California Department of Transportation (Caltrans), a doubling of traffic (100 percent increase) on a roadway would result in a perceptible increase in traffic noise levels (3 dBA).² According to the Janss Marketplace Hotel Project – DP 2022-70079 Traffic Impact/Trip Generation Analysis (Trip Generation Analysis) prepared by the City's Public Works Department on May 5, 2023, the proposed project would generate 724 net daily trips when compared to existing conditions. Based on the latest City of Thousand Oaks Local Roadway Safety Plan³, existing average daily traffic volumes along West Wilbur Road and North Moorpark Road are approximately 8,400 and 23,543, respectively. As such, the project's trip generation (approximately 724 net daily trips, when compared to existing conditions) would not double existing traffic volumes and an increase in traffic noise along local roadways would be imperceptible. Therefore, project-related traffic noise would be less than significant.

² California Department of Transportation, Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013.

³ City of Thousand Oaks, City of Thousand Oaks Local Roadway Safety Plan, May 2021 <https://www.toaks.org/home/showpublisheddocument/37932/637745552773930000>, accessed February 6, 2023.

Stationary Noise

The project proposes to construct a 216-room hotel with guest amenities and approximately 13,600 square feet of commercial retail space. Primary stationary noise sources associated with the project include mechanical equipment, parking lot activities, and outdoor gathering areas.

Mechanical Equipment

Heating Ventilation and Air Conditioning (HVAC) units would be installed on the roof of the proposed hotel building. Typically, mechanical equipment noise is 60 dBA at 20 feet from the source.⁴ Based upon the Inverse Square Law, sound levels decrease by 6 dBA for each doubling of distance from the source.⁵ The nearest sensitive receptor is the medical facility located approximately 630 feet to the north of the project site. At this distance, potential noise from HVAC units would be approximately 30 dBA. Therefore, HVAC noise levels would not be audible above existing ambient noise levels of 62.9 dBA; refer to Table 5.11-3. The nearest sensitive residential receptors are the multi-family uses located approximately 1,180 feet to the northeast of the project site. At this distance, potential noise from HVAC units would be approximately 25 dBA. HVAC noise levels would not be audible above existing ambient noise levels of 57.5 dBA; refer to Table 5.11-3. Therefore, the nearest sensitive receptors would not be directly exposed to substantial noise from on-site mechanical equipment. Impacts in this regard would be less than significant.

Parking Lot Activities

It should be noted that the project is expected to use the existing parking facilities within the Janss Marketplace and would not provide additional parking. As such, the parking lot noise is not expected to significantly change from the existing conditions as a result of the proposed project. Therefore, impacts in this regard would be less than significant.

Outdoor Gathering Area

The project would include an outdoor pool area for the guests. The structure would include an open-air courtyard within the center of the building composed of two levels, the first floor consisting of a patio and event area, and the second floor consisting of a pool deck. The outdoor amenity gathering area has the potential to be accessed by groups of people intermittently. Noise generated by groups of people (i.e., crowds) is dependent on several factors including vocal effort, impulsiveness, and the random orientation of the crowd members. Crowd noise is estimated at 60 dBA at one meter (3.28 feet) away for raised normal speaking.⁶ This noise level would have a +5 dBA adjustment for the impulsiveness of the noise source, and a -3 dBA adjustment for the random orientation of the crowd members.⁷ Therefore, crowd noise would be approximately 62 dBA at one meter from the source (i.e., the outdoor amenity gathering area).

The closest sensitive receptor is the medical facility to the north of the project site and is located approximately 630 feet from the project site. At the distance of 630 feet, crowd noise would be reduced to approximately 16.3 dBA. Therefore, crowd noise levels would not be audible above existing ambient noise levels; refer to Table 5.11-3. The nearest sensitive residential receptor is the multi-family uses located approximately 1,180 feet to the northeast of the project site. At this distance, crowd noise from would be approximately 10.9 dBA. Therefore, crowd noise levels would not be audible above existing ambient noise levels; refer to Table 5.11-3. As such, the proposed outdoor pool area would not generate noise

⁴ Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, Noise Navigator Sound Level Database with Over 1700 Measurement Values, June 26, 2015.

⁵ Cyril M. Harris, Noise Control in Buildings, 1994.

⁶ M.J. Hayne, et al, Prediction of Crowd Noise, Acoustics, November 2006.

⁷ Ibid.

levels that would exceed the City’s noise standards at the closest sensitive receptors. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

VIBRATION IMPACTS

Impact NOI-2 The proposed project would not generate excessive groundborne vibration or groundborne noise levels.

Impact Analysis: Project operations would not generate substantial levels of vibration due to the lack of vibration-generating sources associated with the hotel and retail development, and therefore, is not analyzed below. Conversely, project construction would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

The Caltrans Transportation and Construction Vibration Manual identifies various vibration damage criteria for different building classes. This evaluation uses the Caltrans architectural damage criterion for continuous vibrations at modern residential buildings of 0.5 inch-per-second (inch/second) PPV. The types of construction vibration impacts include human annoyance and building damage. Annoyance is assessed based on levels of perception, with a PPV of 0.01 inch/second being considered “barely perceptible,” 0.04 inch/second as “distinctly perceptible,” 0.1 inch/second as “strongly perceptible,” and 0.4 inch/second as “severe.” Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time.

Construction of the proposed project would occur over approximately 20 months and would include demolition, grading, paving, building construction, and architectural coatings. The project is to construct a shallow conventional foundation system, so piles would not need to be driven into the ground. The highest degree of groundborne vibration would be generated during the paving construction phase due to the operation of a vibratory roller for the pavement. Groundborne vibration levels associated with representative construction equipment are summarized in Table 5.11-7, Typical Vibration Levels for Construction Equipment.

**Table 5.11-7
Typical Vibration Levels for Construction Equipment**

| Equipment | Reference peak particle velocity at 25 feet (inches-per-second) ² | Reference peak particle velocity at 630 feet (inches-per-second) ² |
|----------------------------|--|---|
| Vibratory compactor/roller | 0.210 | 0.0017 |
| Large bulldozer | 0.089 | 0.0007 |
| Loaded trucks | 0.076 | 0.0006 |
| Small bulldozer/Tractors | 0.003 | <0.0001 |

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018.

Notes: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.1}$; where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance; PPV (ref) = the reference vibration level at 25 feet in in/sec; D = the distance from the equipment to the receiver

¹ Calculated using the following formula:

Construction activities are anticipated to occur immediately adjacent to the existing commercial building located along the southern project boundary. However, commercial uses are not considered sensitive receptors and therefore are not analyzed for vibration impacts. The nearest structure with sensitive receptors presented is the medical facility located approximately 630 feet to the north of the project site. As indicated in Table 5.11-7, vibration velocities from typical heavy construction equipment operations that would be used during project construction would be approximately 0.0017 inch/second PPV or less at 630 feet from the source of activity. As such, the project construction activities would not cause vibration levels to exceed the 0.5 inch/second threshold, therefore, impacts from vibration are less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

AIRPORT NOISE IMPACTS

Impact NOI-3 The proposed project is not 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 would not expose people residing or working in the project area to excessive noise levels.

Impact Analysis: The proposed project site is not located within an airport land use plan or within two miles of a public airport or public use airport. The project site is not located within any airport influence area or located within 10 miles radius of any public or private airport. The closest airport is Camarillo Airport, which is approximately 14 miles west. The Airport Master Plan for Camarillo Airport does not include the project site in its planning area noise contours.⁸ Van Nuys Airport is approximately 20 miles to the east of the project site. Therefore, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: No Impact.

5.11.5 Cumulative Impacts

Table 4-1, Cumulative Projects List, identifies the related projects and other possible development in the area determined as having the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. The following discussions are included per topic area to determine whether a significant cumulative effect would occur.

SHORT-TERM CONSTRUCTION NOISE IMPACTS

- Construction-related activities within the project area could result in significant temporary noise impacts to nearby noise sensitive receivers.

⁸ Camarillo Airport, *Airport Master Plan*, [http://vcportal.ventura.org/AIRPORTS/docs/document_library/Camarillo_Airport_Master_Plan_\(Draft_Final\).pdf](http://vcportal.ventura.org/AIRPORTS/docs/document_library/Camarillo_Airport_Master_Plan_(Draft_Final).pdf), 2010.

Impact Analysis: Construction activities associated with the proposed project and cumulative projects may overlap, resulting in construction noise in the site vicinity. However, construction noise primarily affects the areas immediately adjacent to a construction site. Although there may be other construction activity occurring concurrently, without further information it is speculative to assume how much other construction work would occur concurrently near the project site. Due to the distance and intervening structures, cumulative construction noise impacts would not occur. Additionally, the proposed project and all cumulative projects within the City would be required to comply with the City's noise standards and allowable hours of construction. Therefore, the project's contribution to cumulative noise impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

LONG-TERM NOISE IMPACTS

- The proposed project would not result in a significant increase in traffic and long-term stationary ambient noise levels.

Impact Analysis:

Mobile Noise

A project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold, and the project has an incremental effect. The proposed project would generate 724 net daily trips. Although there may be a significant noise increase due to the proposed project in combination with other related projects (combined effects), it must also be demonstrated that the project has an incremental effect. In other words, a significant portion of the noise increase must be due to the proposed project.

Noise is a localized phenomenon and reduces as distance from the source increases. Consequently, only the proposed project and growth due to development in the project site's general vicinity would contribute to cumulative noise impacts. As previously stated, existing average daily traffic volumes along West Wilbur Road and North Moorpark Road are approximately 8,400 and 23,543, respectively.⁹ As such, the project's trip generation (approximately 724 net daily trips) would not double existing traffic volumes along West Wilbur Road and North Moorpark Road and an increase in traffic noise along local roadways would be imperceptible. It should be noted that, the project generated traffic would remain the same in future whereas, the average traffic volumes along these roadways would increase due to the development in the project site's general vicinity. As such, due to the low project related traffic volumes, the project would not significantly increase the traffic noise along the local roadway. As there would not be any roadway segments that would be subject to significant incremental effects, traffic noise levels associated with the proposed project, in combination with cumulative background traffic noise levels, would result in less than significant cumulative impacts.

Stationary Noise

Although related projects have been identified within the project area, the noise generated by stationary equipment on-site cannot be quantified due to the speculative nature of each development. Nevertheless, each cumulative project would require separate discretionary approval and project-specific environmental analysis, which would address

⁹ City of Thousand Oaks, City of Thousand Oaks Local Roadway Safety Plan, May 2021 <https://www.toaks.org/home/showpublisheddocument/37932/637745552773930000>, accessed February 6, 2023.

potential noise impacts and identify necessary attenuation measures, where appropriate. Additionally, as noise dissipates as it travels away from its source, noise impacts from stationary sources would be limited to each of the respective sites and their vicinities. Due to the distance and intervening structures, cumulative stationary noise impacts would not occur. As noted above, the proposed project would not result in significant stationary noise impacts that would significantly affect surrounding sensitive receptors. Thus, the proposed project and identified cumulative projects are not anticipated to result in a significant cumulative impact in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

VIBRATION IMPACTS

- Project implementation would not result in significant vibration impacts to nearby sensitive receptors and structures.

Impact Analysis: As discussed above, project operational activities would not generate substantial groundborne vibration and project construction activities would not generate groundborne vibration above the significance criteria (i.e. 0.5 inch/second PPV threshold as established by Caltrans) at nearest off-site structure with sensitive receptors presented. Groundborne vibration generated from cumulative development projects would be required to implement any required mitigation measures on a project-by-project basis, as applicable, pursuant to CEQA provisions. Therefore, the project's contribution to cumulative vibration impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

AIRPORT NOISE IMPACTS

- Project implementation would not result in exposing people residing or working in the project area to excessive noise levels of aircraft noise.

The proposed project is not 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 would not expose people residing or working in the project area to excessive noise levels.

At approximately 14 miles west of the City's western boundary and at approximately 20 miles east of the City's eastern boundary, neither the project nor the cumulative projects would expose people living or working in the area to excessive levels of aircraft noise. Cumulative impacts for all noise and vibration issues would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: No Impact.

5.11.6 Level of Significance After Mitigation

No significant unavoidable impacts related to noise have been identified.

5.12 Public Services and Recreation

This section provides an overview of existing conditions and analyzes potential environmental impacts resulting from the provision of public service facilities to accommodate development of the proposed project. Criteria by which an impact may be considered potentially significant are provided, along with a discussion of impacts pursuant to Appendix G of the CEQA Guidelines. Mitigation measures are recommended, as necessary, to minimize impacts as a result of project implementation. Public services addressed in this section include fire protection, law enforcement services, public schools, parks, and libraries.

5.12.1 Existing Setting

FIRE PROTECTION

The City of Thousand Oaks (City) is serviced by the Ventura County Fire Protection District, commonly known as the Ventura County Fire Department (VCFD). The VCFD is a full-service, all-hazard fire protection agency that provides emergency and non-emergency services throughout its 848 square-mile jurisdiction.¹ The VCFD consists of 33 fire stations, 7 of which are in Thousand Oaks (Stations 30, 31, 32, 33, 34, 37, and 44), and has approximately 600 uniformed personnel that provide fire protection, medical services, rescue services, hazardous materials response, and other services for the City. Additional stations are located in the vicinity of Thousand Oaks, as needed, for particular emergencies. Two stations are to the north of the City (Stations 40 and 44 in Moorpark and Simi Valley, respectively), and two are located west of the city (Stations 52 and 54 in Mission Oaks and Camarillo, respectively). The District has mutual aid agreements with other fire services agencies in Ventura and Los Angeles Counties. If additional assistance is needed, the VCFD has a cooperative fire protection agreement with the California Department of Forestry and Fire Protection (CAL FIRE), the Office of Emergency Services, the State Fire Marshal, the U.S. Forest Service, the National Park Service and Bureau of Land Management, and the Department of Defense.² The VCFD has instituted several programs to minimize the potential for hazards, including fire safety and fire prevention training, site inspections, and wildland/urban interface hazard mitigation programs.

The Safety Element of the General Plan identifies the following target response time for the VCFD:

- Response time for arrival of the first fire engine at an emergency scene should be within five minutes to 90 percent of incidents in its jurisdiction.³ This provides one minute to dress into protective gear, and four minutes to drive to the incident. Generally, first response times depend on the type of incident, location, weather conditions, existing or potential emergencies, and available resources.⁴

According to the General Plan, the VCFD continues to strive to meet its adopted response standards in the City of Thousand Oaks. In 2020, the VCFD responded to 12,851 calls for service in Thousand Oaks, the majority of which were medical service calls.⁵

¹ Ventura County Fire Department, *Overview*, <https://vcfd.org/about-vcfd/overview/>, 2023.

² Thousand Oaks, City of. *General Plan, Safety Element*, <https://www.toaks.org/departments/community-development/planning/general-plan>, March 2014.

³ Thousand Oaks, City of. *General Plan, Safety Element*, <https://www.toaks.org/departments/community-development/planning/general-plan>, March 2014.

⁴ Written Communication, Ventura County Fire Department, February 17, 2023.

⁵ Ventura County Fire Department, *2020 Ventura County Fire Department District Snapshot*, <https://vcfd.org/about-vcfd/annual-reports/>, 2020.

Four VCFD stations are located near the proposed project area, Stations 30, 31, 34, and 35. The project area is served by VCFD Station 30, which provides services for the central portion of the City and is approximately two miles from the project site (325 West Hillcrest Drive). Station 30 is staffed by a Battalion Chief, Fire Captain, Engineer, and a Firefighter, with three total personnel assigned to Engine 30. It is equipped with the Battalion Chief’s command vehicle, Engine 30, Squad 30, and Brush Engine 330. Station 34 is located approximately 2.8 miles from the project site, at 555 East Avenida de Los Arboles.

LAW ENFORCEMENT

The City of Thousand Oaks receives law enforcement services from the Ventura County Sheriff’s Office (VCSO)/Thousand Oaks Police Department (TOPD). The VCSO is staffed by approximately 1,200 personnel, including 700 sworn positions.⁶ The VCSO has four primary divisions, including Special Operations, Patrol, Detention, and Support Services. The Detention Services Division is responsible for reception, booking and classification, jail services, security, and three jail facilities. The VCSO has three detention facilities, including the Pre-Trail Detention Facility, Todd Road Jail, and the East County Jail, which is located at 2101 East Olsen Road in Thousand Oaks. The Special Services Division investigates major crimes, narcotics, and intelligence and vice, and oversees search and rescue, tactical negotiations, the Special Weapons and Tactics Team (S.W.A.T.), the Sheriff’s Bomb Squad, a Crime Laboratory, the Crime Scene Investigations Unit, and the Information Systems Bureau. The Support Services Division includes internal departments such as Human Resources, Records, the Business Office, Professional Standards Bureau, and the Training Center. The Operations Division, Patrol Bureau is the largest of all four, offers 24/7 service to five cities and all unincorporated areas of Ventura County, and is responsible for enforcing the law, providing citizen assistance, and responding to emergency situations. The Patrol Division includes a Mounted K-9 Unit, Sheriff’s Communications Center, and the Office of Emergency Services.⁷

The City is serviced by the East County Station, which shares its space with the Thousand Oaks Police Department. The TOPD is staffed by 135 sworn positions, 92 of which are City-funded and 43 of which are County-funded. East County Station is located at 2101 East Olsen Road. The Station is staffed with six full-time patrol cars and six 12-hour cars, totaling 12 officers on duty during hours of heightened activity. The VCSO’s response time in Thousand Oaks is 3 to 7 minutes for “priority one” emergency-related calls.⁸

SCHOOLS

The City of Thousand Oaks is served by the Conejo Valley Unified School District (CVUSD). According to the CVUSD School Directory for 2021-2022, the district has 32 educational facilities, 18 of which are elementary schools, 6 are middle schools, 5 are high schools, and the remaining 6 facilities are a combination of preschools, adult schools, and operations and educational centers.⁹ In addition to these schools, Thousand Oaks has several private schools and daycares located throughout the City. California Lutheran University is also located in Thousand Oaks.

Table 5.12-1, Nearest Conejo Valley Unified School District Facilities, identifies the current enrollment of school facilities within a two-mile radius of the project site.

⁶ Ventura County Sheriff’s Office, *Welcome*, <https://www.venturasheriff.org/welcome/>, 2022.

⁷ Ventura County Sheriff’s Office, *Divisions*, <https://www.venturasheriff.org/divisions/>, 2022.

⁸ Written Communication, Ventura County Sheriff’s Office, February 28, 2023.

⁹ Conejo Valley Unified School District, *District Overview Directory*, <https://www.conejousd.org/Page/85>, 2021.

**Table 5.12-1
Nearest Conejo Valley Unified School District Facilities**

| School (Grade Levels) | 2023 Enrollment |
|--------------------------------------|---------------------|
| Thousand Oaks High School | 1,771 |
| Century Academy | 260 |
| Acacia Elementary School | 379 |
| Redwood Middle School | 668 |
| Colina Middle School | 812 |
| Madrona Elementary School | 257 |
| Aspen Elementary School | 300 |
| Glenwood Elementary School | 224 |
| Conejo Elementary School | 237 |
| Conejo Valley Adult Education School | Approximately 3,500 |
| Conejo Valley High School | 119 |
| Conejo Valley Child Care | 90 |

Source: Public Services Response Letter from Dr. Victor P. Hayek, Deputy Superintendent, Dated 20 January 2023.

CVUSD collects developer fees for school facilities from residential and commercial/senior citizen development in order to offset impacts to school services. As of 2022, CVUSD collects developer fees in the amount of \$0.54 per square-foot of commercial development.¹⁰

LIBRARIES

The City of Thousand Oaks has a City-owned library system, served by one main library facility at Grant R Brimhall Library (Thousand Oaks Library), located at 1401 East Janss Road, and one branch library, the Newbury Park Branch, located at 2331 Borchard Road, Newbury Park. The Grant R Brimhall Library is approximately 3 miles from the proposed project site. The Thousand Oaks Library is approximately 84,000 square-feet in size, holds 301,470 physical resources, provides 33 public internet computers, and has 48 employees. Library services include technology training classes, borrower services, meeting rooms, proctoring, passport appointments, and computer-related equipment such as 3D and wireless printing, document scanning, and free Wi-Fi.¹¹ The Newbury Park Library, which is approximately 3.7 miles from the project site, is approximately 28,000 square-feet in size, has 80,454 physical items and 12 public computers, and has 9 employees.¹²

PARKS AND RECREATION

The City of Thousand Oaks works in partnership with the Conejo Recreation and Park District (CRPD) to provide 15,334 acres of parks and open space for the City. Open space includes land or water that is unimproved for residential, commercial, or industrial uses, whether publicly- or privately-owned, and is typically natural in character. The open space designation is generally used for the preservation of natural resources, managed production of resources,

¹⁰ Conejo Valley Unified School District, *Developer Donations School Fees*, <https://www.conejousd.org/Page/1583>, 2022.

¹¹ City of Thousand Oaks Library, *Services*, <https://www.tolibrary.org/services>.

¹² Written Communication, Thousand Oaks Library, February 2, 2023.

establishment of outdoor recreation, and enhancement of public health and safety.¹³ The Open Space System is within the City’s planning area and includes existing and future natural lands and lands used for outdoor recreation, including parks and golf courses. The City currently has more than 34 percent of its planning area set aside as open space, including various areas within the City of Thousand Oaks, a community in the Conejo Valley, and a small valley in the foothills of the Santa Monica Mountains. The Conejo Open Space Conservation Agency, which was created by a joint powers agreement between the City of Thousand Oaks and the CRPD, owns and/or manages 12,700 acres of the total open space, and maintains over 150 miles of trails.¹⁴ According to the last update of the Open Space Element of the City’s General Plan in 2013, the City owns approximately 2,845 acres of the total designated open space, and the CRPD owns approximately 1,614 acres.¹⁵ The CRPD also maintains the Borchard Community Center, three community pools, the Conejo Center/Outdoor Unit, the Crowley House, which offers an Independent Living Skills program, the Dos Vientos Community Center, the Goebel Adult Community Center for senior adults, the Hillcrest Center for the Arts, the McCrea Ranch Visitor Center, the Old Meadows Center for Therapeutic Recreation, the Alex Fiore Thousand Oaks Teen Center, and the Thousand Oaks Community Center.¹⁶ Table 5.12-2, Local Area Open Space Facilities, identifies existing parks and recreational areas within a two-mile radius of the project site.

**Table 5.12-2
Local Area Open Space Facilities**

| Facility Name | Distance from Project Site (Miles) | Size (Acres) |
|------------------------------|------------------------------------|--------------|
| Conejo Community Park | 0.92 | 38.4 |
| Paige Lane Neighborhood Park | 1.0 | 14.1 |
| Glenwood Park | 1.45 | 5.2 |

Source: Written Communication, Conejo Recreation and Park District, February 1, 2023.

5.12.2 Regulatory Setting

FIRE PROTECTION

Federal

Federal Emergency Management Act

The Federal Emergency Management Act (FEMA) was established in 1979 via executive order and is an independent agency of the federal government. In March 2003, FEMA became part of the U.S. Department of Homeland Security with the goal of preparing the nation for hazards and managing federal response and recovery efforts following any national incident. FEMA also initiates proactive mitigation activities, trains first responders, and manages the National Flood Insurance Program and the U.S. Fire Administration.

¹³ Thousand Oaks, City of. *General Plan, Open Space Element*, <https://www.toaks.org/departments/community-development/planning/general-plan>, October 2013.

¹⁴ Conejo Open Space Conservation Agency, *Who We Are*, <https://conejo-openspace.org/about/who-we-are/>, 2023.

¹⁵ Thousand Oaks, City of. *General Plan, Open Space Element*, <https://www.toaks.org/departments/community-development/planning/general-plan>, October 2013.

¹⁶ Conejo Recreation and Park District, *Facilities*, <https://www.crpdpd.org/facilities/borchard-center/>, 2023.

Disaster Mitigation Act of 2000

The Disaster Mitigation Act of 2000 (42 United States Code [U.S.C.] Section 5121) provides the legal basis for FEMA mitigation planning requirements for state, local, and Indian Tribal governments as a condition of mitigation grant assistance. It amends the Robert T. Stafford Disaster Relief Act of 1988 (42 U.S.C. Section 5121-5207) by repealing the previous mitigation planning provisions and replacing them with requirements that emphasize the need and create incentives for state, tribal, and local agencies to closely coordinate mitigation planning and implementation efforts. This Act reinforces the importance of pre-disaster infrastructure mitigation planning to reduce disaster losses nationwide and the streamlining of the administration of federal disaster relief and programs to promote mitigation activities.

Federal Fire Safety Act of 1992

The Federal Fire Safety Act (FFSA) of 1992 applies to federal operations and does not require local action unless a private building owner leases space to the federal government. The FFSA requires federal agencies to provide sprinkler protection in any building, whether owned or leased by the federal government, that houses at least 25 federal employees during their employment.

Uniform Fire Code

The Uniform Fire Code (UFC) includes specialized technical fire and life safety regulations, which apply to the construction and maintenance of buildings and land uses. Topics addressed in the UFC include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings.

National Fire Plan of 2000

The National Fire Plan (NFP) was developed under Executive Order 11246 in August 2000, following a landmark wildfire season. The NFP is intended to respond to severe wildfires and their impacts to communities while ensuring sufficient firefighting capacity for the future. The Plan addresses firefighting, rehabilitation, hazardous fuels reduction, community assistance, and accountability.

Occupational Safety and Health Act of 1970

The Occupational Safety and Health Act of 1970 led to the foundation of the Occupational Safety and Health Administration (OSHA) to assure safe and healthful working conditions for all workers by setting and enforcing standards and providing training and education. The required safety and health regulations for construction sites are included in the Code of Federal Regulations, Title 29, part 1926. Safety requirements related to fire protection and prevention for construction sites are provided in Part 1926, Subpart F, and generally include: provision of fire suppression and fire-fighting equipment on construction sites, sufficient water supply, and requirements for keeping storage sites free from accumulation of unnecessary combustible materials. In California, the Division of Occupational Safety and Health, also known as Cal/OSHA, is responsible for administering these safety and health requirements.

State

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 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 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 project site is not within or adjacent to a VHFHSZ.

California Public Resources Code Sections 4290-4299 and General Code Section 51178

A variety of State Codes, particularly Public Resources Code Sections 4290-4299 and General Code Section 51178, require minimum statewide fire safety standards pertaining to: roads for fire equipment access; signage identifying streets, roads, and buildings; minimum private water supply reserves for emergency fire use; and fire fuel breaks and greenbelts. They also identify primary fire suppression responsibilities among the Federal, State, and local governments. In addition, any person who owns, leases, controls, operates, or maintains a building or structure in or adjoining a mountainous area of forest-covered, brush-covered, or grass-covered land, or any land covered with flammable material, must follow procedures to protect the property from wildland fires. This regulation also helps ensure fire safety and provide adequate access to outlying properties for emergency responders and safe evacuation routes for residents.

California Fire Code

The California Fire Code contains regulations relating to construction and maintenance of buildings and the use of premises based on the UFC. Topics addressed in the code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist first responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and premises. The code contains specialized technical regulations related to fire and life safety.

Section 501.3 of the Fire Code states, "Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus access roads and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction."

California Health and Safety Code

State fire regulations set forth in Sections 13000, et seq. of the California Health and Safety Code include regulations for building standards (as also set forth in the California Building Code), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training.

California Strategic Fire Plan of 2018

The 2018 California Strategic Fire Plan (Fire Plan) is a cooperative effort between the State Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection. The Fire Plan focuses on fire prevention, suppression activities, and natural resource management to maintain the State's forests as a resilient carbon sink to meet California's climate change goals and to serve as important habitat for adaptation and mitigation.

State Multi-Hazard Mitigation Plan

The State Multi-Hazard Mitigation Plan (SHMP) intends to significantly reduce deaths, injuries, and other losses attributed to natural and human-caused hazards in California. The SHMP provides guidance for hazard mitigation activities emphasizing partnerships among local, state, and federal agencies, as well as the private sector. The SHMP is federally required under the Disaster Mitigation Act of 2000 for the state to receive federal funding in case of disaster. The California Office of Emergency Services prepares the California SHMP, which identifies hazard risks and includes a vulnerability analysis and hazard mitigation strategy.

California Code of Regulations, Title 24, Part 2, California Building Code

California Code of Regulations (CCR) Title 24 refers to the California Building Code (CBC) and contains complete regulations and general construction building standards of state adopting agencies, including administrative, fire and life safety, and field inspection provisions. Current law states that every local agency enforcing building regulations, such as cities and counties, must adopt the provisions of the CBC. Part 9 of the CBC refers to the California Fire Code, which contains other fire safety-related building standards. In particular, CBC Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure, addresses fire safety standards for new construction. The most recent building standard adopted by the legislature and used throughout the state is the 2022 version of the CBC, often with local, more restrictive amendments that are based on local geographic, topographic, or climatic conditions. The CBC is updated on a three-year cycle, and the 2022 CBC took effect on January 1, 2023.

Regional and Local

Ventura County Fire Protection District Unit Strategic Fire Plan

The Ventura County Fire Protection District Unit Strategic Fire Plan (2022) is a component of the California Strategic Fire Plan used within the Ventura County Fire Department and established under the HFRA protocol. The Ventura County Fire Department seeks to achieve the same goals as the State, including a natural environment that is more fire resilient, buildings and infrastructure that are more fire-resistant, and a society that is more aware of and responsive to the benefits and threats of wildland fire, on a local level that works with stakeholders and cooperators to create programs, policies, and procedures that would make the residents of Ventura County safer. Another significant element of the plan is to identify and evaluate wildland fire hazards to minimize negative effects of a wildland fire on the natural and human environments.

Ventura County Fire Protection District Codes, Standards, and Ordinances

Projects are required to comply with all currently adopted VCFD Codes, Standards, and Ordinances in effect at the time of project review. Ordinance 32, in effect since January 1, 2023, provides updates compatible with the State Fire Code

with the purpose of safeguarding life and property from fire, explosion hazards and hazardous conditions, and regulating the issuance of permits and collection of fees.¹⁷

Ventura County Fire Protection District Ordinance No. 27

Effective January 11, 2011, Ordinance 27 of the Ventura County Fire Protection District to be known as the Ventura County Fire Code, adopted by reference the 2010 California Fire Code and portions of the 2009 International Fire Code, both of which are part of the California Building Standards Code, known as California Code of Regulations (CCR), Title 24.

Ventura County Fire Protection District Ordinance No. 29

Effective January 1, 2017, Ordinance 29 of the Ventura County Fire Protection District to be known as the Ventura County Fire Apparatus Access Code, establishes the minimum cumulative design and maintenance standards for emergency fire access roads within the jurisdictional boundaries of the Ventura County Fire Protection District. These provisions permit emergency resources to respond to an incident in a safe and effective manner.¹⁸

Ventura County Fire Protection District Ordinance No. 31

Adopted on October 15, 2019, Ordinance 31 of the Ventura County Fire Protection District to be known as the Ventura County Fire Code (VCFC), adopted by reference the 2019 California Fire Code and portions of the 2018 International Fire Code, both of which are part of the California Building Standards Code. Ordinance 30 includes select Appendices with additions, deletions, and amendments to the California Fire Code and International Fire Code.¹⁹

Thousand Oaks General Plan

The General Plan Safety Element includes goals and policies to address the City’s fire protection needs. The following goals and policies are relevant to the proposed project:

Safety Element

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

¹⁷ Ventura County Fire Protection District. 2023. “Ordinance No. 32.” 04 April 2023. <https://vcfd.org/fire-prevention/ordinances-and-fees/>.

¹⁸ Ventura County Fire Protection District. 2017. “Ordinance No. 29.” 21 September 2022. <https://vcfd.org/wp-content/uploads/2020/02/Ordinance-29-Adopted-Version-1.pdf>.

¹⁹ Ventura County Fire Protection District. 2019. “Ordinance No. 31.” 21 September 2022. <http://bosagenda.countyofventura.org/sirepub/cache/2/fsuikblrb23ohfl1mmtfpvhr/99258009212022110805401.PDF>.

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 (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.

Thousand Oaks Municipal Code

The Thousand Oaks Municipal Code contains, by reference, the California Building Code (CBC) building construction standards, including the California Fire Code (CFC).

Municipal Code Title 4, Chapter 6, Fire Control and Prevention:

Municipal Code Title 4, Chapter 6, Fire Control and Prevention, adopts by reference the most recent version of the Uniform Fire Code and ratifies any applicable amendments thereto. This chapter also includes standards for enforcement, rules and regulations, authority of fire personnel to exercise powers of police officers, and compliance and penalties.

Municipal Code Title 8, Chapter 1, Section 8-1.14, Amendments: Chapter 15, Section 1505 Fire Classification:

Municipal Code Title 8, Chapter 1, Section 8-1.14, *Amendments: Chapter 15, Section 1505 Fire Classification*, amends the minimum roof covering classification for all types of construction to be Class A. Only Class A roofs are allowed.

Thousand Oaks Emergency Operations Plan

The City of Thousand Oaks prepared an Emergency Operations Plan (EOP) which addresses the City's planned response to emergency regarding natural disasters, technological incidents, and national security emergencies. The EOP contains five City emergency management goals, including saving lives that are immediately threatened; providing for health and safety of those impacted by the incident; protecting property impacted by the incident; restoring services and infrastructure; and preserving the environment.

POLICE PROTECTION

Federal

There are no Federal regulations directly applicable to police protection with respect to this project.

State

California Highway Patrol

The California Highway Patrol (CHP) provides traffic safety and enforcement services on unincorporated roadways and State highways. The City of Thousand Oaks is located in the CHP Coastal Division that operates eleven offices along the coast. The nearest offices proximate to the project site are the Moorpark, West Valley, and Ventura offices. The Coastal Division also includes two Commercial Vehicle Enforcement facilities, and three Communications/Dispatch Centers. These facilities contain approximately 700 uniformed and non-uniformed employees. In addition to patrol officers, the CHP Coastal Division has at their disposal the Commercial Vehicle Unit, Motor Carrier Unit, Investigative Services Unit, Air Operations Unit, Multidisciplinary Accident Investigation Team (MAIT), Recruiting, and Public Affairs as resources to facilitate enforcing laws and providing security.

California Commission on Peace Officer Standards and Training (Post)

The California Commission on Peace Officer Standards and Training (POST) advocates for, exchanges information with, sets selection and training standards for, and works with law enforcement and other public private entities. POST was established by the Legislature in 1959 to identify common needs that are shared by representatives of law enforcement.

California Constitution Article XIII, § 35

California Constitution Article XIII, § 35 (a)(2) states: “The protection of public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services.” Article XIII, § 35 of the California Constitution was adopted under Proposition 172, which directed the proceeds of a 0.50 percent sales tax to be used exclusively for public safety services. Therefore, lead agencies are required to use Proposition 172 to supplement local funds and ensure that public safety services including fire protection, emergency medical services, and other public safety services are provided.

California Penal Code

The California Penal Code contains organizational and operating provisions for all law enforcement agencies within California. This code provides the authority, rules of conduct, and training for police officers. Pursuant to the State Penal Code, all sworn municipal and county police officers are peace officers of the state.

Local and Regional

Thousand Oaks General Plan

The Thousand Oaks General Plan Safety Element states that the City is provided police protection service by contract with the VCSD. Policies in the Safety Element regarding police services in Thousand Oaks include the following:

Safety Element

Goal S-7. Protect life, property, and the environment from the effects of releases of hazardous materials into the air, land or water.

Policy E-6: Coordinate with the Ventura County Sheriff’s Department, the California Highway Patrol, and the Ventura County Fire Protection District regarding regional Plans for transportation corridors for hazardous materials.

Goal S-8. Protect life and property from the potential effects of terrorist acts.

Policy F-3: Continue to share terrorist-related information with Federal, State, and local law enforcement agencies and make use of the shared information to identify terrorist threats.

Thousand Oaks Municipal Code

On August 30, 1983, the County adopted a Police Facilities Development Fee (City of Thousand Oaks Municipal Code Section 8-2.02 – 8-2.05) developer fee in order to relieve the overextension of police station facilities impacted by new development in the City. The City is on contract with the Ventura County Sheriff’s Department, so the City enacts the collection of the Police Facilities Development Fee to contribute toward the provision of County policing services. The funds are reserved in a restricted account within the City Treasury and the fees, and any interest earned thereon, are to be used only for the purposes of acquiring or improving the police facilities used in providing police services to the City.

SCHOOLS

Federal

There are no Federal regulations directly applicable to school facilities with respect to this project.

State

California Education Code Section 17620(A)(1)

Government Code § 65995(h) states in part: “The payment or satisfaction of a fee...specified in § 65995...are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property...on the provision of adequate school facilities.”

Senate Bill 50/Proposition 1A

Senate Bill (SB) 50, the Leroy F. Greene School Facilities Act of 1998, was signed into law on August 27, 1998. SB 50 provides grant funding to school districts for acquisition of school sites, construction of new facilities, or modernization of existing facilities. Grants are funded through a \$9.2 billion state bond measure, Proposition 1A, which was approved by voters during the November 3, 1998, election. An additional \$12.3 million in funding was provided by Proposition 55 which was passed in March 2004. Under SB 50, construction grants are provided at a 50:50 state and local ratio, while modernization grants are provided on a 60:40 ratio shared between the State and local school district. School districts that are unable to meet any share of the local match requirement may be eligible for additional state funding if they satisfy financial hardship. In addition, SB 50 allows governing boards of school districts to establish fees to offset costs associated with school facilities made necessary by new construction.

Local and Regional

Thousand Oaks General Plan

The Thousand Oaks General Plan Social Element includes the education goal of the City which is supporting Conejo Valley Unified School District (CVUSD) and other educational institutions to provide educational services to the community. Policies were established to help guide the City to their goal by promoting the best, most efficient use of available facilities.

LIBRARIES

Federal

There are no Federal regulations directly applicable to library services with respect to this project.

State

There are no State regulations directly applicable to library services with respect to this project.

Local

There are no local regulations directly applicable to library facilities with respect to this project.

PARKS AND RECREATION

Federal

There are no Federal regulations directly applicable to parks and recreation with respect to this project.

State

Quimby Act

The Quimby Act (California Government Code Section 66477) states that the legislative body of a city or county may, by ordinance, require the dedication of land or impose a fee payment requirement in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative map or parcel map, provided certain requirements are met. This Section further states that “the dedication of land, or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide three (3.0) acres of park area per 1,000 persons residing within a subdivision subject to this section.” Revenues generated through the Quimby Act can only be used for developing new or rehabilitating existing park or recreational facilities to serve the relevant subdivision. The Quimby Act was amended in 1982 (Assembly Bill 1600) to require agencies to clearly show a reasonable relationship between the public need for the recreation facility or parkland and the type of development project upon which the fee is imposed.

Proposition 40 Park Bond Act

Proposition 40 is intended to maintain a high quality of life for California’s growing population by providing a continuing investment in park and recreational facilities. Specifically, it is for acquisition and development of neighborhood, community, and regional parks, and recreational land and facilities, in urban and rural areas. Projects

eligible for funding include acquisition, development, improvement, rehabilitation, restoration, enhancement and the development of interpretative facilities, or local parks and recreational land and facilities, and funds are distributed based on a city's population.

Local

Thousand Oaks General Plan

The General Plan Community Forest Element includes goals and policies to address the City's parks and recreation needs. The following policies are relevant to the proposed project:

Community Forest Element

Policy F-24. Adequate space and site conditions should be provided for healthy tree growth to full maturity. City staff should evaluate proposed planting sites and suggest modifications that will provide for the best possible growing conditions for the trees. In particular, adequate unconstructed, uncompacted root room and ample air space for the trees' full growth should be provided. In new developments utilities should be undergrounded outside the root zone of street trees. Narrow existing parkways should be widened wherever possible. Larger planting areas with clusters of trees should be encouraged.

Conejo Recreation and Park District 2011 Master Plan

The Conejo Recreation and Park District Master Plan (Park Master Plan) (dated 2011) is intended to identify how the Conejo Recreation and Park District is meeting the recreation needs for various planning areas within the District. It establishes guidelines and standards for the placement and planning of recreation areas by type and acres-per-population ratio. The Park Master Plan discusses the existing parkland and open space facilities and identifies areas within the District with recreational needs, linking the General Plan goals to address the City's parks and recreational needs.

5.12.3 Impact Thresholds and Significance Criteria

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

PUBLIC SERVICES

- a) Would the project 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 public services:
 - Fire protection (refer to Impact Statement PSR-1);
 - Police protection (refer to Impact Statement PSR-2);
 - Schools (refer to Impact Statement PSR-3);
 - Parks (refer to Impact Statement PSR-4);
 - Other public facilities (refer to PSR-7).

RECREATION

- a) Would the project 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 (refer to Impact Statement PSR-5); and/or
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (refer to Impact Statement PSR-6).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.12.4 Impacts and Mitigation Measures

FIRE PROTECTION SERVICES

Impact PSR-1 Project implementation would not result in the need for additional fire protection facilities and personnel. Impacts would be less than significant.

Impact Analysis: The site is located within an urbanized area, away from the wildland urban interface, served by the VCFD, and is not within or adjacent to a very high fire hazard severity zone (VHFHSZ). The project area is serviced by VCFD Fire Station 30, located approximately two miles from the project site. The project site is within the five-minute response time of the VCFD, which has adequate staff at Station 30 to address any project-related needs for fire safety.

Construction Impacts

The project would not result in the need for the construction of any new or physically altered fire protection facilities. Construction activities associated with the project could temporarily result in an incrementally increased demand for VCFD fire protection services. Construction activities could potentially expose combustible materials (i.e., wood, plastics, sawdust, coverings, and coatings) to fire risks from machinery and equipment sparks, exposed electrical lines, and chemical reactions in combustible materials and coatings. However, all construction activities would be subject to compliance with applicable State and local regulations in place to reduce risk of construction-related fire (i.e., installation of temporary construction fencing to restrict site access and maintenance of a clean construction site). Additionally, the project would be required to comply with Municipal Code Title 8, Chapter 1, Section 8-1.02, Building Code, which adopts by reference the CBC standards regarding site access requirements and fire safety precautions. This includes plan review by the VCFD of the design details of the architectural, structural, mechanical, plumbing, and electrical systems.

As discussed in Section 3.0, Project Description, the project’s preliminary safety plan identifies temporary protected walkways to isolate construction workers from visitors and employees of the Janss Marketplace, as well as chain link fencing surrounding construction equipment and activities secured by lock and chain. Since construction activities would be limited in duration and would require a small local construction workforce, they would not increase long-term demand for fire protection services or impede the City of Thousand Oaks General Plan goal of achieving a five-minute response time to calls for emergency service. With implementation of the construction safety plan and compliance with State and local regulations, construction-related impacts to fire protection services from the project would be less than significant. The provision of, or need for, new or physically altered fire facilities, the construction of which would cause significant

environmental impacts, would not be necessary in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. No mitigation measures are required.

Operational Impacts

The project would be designed in accordance with Municipal Code Title 8, Chapter 1, Section 8-1.02, *Building Code*, as well as Municipal Code Title 4, Chapter 6, *Fire Control and Prevention*, which adopts by reference the most recent version of the Uniform Fire Code for the State of California. The California Fire Code includes fire safety-related building standards for construction, access, water mains, fire flows, and hydrants. Further, in conformance with General Plan Safety Element Policies D-1, D-7, D-8, and D-10, the proposed project would be required to comply with building code requirements related to fire protection and prevention. Additionally, as part of the requirements for the building permit issuance process, the project would be required to pay a Fire Department Facilities Fee to the Building Division, and a Fire Department Construction Fee and Plan Check Fee for R-1 Annual Occupancy Inspections to the VCFD.²⁰²¹

Further, the City and the VCFD would review the project's site plans to confirm the proposed emergency vehicle access (EVA) driving aisle meets the applicable State and local codes and standards pertaining to emergency access.

Potable water would be used for fire suppression and provided by Cal-Am, through CMWD. The applicant's site plans include a drive aisle for fire truck access along the walkway that runs east-west immediately north of the proposed structure. Based on feedback from the VCFD, the plans would be required to be modified to extend the drive aisle east, allowing fire truck access all the way to the internal Janss Marketplace courtyard at the northeast corner of the proposed structure, from the access road to the west. Additionally, the plans provide access to the upper floors of the hotel from the hotel's inner courtyard. The plans provide for ladder maneuvering space around the west, north, and east sides of the proposed structure. An existing fire hydrant is located in close proximity to the proposed entrance on the west side of the current structure.

The VCFD has not indicated any concerns with staffing levels relative to implementation of the proposed project.²² Therefore, the proposed project would not substantially increase demand or result in the need for additional fire protection facilities, and would not adversely impact service ratios, response times, or other VCFD performance standards.²³ Additionally, as a matter of regulatory compliance, the developer would be required to pay applicable VCFD facility fees. The VCFD uses the facility fees as part of an adopted program for development of additional fire protection facilities on an as needed basis. As such, the project would also not require the construction of new fire protection facilities or expansion of existing facilities in order to maintain adequate response times. Therefore, the project would result in a less than significant impact.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

²⁰ Thousand Oaks, City of, *Building*, <https://www.toaks.org/departments/city-manager-s-office/trending-topics/fire-recovery/rebuilding/building>.

²¹ Ventura County Fire Department. *Ventura County Fire Protection District Fee Schedule*, <https://vcfd.org/wp-content/uploads/2021/07/Fee-Schedule-2021-2022.pdf>, 2021.

²² Written Communication, Ventura County Fire Department, February 17, 2023.

²³ Written Communication, Ventura County Fire Department, February 17, 2023.

POLICE PROTECTION SERVICES

Impact PSR-2 Project implementation would not result in the need for additional police protection facilities and personnel. Impacts would be less than significant.

Impact Analysis: Police services to the project site would be provided by VCSO and TOPD. The main VCSO station that would serve the project site in conjunction with the TOPD is approximately 6.3 miles from the project site.

Construction Impacts

During the construction associated with implementation of the Janss Hotel, police service requirements on the project site have the potential to increase over existing demands as a result of both increased persons and the presence of buildings and equipment on the project site. The daytime population would increase due to the presence of construction workers on the project site. This increase in daytime population would vary due to the type of construction activities being conducted (i.e., demolition, grading, infrastructure improvements, or construction of structures). The movement of construction equipment to and from staging and/or storage areas could interfere with vehicle access to the parking structure west of the project area of disturbance. There is a potential for increased calls for service to the project site as a result of the increased number of people at the project site, and the presence of building materials generates a greater potential for vandalism and theft. Collectively, the project could temporarily increase the VCSO's calls for service demands for emergency services. However, the applicant's proposed Construction Safety Plan includes construction-related best management practices to minimize project-related safety impacts. Construction activities would also be subject to compliance with applicable State and local regulations to reduce impacts to police protection services, including Municipal Code Title 8, Chapter 1, Section 8-1.02 (adopts by reference the CBC), which includes site access requirements and other relevant safety precautions. Therefore, construction activities would not substantially impact demands on police protection services. Any temporary increase in demand would be adequately served by the 12 personnel on local VCSO and TOPD staff. The VCSO has indicated that calls for police service can be accommodated by existing staff levels; thus, police staffing levels would remain the same, and the project would not result in the need for the construction of any new or physically altered police protection facilities. Construction-related impacts concerning police protection services would be less than significant.

Operational Impacts

The VCSO and TOPD have the responsibility to provide general law enforcement, including traffic control and enforcement for the City and to the project site. Project implementation could indirectly result in an increase in the City's population, but the project is not anticipated to result in a population increase that would significantly increase the demand for police services within the City; nor would there be an anticipated increase in demand for police services such that existing staffing levels would be insufficient. The hotel is anticipated to operate 24 hours a day, 7 days a week. Employees and guests are not included in the City's residential population count (only those who live in residential units in the City are included in the residential population, which could include employees and guests). However, even if the hotel's employees and overnight guests estimated at 552 persons were added to the City's current population of 124,592 persons, it would equate to a fraction of a percent increase (i.e. 0.44 percent) from the current population.²⁴

²⁴ The proposed project would create approximately 35 new employees, some of which may relocate to the City. The specific number of employees that would be employed within the approximately 13,600 square feet are already included in the existing commercial retail space of approximately 35,500 square feet (the baseline condition). Consequently, the project's net number of employees is equal to the hotel's employee count. The 216-room hotel would have 173 king rooms and 43 double-queen rooms. While the anticipated occupancy for this hotel is estimated to operate at approximately 78% occupancy, assuming 100% occupancy with two guests in each king-room and four guests in each queen-room, the total maximum number of employees and overnight guests within the hotel would be 552 people.

This nominal increase in demand would not measurably increase response times nor warrant the construction of new police facilities to achieve increased response times.

Additionally, the project incorporated various design features that can reduce the potential for crime, and thus calls for police service through crime prevention, through environmental design (CPTED). These features include appropriate lighting around the perimeter of the project site and at central points within the developed area, and location of open space areas, such as a courtyard for gathering in view of both the front desk operations, retail spaces and rooms overlooking those areas. Such project characteristics are shown to dramatically reduce the likelihood of crime, and thus reduce the level of crime that may be associated with development. In addition, prior to issuance of building permits, the project will be required to pay Police Facilities Development fees in proportion to the use and size of the project, which helps offset impacts to police facilities. The VCSO has indicated that implementation of the proposed project would not require the expansion of police facilities or services, and that adequate services exist to serve the project site.²⁵ Therefore, impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SCHOOL SERVICES

Impact PSR-3 Project implementation would not result in the need for additional school facilities. Impacts would be less than significant.

Impact Analysis: Project implementation could indirectly result in an increase in enrollment within the CVUSD. The generation of students is related to the residential population residing within the service boundaries of schools and districts. The project would develop commercial uses with no residential component. Therefore, the project would not generate additional students within the CVUSD service area and the construction of new or expansion of existing school facilities would not be required as a result of the project. As discussed in Section 6.3, Growth-Inducing Impacts, the proposed project could result in indirect population growth associated with the proposed 216-room hotel and retail development (consisting of some employees and their families that may relocate to the City, of which a portion would attend local schools). As noted above, the combined current enrollment of the schools serving the project area is 8,617, as of 2023. However, the total number of potential new students for the CVUSD would be minimal, if any at all, so no new school facilities would be required, and the potential increase would not result in an exceedance in capacity of the CVUSD.

In order to maintain adequate classroom seating and facilities standards, individual development projects would be required to pay statutory fees in place at the time to CVUSD in order to compensate for the impacts of development on school capacities. According to CVUSD, proposed commercial projects are responsible for school facility fees at \$0.54 per square-foot.²⁶

Pursuant to SB 50, payment of fees to the School District is considered full mitigation for project impacts, including impacts related to 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, or other performance objectives for schools. Therefore, project applicants would be required to pay the statutory fees so that space can be constructed, if necessary, at the nearest sites to accommodate the impact of project-generated students, reducing impacts to a less than significant level.

²⁵ Written Communication, Ventura County Sheriff's Office, February 28, 2023.

²⁶ Conejo Valley Unified School District, *Developer Donations School Fees*, <https://www.conejousd.org/Page/1583>, accessed February 22, 2023.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

PARKS AND RECREATIONAL FACILITIES

Parkland Demand

Impact PSR-4 Project implementation would not result in the need for additional parks and recreational facilities. Impacts would be less than significant.

Impact Analysis: The proposed 216-room hotel and approximately 13,600 square feet of commercial retail space would not include any residential land uses; however, it is possible that employees or those who may come to the proposed project could use a park within the City. The proposed project includes public open spaces consisting of small landscape areas and outdoor patios on the west, north, and east sides of the proposed structure. The proposed project also provides recreational amenities (i.e., a pool, workout room, etc.) for hotel guests. The proposed project would create approximately 35 new employees, some of which may relocate to the City. As noted above in the Police Services section, employees and guests are not included in the City's residential population count (only those who live in residential units in the City are included in the residential population, which could include employees and guests). However, even if the hotel's employees and overnight guests estimated at 552 persons were added to the City's current population of 124,592 persons, it would equate to a fraction of a percent increase (i.e. 0.44 percent) from the current population. This nominal potential increase is not expected to substantially increase demand for park facilities. Project implementation is not expected to require new or physically altered park facilities, the construction of which could cause significant environmental impacts.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impacts to Existing Recreational Facilities

Impact PSR-5 Project implementation would not increase the use of existing recreational facilities, causing their physical deterioration. Impacts would be less than significant.

Impact Analysis: Although the project would include employees and overnight guests who may visit existing recreational facilities, project implementation would not involve residential development, thus, it would not induce substantial population growth through new residential development. However, even if the hotel's employees and overnight guests estimated at 552 persons were added to the City's current population of 124,592 persons, it would equate to a fraction of a percent increase (i.e., 0.44 percent) from the current population. Therefore, this nominal potential increase is not expected to generate a significant demand on existing park facilities or lead to the deterioration of existing facilities. Therefore, the project would not result in impacts associated with the need for new or physically altered park facilities.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impacts of Proposed Recreational Facilities

Impact PSR-6 The project proposes recreational facilities which would not adversely impact the environment. Impacts would be less than significant.

Impact Analysis: As identified in Section 3.0, Project Description, the proposed project involves the redevelopment of an existing commercial building with a two-story volume; the project footprint is already developed. There are no recreation or open space amenities on the site, and the construction process would not affect any existing open space areas. The project proposes new public open spaces consisting of small landscape areas and patios to be located along the west, north, and east sides of the proposed structure, as described in Section 3.0, Project Description. The proposed project also provides recreational amenities (i.e., pool, workout room, etc.) for hotel guests. The environmental impacts associated with these proposed recreational facilities, as part of the whole project, are analyzed throughout this EIR. As concluded in Sections 5.1 through 5.14, implementation of the passive open space use would result in less than significant impacts, with mitigation incorporated, resulting from the construction of the proposed project's open spaces and landscaped areas. The proposed project would result in a less than significant impact.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

PUBLIC LIBRARIES

Impact PSR-7 Project implementation would not result in the need for additional library facilities. Impacts would be less than significant.

Impact Analysis: The proposed 216-room hotel and approximately 13,600 square feet of commercial retail space would not include any residential land uses; however, it is possible that employees or those who may come to the proposed project could be potential library visitors to the Grant R Brimhall Library. The proposed project would create approximately 35 new employees, some of which may relocate to the City. As discussed above in the Police Services section, employees and guests are not included in the City's residential population count (only those who live in residential units in the City are included in the residential population, which could include employees and guests). However, even if the hotel's employees and overnight guests estimated at 552 persons were added to the City's current population of 124,592 persons, it would equate to a fraction of a percent increase (i.e. 0.44 percent) from the current population. This nominal potential increase is not expected to substantially increase demand for library facilities. Therefore, the proposed project would not result in a negative impact to the library and it would not result in the need for additional library personnel or facility expansion. Impacts to libraries would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.12.5 Cumulative Impacts

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in Table 4-1, Cumulative Projects List, and illustrated on Exhibit 4-1, Cumulative Project Locations, cumulative projects are situated in the site vicinity. School services and library services would be

provided by local schools and libraries within the City of Thousand Oaks. Other projects within the cumulative project radius may require the construction of new or expanded fire and police facilities, schools, and other public facilities within the City. The potential environmental impacts resulting from the construction of new or expanded public facilities within the City would have to be evaluated at each associated project level. However, the construction and operation of the proposed project would not require new or modified services and facilities and would therefore not add to the need for such facilities potentially resulting from other proposed projects in the City.

FIRE AND POLICE PROTECTION

- Project implementation, along with other cumulative projects, could result in the need for additional fire protection, or law enforcement, facilities and personnel.

Impact Analysis: Fire protection and police protection would be provided by the VCFD and VCSO/TOPD, respectively, both of which have indicated that implementation of the proposed project would not require the expansion of fire and police facilities or services, and that adequate services exist to serve the project site. Additionally, development of the cumulative projects would occur within areas already served by the VCFD and VCSO/TOPD and would be required to comply with all applicable laws, ordinances, and development codes related to fire and police protection and emergency services. Development of the cumulative projects would occur within previously developed areas within the City already served by the VCFD and VCSO/TOPD. It is anticipated that VCFD and VCSO/TOPD protection services would be adequate to serve the proposed project as well as the cumulative projects within their jurisdictions; however, as service level needs increase due to increased population or other factors affecting the community, the City would determine whether or not additional fire and/or police staff are needed. Therefore, overall cumulative impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of significance: Less than significant impact.

SCHOOLS

- The proposed project, along with other cumulative projects, could result in the need for additional school facilities. The project, as well as other qualifying cumulative projects, would be required to comply with applicable school fee requirements.

Impact Analysis: The proposed project, as well as all other proposed residential or commercial development projects, would be required to pay statutory fees in place at the time to CVUSD in order to compensate for the impacts of development on school capacities. Payment of school facility fees is considered full mitigation for development projects, therefore cumulative impacts to school services would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of significance: Less than significant impact.

PARKS AND RECREATIONAL FACILITIES

- The proposed project, along with other cumulative projects, would not require new parkland in order to maintain acceptable service ratios.

- Project implementation, along with other cumulative projects, could increase the use of existing recreational facilities, causing their physical deterioration.
- The proposed project proposes recreational facilities which would not adversely impact the environment.

Impact Analysis: Development associated with implementation of the proposed project and related cumulative projects would increase demand on parks and recreation facilities; based on the projects identified in Table 4-1, Cumulative Projects List, cumulative development could potentially increase demand on open spaces and recreation areas. The proposed project would include the development of open spaces including small landscape areas and patios; however, it does not include residential uses and would not directly increase the demand for recreational facilities. Therefore, the project's contribution to impacts involving parkland demand would not be cumulatively considerable and cumulative impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of significance: Less than significant impact.

5.12.6 Level of Significance After Mitigation

No significant unavoidable impacts related to public services and recreation have been identified.

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5.13 Transportation

This section evaluates the potential for impacts related to transportation generated by the proposed project. 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. The analysis in this section is based in part on the Trip Generation Comparison Memorandum prepared by Kimley-Horn, dated January 20, 2022, and the City's Traffic Impact / Trip Generation Analysis dated May 5, 2023, which are included in Appendix L.

5.13.1 Existing Setting

REGIONAL SETTING

The project site is located in the central 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 Exhibit 5.13-1, Existing Roadways. Regional access to the project site is provided via the Ventura Freeway (US-101) and State Route 23 (SR-23).

US-101 is a four- to six-lane freeway in each direction, 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. The freeway provides access to the project site via Moorpark Road.

SR-23 is a three- to four-lane highway in each direction, oriented in a north-south direction. SR-23 provides access to the City of 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 at Westlake Boulevard, which has an interchange with US-101.

LOCAL ROADWAYS AND SYSTEMS

The project site is located within the Janss Marketplace. The Janss Marketplace is situated in the vicinity of the following roadways:

- **West Hillcrest Drive:** Located south of the project site and the Janss Marketplace, West Hillcrest Drive is a six-lane road oriented in an east-west direction. West Hillcrest Drive provides access to the project site and the Janss Marketplace via intersections with West Wilbur Road to the west, a drive aisle at Conejo Boulevard on the southern boundary of the Marketplace, and North Moorpark Road to the east. West Hillcrest Drive is approximately 870 feet south of the hotel/ commercial retail space footprint.
- **West Wilbur Road:** Located west of the project site and the Janss Marketplace, West Wilbur Road is a four-lane road oriented in a southwest-northeast direction. West Wilbur Road provides access to the project site at an intersection with Marin Street and the service road that provides access to the existing parking structure immediately west of the project site. West Wilbur Road is approximately 375 feet from the hotel/ commercial retail space footprint.
- **Brazil Street:** Located north of the project site and Janss Marketplace, Brazil Street is a two- to four-lane road oriented in an east-west direction. Brazil Street provides access to the project site via its intersection with the northern terminus of the service road that provides access to the parking structure west of the project footprint. Brazil Street is approximately 560 feet from the hotel/ commercial retail space footprint.
- **North Moorpark Road:** Located east of the project site and the Janss Marketplace, North Moorpark Road is a five-lane road, with three lanes on the northbound side and two lanes on the southbound side, oriented in a

north-south direction. North Moorpark Road provides access to the project site and the Janss Marketplace via an intersection with Brazil Street and a drive aisle into the Janss Marketplace's eastern parking field located directly east of the hotel/commercial retail space. North Moorpark Road is approximately 555 feet from the hotel/commercial retail space footprint.

A service/access road provides for vehicular travel along the western boundary of the project site and for the existing Marketplace parking structure.

In addition, the Thousand Oaks Transit (TOT) and LA Metro service the general project vicinity with bus stops along the service road adjacent to the project footprint approximately 140 feet north of the project site, as well as along North Moorpark Road, Brazil Street, and West Wilbur Road. The nearest train station is the Moorpark Amtrak/Metrolink station, approximately 7.11 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 facilities 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. The section of West Hillcrest Drive that intersects with West Wilbur Road is designated a Class I Multi-Use Bike Path for approximately 3,300 feet, the majority of which is located on the west side of the intersection.
- **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. The section of West Wilbur Road east of North Moorpark Road is designated a Class II Bicycle 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). The section of North Moorpark Road that borders the eastern edge of the Janss Marketplace is designated a Class III Bike Route. West Hillcrest Drive, including the section that borders the southern edge of the Janss Marketplace, is also designated a Class III Bike Route.

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 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.¹ In the project vicinity, existing sidewalks, crosswalks, and pedestrian signals facilitating pedestrian movement are provided.

¹ City of Thousand Oaks, *City of Thousand Oaks Active Transportation Plan*, <https://www.toaks.org/home/showpublisheddocument/24599/637147717134970000>, December 2019.

5.13.2 Regulatory Setting

FEDERAL

The U.S. Department of Transportation provides a number of grants, primarily for construction and upgrading of major highways and transit facilities. Many of these grants are administered by the State and by local governments.

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. 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.

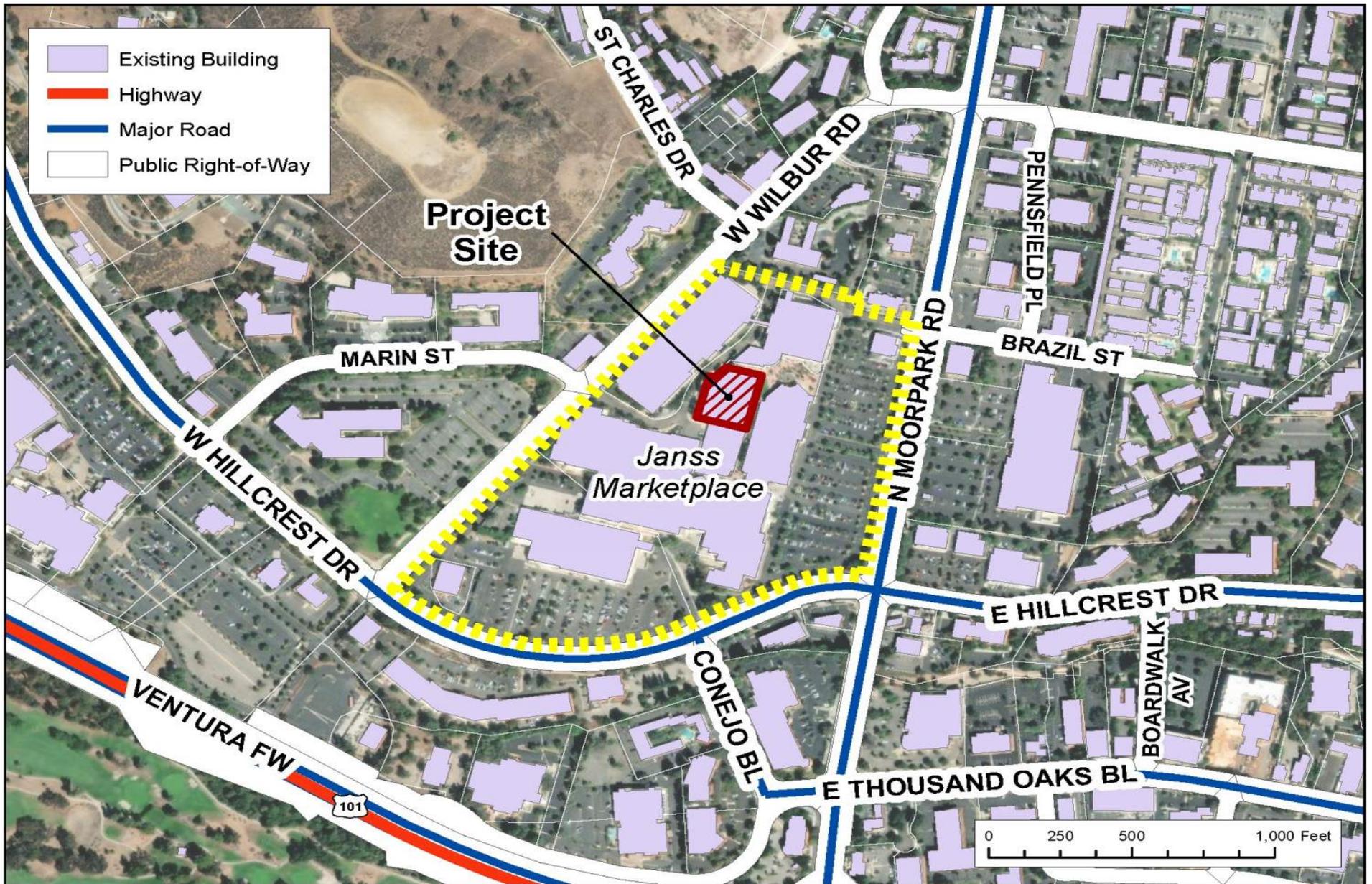


EXHIBIT 5.13-1
Existing Roadways

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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.²

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 affect 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. The following policies are established in the Circulation Element:

- 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.
- 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:

² City of Thousand Oaks, *Road Design and Construction Standards and Standard Land Development Specifications*, <https://www.toaks.org/home/showpublisheddocument/27632/637272957774430000>, May 2018.

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 9-3.1 016); 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.

City of Thousand Oaks Vehicle Miles Traveled Analysis for CEQA Compliance Administrative Policy

The City adopted the Vehicle Miles Traveled (VMT) Analysis for CEQA Compliance on July 1, 2020. The Citywide policy uses VMT as the metric to measure transportation impacts from proposed development projects on a case-by-case basis pursuant to Government Code 15064 (b) (2) in conformance with the California Environmental Quality Act (CEQA) and in compliance with SB 743. Any project subject to CEQA review, that is not determined to be exempt per the State CEQA Guidelines, will require an initial screening to determine if the project warrants further transportation assessment. The Policy provides screening criteria to determine VMT impacts based on Trip Generation³ and Low VMT Area⁴. Projects that do not meet these criteria will require a Traffic Impact Analysis (TIA) to determine the project's environmental impact. The Travel Demand Model will be used to determine the project's VMT. The VMT will be presented as VMT per capita for residential projects and VMT per employee for employment projects (retail, office, industrial). Project VMT may be determined through new model runs or by using the VMT per capita and per employee for the current land uses in the model TAZ that would contain the proposed project. A TIA must identify the existing condition of pedestrian, bicycle, transit and vehicular transportation systems and facilities that would serve, or may be affected by, the proposed project. Further analysis of site design and access, neighborhood traffic issues, local transportation safety, and other area transportation issues may also be studied as directed by the Public Works Department.

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.

³ Any project that generates less than 100 P.M. peak hour trips based on the ITE 11th Edition Trip Generation Manual or most current edition published at the time the project application is submitted.

⁴ Low VMT Area: This criteria includes a map-based approach. Different sections of the City display different VMT characteristics based on land use and other factors. Areas where the General Plan favors intensification of development are generally areas of low average VMT. The following methodology shall be used for determining if a project meets the map-based screening threshold: a. The proposed project must be consistent with the General Plan designation and zoning. b. The Ventura County Transportation Commission (VCTC) has produced a countywide model for VMT and will provides maps to member agencies when available. The PWD will obtain and maintain the most current map for the purpose of this interim policy. c. For projects located in low VMT areas, the applicant must demonstrate that the project will result in a similar level of VMT as the surrounding land use within the Transportation Analysis Zone (TAZ), as shown on the best available map approved by CDD and PWD staff for project analysis. Where the project site is on the boundary of another TAZ, the same low VMT as the TAZ the project site is located must be determined. The VMT methodology may use VMT per capita, per employee, or net VMT as allowed by the Government Code.

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 Highway 101 (U.S. 101) is located approximately 1,900 feet south of the hotel site while the closest edge of the Janss Marketplace is located approximately 850 feet from the centerline of U.S. 101. The project has been designed in full compliance with the Guidelines.

5.13.3 Impact Thresholds and Significance Criteria

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system including transit, roadway, bicycle and pedestrian facilities (refer to Impact Statement T-1);
- b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) (refer to Impact Statement T-2);
- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (refer to Impact Statement T-3); and/or
- d) Result in inadequate emergency access (refer to Impact Statement T-4).

VEHICLE MILES TRAVELED

In order to comply with SB 743 projects are evaluated based on the City’s adopted Vehicle Miles Traveled (VMT) Analysis for CEQA Compliance administrative policy.

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.

5.13.4 Impacts and Mitigation Measures

CIRCULATION PROGRAMS, PLANS, ORDINANCES, AND POLICIES

Project Traffic

A trip generation analysis has been prepared to determine the net amount of traffic that would be generated by the proposed project, with the removal of traffic from the existing use and the addition of traffic from the proposed project. Trip generation estimates for the existing and proposed uses are based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) trip generation rates for the following land use categories:

- ITE Category 820 – Shopping Center
- ITE Category 310 – Hotel

Daily and evening peak hour trip generation estimates are summarized in Table 5.13-1, Summary of Project Trip Generation Comparison.

- Based on the existing retail square footage, it is estimated that the existing retail generates approximately 1,314 daily trips, with 30 trips (19 inbound and 11 outbound) in the morning peak hour and 121 trips (58 inbound and 63 outbound) in the evening peak hour.
- It is estimated that the proposed project would generate approximately 2,219 daily trips, with 110 trips (62 inbound and 48 outbound) in the morning peak hour and 172 trips (87 inbound and 85 outbound) in the evening peak hour.
- Comparing the existing retail trip generation to the proposed project, including the internal capture credit, it is estimated that the proposed project would generate 724 more trips to the roadway network on a daily basis, with 64 more trips in the morning peak hour and 41 more trips in the evening peak hour, compared to existing conditions.

Findings and Conclusions

The trip generation analysis was prepared to determine the net amount of traffic that would be generated with the removal of traffic from the existing active retail use and the addition of traffic from the proposed project. Comparing the existing retail trip generation to the proposed project, including the internal capture credit, the proposed project would generate an estimated 724 more trips to the roadway network on a daily basis, with 64 more trips in the morning peak hour and 41 more trips in the evening peak hour.

This section evaluates the potential transportation-related impacts of the project, including the potential for the project to conflict with a program, plan, ordinance, or policy addressing the circulation system, substantially increase hazards, or result in inadequate emergency access. This section also analyzes the potential impacts of the project based on CEQA Guidelines Section 15064.3(b), which focuses on VMT for determining the significance of transportation impacts. Pursuant to SB 743, the focus of transportation analysis has changed from level of service (LOS), or vehicle delay, to VMT. The following analysis references information provided in the Kimley-Horn Trip Generation Comparison Memorandum and the City's Traffic Impact / Trip Generation Analysis, dated May 5, 2023 (included as Appendix L of this EIR).

Impact T-1 The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Impact Analysis: The proposed project would not conflict with applicable programs, plans, ordinances, or policies addressing the circulation system. This includes the City General Plan, the City's Active Transportation Plan (ATP), SCAG's 2020-2045 TRP/SCS (see Section 5.7, Table 5.7-2), and the existing and proposed pedestrian, bicycle, and transit facilities and services in the study area.

City of Thousand Oaks General Plan

The City of 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 standards in certain topic areas. Together, these serve as the foundation for guiding public and private activities related to the City's development. The following circulation policies within the General Plan are applicable to the project:

- 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.
- 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.

City of Thousand Oaks Active Transportation Plan (ATP)

The ATP was developed to provide Thousand Oaks with planning guidance for non-motorized travel infrastructure improvements, programs, and policies 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 to reduce VMT and GHG emissions. The ATP does not include specific goals or policies but includes recommendations for physical improvements to enhance bicycling and walking in the City.

Transit Facilities

Public transportation in the City is provided primarily by Thousand Oaks Transit, the Ventura County Transportation Commission, the Los Angeles Department of Transportation Transit, and LA Metro. Locally, Thousand Oaks Transit includes five transit lines operating Monday through Saturday in various loops throughout the City (see Exhibit 5.13-2, Existing Transit Routes). Regional transit service is provided by the Ventura County Transportation Commission's Routes 50–55 (U.S. Highway 101/State Route 23), which connect Ventura, Oxnard, Camarillo, Newbury Park, Thousand Oaks, and Warner Center. Routes 70–73X (East County) also connect Simi Valley, Moorpark, and Thousand Oaks (VCTC 2022a). Los Angeles Department of Transportation Transit's Commuter Express Route 422 provides service between Thousand Oaks, Agoura Hills, San Fernando Valley, and Hollywood (LADOT 2022), and Metro Route 161 provides service between Thousand Oaks and Canoga Park (Metro 2022).

East County Transit Alliance’s CONNECT Senior and Americans with Disabilities Act (ADA) InterCity Dial-A-Ride Service is also offered by the Cities of Moorpark, Simi Valley, and Thousand Oaks, and the County of Ventura. CONNECT facilitates Dial-A-Ride travel between most of eastern Ventura County and connections to other transit providers such as Gold Coast Transit’s GO ACCESS for Ventura County and LA Access Service for Los Angeles County.

The City is well-served by sidewalks, with relatively few gaps in the sidewalk network. Sidewalks are present in the vicinity of the project site. Immediately adjacent to the project site, there are sidewalks along both sides of North Moorpark Road, West Hillcrest Drive, and West Wilbur Road, and there are sidewalks on the south side of Brazil Street. Existing pedestrian paths of travel from the Janss Marketplace connect to these sidewalks. The proposed project would not conflict with the circulation policies within the City’s General Plan or the City’s ATP. Within the general project vicinity, bus stops are provided along the service road adjacent to the project footprint approximately 140 feet north of the hotel/ commercial retail space footprint, as well as along North Moorpark Road, Brazil Street, and West Wilbur Road. The proposed project would not alter the existing roadway network or hinder the City’s ability to emphasize a diversity of transportation modes or choices. The project would not include site improvements that would extend into the public right-of-way, interfere with existing public transit, bicycle, or pedestrian facilities, or impede the construction of new or the expansion of, such existing facilities in the future. Site improvements would include bike racks and pedestrian pathways throughout the site consistent with both ADA and CALGreen requirements. All pedestrian areas within the project site would meet ADA requirements and adhere to City design guidelines. Bicyclist and pedestrian safety would be maintained at existing levels in the area. The project would not severely delay, impact, or reduce the service level of transit in the area. Therefore, the project would not conflict with an applicable program, plan, ordinance, or policy addressing the performance of the circulation system, including public transit, roadway, bicycle, or pedestrian facilities. Impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

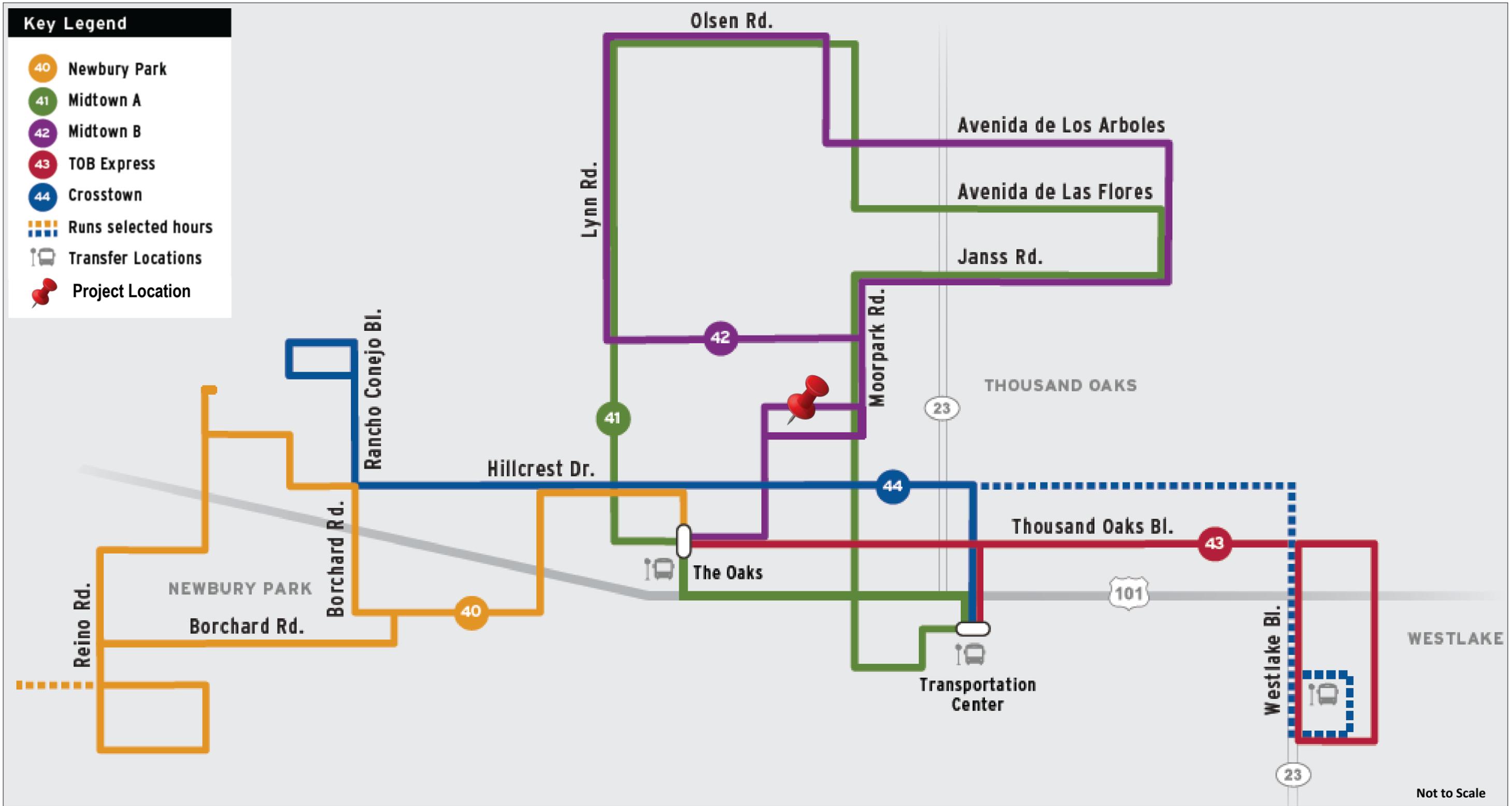
Level of Significance: Less Than Significant Impact.

Impact T-2 The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Impact Analysis: CEQA Guidelines Section 15064.3(b) focuses on the VMT metric for determining the significance of transportation impacts. The updates to the CEQA Guidelines required under SB 743 were approved on December 28, 2018. This methodology was required to be used statewide beginning July 1, 2020. As described below, the project is screened from conducting a project-specific VMT analysis, and impacts to VMT are presumed to be less than significant. Table 5.13-1 provides a summary of project trip generation for the existing and proposed use.

Consistent with the Governor’s Office of Planning and Research’s Technical Advisory on Evaluating Transportation Impacts in CEQA, the City developed the City’s Administrative Policies and Procedures, which establish an interim City-wide policy using VMT as the metric to measure transportation impacts from proposed development projects on a case-by-case basis.

Trip Generation: Any project that generates less than 100 PM peak hour trips based on the ITE 11th Edition Trip Generation Manual or most current edition published at the time the project application is submitted. Based on the trip generation analysis provided in the Janss Marketplace Hotel Trip Generation Analysis Memorandum (Appendix L), the proposed project would generate a net increase of 64 AM peak-hour trips and 41 PM peak-hour trips. This assumes a trip credit is applied for the existing retail building that is proposed to be demolished. Therefore, the project meets the City’s trip generation screening criterion because it generates less than 100 net PM peak-hour trips



SOURCE: Thousand Oaks Transit



EXHIBIT 5.13-2
Existing Transit Bus Routes

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**Table 5.13-1
Summary of Project Trip Generation Comparison
Existing: Retail/Proposed Hotel**

| Land Use | ITE Code | Unit | Trip Generation Rates ¹ | | | | | | |
|---|----------|------|------------------------------------|--------------|-----------|------------|--------------|-----------|------------|
| | | | Daily | AM Peak Hour | | | PM Peak Hour | | |
| | | | | In | Out | Total | In | Out | Total |
| Shopping Center | 820 | KSF | 37.010 | 0.521 | 0.319 | 0.840 | 1.632 | 1.768 | 3.400 |
| Hotel | 310 | Room | 7.990 | 0.258 | 0.202 | 0.460 | 0.301 | 0.289 | 0.590 |
| Land Use | Quantity | Unit | Trip Generation Estimates | | | | | | |
| | | | Daily | AM Peak Hour | | | PM Peak Hour | | |
| | | | | In | Out | Total | In | Out | Total |
| Existing Use | | | | | | | | | |
| Shopping Center | 35.513 | KSF | 1,314 | 19 | 11 | 30 | 58 | 63 | 121 |
| <i>Total Existing Trips</i> | | | <i>1,314</i> | <i>19</i> | <i>11</i> | <i>30</i> | <i>58</i> | <i>63</i> | <i>121</i> |
| Internal Capture (Credit 20%) ² | | | -263 | -4 | -2 | -6 | -12 | -12 | -24 |
| Proposed Use | | | | | | | | | |
| Shopping Center | 13.308 | KSF | 493 | 7 | 4 | 11 | 22 | 23 | 45 |
| Hotel | 216 | Room | 1,726 | 55 | 44 | 99 | 65 | 62 | 127 |
| <i>Total Proposed Project Trips</i> | | | <i>2,219</i> | <i>62</i> | <i>48</i> | <i>110</i> | <i>87</i> | <i>85</i> | <i>172</i> |
| Internal Capture (Credit 20%) ² | | | -444 | -12 | -10 | -22 | -17 | -17 | -34 |
| Net Difference (Proposed Minus Existing) | | | 724 | 35 | 29 | 64 | 24 | 17 | 41 |

Notes:

¹ Source: Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition

² Source: Institute of Transportation Engineers (ITE) Trip Generation Handbook, 3rd Edition

Based on the referenced criteria, the project does not require a project specific VMT analysis and would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b). Project impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact T-3 The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact Analysis: The project would be subject to the City's standard design guidelines to regulate design through the General Plan and Zoning Ordinance to ensure compatible use. Access (ingress and egress) to the site would be provided from the service road adjacent to the western edge of the project footprint, which can be accessed via West Wilbur Road, or Brazil Street, from North Moorpark Road. Access to the site would also be provided by existing driveways at the Janss Marketplace from West Hillcrest Drive and North Moorpark Road. There would be no changes to the existing access or off-site circulation on City roads. On-site and adjacent improvements would be designed in accordance with all applicable design standards set forth by the City, which were established to ensure safe and efficient vehicular circulation. In addition, the City reviews all site plans to ensure that adequate line-of-sight is provided at all driveways, making sure that no structures or landscaping block the views of vehicles entering and exiting a site. The City of Thousand Oaks Public Works and Community Development Departments would review plans to ensure that the project would not block sight-distance lines, that adequate stacking distance is provided so vehicles do not back up into the public right-of-way, and that adequate turnaround space and/or operational plans are developed to ensure that vehicles are able to enter the public right-of-way in a forward-facing vehicle. As such, no sharp curves, dangerous intersections, or incompatible uses would be introduced by the project. Therefore, impacts associated with hazardous design features or incompatible land uses would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

Impact T-4 The project would not result in inadequate emergency access.

Impact Analysis: As discussed above, the project site would be accessible through existing driveways at the Janss Marketplace. No changes are proposed to the existing access, and the project would not result in inadequate emergency access. Internal circulation would be designed and constructed to City and VCFD standards, and would comply with City and VCFD width, clearance, and turning-radius requirements.

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.

The project site is located in an established urban area that is well served by local emergency service providers, including Ventura County Fire Station 30, Westlake (325 West Hillcrest Drive) and Thousand Oaks Police Department (2100 Thousand Oaks Blvd), located approximately two miles and seven miles from the project site, respectively. In addition, multiple routes exist in the area for emergency vehicles and evacuation, including the adjacent North Moorpark Road, West Hillcrest Drive, and US-101. Emergency vehicles would enter through existing access points. Further, the City and the VCFD would review the project's site plans to confirm the proposed emergency vehicle access (EVA) driving aisle meets the applicable State and local codes and standards pertaining to emergency access, and emergency personnel can access all levels of the five-story hotel and commercial units.

The Public Works and Community Development Departments would review project plans to ensure that sight-distance lines are maintained. In addition, adequate stacking distance would be provided so vehicles would not back up into the public right-of-way, and adequate turnaround space and/or operational plans would be developed to ensure that vehicles would be able to enter the public right-of-way in a forward-facing vehicle. Because the project would comply with all applicable local requirements related to emergency vehicle access and circulation, the project would not result in inadequate emergency access. Therefore, impacts associated with inadequate emergency access would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.13.5 Cumulative Impacts

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as “two or more individual impacts which, when considered together, are considerable, or which compound or increase other environmental impacts.” Table 4-1, Cumulative Projects List, identifies the related projects and other possible development within a three-mile radius determined as having the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. As outlined in Table 4-1, Cumulative Projects List, cumulative projects are located on both developed and undeveloped sites.

PLAN, PROGRAM, ORDINANCE, OR POLICY ADDRESSING CIRCULATION

- The proposed project, combined with other related cumulative projects, would not conflict with a program, plan, ordinance, or policy addressing the circulation system.

Impact Analysis: As described in Impact T-1 and examined in Section 5.7, Greenhouse Gas Emissions, and Section 5.10, Land Use and Planning, the proposed project is consistent with the City of Thousand Oaks General Plan, the City of Thousand Oaks ATP addressing the circulation system, and SCAG's 2020-2045 TRP/SCS, and would not conflict with adopted policies, plans, or programs regarding public transit or bicycle or pedestrian facilities under cumulative conditions. Therefore, cumulative impacts related to a program, plan, ordinance, or policy related to addressing the circulation system would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

CEQA GUIDELINES SECTION 15064.3(B)

- The proposed project, combined with other related cumulative projects, would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b).

Impact Analysis: The proposed project does not require a project-level VMT analysis because the project would generate less than 100 net PM peak-hour trips; therefore, the project meets the City’s trip generation screening criterion and would not contribute to a cumulatively considerable impact related to VMT.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

HAZARDOUS DESIGN FEATURES

- The proposed project, combined with other related cumulative projects, would not substantially increase hazards due to a geometric design feature or incompatible uses.

Impact Analysis: As discussed above, there would be no changes to the existing site access or off-site circulation on City roads. The developer would be responsible for on-site circulation improvements (driveways and internal drive aisles) and frontage improvements (e.g., landscape areas). These on-site and adjacent improvements would be designed in accordance with all applicable design standards set forth by the City. Because the impacts related to project access points and circulation are site specific, and would be less than significant, the project would not contribute to cumulative impacts with respect to hazardous design features.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

EMERGENCY ACCESS

- The proposed project, combined with other related cumulative projects, would not result in inadequate emergency access.

Impact Analysis: As analyzed above, the project would not result in inadequate emergency access, and project impacts to emergency access would be less than significant. As with the proposed project, driveways and/or circulation modifications proposed in the surrounding area would comply with applicable local, regional, state, and/or federal requirements related to emergency access and evacuation plans. Further, because modifications to access are largely confined to a project site, project-specific emergency access impacts would likely not impact other cumulative projects. Therefore, the project’s contributions to cumulative impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.13.6 Level of Significance After Mitigation

No significant unavoidable impacts related to transportation have been identified.

5.14 Utilities and Service Systems

This section of the Draft Environmental Impact Report (DEIR) provides an overview of existing conditions and analyzes potential environmental impacts resulting from the provision of utilities and service systems to accommodate development of the proposed project. Criteria by which an impact may be considered potentially significant are provided, along with a discussion of impacts pursuant to Appendix G of the CEQA Guidelines. Mitigation measures are recommended, as necessary, to minimize impacts as a result of project implementation. Utilities addressed include water, wastewater, stormwater, solid waste, electricity, gas, and telecommunications. Information in this section is based on the Calleguas Municipal Water District 2020 Urban Water Management Plan, dated 2021, and the City of Thousand Oaks 2020 Urban Water Management Plan, prepared by Kennedy Jenks (dated June 2021).

5.14.1 Existing Setting

WATER

The City of Thousand Oaks is served by Calleguas and receives potable water from five purveyors, including the City of Thousand Oaks, California-American Water Company, California Water Service Company, Camrosa Water District, and Newbury Park Academy Mutual Water Company. Collectively, these purveyors provide water through 317 miles of transmission and distribution lines, 11 pump stations, and 16 reservoirs.¹ The proposed project site receives potable water services from California-American Water Company (CAWC), an investor-owned domestic water supplier, regulated by the California Public Utilities Commission (CPUC), and serving 48 percent of the City in western Thousand Oaks and an unincorporated area north of Camarillo; refer to Exhibit 5.14-1, City of Thousand Oaks Water Purveyors Map.² CAWC imports 100 percent of its purchased water from the Calleguas Municipal Water District (CMWD). CMWD is an independent special district that serves five geographic divisions within the District with the purpose of providing a safe, reliable water supply. It provides most, if not all the water for three-quarters of Ventura County residents and distributes potable water to 19 cities, local water agencies, and water companies in southeast Ventura County. Retail purveyors in the area receive the water through approximately 130 miles of large-diameter pipeline serving 91 purveyor turnouts. CMWD operates and maintains 20 pressure regulating stations, five hydroelectric generating stations, 12 enclosed reservoirs, and a recycled water system to reduce demands.³

Water Infrastructure

Existing water pipeline infrastructure in the area includes an existing turnout at the corner of West Hillcrest Drive and North Moorpark Road. There are two existing water lines south of the project footprint that run east-west under the southern boundary of the existing service lot for waste and disabled services. The proposed project would tie into this existing water line to receive water which would flow through a new PVC schedule 40 domestic water pipe that would be attached to the building near the southwest corner of the project footprint.

Water Supply

As stated, the CMWD's water portfolio is comprised entirely of imported water. CMWD is a member agency of the Metropolitan Water District of Southern California (MWDSC) and purchases imported State Water Project (SWP) water from the MWDSC. The MWDSC sources its water from both the State Water Project (SWP) in Northern California, and the Colorado River. In an effort to reduce dependency on imported water, CMWD is supporting several local water use efficiency, recycling,

¹ Kennedy Jenks, *City of Thousand Oaks 2020 Urban Water Management Plan*, 23 June 2021.

² Kennedy Jenks, *City of Thousand Oaks 2020 Urban Water Management Plan*, 23 June 2021.

³ Calleguas Municipal Water District, *CMWD 2020 Urban Water Management Plan*, <https://www.calleguas.com/documents-and-reports/index.asp>, June 2021.

and groundwater recovery projects. CMWD is also conducting a Water Supply Alternatives Study (WSAS) to identify other potential water sources for the District, including new pipelines to connect the District with City of Ventura systems, the construction and rehabilitation of additional wells, and recycled water.⁴

The project site is within the boundaries of CAWC. Potable water would be supplied by CAWC, a private water supplier that imports water from CMWD. According to CAWC’s 2020 Urban Water Management Plan, it has 20,545 connections and 18,559 AFY of supply. CAWC provided approximately 15,125 acre-feet (AF) of water treated to drinking water levels in 2020, with 58 percent of the water going to residential uses and 19 percent to commercial uses.⁵ Table 5.14-1, CMWD Current and Planned Supplies, includes a summary of CMWD’s current and planned water supplies through 2045.

Table 5.14-2, CAWC Ventura County District Potable Water Supply Projections, depicts CAWC’s anticipated water supply through 2045.

**Table 5.14-1
CMWD Current and Planned Supplies ***

| Water Supply | 2020 | 2025 | 2030 | 2035 | 2040 | 2045 |
|-----------------------------|---------------|----------------|----------------|----------------|----------------|----------------|
| Purchased or Imported Water | 89,630 | 86,607 | 87,720 | 89,880 | 91,326 | 91,784 |
| Recycled Water | 57 | 80 | 80 | 80 | 80 | 80 |
| Supply from Storage | N/A | 27,500 | 27,500 | 27,500 | 27,500 | 27,500 |
| Total Water Supplies | 89,687 | 114,187 | 115,300 | 117,460 | 118,906 | 119,364 |

Note:

* All units in acre-feet (AF)⁶

**Table 5.14-2
CAWC Ventura County District Potable Water Supply Projections ***

| Wholesaler | 2020 | 2025 | 2030 | 2035 | 2040 | 2045 |
|------------|--------|--------|--------|--------|--------|--------|
| Calleguas | 15,125 | 18,559 | 18,559 | 18,559 | 18,559 | 18,559 |

Note:

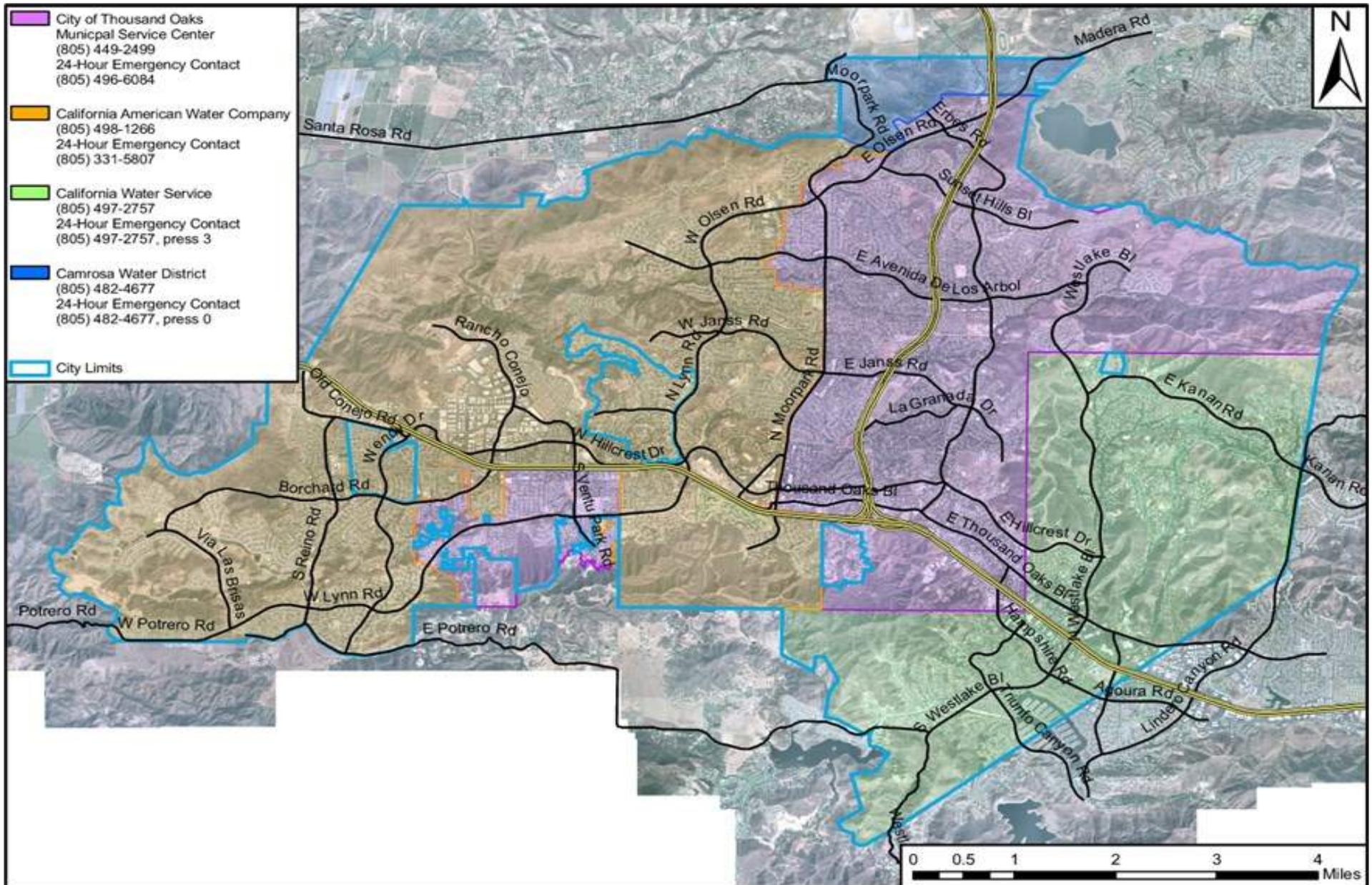
* All units in acre-feet (AF)⁷

⁴ Calleguas Municipal Water District, *2020 Urban Water Management Plan*, <https://www.calleguas.com/documents-and-reports/index.asp>, June 2021.

⁵ California American Water Company – Ventura County District. *Final 2020 Urban Water Management Plan*. June 2021.

⁶ Calleguas Municipal Water District, *2020 Urban Water Management Plan*, <https://www.calleguas.com/documents-and-reports/index.asp>, June 2021.

⁷ California American Water, *2020 Urban Water Management Plan for the Southern Division – Ventura County District*, June 2021.



SOURCE: Created November 9, 2009, by M.A. Van Zuyle, <https://www.toaks.org/departments/public-works/maintenance/water-supply-quality/water-service-areas>.

EXHIBIT 5.14-1
City of Thousand Oaks Water Purveyors Map

Environmental Impact Report for Janss Hotel Project

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Imported Water

As stated, CMWD receives all of its potable water from the SWP, which is a 700-mile network of reservoirs, aqueducts, and pumping facilities that convey water from the northern Sierra Nevada Mountain Range to Northern California, the San Francisco Bay Area, the San Joaquin Valley, the Central Coast, and Southern California. The MWDSC treats the water delivered to CMWD at the Joseph Jensen Filtration Plant in Granada Hills and typically delivers it via the West Valley Feeder No. 2 Pipeline, which can deliver up to 300 cubic feet per second of water to the East Portal of Calleguas' Perliter Tunnel. The East Portal is located in Chatsworth and is the only connection CMWD has to MWDSC. The water is transported from the East Portal to Simi Valley, then distributed through Calleguas' transmission system or stored in Lake Bard or Las Posas ASR Project for use when the imported water supply shuts down.⁸

Groundwater

CAWC does not use groundwater as potable water within CAWC's Ventura County District. However, the City owns four groundwater wells within the CAWC service area, with only two active wells: the Hillcrest Drive and the Los Robles Golf Course well. The wells utilize water from the Thousand Oaks Area Groundwater Basin, which has an estimated storage capacity of 130,000 AF, according to the Ventura County Public Works Agency (VCPWA).⁹ The water produced from the well is used only for irrigation due to the poor water quality.

Additionally, the City has conducted several studies to plan and evaluate the potential of developing a supplemental supply of potable water for the community, known as the Groundwater Utilization Project, or the Los Robles Water Reuse Project. According to the City's preliminary studies, groundwater reuse from an existing well located at the Los Robles golf course may be able to help provide a local potable water source to help reduce the City's reliance on imported water, especially during drought conditions. This project would consist of groundwater wellhead improvements and associated infrastructure for development of a local source of potable water.¹⁰ If these studies are determined to be feasible, the near-term plan (1 to 5 years) uses the groundwater extracted for non-potable uses, the mid-term plan (5 to 10 years) would pump groundwater for potable use, and the long-term plan (10 to 20 years) could include Direct Potable Reuse and groundwater recharge of non-potable sources from other municipalities.

The CMWD has also undertaken a Salinity Management Pipeline project to allow for better use of local water supplies through the treatment of groundwater. The pipeline is currently in operation from Port Hueneme to Camarillo. The project is undergoing environmental review and permitting to expand the facilities which include Hill Canyon and Conejo Valley Desalters.¹¹ The project would allow groundwater from the Conejo Valley Groundwater Basin to be used, since it can treat elevated salinity levels. If the Salinity Management Pipeline project expands and builds the Hill Canyon and Conejo Valley Desalter, then water supply for the region would increase.

⁸ Calleguas Municipal Water District, *2020 Urban Water Management Plan*, <https://www.calleguas.com/documents-and-reports/index.asp>, June 2021.

⁹ City of Thousand Oaks. *Water Master Plan*. February 2018.

¹⁰ City of Thousand Oaks. "Groundwater." 21 March 2023. <https://www.toaks.org/departments/public-works/construction/groundwater>.

¹¹ Calleguas Municipal Water District. "Calleguas Salinity Management Pipeline Enhancing the Use of Local Water Supplies." 05 January 2023. <https://www.calleguas.com/images/docs-documents-reports/crsmpbroc.pdf>.

Recycled Water

CAWC's Ventura County District does not own or operate treatment or recycled water distribution facilities. The wastewater facility in the vicinity that serves the project site, Hill Canyon Treatment Plant, has an agreement with Camrosa to use the wastewater produced in exchange for water conservation credits.¹²

Water Demand

CMWD had a total demand of 91,940 acre-feet of water in 2020, 16.9% of which went to California-American Water. Based on this demand, the District has projected total demands in sales to other agencies and purveyors, including California-American Water, through 2045; refer to Table 5.14-3, CMWD Projected Potable Water Demand from Purveyors.¹³

Table 5.14-3
CMWD Projected Potable Water Demand from Purveyors (Acre-Foot per Year (AFY))

| Use Type | Additional Description | Projected Water Use (AFY) | | | | |
|-------------------------|--|---------------------------|--------|--------|--------|--------|
| | | 2025 | 2030 | 2035 | 2040 | 2045 |
| Sales to Other Agencies | Potable Water from MWDSC (Consumptive Use) | 85,352 | 86,465 | 88,625 | 90,071 | 90,529 |

CMWD predicts that sufficient water supplies will be available for its service area through 2045, and estimates having surplus supplies in all water year types. Tables 5.14-4, 5.14-5, and 5.14-6 depict forecasted water supplies under normal, single dry year, and multiple dry year conditions for the CMWD, according to the CMWD 2020 Urban Water Management Plan.¹⁴ The CMWD planned supply accommodates the projected demand for the entire service area under both normal, single year, and multiple year drought conditions.

Table 5.14-4
CMWD UWMP Normal Year Supply and Demand Comparison (AFY)

| | 2025 | 2030 | 2035 | 2040 | 2045 |
|-------------------|---------------|---------------|---------------|---------------|---------------|
| Supply Totals | 114,187 | 115,300 | 117,460 | 118,906 | 119,364 |
| Demand Totals | 87,541 | 88,665 | 90,846 | 92,307 | 92,769 |
| Difference | 26,646 | 26,635 | 26,614 | 26,599 | 26,959 |

¹² Kennedy Jenks, *City of Thousand Oaks 2020 Urban Water Management Plan*, 23 June 2021.

¹³ Calleguas Municipal Water District, *2020 Urban Water Management Plan*, <https://www.calleguas.com/documents-and-reports/index.asp>, June 2021.

¹⁴ Calleguas Municipal Water District, *2020 Urban Water Management Plan*, <https://www.calleguas.com/documents-and-reports/index.asp>, June 2021.

**Table 5.14-5
CMWD UWMP Single Dry Year Supply and Demand Comparison (AFY)**

| | 2025 | 2030 | 2035 | 2040 | 2045 |
|-------------------|---------------|---------------|---------------|---------------|---------------|
| Supply Totals | 113,080 | 114,190 | 116,346 | 117,791 | 118,244 |
| Demand Totals | 86,435 | 87,556 | 89,734 | 91,193 | 91,651 |
| Difference | 26,645 | 26,634 | 26,612 | 26,598 | 26,593 |

**Table 5.14-6
CMWD UWMP Multiple Dry Year Supply and Demand Comparison (AFY)**

| Year | Totals/Difference | 2025 | 2030 | 2035 | 2040 | 2045 |
|-------------|-------------------|---------------|---------------|---------------|---------------|---------------|
| First Year | Supply Totals | 117,282 | 117,293 | 119,045 | 120,784 | 121,644 |
| | Demand Totals | 90,679 | 90,690 | 92,460 | 94,216 | 95,085 |
| | Difference | 26,603 | 92,603 | 26,585 | 26,568 | 26,559 |
| Second Year | Supply Totals | 124,402 | 124,414 | 126,305 | 128,182 | 129,111 |
| | Demand Totals | 97,871 | 97,883 | 99,793 | 101,688 | 102,626 |
| | Difference | 26,531 | 26,531 | 26,512 | 26,494 | 26,485 |
| Third Year | Supply Totals | 125,797 | 125,809 | 127,727 | 129,631 | 130,573 |
| | Demand Totals | 99,279 | 99,291 | 101,229 | 103,152 | 104,103 |
| | Difference | 26,518 | 26,518 | 26,498 | 26,479 | 26,470 |
| Fourth Year | Supply Totals | 102,480 | 102,489 | 103,952 | 105,404 | 106,123 |
| | Demand Totals | 75,729 | 75,739 | 77,216 | 78,683 | 79,408 |
| | Difference | 26,751 | 26,750 | 26,736 | 26,721 | 26,715 |
| Fifth Year | Supply Totals | 111,027 | 111,036 | 112,608 | 114,167 | 114,938 |
| | Demand Totals | 84,331 | 84,341 | 85,928 | 87,503 | 88,282 |
| | Difference | 26,696 | 26,695 | 26,680 | 26,664 | 26,656 |

CMWD has a service area of 366 square miles with approximately 650,000 residents. The majority of the purchased water in the district is used for residential purposes, and the rest is used for commercial, industrial, and some agricultural purposes.¹⁵

CAWC Ventura County District's 2020 Urban Water Management Plan (UWMP) also analyzes the water service reliability for water supply and demand under normal, single dry water year and five-year, or multiple dry year periods. An average year condition represents a single year or average range of years that most closely represents the average water supply available. A single dry year represents the lowest water supply available to the supplier, and a multiple dry year is the lowest average water supply available for five consecutive years. The imported water supply projections are provided by the CMWD, and the water demand is provided by the DWR. Table 5.14-7, CAWC Normal Year Potable

¹⁵ Calleguas Municipal Water District, *2020 Urban Water Management Plan*, <https://www.calleguas.com/documents-and-reports/index.asp>, June 2021.

Water Supply and Demand, displays the net difference between the water supply and demand for an average year. The average year water supply is based off historical data ranging from 1922 to 2004.

Table 5.14-7
CAWC Normal Year Potable Water Supply and Demand

| Water Supply/Demand Source | Acre-Feet Per Year (AFY) | | | | |
|----------------------------|--------------------------|--------------|--------------|--------------|--------------|
| | 2025 | 2030 | 2035 | 2040 | 2045 |
| Water Supply | 18,559 | 18,559 | 18,559 | 18,559 | 18,559 |
| Water Demand | 16,662 | 16,770 | 16,878 | 16,978 | 17,077 |
| Net Difference | 1,897 | 1,789 | 1,681 | 1,581 | 1,482 |

Source: California American Water, Ventura County District, Urban Water Management Plan, Table 7-2, June 2021.

Note: Water Supply numbers are provided by CMWD District; Water Demand numbers are provided by DWR.

Table 5.14-8, CAWC Single Dry Year Potable Water Supply and Demand, displays the net difference between the water supply and demand for a single dry year. The single dry year water supply is based off historical data from base year 1977.

Table 5.14-8
CAWC Single Dry Year Potable Water Supply and Demand

| Water Supply/Demand Source | Acre-Feet Per Year (AFY) | | | | |
|----------------------------|--------------------------|----------|----------|----------|----------|
| | 2025 | 2030 | 2035 | 2040 | 2045 |
| Water Supply ¹ | 18,586 | 18,707 | 18,827 | 18,938 | 19,049 |
| Water Demand ² | 18,586 | 18,707 | 18,827 | 18,938 | 19,049 |
| Net Difference | 0 | 0 | 0 | 0 | 0 |

Source: California American Water, Ventura County District, Urban Water Management Plan, Table 7-3, June 2021.

Notes: Water Supply numbers are provided by CMWD District; Water Demand numbers are provided by DWR.

¹ Although the current Tier 1 allocation is 18,559, California American Water's Ventura County District can exceed the allocation set by CMWD to meet demands but must pay a fee.

² A single Dry Year is expected to have increased demands of 112% based on 2013 actual demand compared to 2011.

As shown in Table 5.14-8, although the Tier 1 allocation for allowed water supply is 18,559 AFY, Ventura County District can exceed this allocation by paying a fee, or through agreements to purchase or borrow water as discussed further below. Past the single dry year condition, UWMP projections show additional reserves, as depicted in Table 5.14-9, CAWC Multiple Dry Years Potable Water Supply and Demand. The multiple dry year water supply is based off historical data ranging from 1987 to 1992.

Table 5.14-9
CAWC Multiple Dry Years Potable Water Supply and Demand

| Water Supply/Demand Source | Acre-Feet Per Year (AFY) | | | | |
|----------------------------|--------------------------|--------|--------|--------|--------|
| | 2025 | 2030 | 2035 | 2040 | 2045 |
| First Year | | | | | |
| Water Supply ¹ | 18,586 | 18,707 | 18,827 | 18,938 | 19,049 |

**Table 5.14-9
CAWC Multiple Dry Years Potable Water Supply and Demand**

| Water Supply/Demand Source | Acre-Feet Per Year (AFY) | | | | |
|----------------------------|--------------------------|--------|--------|--------|--------|
| | 2025 | 2030 | 2035 | 2040 | 2045 |
| Water Demand ² | 18,586 | 18,707 | 18,827 | 18,938 | 19,049 |
| Net Difference | 0 | 0 | 0 | 0 | 0 |
| Second Year | | | | | |
| Water Supply ¹ | 18,559 | 18,559 | 18,559 | 18,559 | N/A |
| Water Demand ² | 17,863 | 17,979 | 18,093 | 18,200 | N/A |
| Net Difference | 696 | 580 | 466 | 360 | N/A |
| Third Year | | | | | |
| Water Supply ¹ | 18,559 | 18,559 | 18,559 | 18,559 | N/A |
| Water Demand ² | 14,714 | 14,810 | 14,902 | 14,990 | N/A |
| Net Difference | 3,845 | 3,750 | 3,657 | 3,570 | N/A |
| Fourth Year | | | | | |
| Water Supply ¹ | 18,559 | 18,559 | 18,559 | 18,559 | N/A |
| Water Demand ² | 14,078 | 14,169 | 14,255 | 14,339 | N/A |
| Net Difference | 4,482 | 4,391 | 4,304 | 4,220 | N/A |
| Fifth Year | | | | | |
| Water Supply ¹ | 18,559 | 18,559 | 18,559 | 18,559 | N/A |
| Water Demand ² | 15,352 | 15,451 | 15,544 | 15,635 | N/A |
| Net Difference | 3,208 | 3,109 | 3,016 | 2,924 | N/A |

Source: California American Water, Ventura County District, Urban Water Management Plan, Table 7-4, June 2021.

Note: Water Supply numbers are provided by CMWD District; Water Demand numbers are provided by DWR.

N/A = Not Applicable in the Urban Water Management Plan

- ¹ Five consecutive dry years demands are expected to change based on actual demands in five consecutive dry years of 2013-2017 compared to an average year of 2011 as follows: year 1 (112%), year 2 (107%), year 3 (88%), year 4 (84%), and year 5 (92%).
- ² Although the current Tier 1 allocation is 18,559, California American Water's Ventura County District can exceed the allocation set by CMWD to meet demands but must pay a fee.

As shown in Table 5.14-9, although the Tier 1 allocation for allowed water supply is 18,559 AFY, Ventura County District can exceed this allocation by paying a fee to the MWD, or through agreements to purchase or borrow water as discussed below under Drought Risk Assessment and Drought Conditions.¹⁶ Additionally, Ventura County District imposes conservation measures or demand management measures to encourage sustainable management of water resources and contains a Water Shortage Contingency Plan in instances where there are unforeseen water shortages. As such, the water purveyor has the ability to provide additional water during multiple dry years with payment of required fees.

In addition, as stated earlier, the UWMP is prepared following guidance from a multitude of sources, including the Department of Water Resources (DWR's) 2020 UMWP Guidebook. The DWR 2020 UWMP Guidebook directs water suppliers, including Cal-Am, to anticipate future water use through available information from City and County General Plans, the Southern California Association of Governments (SCAG), and baseline information. Future water supplies are

¹⁶ California American Water, Ventura County District. *Urban Water Management Plan*. June 2021.

anticipated by reviewing water rights and contracts, assessing water deliveries, and ascertaining restrictions on water availability under certain regulatory and hydrological conditions.¹⁷

Drought Risk Assessment and Drought Conditions

As required by the California Water Commission, a Drought Risk Assessment was prepared to provide a quick snapshot of the anticipated surplus or deficit if a five-year consecutive drought were to occur in the next five years. The Drought Risk Assessment evaluates each water supply's reliability and compares available water supplies and projected demands during a five-consecutive dry years scenario. This short-term analysis can help water suppliers foresee undesired risks, such as upcoming shortages, and provide time to evaluate and implement the necessary response actions needed to mitigate shortages in a less impactful manner to the community and environment. If demands cannot be met by the expected available supply, shortage response actions from the Ventura County District's Water Shortage Consistency Plan may be implemented. The CAWC Ventura County District does not anticipate any supply shortages within the next five years, from 2021 to 2025. The CAWC Ventura County District anticipates a water surplus (total water supply minus gross water use) of 3,128 AFY in 2021, 2,882 AFY in 2022, 2,514 AFY in 2023, 2,206 AFY in 2024 and 1,897 in 2025.¹⁸

Despite the Drought Risk Assessment's projections, in 2021, the State of California issued a state of emergency due to drought conditions. A multitude of State and local water conservation regulations followed. In 2022, the Department of Water Resources, operator of the State Water Project, announced water agencies throughout California should prepare for an allocation of only 5 percent of a full supply for 2022. Governor Newsom issued Executive Order N-7-22, requiring each urban water supplier to reduce water usage by at least 20 percent, and developed emergency regulations banning non-functional turf (ornamental grass) and irrigation in the commercial, institutional, and industrial sectors. On May 24, 2022, the City declared a Level 4 shortage, which reduced watering to once a day consistent with the MWD Emergency Conservation Program.¹⁹

In early 2023, rain and snowfall from major storm events dramatically changed conditions in many parts of the State, and therefore anticipated an increase in expected State Water Project deliveries to local agencies by harnessing the captured storm water. As the storms helped ease drought impacts, on March 24, 2023, Governor Newsom rolled back some drought emergency provisions. However, the state still maintains water conservation requirements, and is taking action to boost water supply, expand storage, and improve infrastructure.²⁰ On March 14, 2023, the City approved Level 3 conservation measures, based on guidance from the MWD and CMWD, which are less stringent than the previous Level 4 water restriction requirements.²¹

Demand Management Measures

The CAWC Ventura County District includes long-term Demand Management Measures to assist in lowering water demands, which can improve the water service reliability and help meet State and regional water conservation goals. Consistent with the requirements of the California Water Commission, a multitude of Demand Management Measures have been implemented in the past five years and will continue to be implemented into the future in order to meet the Ventura County District's 2020 water use targets pursuant to Section 10608.20 of the California Water Commission, including: water waste

¹⁷ State of California, Department of Water Resources. *Urban Water Management Plan Guidebook 2020, Final*. March 2021.

¹⁸ California American Water, Ventura County District. *Urban Water Management Plan*. June 2021.

¹⁹ City of Thousand Oaks. "Water Conservation Regulations in Effect." March 2023. <https://www.toaks.org/departments/public-works/sustainability/water>.

²⁰ State of California, Office of Governor Gavin Newsom. "Governor Newsom Eases Drought Restrictions." 28 March 2023. <https://www.gov.ca.gov/2023/03/24/governor-newsom-eases-drought-restrictions/>.

²¹ City of Thousand Oaks. "Level 3 Conservation Measures in Effect." March 2023. <https://www.toakswater.org/conservationstages>.

prevention ordinances, metering, conservation pricing, public education and outreach, programs to assess and manage distribution system loss, and water conservation program coordination and staffing.²²

WASTEWATER

Wastewater services for the project site are provided by the City of Thousand Oaks through the City-owned and -operated Hill Canyon Wastewater Treatment Plant (HCTP). The City's sewer service area encompasses approximately 55 square miles and has approximately 35,000 connections that collect wastewater from roughly 130,000 people. The system consists of 415 miles of gravity sewer pipelines ranging from 6 to 48 inches in diameter and made of vitrified clay or polyvinyl chloride plastic, 8,300 maintenance holes, two lift stations, and 2.5 miles of PVC plastic force mains. The two lift stations are located on Lawrence Drive and Olsen Road. Other materials used in the system include asbestos cement, ductile iron, and cast iron. As part of an ongoing effort to increase the ability to address future capacity concerns, the City is currently working on a capital improvement program that includes the construction of four new maintenance hole structures and the relining of 4,500 feet of interceptor within Unit Y.²³

The HCTP is a tertiary treatment facility and receives municipal and industrial wastewater from the City's sewer collection system. The HCTP then treats the effluent through a series of treatment processes including preliminary screening and grit removal, flow equalization, primary clarification, aeration, secondary clarification, tertiary flocculation and filtration, and disinfection. The HCTP then stabilizes biosolids that consist of primary sludge from the primary clarifiers and waste-activated sludge from secondary clarifiers through a common solid handling process which includes treatment processes such as thickening, anaerobic digestion, dewatering and drying. The treated effluent is then discharged through a permitted surface water outfall to the North Fork of Arroyo Conejo Creek for downstream diversion.²⁴

The HCTP has a permitted annual Average Dry Weather Flow capacity and is designed to treat 14 million gallons per day, and currently treats an average annual wastewater flow of approximately 8 million gallons of wastewater per day from domestic, commercial, and industrial customers, discharging effluent treated to tertiary level into the North Fork of the Arroyo Conejo Creek for downstream diversion.²⁵ In 2020, the HCTP treated approximately 10,170 AFY of wastewater, 9,287 AFY of which was treated and recycled by Camrosa Water District (CWD) downstream of the discharge location. Future influent projections show the HCTP treating an annual flow of 9.1 million gpd by 2025, 9.2 million gpd by 2030, 9.3 million gpd by 2035, and 9.4 million gpd by 2040.²⁶ As such, the HCTP currently has an excess annual treatment capacity of 6 million gpd.

The City does not recycle any wastewater itself, but the recycled water produced by Camrosa is used for irrigation purposes in the CWD, pursuant to an agreement between the City and Camrosa known as the Conejo Creek Diversion Project.²⁷ This agreement is a 40-year contract which allows Camrosa to use the effluent from HCTP, which is pumped into Camrosa's storage ponds and redistributed to Camrosa customers and Pleasant Valley County Water District for

²² California American Water, Ventura County District. *Urban Water Management Plan*. June 2021.

²³ City of Thousand Oaks, *City of Thousand Oaks Sewer System Management Plan*. 14 March 2022. <https://www.toaks.org/departments/public-works/maintenance/sewer>.

²⁴ City of Thousand Oaks. *Hill Canyon Treatment Plant Master Plan*. March 2020.

²⁵ City of Thousand Oaks. *Hill Canyon Treatment Plan*. Accessed January 2023. <https://www.toaks.org/departments/public-works/operations/hill-canyon-treatment-plant>.

²⁶ City of Thousand Oaks. *Hill Canyon Treatment Plant Master Plan*, Table 2-5. March 2020.

²⁷ Kennedy Jenks, *City of Thousand Oaks 2020 Urban Water Management Plan*, 23 June 2021.

irrigation purposes. In addition, Camrosa includes a Reverse Osmosis Filtration Plant which produces high quality drinking water equivalent for import.²⁸

STORMWATER

The City of Thousand Oaks provides stormwater and control services for the project area in compliance with the Ventura Countywide Municipal Stormwater NPDES permit that is administrated by the Los Angeles Regional Water Quality Control Board (RWQCB) in cooperation with the Ventura Countywide Stormwater Quality Management Program (VCSQMP). The NPDES Permit Program controls water pollution by regulating the discharge of pollutants into receiving waters. Stormwater runoff in Thousand Oaks is not treated before entering regional creeks and eventually the ocean, which has the potential to decrease water quality.²⁹ To address this concern the VCSQMP has implemented several control measures countywide, including public outreach and reporting, social media outreach, youth education, establishing educational websites regarding different options to reduce runoff and reuse water, working with local watershed groups, labeling storm drain inlets to discourage illegal dumping, spreading educational brochures through retail partnerships, business outreach and education, community events, pollutant-specific outreach, and effectiveness assessments. The City of Thousand Oaks has taken additional independent measures, including hosting public events for Earth Day, implementing solid waste reduction programs, local media outreach, education of local businesses, and promotional ads at the DMV for opportunities to reduce pollutant sources.³⁰ Land development in the City increases the risk of pollutants entering the stormwater conveyance system.

Under existing conditions, drainage with the project area of disturbance generally flows west, toward the drive aisle located west of the project footprint, and into a nearby catch basin. According to the Ventura Countywide Unified Storm Drain Map, there are two RCP drainage pipes that run east-west underneath the service road west of the project footprint, and one PVC drainage pipe. There is also a small City-owned pipe that runs diagonally underneath the small surface lot at the southwest corner of the project footprint. A 90-foot RCP pipeline runs north-south underneath the service road, parallel to the project footprint.³¹

SOLID WASTE

Solid waste disposal services to the project site would be contracted through Athens Services (Athens). Athens provides solid waste disposal, recycling, organics diversion, special waste, construction and demolition recovery, and street and parking lot sweeping services in Ventura, Los Angeles, San Bernardino, and Riverside Counties. The Athens facility that will service the project site is located at 2498 Conejo Center Drive, Thousand Oaks. Under existing conditions, Athens provides disposal options for mixed solid waste, recycling, and organics processing in the project area.

In the Collection Services Agreement for the Provision of Residential and Commercial Solid Waste, Recyclable Materials and Organic Waste Collection Services between the City of Thousand Oaks and Athens Services, multiple primary and secondary facilities are identified within the contractor infrastructure for processing materials.³² As shown in Table 5.14-10, Primary and Secondary Landfill Facilities, the primary facility Athens Services utilizes for residential and commercial

²⁸ Camrosa Water District. "Water Quality Data." Accessed 28 March 2023. <https://www.camrosa.com/wp-content/uploads/2022/06/CCR2021.pdf>.

²⁹ City of Thousand Oaks, *Storm Drains*, <https://www.toaks.org/departments/public-works/maintenance/storm-drains>.

³⁰ Ventura Countywide Stormwater Quality Management Program, *2021-2022 Annual Report*, https://www.vcstormwater.org/images/stories/NPDES_Documents/2021-22_Report/2022_Final_Annual_Report_rdx.pdf, December 2022.

³¹ Ventura Countywide Stormwater Quality Management Program, *Ventura Countywide Unified Storm Drain Map*, <https://www.vcstormwater.org/publications/maps/ventura-countywide-unified-storm-drain-map>, 2015.

³² City of Thousand Oaks and Arakelian Enterprises, Inc. "Provision of Residential and Commercial Solid Waste, Recyclable Materials and Organic Waste Collection Services." Adopted 01 January 2022.

business solid waste is the Calabasas Landfill, for residential and commercial recyclables is the Sun Valley Materials Recovery Facility, for residential green and organic waste is the Crown Recycling Services, and for commercial green and organic waste is the Calabasas Landfill. Secondary facilities are identified as the Toland Road Landfill, Oxnard Materials Recovery Facility, and American Organics, to be utilized if the primary landfills are over capacity, as indicated in the table.

Table 5.14-10
Primary and Secondary Landfill Facilities

| Business Type | Material Type | Primary Facility | Secondary Facility |
|---------------|-------------------------|--|------------------------------------|
| Residential | Solid Waste | Calabasas Landfill | Toland Road Landfill |
| | Recyclables | Sun Valley Materials Recovery Facility | Oxnard Materials Recovery Facility |
| | Green and Organic Waste | Calabasas Landfill | American Organics |
| Commercial | Solid Waste | Calabasas Landfill | Toland Road Landfill |
| | Recyclables | Sun Valley Materials Recovery Facility | Oxnard Materials Recovery Facility |
| | Green and Organic Waste | Crown Recycling Services | American Organics |

Source: City of Thousand Oaks and Arakelian Enterprises, Inc., Provision of Residential and Commercial Solid Waste, Recyclable Materials and Organic Waste Collection Services, Exhibit 13, Collection Services Operation Plan, adopted January 1, 2022.

The Calabasas Landfill is owned by Los Angeles County, operated by Los Angeles County Sanitation District, and located at 5300 Lost Hills Road in Calabasas. The Calabasas Landfill has a maximum daily permitted capacity of 3,500 tons per day (tpd), which equates to a yearly equivalent of 1,081,500 tons per year. The remaining permitted capacity is 4,315,593 tons as of December 31, 2019, and the estimated remaining landfill life is approximately 8 years, based on an average daily disposal of 1,932 tpd, 305 days per year.³³

Recycling for the proposed development would be processed at the Athens Sun Valley Materials Recovery Facility (ASVMRF), located at 9227 Tujunga Avenue, Sun Valley, which has a permitted capacity of 1,500 tpd. Crown Material Recovery Facility (CMRF), located at 9189 De Garmo Avenue, Sun Valley, is also operated by Athens Services and would provide waste and recycling services for organics and construction materials. The CMRF has a permitted capacity of 6,700 tpd³⁴, and the CMRF processing capacity ranges from 40 to 50 tons per hour.³⁵ The ASVMRF has a throughput of approximately 70 tons per hour and ships approximately 200 bales of recyclable materials to manufacturers every day.³⁶

Additionally, the Simi Valley Landfill and Recycling Center (SVLRC), located at 2801 Madera Road, Simi Valley, operated by Waste Management, is an alternative disposal facility pursuant to the Waste Disposal Agreement dated July 27, 1999

³³ Los Angeles County Department of Public Works. *Los Angeles County Countywide Integrated Waste Management Plan, 2019 Annual Report*. September 2020.

³⁴ City of Thousand Oaks and Arakelian Enterprises, Inc. "Provision of Residential and Commercial Solid Waste, Recyclable Materials and Organic Waste Collection Services." Adopted 01 January 2022.

³⁵ Athens Services, *Crown Recycling makeover helps the environment and community*, <https://athensservices.com/crown-recycling-makeover-helps-the-environment-and-the-community/#:~:text=Processing%20capacity%20ranges%20from%2040%20to%2050%20tons%20per%20hour.>, 19 November 2023.

³⁶ Athens Services, *Athens Sun valley Materials Recovery Facility*, <https://athensservices.com/sun-valley-mrf/>, 2022.

between the City and Waste Management, permitting the City and its franchise haulers to dispose solid waste at the SVLRC.³⁷ The SVLRC is a non-hazardous municipal solid waste landfill and recycling facility serving Ventura County and the West San Fernando Valley, and has a daily permitted limit of accepted waste of 3,000 pd and 6,250 tons of recyclable materials, making the daily capacity 9,250 tpd.³⁸

As much as 30 percent of the waste that goes into landfills is construction and demolition (C&D) debris, and most of this material is recyclable, including asphalt, concrete, wood, metal, and cardboard. The City Construction and Demolition Debris Recycling Ordinance (No. 1639-NS), as discussed further below, requires certain demolition and/or construction projects to divert at least 65 percent of project-generated waste through recycling or reuse. Contractors and waste haulers are not restricted in their disposal options of C&D debris, as long as the project meets the City's 65 percent debris diversion requirements.³⁹

Projects that utilize mixed waste recycling will require that materials are processed at a mixed C&D processing facility. The nearest mixed-use processing facility to the City is the Simi Valley Landfill. Additionally, the City currently accepts material processing at facilities certified by the Los Angeles Bureau of Sanitation, including American Industrial Services Inc., American Reclamation, California Waste Services, City Terrace Recycling, Construction & Demolition Recycling Cordova Construction Services, Crown Recycling Services, Direct Disposal, Downtown Diversion, and East Valley Diversion.⁴⁰

ELECTRICITY

Southern California Edison (SCE) provides electrical services to the City of Thousand Oaks and the proposed project site. SCE services approximately 15 million people in a 50,000 square-mile service area across the southern half of California.⁴¹ In 2021, SCE provided approximately 22 percent of electricity via natural gas, 9 percent via nuclear power, 2.3 percent via hydroelectric power, 35 percent via unspecified power sources, and 31.4 percent via renewable resources, with solar contributing almost 16 percent, geothermal contributing 6 percent, and wind contributing 10 percent.⁴² SCE is continuing to grow its renewable energy sources profile, and in 2022 it had several renewable projects under contract, including 6 biomass projects, 17 cogeneration projects, 2 geothermal projects, 16 small hydroelectric projects, 16 solar projects, and 2 wind projects. Collectively, SCE has a current operating capacity of 453 megawatts of renewable energy.⁴³ In an effort to decrease reliance on greenhouse gases for energy, the City of Thousand Oaks joined the Clean Power Alliance (CPA) in 2019 to offer the option to residents and businesses to choose clean power options. CPA offers three programs, one with a renewable energy content of 36%, one with 50%, and the other with 100%. The default service for City of Thousand Oaks is 100% clean energy. Regardless of which program residents of businesses choose, SCE still delivers all the electricity in the City and is responsible

³⁷ City of Thousand Oaks and Arakelian Enterprises, Inc. "Provision of Residential and Commercial Solid Waste, Recyclable Materials and Organic Waste Collection Services." Adopted 01 January 2022.

³⁸ CalRecycle. "Simi Landfill and Recycling Center (56-AA-0007)." Accessed 20 January 2023. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/608?siteID=3954>.

³⁹ City of Thousand Oaks. "Construction and Demolition Debris." Accessed 23 January 2023. <https://www.toaks.org/departments/public-works/sustainability/trash-recycling/trash-recycling-businesses/c-d-recycling-permits>.

⁴⁰ City of Thousand Oaks. "List of City Certified Processors for Calendar Year 2022." Accessed 23 January 2023. <https://www.toaks.org/home/showpublisheddocument/40457/637885781056500000>.

⁴¹ League of California Cities, *Southern California Edison*, [https://www.calcities.org/partner/edison#:~:text=Southern%20California%20Edison%20\(SCE\)%20is,California%20border%20in%20the%20east.](https://www.calcities.org/partner/edison#:~:text=Southern%20California%20Edison%20(SCE)%20is,California%20border%20in%20the%20east.), 2023.

⁴² California Energy Commission, *2021 Power Content Label Southern California Edison*, <https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure/power-content-label/annual-power-content-2>, 2021.

⁴³ Southern California Edison, *Qualifying Facilities Annual Status Report*, https://www.sce.com/sites/default/files/inline-files/SCE_Annual_QF_Report_2022.pdf, 2022.

for maintaining and building the distribution network, installing meters, responding to outages, and providing billing. Any solar energy produced by residents or businesses must go back to the grid through SCE connections.⁴⁴

The project site is currently served by SCE and there are four existing underground electrical lines around the proposed project footprint. Two lines run under the service road to the west, between the parking structure and the project footprint. One line runs east-west under the walkway between the project footprint and buildings immediately north. The fourth line runs to the east of the building under the internal Janss Marketplace walkway immediately east of the project footprint.

NATURAL GAS

Natural gas is provided to the project site by the Southern California Gas Company (SoCalGas). SoCalGas delivers natural gas to approximately 21.8 million customers across a 24,000 square-mile service area. SoCalGas is a regulated subsidiary of Sempra, an energy services holding company spanning North America.⁴⁵ SoCalGas operates 3,256 miles of transmission pipelines, 49,715 miles of distribution pipelines, 48,888 miles of service lines, eleven transmission compressor stations, and four underground storage facilities.⁴⁶ Approximately 1.77 and 3 miles north of the proposed project site, two transmission lines run east-west, and one high pressure distribution line runs along the same line as the farther distribution line, approximately 3 miles north.⁴⁷

Two gas lines currently run near the project site, one of which runs underground along the service road immediately west of the project footprint, and the other runs east-west at the south end of the small surface lot at the southwest corner of the project footprint.

TELECOMMUNICATIONS

Telecommunication services in Thousand Oaks are provided by private vendors and agencies. Spectrum is the primary telephone provider, and Charter Communications is the primary cable TV provider for the project site. An existing telephone line runs north-south underneath the internal walkway immediately east of the project footprint.

5.14.2 Regulatory Setting

WATER

Federal

Federal Safe Drinking Water Act Of 1974

The Safe Drinking Water Act authorizes the U.S. Environmental Protection Agency (EPA) to set national health-based standards for drinking water to protect against both naturally occurring and man-made contaminants that may be found in drinking water. The EPA, states, and water systems then work together to make sure that these standards are

⁴⁴ City of Thousand Oaks, *Clean Power Alliance*, <https://www.toaks.org/departments/public-works/sustainability/energy/clean-power-alliance>, 2022.

⁴⁵ SoCalGas, *Company Profile*, <https://www.socalgas.com/about-us/company-profile#:~:text=Our%20service%20territory%20encompasses%20approximately,Opens%20in%20a%20new%20window.m>, 2023.

⁴⁶ Southern California Gas Company, *Southern California Gas Company's Service Territory*, <https://www.socalgas.com/documents/news-room/fact-sheets/ServiceTerritory.pdf>, 2013.

⁴⁷ SoCalGas, *Gas Transmission Pipeline Interactive Map – Ventura*, <https://socalgas.maps.arcgis.com/apps/webappviewer/index.html?id=12cb8fddd6184f1bafc565ed09e4f631>, 2023.

met. Originally, the Safe Drinking Water Act focused primarily on treatment as the means of providing safe drinking water at the tap. The 1996 amendments greatly enhanced the existing law by recognizing source water protection, operator training, funding for water system improvements, and public information as important components of safe drinking water. This approach ensures the quality of drinking water by protecting it from source to tap. The Safe Drinking Water Act applies to every public water system in the United States.

State

State Of California Water Recycling Act

Enacted in 1991, the Water Recycling Act established water recycling as a State priority. The Water Recycling Act encourages municipal wastewater treatment districts to implement recycling programs to reduce local water demands.

Senate Bill X7-7, Water Conservation Act

The Water Conservation Act of 2009 (SB X7-7), effective November 9, 2009, requires each urban retail water supplier to develop urban water use targets and agricultural water suppliers to implement efficient water management practices. Certain provisions of the law are implemented through public processes administered by the Department of Water Resources.

California Code of Regulations, Title 20, Section 1605.1, Efficiency Standards

CCR Title 20 addresses Public Utilities and Energy and includes appliance efficiency standards that promote water conservation by establishing the maximum flow rate of all new shower heads, lavatories, sink faucets, and tub spout diverters.

Urban Water Management Planning Act

The Urban Water Management Planning Act was passed in 1983 and codified as Water Code Sections 10610 through 10657. Since its adoption in 1983, the Urban Water Management Planning Act has been amended on several occasions. Some of the more notable amendments include an amendment in 2004 which required additional discussion of transfer and exchange opportunities, non-implemented demand management measures, and planned water supply projects. Also, in 2005, another amendment required water use projections (required by Water Code Section 10631) to include projected water use for single-family and multi-family residential housing needed for lower income households. In addition, Government Code Section 65589.7 was amended to require local governments to provide the adopted housing element to water and sewer providers. The Act requires “every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually, to prepare and adopt, in accordance with prescribed requirements, an urban water management plan.” Urban water suppliers must file these plans with the California Department of Water Resources every five years describing and evaluating reasonable and practical efficient water uses, reclamation, and conservation activities. As required by the Memorandum of Understanding Regarding Urban Water Conservation in California and Assembly Bill 11, the 2005 Urban Water Management Plan Act incorporated water conservation initiatives and a Water Shortage Contingency Plan as well.

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.

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 proposed project does not consist of housing units and a WSA is not required.

CA Executive Order B-37-16, Senate Bill 606, and Assembly Bill 1668

In 2018, the California State Legislature enacted two policy bills, SB 606 (Hertzberg) and AB 1668 (Friedman), to establish a new foundation for long-term improvements in water conservation and drought planning to adapt to climate change and the resulting longer and more intense droughts in California. These two bills amend existing law to provide expanded and new authorities and requirements to enable permanent changes and actions for those purposes, improving the state's water future for generations to come.

SB 606 and AB 1668 are direct outcomes of Governor Brown's Executive Order B-37-16 issued in May 2016. The recommendations in the April 2017 report entitled Making Water Conservation a California Way of Life, Implementing Executive Order B-37-16 and subsequent extensive legislative outreach efforts informed the development of SB 606 and AB 1668.⁴⁸ The order requires permanent monthly water use reporting, and new permanent water use standards in California communities. To help eliminate water waste, the Water Board is to prohibit wasteful water practices such as hosing off sidewalks, driveways and other hardscapes, or watering lawns in a manner that causes runoff.⁴⁹

Assembly Bill 2515, Water Conservation in Landscaping Act

AB 2515, also known as the Water Conservation in Landscaping Act, is a water-efficient landscaping ordinance. The bill requires the DWR to update its model water-efficient landscape ordinance by regulation and every three years thereafter. The bill was enacted due to the prolonged drought California is experiencing.

California Code of Regulations, Title 24 California Green Building Code

California Code of Regulations Title 24, Part 4, California Plumbing Code, addresses efficiency standards that promote water conservation. Part 6 of Title 24, California's Energy Efficiency Standards for Residential and Non-residential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. Specifically, new development projects constructed within California after January 1, 2017, are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code. The outdoor water use standards of the CALGreen Code, which requires a 20 percent reduction in indoor water use, are already addressed by the City's Water Conservation Ordinance. In addition, a number of California laws listed below require water-efficient plumbing fixtures in structures:

- CCR Title 20 Section 1606 prohibits the sale of fixtures that do not comply with established efficiency regulations.
- CCR Title 24 Sections 25352(i) and (j) address pipe insulation requirements, which can reduce water used before hot water reaches equipment or fixtures. Insulation of water-heating systems is also required.
- Health and Safety Code Section 17921.3 requires low-flush toilets and urinals in virtually all buildings.

⁴⁸ California Department of Water Resources and State Water Quality Control Board. November 2018. "Making Water Conservation a California Way of Life." Accessed 21 March 2023. <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Make-Water-Conservation-A-California-Way-of-Life/Files/PDFs/Final-WCL-Primer.pdf>.

⁴⁹ Adaptation Clearinghouse. "CA Executive Order B-37-16: Making Water Conservation a California Way of Life." Accessed 21 March 2023. <https://www.adaptationclearinghouse.org/resources/ca-executive-order-b-37-16-making-water-conservation-a-california-way-of-life.html>.

Local

Calleguas Municipal Water District Urban Water Management Plan 2020

In compliance with the California Water Code Sections 10610 through 10657 and 10608 of the Urban Water Management Planning Act, the CMWD adopted its Urban Water Management Plan (UWMP) in 2020. The UWMP outlines the CMWD’s existing and future water supplies, assesses the water service reliability, sources of water supply, and efficient uses of water, and evaluates demand management measures, implementation strategy and schedule, and frequent and severe periods of droughts. The UWMP also established a Water Shortage Contingency Plan. The UWMP outlines forecasted water demands and supply availability through 2045. It is organized by topic and includes a discussion of the CMWD’s service area and facilities, infrastructure, dependence on the MWDSC and its supplies, water use by sector, system supplies, water service reliability, drought risk assessment, water shortage contingency planning, and demand management measures.

Thousand Oaks General Plan

The General Plan Conservation Element includes policies to address the City’s water demands. The following goals and policies are relevant to the proposed project:

Conservation Element

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.

Thousand Oaks Municipal Code

Municipal Code Title 10, Chapter 2, Water:

Municipal Code Title 10, Chapter 2, Water, establishes the responsibilities of the City of Thousand Oaks Public Works Department to administer the water properties, facilities, and services of the City. This chapter describes the City’s responsibilities as follows: furnish at all times a safe and potable supply of water, maintain adequate service pressures, provide adequate flow from fire hydrants, and construct, maintain, and operate the City’s system of reservoirs, pumping stations, and transmission and distribution pipelines, and the water meter. This chapter also identifies connection rules, service regulations, backflow prevention, groundwater wells, and mandatory water conservation measures.

Thousand Oaks Water Conservation Requirements

On April 25, 2023, City Council authorized a return to Level 1 water conservation requirements, the City’s permanent water conservation measures.⁵⁰ Previously, on March 14, 2023, the Thousand Oaks City Council approved Level 3 Water

⁵⁰ City of Thousand Oaks. “Level 1 Water Conservation Regulations in Effect.” <https://www.toaks.org/departments/public-works/sustainability/water>.

Conservation requirements on guidance from the suppliers, including MWD and CMWD. These water conservation measures are further outlined in City Ordinance No. 1705-NS. All residences within the City are required to follow a multitude of regulations including, but not limited to, limited watering hours and days, obligation to fix leaks, breaks or malfunctions in plumbing, irrigation or distribution, restrictions on washing down hard or paved surfaces, and prevention of dust suppression with potable water.⁵¹ In mid-2022 through early 2023, the more conservative Level 4 water restriction requirements were implemented. In addition, the Ordinance contains permanent measures which remain in effect throughout all levels, including prohibition of non-functional turf⁵² located within commercial areas.

WASTEWATER

Federal

Federal Clean Water Act (33 USC Sections 1251, Et Seq.)

The Clean Water Act's (CWA) primary goals 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. The CWA forms the basic national framework for the management of water quality and the control of pollution discharges; it provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, antidegradation policy, nonpoint-source discharge programs, and wetlands protection. The EPA has delegated the responsibility for administration of CWA portions to State and regional agencies. In California, the SWRCB administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality.

State

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.

⁵¹ City of Thousand Oaks. "Level 3 Water Conservation Regulations in Effect." <https://www.toakswater.org/conservationstages>.

⁵² Non-functional turf is turf that is ornamental and not regularly used for recreational purposes, civic or community events.

California Code of Regulations, Title 22, Division 4, Chapter 3 Water Recycling Criteria

California regulates the wastewater treatment process and use of recycled water pursuant to California Code of Regulations, Title 22, Division 4, Chapter 3, *Water Recycling Criteria*. According to these regulations, recycled water to be used for irrigation of public areas must be filtered and disinfected to tertiary standards. Higher levels of treatment have higher effluent standards, allowing for a greater number of uses under Title 22, including irrigation of freeway landscaping, pasture for milk animals, parks and playgrounds, and vineyards and orchards for disinfected tertiary recycled water.

Local*Thousand Oaks Municipal Code*Municipal Code Title 7, Chapter 4, Separation of Water and Sewer Facilities:

Municipal Code Title 7, Chapter 4, *Separation of Water and Sewer Facilities*, minimizes hazards to public health by establishing regulations for the location of and distance between water and sewer lines. It requires that parallel water and sewer lines must be separated by at least ten feet, and the distance between water supplies and sewer facilities, including septic tanks and disposal fields, must be at least ten or fifty feet, depending on the type of facility. Water lines must be vertically separated from crossing sewer lines by at least three feet.

Municipal Code Title 10, Chapter 1, Wastewater:

Municipal Code Title 10, Chapter 1, *Wastewater*, determines that the Public Works Department is responsible for administering the wastewater properties, facilities, and services of the City. The City is responsible for accepting, transferring, treating, and disposing of wastewater flow, construction and operating the system of collection and transmission pipelines, and meeting wastewater discharge requirements. All facilities must conform with the established Wastewater Design and Construction Standards. This chapter includes connection rules, service and general discharge regulations, industrial waste regulations, charges, main line extension and oversizing agreements, and billing and payment.

Hill Canyon Treatment Plant Master Plan

The City of Thousand Oaks adopted the Hill Canyon Treatment Plant Master Plan (Hill Canyon Plan) in January 2021, which affects all water purveyors and service areas in the City. The Hill Canyon Plan outlines historical wastewater flows by type, describes existing facilities, analyzes ways in which to optimize the wastewater treatment process, possible options with renewable energy, and future water resource alternatives. The Hill Canyon Plan also proposes a capital improvement plan.

STORMWATER**Federal***National Pollutant Discharge Elimination System (1972)*

The NPDES permit program was established in the CWA to regulate municipal and industrial discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants

contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities. Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a sewage treatment plant.

The Municipal National Pollutant Discharge Elimination System (NPDES) program is administered by the State Water Resources Control Board (SWCRB) through the Regional Water Quality Control Boards (RWQCBs) and requires municipalities to obtain permits that outline programs and activities to control wastewater and stormwater pollution. The Federal Clean Water Act prohibits discharges of stormwater from construction projects unless the discharge is in compliance with an NPDES permit. The SWCRB is the permitting authority in California and adopted an NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) (Order 2009-0009, as amended by Orders 2010-0014-DWQ and 2012-006-DWQ). Containment and spill cleanup are also encompassed in the Storm Water Pollution Prevention Plan (SWPPP). This includes inspections for spills, a requirement that chemicals be stored in watertight containers with secondary containment to prevent spillage or leakage, procedures for addressing hazardous and non-hazardous spills, including a spill response and implementation procedure, include on-site equipment for cleanup and spills, and spill training for construction personnel.

State

Porter-Cologne Water Quality Control Act

The State of California is authorized to administer Federal or State laws regulating water pollution within the State. The Porter-Cologne Water Quality Control Act (Water Code 13000, et seq.) includes provisions to address these requirements of the Clean Water Act. These provisions include National Pollutant Discharge Elimination System (NPDES) permitting, dredge and fill programs, and civil and administrative penalties. The Porter-Cologne Act is broad in scope and addresses issues relating to the conservation, control, and utilization of the water resources of the State. Additionally, the Porter-Cologne Act states that the quality of all the waters of the State (including groundwater and surface water) must be protected for the use and enjoyment by the people of the State.

Local

Thousand Oaks General Plan

The General Plan Conservation Element includes policies to address the City's water demands. The following goals and policies are relevant to the proposed project:

Conservation Element

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.

Thousand Oaks Municipal Code

Municipal Code Title 7, Chapter 1, Curbs, Gutters, Sidewalks, Pave-Outs, Rights-of-Way, and Drainage Facilities:

Municipal Code Title 7, Chapter 1, Curbs, Gutters, Sidewalks, Pave-Outs, Rights-of-Way, and Drainage Facilities, determines that every owner, or lessee or agent thereof, constructing or substantially modifying or causing the construction of, of substantial modifications to, a building, shall provide or make provisions for the constructions of sidewalks, curbs, gutters, adequate drainage facilities, and paving, unless adequate sidewalks, curbs, gutters, drainage facilities, and paving exist along all street frontages adjoining the lot on which the building is to be constructed or modified.

Municipal Code Title 7, Chapter 8, Stormwater Discharges and Stormwater Quality Management:

Municipal Code Title 7, Chapter 8, *Stormwater Discharges and Stormwater Quality Management*, establishes local regulations, pursuant to the Clean Water Act, to prohibit certain acts and inappropriate discharges into the storm drain system, and to require the implementation of best management practices by property owners to reduce the discharge of pollutants. Improper property maintenance and illicit connections and discharges are prohibited. This chapter also mandates that all development activity within the City must follow all stormwater pollution control and prevention plans, stormwater quality master plans, and other requirements established by the City regarding urban runoff and watersheds. This chapter also establishes the right to enter to inspect facilities.

Regional Water Quality Control Board

NPDES permits are required for operators of municipal separate storm sewer systems, construction projects, and industrial facilities. These permits specify limits on the amount of pollutants that can be contained in the discharge of each facility or property. The Ventura County Stormwater Quality Management Program establishes control and enforcement measures to reduce the discharge of pollutants throughout the county, in cooperation with the Los Angeles Regional Water Quality Control Board.

Ventura Countywide Stormwater Quality Management Program: 2021-2022 Annual Report

The Ventura Countywide Stormwater Quality Management Program: 2021-2022 Annual Report (Annual Report) assesses the compliance of the Permittees in the County with NPDES Permit No. CAS004002/Order No. 10-108, and Permit No. CAS004004/Order No. R4-2021-0105, and efforts improve water quality. The Report also establishes an agreement between the Permittees to participate in a watershed management program that is due September 2023. The Annual Report outlines a variety of programs geared toward preserving water quality, and their successes and failures over the 2021-2022 period. Additional efforts currently being implemented to prevent or reduce pollutants are outlined as well.

SOLID WASTE

Federal

Resource Conservation and Recovery Act Of 1976

The Resource Conservation and Recovery Act (RCRA) of 1976 (Title 40 of the Code of Federal Regulations), Part 258 contains regulations for municipal solid waste landfills and requires states to implement their own permitting programs

incorporating the Federal landfill criteria. The Federal regulations address the location, operation, design (liners, leachate collection, runoff control, etc.), groundwater monitoring, and closure of landfills.

State

Assembly Bill 341

AB 341 (Chapter 476, Statutes of 2011) increase the Statewide solid waste diversion goal to 75 percent by 2020. The law also mandates recycling for commercial and multi-family residential land uses as well as school districts.

California Integrated Waste Management Act of 1989 (AB 939, 341 and 1016)

The Integrated Solid Waste Management Act (IWMB) of 1989 (AB 939) (California Public Resources Code Section 40050 et seq.) established an integrated waste management system that focuses on source reduction, recycling, composting, and land disposal of waste. AB 939 requires every city and county in California to divert 50 percent of its waste from landfills whether through waste reduction, recycling, or other means. Compliance with AB 939 is measured in part by comparing solid waste disposal rates for a jurisdiction with target disposal rates. Actual rates at or below target rates are consistent with AB 939. AB 939 also requires California counties to show 15 years of disposal capacity for all jurisdictions in the county or show a plan to transform or divert its waste. AB 341 was then passed to achieve a goal of 75% reduction of solid waste by January 2020.

In 2007, Senate Bill (SB) 1016 was passed to amend AB 939. The bill requires the board to determine whether each jurisdiction was in compliance with the act's diversion requirements based on the jurisdiction's change in its per capita disposal rate. An order of compliance will be issued if the board determines that jurisdictions did not make a good faith effort to implement its source reduction and recycling element. The IWMB sets targets for per capita disposal measurement systems and each district is required to submit an annual report of its progress in implementation of its diversion program to the IWMB.

Assembly Bill 1327

Assembly Bill 1327, the California Solid Waste Reuse and Recycling Access Act, was signed in 1991 with the purpose of establishing a recycling model ordinance. This ordinance was set to facilitate reuse and recycling for development projects.

Assembly Bill 1826

AB 1826 (California Public Resources Code Sections 42649.8 et seq.) requires recycling of organic matter by businesses generating such wastes in amounts over certain thresholds. AB 1826 also requires that local jurisdictions implement an organic waste recycling program to divert organic waste generated by businesses and multi-family developments that consist of five or more units.

Senate Bill 1374

Senate Bill 1374 (SB 1374) states that the California Integrated Waste Management Board (CIWMB) must receive an annual report including progress made by jurisdictions regarding their advances on diverting construction and demolition waste material. CIWMB specified that CalRecycle was required to adopt a model ordinance that would divert 50 percent to 75 percent of construction and demolition waste materials from landfills.

California Green Building Standards Code

Section 5.408, Construction Waste Reduction, Disposal, and Recycling, of the California Green Building Standards Code (CALGreen) (Title 24, California Code of Regulations, Part 11) requires at least 50 percent of nonhazardous construction and demolition waste from non-residential construction operations be recycled and/or salvaged for reuse. CALGreen is updated on a three-year cycle; the 2022 CALGreen Code took effect on January 1, 2023.

Local

Construction and Demolition Debris Recycling Ordinance (No. 1639-NS)

Established in 2017, this ordinance requires that construction and/or demolition projects in the City of Thousand Oaks divert a minimum of 65 percent of construction and demolition waste from landfill disposal through recycling and reuse. The City requires that building permit applicants submit a Waste Management Plan for approval before receiving a permit and a Final Report at the time of Final Inspection of their project.

City of Thousand Oaks Municipal Code

Municipal Code Title 6, Chapter 2, Solid Waste, Organic Waste and Recyclable Materials Collection Processing and Disposal:

Municipal Code Title 6, Chapter 2, Solid Waste, Organic Waste and Recyclable Materials Collection Processing and Disposal, addresses the control, regulation, and proper disposal of solid waste, organic waste, and recyclable materials. Service recipient responsibilities are outlined and include rules for payment, collection containers and their placement, duration of storage, recycling recyclable and organic materials, and the prohibition on burning waste.

Municipal Code Title 6, Chapter 3, Construction and Demolition Waste Management:

Municipal Code Title 6, Chapter 3, Construction and Demolition Waste Management, establishes regulations to reduce landfill-bound waste from construction and demolition activity by requiring applicants to divert, recycle, and/or salvage for reuse a minimum percentage, by weight, of the construction and demolition waste materials generated from their projects. This chapter is intended to meet CALGreen diversion requirements, goals, and policies.

Municipal Code Title 7, Chapter 3, Grading:

Municipal Code Title 6, Chapter 2, *Grading*, establishes minimum requirements for regulating grading and procedures. The chapter emphasizes Section 7-3.03. Permissive provisions, which states that such provisions are not waived by other statutes or laws of the State or City. Section 7-3.07. Permits required states that a grading permit is required for all grading and import, export, or relocation of earth materials. This chapter outlines permit requirements, limitations and exceptions, conditions of approval, denials, fees, and general excavating and grading requirements to avoid complications.

ELECTRICITY

Federal

There are no Federal regulations directly applicable to electricity with respect to this project.

State

Senate Bill 100

Adopted on September 10, 2018, SB 100 supports the reduction of greenhouse gas emissions from the electricity sector by accelerating the State’s Renewables Portfolio Standard Program, which was last updated by SB 350 in 2015. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail by 2020, 60 percent by 2030, and 100 percent by 2045.

California Code of Regulations Title 24 – Electric Codes

California Code of Regulations (CCR) Title 24 refers to the California Building Code (CBC), which contains complete regulations and general construction building standards of state adopting agencies, including provisions discussing electricity and potential hazards arising from electric installations. Part 3 of the CBC refers to the California Electrical Code, which contains standards for the installation and maintenance of electric utility lines. Chapters 3 and 7 discuss the electricity installation standards for residential units.

Local

City of Thousand Oaks Municipal Code

Municipal Code Title 7, Chapter 5, Utility Lines:

Municipal Code Title 7, Chapter 5, Utility Lines, establishes requirements for the undergrounding of all facilities and wires for the supply and distribution of electric energy and service for all new construction and land developments. The chapter also outlines the logistics of waivers and hearings pertaining to the undergrounding process.

Municipal Code Title 8, Chapter 10, Electrical Code:

Municipal Code Title 8, Chapter 10, Electrical Code, adopts the 2022 California Electrical Code as the Electrical Code of the City, with a few specific amendments.

NATURAL GAS

Federal

There are no Federal regulations directly applicable to natural gas with respect to this project.

State

California Public Utilities Commission

SoCalGas is one of the major gas utility providers for the Project site; the natural gas utilities are regulated by the California Public Utilities Commission (CPUC).

Local

There are no local regulations directly applicable to natural gas with respect to this project.

TELECOMMUNICATIONS

Federal

There are no Federal regulations directly applicable to telecommunications with respect to this project.

State

There are no State regulations directly applicable to telecommunications with respect to this project.

Local

Municipal Code Title 7, Chapter 5, Utility Lines:

Municipal Code Title 7, Chapter 5, Utility Lines, establishes requirements for the undergrounding of all facilities and wires for the supply and distribution of television cable service and telephone and telegraph service for all new construction and land developments. The chapter also outlines the logistics of waivers and hearings pertaining to the undergrounding process.

5.14.3 Impact Thresholds and Significance Criteria

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

UTILITIES AND SERVICE SYSTEMS

- a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, telecommunications facilities, the construction or relocation of which could cause significant environmental effects (refer to Impact Statements U-1, U-2, U-3, U-4);
- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (refer to Impact Statement U-1);
- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments (refer to Impact Statement U-2);
- d) 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 (refer to Impact Statement U-5); and/or
- e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste? (refer to Impact Statement U-5).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact". Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.14.4 Impacts and Mitigation Measures

WATER SUPPLY AND DISTRIBUTION

Impact U-1 Project implementation would not significantly increase the demand for water such that new facilities or resources are needed.

Impact Analysis: The project site is within the service area of California-American Water Company (CAWC), which receives all its water from the Calleguas Municipal Water District (CMWD), via the MWD. The CAWC UWMP water supply is 18,559 AFY. The CAWC UWMP states that water demand was 15,125 acre-feet in 2020. Actual water use was 14,647 acre-feet in 2020. The CAWC anticipates a water surplus (total water supply minus gross water use) of 3,128 AFY in 2021, 2,882 AFY in 2022, 2,514 AFY in 2023, 2,206 AFY in 2024 and 1,897 in 2025.⁵³

Development of the proposed project would include construction of a new 2-inch PVC 40 domestic water pipe to connect the hotel to the existing water line located just south of the project footprint, under the existing surface lot at the southwest corner of the project site. A building point of connection would be installed five feet from the building face near the southwest corner of the hotel to connect the proposed water pipe to the hotel. A 2-inch meter box and a 2-inch backflow preventer would also be installed at this location. One additional 6-inch fire water line would be installed at the southwest corner of the hotel, parallel to the proposed water pipe to connect to the same existing water line just south of the project footprint.

Construction Impacts

The proposed project would be located on a currently developed site, which has a previous demand for water associated with the site. The construction activities that would create a demand for water include watering soil for fugitive dust control, adding water to backfill material, spraying concrete, painting, and equipment and site cleanup, among others. Construction activities are temporary in nature, do not require substantial amounts of water, and would not result in an increase in water demand that would require new entitlements or resources. The onsite water utility infrastructure mains would be included in the project site plan to be reviewed and approved by the City Department of Public Works. The project would be required to coordinate connections to the public water main with CAWC, which would avoid impacts related to service disruptions and the project's plans, including the proposed sprinkler system, which would be subject to the approval of the City and VCFD to avoid impacts related to pressure or capacity deficiencies. The design and review process would ensure that mains are of adequate capacity and design to provide water service to the proposed development. The design and installation of onsite water infrastructure is regulated by Title 10, Chapter 2 of the TOMC. Consistent with TOMC requirements, all water infrastructure shall be designed and constructed in complete conformity with the Water Design and Construction Standards and approved plans and specifications. The project would be subject to current VCFD requirements for fire flow and hydrant spacing/coverage and access, as well as the California Fire Code, or the current edition at the time the project is permitted and developed, as amended by the Ventura County Fire Code (Ventura County Municipal Code Section 5111, Ordinance No. 31). Compliance with the Fire Code standards would be ensured through the plan check process prior to the issuance of building permits.

The physical environmental impacts of water utility infrastructure onsite are included within the analysis of the development of the project, in that infrastructure installation would occur as part of the proposed project as a whole and would occur within the evaluated project footprint. No specific additional impacts due to the construction of expanded water infrastructure beyond those addressed in other sections would occur. As such, construction activities would result in a less than significant impact on the existing water supply and infrastructure.

⁵³ California American Water - Ventura County District. *Urban Water Management Plan*. June 2021.

Operational Impacts

Project implementation would result in a long-term water demand for operational uses, hotel uses, and landscaping.

The development team provided wastewater projections for both the approximately 13,600 square feet of commercial retail space and the 216-room hotel. As water and wastewater quantities are highly correlated, these projections are highlighted in this section.

The established rate for retail stores and equivalent dwelling units (EDU)s is 0.20 per 1,000 square feet. As such, the project is anticipated to demand 15,843 gallons of water per day. The hotel's projected demand is 15,206 for all 216 rooms, or 70.40 gallons of water per day, per room (refer to Table 5.14-11, Projected Water Consumption).

**Table 5.14-11
Projected Water Consumption**

| | Retail SF | Hotel Units Per Chart |
|-------------------|---------------|-----------------------|
| SF | 13,340 | — |
| Rooms | — | 216 |
| EDU Unit | 1,000 SF | 1 Room |
| EDU Per Unit | 0.20 | — |
| <i>Total EDUs</i> | <i>2.67</i> | — |
| GPD | 627 | 15,206 |
| Total GPDs | 15,843 | |

The developer currently operates a newly opened extended stay Home 2 Suites in Moreno Valley, and they provided the City with the hotel's water consumption readings from 2 months in summer and 2 months in winter, which are presented below in Table 5.14-12.

**Table 5.14-12
Actual Hotel Water Consumption**

| | June 2022 | July 2022 | December 2022 | January 2023 | Average |
|-----------------------------|-----------|-----------|---------------|--------------|---------|
| Water Consumption (Gallons) | 281,248 | 274,516 | 264,044 | 228,140 | 261,987 |
| Occupancy Count | 3,968 | 3,649 | 3,690 | 3,558 | 3,716 |
| Room GPD | 70.9 | 75.2 | 71.6 | 64.1 | 70.4 |

This hotel's actual average water consumption of 70.40 gallons of water per day, per room, aligns with the projected water demand of 70.40 gallons of water per day, per room, for the proposed project.

Operation of the project would create a total potable water demand of approximately 15,843 gallons per day (gpd) on an average day which equates to 17.43 acre-feet per year. The project site would connect the proposed water pipe to an existing water transmission main located within the surface lot adjacent to the southwest corner of the project footprint.

CAWC anticipates it would be able to accommodate the proposed project's demands for potable water services in combination with other water demands throughout the CAWC service area with existing water supplies during normal, single-dry, and multiple-dry water years, as the water demand associated with development of the project site has been considered in the CAWC 2020 UWMP. The 2021-2025 Drought Risk Assessment CAWC's Ventura County District prepared does not anticipate any supply shortages within the next five years, and anticipates a water surplus (total water supply minus gross water use) of 3,128 AFY in 2021, 2,882 AFY in 2022, 2,514 AFY in 2023, 2,206 AFY in 2024 and 1,897 in 2025.⁵⁴ Based on the CAWC UWMP, the project's water demand represents 0.10 percent of the projected normal water supply demand for the City of Thousand Oaks CAWC service area in 2025, 0.09 percent of the projected single-dry water supply demand for the City of Thousand Oaks CAWC service area in 2025, and 0.11 percent of the projected multiple-dry years water supply demand for the City of Thousand Oaks CAWC service area in 2025. Despite the Drought Risk Assessment's projections, in 2021, the State of California issued a state of emergency due to drought conditions. As stated above, the drought conditions in the state resulted in a multitude of stringent local water conservation regulations from Governor Newsom, the State Water Project, and MWD. However, in early 2023, rain and snowfall from major storm events dramatically changed conditions in many parts of the State, and Governor Newsom rolled back some drought emergency provisions. The State still maintains water conservation requirements, and is taking continued action to boost water supply, expand storage, and improve infrastructure.⁵⁵

CAWC purchases its water supply from CMWD, for which the CAWC 2020 UWMP indicates that available imported sources will be sufficient to serve the City through 2045, thus the project's water demand would be met. CMWD has determined that it will have surplus water supplies through 2045; CAWC could accommodate the additional demand of the proposed project. Additionally, the Ventura County District can exceed the water allocation cap during a dry year through payment of a fee per the MWD, or through agreements to purchase or borrow water. As such, the water purveyor has the ability to provide additional water during a single dry or multiple dry years with payment of required fees.

To support maximization of CMWD supply, the CAWC's Ventura County District works with neighboring agencies and CMWD to coordinate response to shortages and State standards for efficient water use. CAWC, the CMWD and the City maintain emergency interties, which allow for water transfers during emergencies, and improve regional supply reliability by allowing the three entities access to each other's sources in an emergency. The CAWC 2020 UWMP includes a Water Shortage Contingency Plan, which addresses how water will be provided when the water supply is reduced to a level that cannot support typical demand at a given time. Additionally, as stated above, the CAWC Ventura County District includes long-term Drought Management Measures to assist in lowering water demands, which can improve the water service reliability and help meet State and regional water conservation goals, including water waste prevention ordinances, metering, conservation pricing, public education and outreach, programs to assess and manage distribution system loss, and water conservation program coordination and staffing.⁵⁶

The proposed project would implement water conserving project design features as required by CalGreen (i.e., California Green Building Standards Code) and Water Conservation in Landscaping Act requirements for water conservation building features. The project would be required to follow all water conservation level requirements as outlined in City Ordinance No. 1705-NS, including the current level 3 requirements and permanent measures which remain in effect throughout all levels, such as the prohibition of non-functional turf located within commercial areas.

⁵⁴ California American Water – Ventura County District. *Urban Water Management Plan*. June 2021.

⁵⁵ State of California, Office of Governor Gavin Newsom. "Governor Newsom Eases Drought Restrictions." 28 March 2023. <https://www.gov.ca.gov/2023/03/24/governor-newsom-eases-drought-restrictions/>.

⁵⁶ California American Water – Ventura County District. *Urban Water Management Plan*. June 2021.

Therefore, as CAWC and CMWD would have the necessary infrastructure and water supply to accommodate the proposed project, potential impacts to water demand, water supplies, and infrastructure would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

WASTEWATER SERVICES

Impact U-2 Project implementation could result in significant impacts to wastewater services.

Impact Analysis: The project site is in an urban area with existing wastewater infrastructure. Wastewater generated within the City is conveyed to and treated at the Hill Canyon Treatment Plant (HCTP). The project would construct a new 6-inch PVC sewer line under the walkway at the northern boundary of the project footprint, to connect the northern corner of the proposed building to the main sewer line flowing underneath the service road immediately west of the project site. A point of connection would be installed at the northwest corner of the proposed building, and a cleanout would be installed at the connection point of the building point of connection and the proposed sewer pipe. As discussed in Section 5.14.1, Existing Setting, existing wastewater infrastructure in the project area consists of two 8-inch public wastewater lines, one on the east side of the current building, and one on the west side, both of which connect to the City's wastewater infrastructure system. The eastern line presently serves 255 equivalent residential units (ERUs) and has the capacity to serve approximately 400 ERUs. The eastern line has approximately 145 ERUs available for additional use. The western line has an available capacity of approximately 125 ERUs.

Construction Impacts

The proposed project would be located on a currently developed site, which has a previous demand for wastewater associated with the site; however, during all phases of construction, a private contracted vendor would provide and maintain portable toilets at the construction site. Typically, one 68-gallon portable toilet is provided for every ten persons at the construction site. All wastewater generated in portable toilets would be collected by a permitted portable toilet waste hauler and appropriately disposed of at an identified liquid-disposal station. The contracted vendor would empty the portable toilets once per week and dispose of the waste off-site. Construction activities are temporary in nature, and construction personnel would generate a negligible amount of wastewater.

The onsite wastewater utility infrastructure would be included in the project site plan to be reviewed and approved by the City Department of Public Works. The design and review process would ensure that mains are of adequate capacity and design to provide wastewater service to the proposed development. The design and installation of onsite wastewater infrastructure is regulated by Title 7, Chapter 4 and Title 10, Chapter 1 of the TOMC. Consistent with TOMC requirements, all wastewater infrastructure shall be designed and constructed in complete conformity with the Separation of Water and Sewer Facilities and Wastewater Design and Construction Standards and approved plans and specifications. The physical environmental impacts of wastewater utility infrastructure onsite are included within the analysis of the development of the project, in that infrastructure installation would occur as part of the proposed project as a whole and would occur within the evaluated project footprint. No specific additional impacts due to the construction of expanded wastewater infrastructure beyond those addressed in other sections would occur. As such, construction activities would result in a less than significant impact on the existing wastewater supply and infrastructure.

Therefore, no measurable wastewater flows are anticipated, and the existing wastewater capacity would not be constrained during project construction. In addition, no disruption of wastewater service is expected to occur as a result of construction activities. Therefore, construction activities would result in a less than significant impact on wastewater service and infrastructure.

Operational Impacts

Project implementation would result in long-term wastewater generation from the proposed 216-room hotel and approximately 13,600 square feet of commercial retail space. The wastewater collection system for the project site would be connected to a 10-inch force main on North Moorpark Road.

A preliminary conservative estimate evaluation of the potential wastewater generation at the site estimated a wastewater discharge of 22,000 gallons per day, which equates to 153 ERUs. The development team provided refined wastewater projections for both the approximately 13,600 square feet of commercial retail space and 216 hotel rooms. As seen in the prior section, the projected water demand (refer to Table 5.14-11) for the project is anticipated to be 15,843 gallons per day. According to the City of Thousand Oaks Public Works Department, the existing infrastructure at the project site could accommodate the wastewater discharge of the larger 22,000 gallons per day and the smaller 15,843 gallons per day associated with the proposed development on the project site, and the discharge could be split between the eastern and western lines if necessary.⁵⁷

Additionally, a preliminary evaluation of the potential wastewater demand at the site determined that the City could accommodate the additional demand. It is anticipated that wastewater from the proposed project site would be treated at the Hill Canyon Treatment Plant (HCTP), located in Thousand Oaks. The HCTP maintains a design capacity of 14 million gallons per day (GPD) and currently treats on average a flow of less than 9 million GPD.⁵⁸ The HCTP is thus operating at approximately 64 percent of design capacity. Increased wastewater flows from the proposed project can be accommodated within the existing design capacity of the plant. Therefore, the proposed project would not require, nor would it result in, the construction of new wastewater treatment or collection facilities or the expansion of existing facilities, other than those facilities to be constructed onsite, that could cause significant environmental effects. The applicant would also be required to pay connection fees for the new sewer pipe being added to the City's wastewater collection system. As such, impacts regarding wastewater associated with project implementation would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

STORMWATER DRAINAGE FACILITIES

Impact U-3 Project implementation would not result in the construction of new stormwater drainage facilities.

Impact Analysis: Refer to Section 5.9, Hydrology and Water Quality, for a detailed discussion on the proposed project's less than significant impact on stormwater runoff and drainage conditions (Impact Statement HWQ-3).

As discussed, runoff at the project site currently flows west and drains into nearby catch basins that drain into the existing City storm drain network and eventually the Pacific Ocean. The project site is currently developed and is

⁵⁷ Written Communication, City of Thousand Oaks Public Works Department, March 9, 2023.

⁵⁸ Written Communication, City of Thousand Oaks Public Works Department, March 9, 2023.

covered with impervious surfaces; according to the Drainage Memo, with implementation of the proposed project, the impervious surface area would remain approximately the same as existing conditions and only minimal drainage requirements would be required. The proposed drainage pattern would match the existing conditions and runoff would flow west into nearby catch basins. Since the project area of disturbance is already developed and the project footprint would not alter present land surface development, the impervious area would remain approximately the same and runoff flow rates and volume would be similar to existing conditions. The project site would be developed to collect and treat 85th-percentile storms, which would slightly reduce stormwater discharges compared to existing conditions.⁵⁹ The project would implement site design, source control, and low impact development (LID) best management practices (BMPs) in accordance with the Ventura County Stormwater Manual to reduce potential adverse impacts related to water quality and stormwater runoff volumes that could result from project implementation. Thus, the proposed stormwater drainage facilities analyzed throughout this EIR as part of the proposed project would result in less than significant impacts to stormwater facilities and no new or relocated facilities would be required.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

DRY UTILITY SERVICES

Impact U-4 Development of the proposed project would not result in significant impacts to other public facilities.

Impact Analysis: The proposed project would result in the construction of new private on-site dry utilities associated with electricity, natural gas, and telecommunication services.

Electricity

The project site has been previously developed and is currently served by Southern California Edison infrastructure providing electricity to existing uses. The project would install new private underground electric utility lines on-site. An existing underground electric utility line runs parallel to the service road west of the project footprint. Specifically, the project utility plan proposes three adjustments and additions, including an underground electrical line running east-west on the northern edge of the project footprint, an underground electrical point of connection on the northern edge of the proposed structure, and a tie into an existing down pole in the walkway just north of the project footprint for electrical point of connection. The proposed project would install a new underground utility line along the northern boundary of the project footprint, under the east-west internal Marketplace walkway, which would be connected via a new underground electrical building point of connection near the northwest corner of the building. This line would tie into an existing underground electrical line that runs parallel to and underneath the internal walkway north of the project footprint.

Construction activities would be limited to providing power to the construction site and portable construction equipment. The level of power for these activities would be short-term and would not substantially increase the demand for electricity within the project area. Heavy equipment used for construction is primarily powered by diesel fuel. Temporary electric power would likely be provided via existing utility boxes and lines and/or temporary power

⁵⁹ Written Communication, City of Thousand Oaks Public Works Department, March 9, 2023.

poles on the project site. Given the limited potential demand for electricity during construction, impacts to regional electricity supplies would be considered less than significant.

The proposed project would result in a change in the use and size of the building on the existing site; previously the site was occupied by a Marshall's department store until 2017 and dental offices until 2019, and has most recently been occupied by "pop up" tenants including the Reign of Terror Haunted House and USA Vein Clinics within a 36,300 square foot building with a two-story volume. Project implementation would increase demand on electricity compared to existing conditions because the project includes a net increase of 22,700 commercial square feet, as well as 216 new hotel rooms. As such, the project site would have increased electrical service demand compared to existing conditions.

The project would install new electrical infrastructure to support the proposed development at the project site, as mentioned above. All newly installed electrical service lines would comply with existing regulations per the 2022 Electrical Code for commercial development, complying with CCR Title 24 and the Thousand Oaks Municipal Code Title 7, Chapter 5, and Title 8, Chapter 10. Compliance with modern efficiency standards would likely mean that the project would require less energy than other buildings in the surrounding area. For these reasons, the project is not expected to require substantial amounts of energy such that new or expanded electrical infrastructure related to supply generation or regional distribution would be required. The project would require the installation of new onsite electrical distribution facilities and connection to the offsite electrical system. All electrical facility installation and connection to the existing system would be done in coordination with and under the approval of SCE. Impacts from such construction activities are part of typical site development and would not be substantial based on their temporary and localized nature both onsite and within existing rights-of-way or public easements that have been previously disturbed. The project would also be required to submit a signed Method of Service agreement to Southern California Edison (SCE) and pay engineering fees for an electric service study to be completed, in order to determine the infrastructure necessary to support the project's operation. Financial responsibility for any updates or additional facilities would be in accordance with SCE's rules and tariffs. All new development that requires new electricity lines to be installed would be required to pay applicable fees assessed by SCE to extend electricity lines to serve the specific project site. Additionally, the proposed project would not interfere with SCE's access or operation of its current and future facilities. The estimated electrical demand of the project during operation would represent an insignificant percentage of SCE's projected and planned capacity for annual sales. SCE routinely plans capacity additions and changes at existing and new facilities as needed to supply area load. The project's electrical consumption would be part of the total load growth forecast for SCE's service area and has been accounted for in the planned growth of their power system. It is thus anticipated that SCE would be able to handle the new load(s) in both time and quantity.

Although the proposed project would create additional demands on electricity, these demands are well within the service capabilities of SCE. Thus, the proposed project would not create additional demands on electricity or infrastructure that exceed the capacity of the utilities serving the site. Therefore, impacts would be less than significant in this regard.

Natural Gas

The project site is located within a previously developed urbanized area of the City currently served by Southern California Gas Company through existing natural gas infrastructure. There is an existing underground gas line along the service road west of the project footprint, and there are two underground gas lines, one of which runs north-south, and the other runs east-west, under the surface lot located at the southwest corner of the project footprint. The proposed project would install a 3-inch underground gas line at the southwest corner of the hotel to connect to the existing gas line running east-west under the surface lot. Installation would also include a building point of connection at the northwest corner of the project footprint, a new underground gas line running north-south from the northwest corner of the project footprint, which would tie into the existing gas line running under the surface lot at the northwest corner.

Project-related construction activities would not increase demand for natural gas, since construction activities and equipment would not rely on natural gas as a fuel source, as the majority of construction equipment is powered by gasoline or diesel and the remaining equipment is made up of tools powered by batteries or electricity. Therefore, construction activities would not impact natural gas services and would not require new or physically altered natural gas transmission facilities. As such, no impacts are anticipated during construction.

Project operations would increase the need for natural gas on-site. The project would install new natural gas infrastructure to support the proposed development at the project site, as mentioned above. All newly installed natural gas service lines would comply with existing regulations per the 2022 Plumbing Code for commercial development, complying with CCR Title 24, Part 6. CCR Title 24, Part 11, contains additional energy measures that are applicable to the proposed project under CALGreen. Compliance with modern efficiency standards would likely mean that the project would require less natural gas than other buildings in the surrounding area. For these reasons, the project is not expected to require substantial amounts of natural gas such that new or expanded natural gas infrastructure related to supply generation or regional distribution would be required. The project would require the installation of new onsite natural gas distribution facilities and connection to the offsite natural gas system. All natural gas facility installation and connection to the existing system would be done in coordination with and under the approval of Southern California Gas Company. Impacts from such construction activities are part of typical site development and would not be substantial based on their temporary and localized nature both onsite and within existing rights-of-way or public easements that have been previously disturbed.

The estimated natural gas demand of the project during operation would represent an insignificant percentage of Southern California Gas Company's projected and planned supply for annual sales. Southern California Gas Company routinely plans capacity additions and changes at existing and new facilities as needed to supply area load. The project's natural gas consumption would be part of the total load growth forecast for Southern California Gas Company's service area and has been accounted for in the planned growth of their distribution system. Connection to the existing gas line would adequately serve the proposed development. Further, the project Applicant would pay applicable costs and fees to SCGC for utilizing the existing facilities for natural gas. The installation of a new gas line and natural gas service would be in accordance with SCGC's policies and extension rules on file with the CPUC when contractual agreements are made. SCGC would not allow new development projects to connect to existing gas mains unless the system could maintain adequate service and supply to existing customers and meet the anticipated demands of the project requesting service.

Although the proposed project would create additional demands on natural gas supplies and distribution infrastructure, these demands are well within the service capabilities of SCGC. Thus, the proposed project would not create additional demands on natural gas supplies and infrastructure that exceed the capacity of the utilities serving the site. As such, impacts would be less than significant in this regard.

Telecommunication

The project site is located within Charter Communication's service area. Charter has facilities within 1,101 feet of the project footprint and is able to offer fiber optic internet to the project site. Based on the anticipated telecommunications demand for the project, additional infrastructure would have to be installed; an underground telecommunications line would be installed diagonally from the northern boundary of the building and would reach across the internal Marketplace walkway. A telecommunications building point of connection would be installed at the northwest corner of the project footprint five feet from the northern wall of the proposed structure. The new telecommunications line would tie into an existing down pole located on the northern edge of the internal Marketplace walkway located immediately north of the project footprint. According to a written communication with Charter Communication, necessary infrastructure would include a single 4-inch conduit, and Charter would supply the hand holes with the expectation that the project management team would install them for the hotel. The proposed project would be required to reach agreements with

Charter regarding the services required for the project, as well as comply with Charter's regulations and pay co-pays or otherwise meet funding requirements in order to establish telecommunications services within Charter's capacities.⁶⁰ No other off-site infrastructure improvements are anticipated to serve the proposed development, and Charter anticipates no adverse impacts to its facilities as a result of the proposed project. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SOLID WASTE

Impact U-5 Project implementation would not generate solid waste that exceeds the permitted capacity of the landfill serving the City. The proposed project would be subject to state and local statutes and regulations related to solid waste.

Impact Analysis: Athens Services currently provides solid waste collection services to the project area and would have the ability to serve the project site. The project would install a new waste enclosure onsite which meets both the City of Thousand Oaks' and Athens' operational standards.

Development of the project would occur in one phase generally consisting of demolition, site preparation, grading, building construction, paving, and architectural coating. The project includes soil export associated with grading activities of approximately 56 cubic yards of soil. Solid waste would be generated from demolition activities, including removal of the existing office building and surrounding pedestrian hardscapes. Demolition waste would also consist of green waste from the removal of vegetation, including existing trees. Solid waste would additionally be generated from construction activities including site grading, building construction, paving and architectural coating. In compliance with CALGreen and the City's Construction and Demolition Debris Recycling Ordinance (No. 1639-NS), construction projects that are new construction of permitted structures, demolition of permitted structures, and/or additions or alterations to residential buildings are required to divert a minimum of 65% of construction and demolition waste from landfill disposal through recycling or re-use. To ensure that all projects in the City are compliant, building permit applicants must submit a waste management plan for approval before receiving a permit, and submit a report at the time of final inspection.

The project would generate approximately 5,171 tons of C&D solid waste before the required 65% diversion for recycling, and approximately 1,810 tons after the required 65% diversion for recycling. As project demolition and construction is anticipated to take approximately 18 months or approximately 540 days, the estimated tonnage generated per day would equate to approximately 3.35 tons per day (tdp). Solid waste from C&D debris is anticipated to be taken to the SVLRC, located approximately 10 miles from the site, or alternatively Calabasas Landfill. As previously stated, the SVLRC is permitted a daily capacity of 9,250 tpd, with a total remaining capacity of 82,954,873 tons. The project would represent less than one percent (0.002 percent) of the total remaining capacity of the SVLRC, and less than one percent (0.04 percent) of the daily permitted capacity. Additionally, the Calabasas Landfill has a maximum permitted capacity of 3,500 tpd. The project would represent less than one percent (0.01 percent) of the maximum daily capacity of Calabasas Landfill. As such, the project would result in a negligible increase in C&D solid waste generation. In the event SVLRC or the Calabasas Landfill could not accept the proposed generated waste, C&D waste is also accepted at facilities certified by the Los Angeles Bureau of Sanitation.

⁶⁰ Written Communication, Charter Communications, March 8, 2023.

The operational phase of the proposed project would generate approximately 15 cubic yards of solid waste, 15 cubic yards of recyclables, and 8 cubic yards of organics per week.⁶¹ Conservatively, the 15 cubic yards of solid waste at 600 pounds per cubic yard (pcy) equals 4.5 tons, the 15 cubic yards of recyclables at 350 pcy equals 2.6 tons, and the 8 cubic yards of organics at 800 pounds pcy equals 3.2 tons. The project would generate approximately 0.64 tpd of solid waste and 0.37 tpd of recyclables. According to Athens Services, the scope of the project would not affect their daily capacity limits or impede local infrastructure or waste reduction goals. The Calabasas Landfill is the primary facility for residential and commercial waste within the City and has a maximum permitted capacity of 3,500 tpd. The project would represent approximately less than one percent (0.02 percent) of the maximum daily capacity of Calabasas Landfill. Additionally, the Sun Valley Materials Recovery Facility is the primary facility for recyclables within the City and has a permitted capacity of 1,500 tpd. The project would represent approximately less than one percent (0.02 percent) of the maximum daily capacity of Sun Valley Materials Recovery Facility. Overall, the project would result in a negligible increase in operational solid waste generation. In the instance the primary facilities are unable to accept the proposed solid waste generation, there are secondary landfill facilities that would receive the waste, including Toland Road Landfill, Oxnard Materials Recovery Facility, and American Organics.

In order to achieve effective waste management practices for the proposed project, it is required that the applicant work closely with Athens Services to create a waste/recycle diversion plan, which would include training on waste streams and best practices for diversion; refer to Mitigation Measure U-1.⁶² Thus, the increase in solid waste from the project would have a limited impact upon the existing and projected landfill capacity of the Calabasas Landfill and Sun Valley Materials Recovery Facility, and would not exceed State or local standards, or impair the attainment of solid waste reduction goals. Impacts would be less than significant in this regard.

Additionally, the project would be subject to State and local statutes and regulations related to solid waste. Compliance with all applicable Federal, State, and local laws, regulations, and standards regarding solid waste disposal, including the mandates of RCRA, AB 939, AB 341, AB 1826, the California Green Building Code, Municipal Code Title 6, Chapters 2 and 3 (which include regulations for solid waste management within the City), would further reduce impacts to solid waste disposal. The project would be subject to compliance with all applicable solid waste handling, processing, and disposal requirements stipulated under Title 6, Chapter 2, Solid Waste, Organic Waste and Recyclable Materials Collection Processing and Disposal, of the Municipal Code. Compliance with the rules and regulations mentioned above, as well as Mitigation Measure U-1, would ensure that the proposed project would comply with the statutes and regulations related to solid waste, and operational impacts would be less than significant in this regard.

Mitigation Measures:

- U-1** Prior to the final building and zoning inspections of the development, the property owner/developer team shall work with Athens Services to create a waste/recycle diversion plan prior to the start of operations, including training on waste streams and best practices for diversion, to determine the most sustainable waste management plan for the proposed project. The property owner/developer shall submit project plans and a Solid Waste Management Plan to the City of Thousand Oaks Public Works Department for review and approval to ensure that the plan complies with the mandates of RCRA, AB 939, AB 341, AB 1826, the California Green Building Code, Municipal Code Title 6, Chapters 2 and 3, and the Construction and Demolition Debris Recycling Ordinance as administered by the City of Thousand Oaks to the maximum extent feasible. Implementation of said plans shall commence upon

⁶¹ Written Communication, Athens Services, February 1, 2023.

⁶² Written Communication, Athens Services, February 1, 2023.

occupancy and shall remain in full effect as required by the City Public Works Department and may include, at its discretion, the following plan components:

1. Detailing the locations and design of on-site recycling facilities.
2. Participating in a recycling program as may be developed by the City or governing agency.

Level of Significance: Less Than Significant With Mitigation Incorporated.

5.14.5 Cumulative Impacts

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, Cumulative Projects List, and illustrated on Exhibit 4-1, Cumulative Projects Map, cumulative projects are located on both developed and undeveloped sites.

WATER SERVICES AND INFRASTRUCTURE

- The project, combined with other cumulative projects, could create increased demand for water facilities that could cause significant environmental impacts.

Impact Analysis: Cumulative development would likely result in the need for the construction of new private water facilities or the expansion of existing facilities on a project-by-project basis. In conformance with General Plan Conservation Element Policies CO-17 and CO-18 and Municipal Code Title 10, Chapter 2, the City would ensure cumulative development has adequate water supply to meet current and project demands, and that existing and new developments implement conservation measures as possible to decrease the burden on the water supply. Cumulative development would also be required to conduct water service analyses on a case-by-case basis at the project level, as they are implemented, for their potential to result in construction-related or operational impacts on water facilities.

As concluded in Impact Statement U-1, the proposed project would not result in substantial adverse impacts to water facilities in the project area beyond existing conditions. As such, the project, along with other cumulative projects, would not result in cumulatively considerable impacts in regard to water facilities.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

WASTEWATER SERVICES AND INFRASTRUCTURE

- The project, combined with other cumulative projects, could create increase demand for wastewater facilities that could cause significant environmental impacts.

Impact Analysis: Cumulative development would likely result in the need for the construction of new wastewater collection facilities or the expansion of existing facilities on a project-by-project basis. In conformance with Municipal Code Title 10, Chapter 1, the City would ensure that cumulative development complies with connection, fee, and discharge regulations so as to not exceed the City’s wastewater discharge capacity. Cumulative development would also be required to conduct wastewater collection system capacity analyses on a project-by-project basis, as they are implemented, for their potential to result in construction-related or operational impacts on wastewater collection facilities.

As concluded in Impact Statement U-2, the proposed project would not result in substantial adverse impacts to the wastewater collection system beyond existing conditions. As such, the project, along with other cumulative projects, would not result in cumulatively considerable impacts in regard to wastewater facilities.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

STORMWATER DRAINAGE FACILITIES

- The proposed project, combined with other cumulative projects, could create increased demand for stormwater drainage facilities that could cause significant environmental impacts.

Impact Analysis: Cumulative development would likely result in the need for construction of new stormwater drainage facilities or the expansion of existing facilities on a project-by-project basis. In conformance with Municipal Code Title 7, Chapter 8, the City would ensure that all development adheres to all stormwater pollution control and prevention plans, stormwater master plans, and other City requirements for urban runoff. Cumulative development would also be required to conduct drainage and hydrology analyses on a case-by-case basis at the project level, as they are implemented, for their potential to result in construction-related or operational impacts on stormwater drainage facilities. Cumulative projects would also be subject to the NPDES permitting process, which may require implementation of BMPs and LIDs depending on the project's size.

As concluded in Impact Statement U-3, the proposed stormwater drainage facilities would involve site design, source control, and LID BMPs that reduce the overall impervious surfaces on-site and slightly reduce stormwater runoff volumes compared to existing conditions. As such, the project, along with other cumulative projects, would not result in cumulatively considerable impacts in regard to stormwater drainage facilities.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SOLID WASTE GENERATION

- The project, combined with other cumulative projects, could create increased demand for solid waste generation that could cause significant environmental impacts.

Impact Analysis: Cumulative development projects within the City would increase demands for solid waste disposal services. However, cumulative development projects would be subject to all applicable laws, ordinances, and regulations in place for solid waste, including RCRA, AB 939, AB 341, AB 1826, the California Green Building Code, and Municipal Code Title 6, Chapters 2 and 3.

Project implementation would introduce new commercial uses that would increase solid waste generation. As indicated in Impact Statement U-5, the Calabasas Landfill and Sun Valley Materials Recovery Facility has sufficient remaining capacity for solid waste disposal for future development within the City, including the proposed development. Additionally, upon compliance with applicable laws, ordinances, regulations for solid waste, and Mitigation Measure U-1, the project-generated solid waste would not be significantly cumulatively considerable, and impacts would be less than significant in this regard.

Mitigation Measures: Refer to Mitigation Measure U-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

DRY UTILITIES

- The project, along with other cumulative projects, would not result in significant impacts to dry utility services.

Impact Analysis:

Electricity

As previously noted, the project-related electricity demand would represent an insignificant portion of the existing demand of electricity per year in comparison to SCE's annual electricity output. It is anticipated that SCE would also be able to serve the electricity demands of the cumulative projects; however, this would be determined on a project-by-project basis during the CEQA processes. Although the proposed project and cumulative projects would create additional demands on electricity and distribution infrastructure, these demands are anticipated to be well within the service capabilities of SCE. Thus, cumulative impacts to electricity would be less than significant.

Natural Gas

As previously noted, the proposed project would result in a relatively low demand for natural gas, and it is anticipated that Southern California Gas Company would be able to meet both the project and other customer demands. It is anticipated that Southern California Gas Company would also be able to serve the natural gas demands of the cumulative projects; however, this would be determined on a project-by-project basis during the CEQA processes. Although the proposed project and cumulative projects would create additional demands on natural gas and distribution infrastructure, these demands are anticipated to be well within the service capabilities of Southern California Gas Company. Thus, cumulative impacts would be less than significant in this regard.

Telecommunications

The related cumulative projects as well as the proposed project are within Charter Communication's service area. The applicant would be required to fulfill the terms and conditions of the service agreement with Charter and to provide conduit in the development area. It is anticipated that these same standard procedures would also be followed by cumulative projects. Therefore, no cumulative impacts to telecommunication services would result.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.14.6 Level of Significance After Mitigation

No significant unavoidable impacts related to utilities and service systems have been identified and the proposed project would have less than significant impacts on utilities and service systems following compliance with Mitigation Measure U-1.

6.0 Other CEQA Considerations

6.1 Long-Term Implications of the Proposed Project

Pursuant to Section 15126.2 of the *CEQA Guidelines*, the following is a discussion of short-term implications for the environment and the maintenance and enhancement of long-term productivity. If the project is approved and constructed, a variety of short- and long-term impacts would occur on a local level. During project grading and construction, portions of surrounding uses may be temporarily impacted by dust and noise. Short-term soil erosion may also occur during grading, though grading for the project is anticipated to be minimal. There may also be an increase in vehicle pollutant emissions caused by grading and construction activities. However, these disruptions would be temporary and may be avoided or lessened to a large degree through mitigation identified in this EIR and through compliance with the established regulatory framework; refer to Section 5.0, Environmental Analysis, and Section 8.0, Effects Found Not To Be Significant.

Development of the project would create long-term environmental consequences associated with the conversion of an existing partial two-story commercial building into a fully improved commercial development including a five-story hotel and retail pad. Development of the proposed project and the subsequent long-term effects may impact the physical, aesthetic, and human environments. Long-term physical consequences of development include increased traffic volumes, increased noise from project-related mobile (traffic) and stationary (mechanical and landscaping) sources, hydrology and water quality impacts, and increase energy and natural resource consumption. Incremental degradation of local and regional air quality would also occur as a result of mobile source emissions generated from project-related traffic, and stationary source emissions generated from the consumption of natural gas and electricity. However, as analyzed in Section 5.0, Environmental Analysis and Section 8.0, Effects Found Not To Be Significant, impacts associated with the proposed project would be less than significant. Therefore, the proposed project would have a less than significant long-term implications impact.

6.2 Irreversible Environmental Changes that Would be Involved in the Proposed Action Should it be Implemented

According to CEQA Guidelines Sections 15126(c) and 15126.2(c), an EIR is required to address any significant irreversible environmental changes that would occur should the proposed project be implemented. As stated in CEQA Guidelines Section 15126.2(d):

“Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter likely, Primary impacts and, particularly, secondary impacts [such as highway improvement which provides access to a previously inaccessible area] generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.”

The environmental impacts associated with the project are analyzed in Section 5.0 and Section 8.0. The project site is currently developed. Construction of the proposed hotel and retail pad development would consume limited renewable and nonrenewable resources. The consumption would occur during the construction phase and would continue

through the project's operational lifetime. The project would require a commitment of resources including building materials, fuel and operational materials/resources, and transportation of goods and people to and from the development site. Construction would require the consumption of resources that are not renewable, or which may renew so slowly as to be considered non-renewable. These resources include, but are not limited to, lumber and other forest products, aggregate materials used in concrete and asphalt, metals, and water. Fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment.

The project would consume resources similar to those currently consumed within the City of Thousand Oaks. These would include energy resources such as electricity and natural gas as well as petroleum-based fuels required for vehicle trips, fossil fuels, and water. Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the project, and the existing, finite supplies of these natural resources would be incrementally reduced. Future operations of the proposed project would occur in accordance with California Code of Regulations Title 24 Part 6, which sets forth conservation practices that would limit the amount of energy consumed by the project. Nonetheless, the project's energy requirements would represent a long-term commitment of essentially non-renewable resources.

Limited use of potentially hazardous materials typical of hotel uses, including minor amounts of cleaning products along with the occasional use of pesticides and herbicides for landscape maintenance, are the materials anticipated to be utilized on-site. The use of these materials would be in small quantities and used, handled, stored, and disposed of in accordance with the manufacturer's instructions and applicable government regulations and standards. In addition, demolition activities would comply with regulatory requirements to ensure that asbestos and lead-based paints are not released into the environment. Compliance with these regulations and standards would serve to protect against significant and irreversible environmental change resulting from the accidental release of hazardous materials.

In summary, project construction and operation would result in the irretrievable commitment of limited, slowly renewable, or nonrenewable resources, which would limit the availability of these particular resource quantities for future generations or for other uses during the life of the project. However, continued use of such resources would be on a relatively small scale and consistent with regional and local growth forecasts in the area. As such, although irreversible environmental changes would result from the project, such changes would not be considered significant.

6.3 Growth-Inducing Impacts

Section 15126.2(d) of the *CEQA Guidelines* requires that an EIR analyze growth-inducing impacts of a project. Section 15126.2(d) requires that an EIR:

“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.”

In general, a project may foster spatial, economic, or population growth in a geographic area if it meets any one of the following criteria:

- Removes an impediment to growth (e.g., establishes an essential public service and provision of new access to an area);
- Fosters economic expansion or growth (e.g., changes in revenue base and employment expansion);
- Fosters population growth (e.g., construction of additional housing or employment-generating land uses), either directly or indirectly;
- Establishes a precedent-setting action (e.g., an innovation, a change in zoning and general plan amendment approval); or
- Develops or encroaches on an isolated or adjacent area of open space (being distinct from an infill project).

Should a project meet any one of the above-listed criteria, it may be considered growth-inducing under CEQA. Generally, growth-inducing projects are either located in isolated, undeveloped, or underdeveloped areas, necessitating the extension of major infrastructure such as sewer and water facilities or roadways, or encourage premature or unplanned growth.

In accordance with the CEQA Guidelines and based on the above-listed criteria, the project's potential growth-inducing impacts are analyzed below.

REMOVAL OF AN IMPEDIMENT TO GROWTH

The proposed project would increase demands for public services (i.e., fire and police protection) and utility and service systems (i.e., water, wastewater, and solid waste), because its proposed uses as a hotel and retail pad entail greater use of resources than the current two-story commercial building. Given the project site's location in an urbanized environment, the project site is already served by essential public services and utilities; refer to Section 5.12, Public Services and Recreation, and Section 5.14, Utilities and Service Systems. As detailed in Section 5.14.4, infrastructure connections and improvements, including electrical and gas lines, are proposed to accommodate the project. However, these proposed infrastructure improvements would not remove obstacles to growth since the proposed project would rely upon the existing network of utilities and service systems in the Janss Marketplace area, including water, wastewater, storm drain, telecommunication, and solid waste services. Thus, project implementation would not result in a removal of an impediment to growth through the establishment of an essential public service.

Regional access to the project site is provided via U.S. 101. Local access is provided via North Moorpark Road, West Hillcrest Drive, West Wilbur Road, and Brazil Street. As discussed in Section 5.13, Traffic and Transportation, the project area's roadway network is fully built out with both regional and local access already provided by an existing roadway network. Therefore, implementation of the proposed project would not remove an existing impediment to growth through the provision of new access to an area.

POPULATION, HOUSING, AND EMPLOYMENT

Population

County of Ventura. The County encompasses approximately 1,840 square miles.¹ It is bordered by Los Angeles County to the east, Santa Barbara County to the west, Kern County to the north, and the Pacific Ocean to the south. As of April

¹ U.S. Census Bureau, "QuickFacts Ventura County, California", <https://www.census.gov/quickfacts/venturacountycalifornia>, 2020.

2020, the County of Ventura had a population of 843,843 people.² This represents an increase of approximately 12 percent from the County's April 2000 population of 753,197 people.³

The Southern California Association of Governments (SCAG) serves as the Metropolitan Planning Organization (MPO) for Orange, Los Angeles, San Bernardino, Riverside, Ventura, and Imperial Counties. Generally, SCAG serves as the regional planning organization for growth management, transportation, and a range of additional planning and environmental issues within Southern California. SCAG develops, refines, and maintains SCAG's regional and small area socio-economic forecasting/allocation models. The socio-economic estimates and projections are used for Federal and State mandated long-range planning efforts such as the *Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS), the Air Quality Management Plan (AQMP), the Federal Transportation Improvement Program (FTIP), and the Regional Housing Needs Assessment (RHNA). As part of its forecasting, SCAG projects that the County's population will reach 947,000 by 2045.⁴

City of Thousand Oaks. On a local level, the City of Thousand Oaks' January 2022 population was 124,592.⁵ This represents an increase of approximately 6 percent from the City's April 2000 population of 117,005.⁶ SCAG projects that the City's population will reach 144,700 by 2045.⁷

A project could induce population growth in an area either directly or indirectly. More specifically, the development of new residences or businesses could induce population growth directly, whereas the extension of roads or other infrastructure could induce population growth indirectly. The project is located within a developed, urbanized area. Project implementation would result in the development of a hotel and retail pad, as described in Section 3.0, Project Description. The project would not introduce any new housing or residential development, nor would it involve the extension of roads or other infrastructure into undeveloped areas. The only potential population growth that could occur as a result of the project would be from the movement of future employees into the area to staff the hotel and/or retail component. However, as indicated in Section 9.0, Effects Found Not To Be Significant, the total number of employees, whether already local or from outside the City, would be relatively minimal, and it is anticipated that at least some of the employees will commute from residences within the City limits. The number of potential new residents to the City as a result of employment opportunities from the proposed project would be minimal and thus would not cause a significant impact or considerably alter the population. Therefore, the proposed project would have a less than significant induced population growth impact.

² State of California, Department of Finance, "E-5 Population and Housing Estimate for Cities, Counties, and the State, 2020-2022, with 2020 Benchmark", https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5_2022_InternetVersion.xlsx, accessed March 8, 2023.

³ State of California, Department of Finance, "E-8 City/County Population and Housing Estimates", https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-8_90-00byyear.xlsx, accessed March 8, 2023.

⁴ Southern California Association of Governments, "Demographics and Growth Forecast". 03 September 2020. https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579, accessed July 31, 2023.

⁵ State of California, Department of Finance, "E-5 Population and Housing Estimate for Cities, Counties, and the State, 2020-2022, with 2020 Benchmark", https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5_2022_InternetVersion.xlsx, accessed March 8, 2023.

⁶ State of California, Department of Finance, "E-8 City/County Population and Housing Estimates", https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-8_90-00byyear.xlsx, accessed March 8, 2023.

⁷ Southern California Association of Governments, "Demographics and Growth Forecast". 03 September 2020. https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579, accessed July 31, 2023.

Housing

County of Ventura. The County’s housing stock was estimated to be 293,080 units in April 2020.⁸ This represents an increase of approximately 16.4 percent over the estimated 251,711 housing units reported in April 2000.⁹ The vacancy rate in April 2020 was estimated to be approximately 4.6 percent, and the persons per household estimate for occupied units was approximately 2.97.¹⁰ SCAG projections indicate that the number of households within the County will increase to 306,000 in 2045.¹¹

City of Thousand Oaks. The City’s housing stock was estimated to be 48,131 units in April 2020. This represents an increase of approximately 12 percent over the estimated 42,958 housing units reported in April 2000. The vacancy rate in April 2020 was estimated to be approximately 3.1 percent, with the persons per household estimate for occupied units being 2.67.¹² According to SCAG projections, the number of households in the City is expected to be 51,300 in 2045.¹³

As stated above, the project does not involve residential development. There are currently no residential uses on-site and project development will not add or remove any residential uses. Development and operation of the hotel and retail pad may cause a slight increase in population with regard to employees that move to the area to staff the development, which would slightly increase demand on local housing. However, as stated above, the expected population growth associated with this project is minimal to none, and there will be no considerable impact on housing. The proposed project would have a less than significant induced housing growth impact.

Employment

County of Ventura. According to the California Employment Development Department, the annual average civilian labor force within Ventura County totals approximately 412,700 as of December 2022. An estimated 3.2 percent of the County’s workforce (13,400 persons) was unemployed.¹⁴ SCAG projections indicate that the number of employees within the County will be 389,000 in 2045.¹⁵

⁸ State of California, Department of Finance, “E-5 Population and Housing Estimate for Cities, Counties, and the State, 2020-2022, with 2020 Benchmark”, https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5_2022_InternetVersion.xlsx, accessed March 8, 2023.

⁹ State of California, Department of Finance, “E-8 City/County Population and Housing Estimates”, https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-8_90-00byyear.xlsx, accessed March 8, 2023.

¹⁰ State of California, Department of Finance, “E-5 Population and Housing Estimate for Cities, Counties, and the State, 2020-2022, with 2020 Benchmark”, https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5_2022_InternetVersion.xlsx, accessed March 8, 2023.

¹¹ Southern California Association of Governments, “Demographics and Growth Forecast”. 03 September 2020. https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579. accessed July 31, 2023.

¹² State of California, Department of Finance, “E-5 Population and Housing Estimate for Cities, Counties, and the State, 2020-2022, with 2020 Benchmark”, https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5_2022_InternetVersion.xlsx, accessed March 8, 2023.

¹³ Southern California Association of Governments, “Demographics and Growth Forecast”. 03 September 2020. https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579. accessed July 31, 2023.

¹⁴ State of California Employment Development Department, “Local Area Unemployment Statistics”, <https://data.edd.ca.gov/Labor-Force-and-Unemployment-Rates/Local-Area-Unemployment-Statistics-LAUS/e6gw-gvii>, accessed March 8, 2023.

¹⁵ Southern California Association of Governments, “Demographics and Growth Forecast”. 03 September 2020. https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579. accessed July 31, 2023.

City of Thousand Oaks. According to the California Employment Development Department, the annual average civilian labor force within the City of Thousand Oaks totals approximately 63,100 persons as of December 2022. An estimated 2.4 percent of the City’s workforce (1,500 persons) was unemployed.¹⁶ SCAG projections indicate that the number of employees within the City will be 80,000 in 2045.¹⁷

As stated in Section 3.0, Project Description, the project involves the development of a 216-room hotel and a retail pad. During project construction, construction-related jobs would be created. However, these jobs would be temporary and would not be growth-inducing. The proposed project would generate approximately 35 hotel employees.¹⁸ The specific number of employees that would be employed within the approximately 13,600 square feet are already included in the existing commercial retail space of approximately 35,500 square feet (the baseline condition). Consequently, the project’s net number of employees is equal to the hotel’s employee count. This represents about 0.06 percent of the City’s current employment force. The number of anticipated employees for the retail development is also low. Therefore, the proposed project would not result in significant jobs or economic growth in the City, with regard to impacts on population caused by economic opportunity. Consumerism associated with the hotel and retail components would be economically beneficial but would not affect the growth of the City. Additionally, the project would expand employment opportunities within the City and the additional employees are considered to be a beneficial impact of implementing the proposed project. Therefore, the proposed project would have a less than significant induced employment growth impact.

PRECEDENT-SETTING ACTION

As demonstrated in Section 3.0, Project Description, the proposed project includes an application to amend the Zoning Code to allow the footprint of the hotel to be designated C-3-H (Community Shopping Center – Height Overlay) instead of C-3 (Community Shopping Center), to increase the maximum building height to 75 feet. The project would also require the following: a Development Permit to identify the project’s physical development and consistency with or waived provisions of the City’s three-dimensional development standards contained in the Thousand Oaks Municipal Code and to specify the operations of the hotel, a Special Use Permit identifying operational characteristics associated with the sale and consumption of alcohol, and a Tentative Parcel Map to create airspace rights which would allow the retail component to be sold separately from the hotel component. However, the zoning change, tentative parcel map, and development regulations and permits associated with the project would apply solely to the project footprint. The approval of these discretionary actions would not set a precedent that would make it more likely for other projects in the City to gain approval of similar applications. Future projects requesting a zoning change or other discretionary action like those above would need to undergo the same environmental review as the proposed project and mitigate potentially significant environmental impacts on a project-level. Therefore, the proposed project would have a less than significant induced precedent-setting action growth impact.

¹⁶ State of California Employment Development Department, “Local Area Unemployment Statistics”, <https://data.edd.ca.gov/Labor-Force-and-Unemployment-Rates/Local-Area-Unemployment-Statistics-LAUS-/e6gw-gvii>, accessed March 8, 2023.

¹⁷ Southern California Association of Governments, “Demographics and Growth Forecast”. 03 September 2020. https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579. accessed July 31, 2023.

¹⁸ Greens Development, “Project Description”, PDF, December 13, 2022.

DEVELOPMENT OR ENCROACHMENT OF OPEN SPACE

The project is considered an infill development, as the site has been previously disturbed and is surrounded by urbanized uses. There are no existing public open space areas within, on, or adjacent to the project site. Therefore, the project would have a less than significant induced development or encroachment of open space growth impact.

SUMMARY

Although the project is anticipated to increase economic activity in the area, due to the project size and scale, project implementation would be considered to have a less than significant growth-inducing impact, inasmuch as it would not remove an impediment to growth, establish a precedent-setting action, or develop or encroach on an isolated or adjacent area of open space. The project would not be considered growth-inducing with respect to fostering population growth through additional employment opportunities, because the potential number of new residents as employees would be minimal and would represent only a nominal increase over the City's existing population. Additionally, project implementation would not cause the General Plan buildout or SCAG population forecasts to be exceeded.

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7.0 Alternatives to the Proposed Project

Under CEQA, the identification and analysis of alternatives to a project is a fundamental part of the environmental review process. CEQA Public Resources Code Section 21002.1(a) establishes the need to address alternatives in an EIR by stating that in addition to determining a project’s significant environmental impacts and indicating potential means of mitigating or avoiding those impacts, “the purpose of an environmental impact report is...to identify alternatives to the project”, which could avoid or substantially lessen the project’s significant effects.

Direction regarding the definition of project alternatives is provided in the CEQA Guidelines as follows:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.¹

The CEQA Guidelines emphasize that the selection of project alternatives be based primarily on the ability to reduce significant effects relative to the proposed project, “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.”² The CEQA Guidelines further direct that the range of alternatives be guided by a “rule of reason,” such that only those alternatives necessary to permit a reasoned choice are addressed.³

In selecting project alternatives for analysis, potential alternatives must pass a test of feasibility. CEQA Guidelines Section 15126.6(f)(1) states that:

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site...

Beyond these factors, the CEQA Guidelines require the analysis of a “no project” alternative and an evaluation of alternative location(s) for the project, if feasible. Based on the alternatives analysis, an environmentally superior alternative is to be designated. If the environmentally superior alternative is the No Project Alternative, then the EIR shall identify an environmentally superior alternative among the other alternatives.⁴ In addition, CEQA Guidelines Section 15126.6(c) requires that an EIR identify any alternatives that were considered for analysis but rejected as infeasible and discuss the reasons for their rejection.

¹ CEQA Guidelines Section 15126.6(a).

² CEQA Guidelines Section 15126.6(b).

³ CEQA Guidelines Section 15126.6(f).

⁴ CEQA Guidelines Section 15126.6(e)(2).

PROJECT OBJECTIVES

The following are the project's goals and objectives, which were developed by the project Applicant in consultation with the City of Thousand Oaks, as provided in Section 3.0, Project Description:

- Enhance the City of Thousand Oaks and Janss Marketplace, by creating an aesthetically pleasing hotel that is compatible with existing adjoining uses to serve the local community.
- Revitalize Janss Marketplace by replacing outdated dormant building structures, with a fresh, modern building and design.
- Provide local employment, with career advancement opportunities.
- Provide needed overnight and extended stay services to residents, business groups, and tourists within the City of Thousand Oaks.
- Provide shopping, dining, recreational, and assembly opportunities within the City of Thousand Oaks.
- Strengthen the City's commercial core by providing local quality lodging for residents, business groups, and tourists.
- Create a financially viable hotel capable of serving a wide range of guests.
- Provide fiscal and economic benefits to the City by adding local amenities to the community.

SIGNIFICANT EFFECTS

The significant effects of the project upon which the alternatives analysis should focus are as follows. This EIR evaluates a comprehensive list of environmental impact topics in Chapter 5.0, Environmental Analysis. In determining potential impacts of the Janss Marketplace Hotel Project, the analysis sections take into account project design features of the project and regulatory requirements. Where impacts are found to be significant even with the importation of stated project design features, mitigation measures have been recommended where potentially feasible, in order to reduce impacts to below the significance threshold. All significant impacts were found to be avoidable, meaning they would be mitigated to less than significant with the indicated mitigation measures. No impacts were found to be significant and unavoidable.

The following impacts were found to be significant prior to mitigation, but less than significant with the incorporation of mitigation measures. A brief identification of the type of mitigation is provided (see individual analysis Sections for the full text of the impacts and mitigation measures):

- Air Quality
 - Impact AQ-2: Cumulative Considerable Net Increase of Criteria Pollutants
 - Mitigation AQ-1: Construction Best Management Practices
 - Mitigation AQ-2: Architectural Coatings
 - Mitigation AQ-3: Tier 4 Construction Equipment
- Biological Resources
 - Impact BIO-1: Species Identified as a Candidate, Sensitive, or Special-Status Species
 - Mitigation BIO-1: Roosting Bat Survey
 - Mitigation BIO-2: Nesting Bird Clearance Survey

- Cultural, Tribal Cultural, and Historical Resources
 - Impact CUL-2: Archaeological Resources
 - Mitigation CUL-1: Worker Environmental Awareness Program
 - Mitigation CUL-2: Archaeologist Monitoring During Ground-Disturbing Activities
 - Impact CUL-3: Human Remains
 - Mitigation CUL-3: Halting of Excavation and Evaluation/Treatment of Human Remains
- Geology and Soils
 - Impact GEO-2: Strong Seismic Ground Shaking
 - Mitigation GEO-1: Geotechnical Investigation
 - Mitigation GEO-2: Review and Observation by Geotechnical Engineer
 - Impact GEO-9: Unique Paleontological Resource or Site or Unique Geologic Feature
 - Mitigation GEO-3: Project Paleontologist and Paleontological Resources Impact Mitigation Plan
- Hazards and Hazardous Materials
 - Impact HAZ-2: Accident Conditions Involving the Release of Hazardous Materials
 - Mitigation HAZ-1: Asbestos Survey
 - Mitigation HAZ-2: Paint Waste Evaluation (for Lead)
 - Mitigation HAZ-3: PCB Survey
 - Mitigation HAZ-4: Construction Best Management Practices for Discovery of Hazardous Waste or Materials
- Utilities and Service Systems
 - Impact U-5: Solid Waste Generation
 - Mitigation U-1: Solid Waste Management Plan/Recycle Diversion Plan

The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making. The range of potential alternatives to the proposed project shall also include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. Among the factors that may be considered when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent). Only locations that would avoid or substantially lessen any of the project's significant effects need be considered for inclusion. An alternative whose effect cannot be reasonably ascertained and whose implementation is remote or speculative need not be considered.

7.1 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." The following Alternatives were considered and rejected for reasons stipulated in the following text:

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 Alternative Site Project has been rejected for the purposes of the alternative analysis in this Draft EIR.

Alternative Use – Commercial Use Only: The potential of developing the proposed project at the same site but only with commercial uses was considered. A project which was of a similar scale but with only commercial uses would be allowed by the General Plan and the Thousand Oaks Municipal Code, but a commercial-only project would not achieve the basic project goals and objectives. Furthermore, the Janss Marketplace has a current vacancy rate of approximately 40%, a reflection of a continued transition to a cyber-economy, and neither the developer nor the City found that a “commercial only” project was likely to be financially feasible in the long-term. Therefore, the proposed Alternative Use – Commercial Use Only Project has been rejected for the purposes of the alternative analysis in this Draft EIR.

Alternative Use – Office Use Only: The potential of developing the proposed project at the same site but only with office uses was considered. A project which was of a similar scale but with only office uses would be allowed by the General Plan and the Thousand Oaks Municipal Code, but an office-only project would not achieve the basic project goals and objectives. While the Janss Marketplace has limited amounts of office uses, office uses in the City of Thousand Oaks are regularly found in low-rise buildings (one and two-stories). It is unknown if either tenants and/or customers would support office uses in buildings of this scale or at this location. Consequently, given the uncertainty neither the developer nor the City found that an “office only” project was likely to be financially feasible in the long-term. Therefore, the proposed Alternative Use – Office Use Only Project has been rejected for the purposes of the alternative analysis in this Draft EIR.

Alternative Use – Housing Use: The potential of developing the proposed project at the same site but with a housing component was considered; however, housing is not currently allowed at the project site with the current General Plan or the Thousand Oaks Municipal Code, and, additionally, a housing use would not achieve the basic project goals and objectives. Therefore, the proposed Alternative Use – Housing Use Project has been rejected for the purposes of the alternative analysis in this Draft EIR.

7.2 Alternatives Considered

Potential environmental impacts associated with the following alternatives are compared to the project’s impacts:

- Alternative 1 – “No Project” Alternative; and
- Alternative 2 – “Reduced Density” Alternative.

Alternative 1 is mandated by CEQA, while Alternative 2 was selected based on its potential to implement certain components of the project to accomplish some or most of the basic objectives of the project and avoid or substantially lessen one or more of the proposed project’s significant effects. Specifically, the “No Project” Alternative is considered to enable the decision-makers to compare the impacts of approving the project with the impacts of not approving the project. The “Reduced Density” Alternative was selected for analysis to evaluate an alternative that is consistent with the project objectives and to determine whether it would reduce any potentially significant impacts associated with the proposed project.

Through the following analysis, the alternatives' impacts are analyzed for each environmental issue area, as examined in Section 5.1, Aesthetics/Light and Glare, through Section 5.14, Utilities and Service Systems, of this EIR. In this manner, each alternative can be compared to the project on an issue-by-issue basis. A table is included at the end of this section that provides an overview of the alternatives analyzed and a comparison of each alternative's impact in relation to the project. Among the factors used to eliminate alternatives from detailed consideration include failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental impacts. Section 7.4, "Environmentally Superior" Alternative, identifies the "environmentally superior" alternative, as required by the CEQA Guidelines.

Pursuant to CEQA Guidelines Section 15126.6(a), an EIR shall describe a range of reasonable alternatives to the project which would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. Only those impacts found significant are relevant in making the final determination of whether an alternative is environmentally superior or inferior to the proposed project. As detailed in Section 5.1 through Section 5.14 of this EIR, upon compliance with existing regulations and mitigation measures, project implementation would not result in any significant and unavoidable impacts.

7.2.1 "No Project" Alternative

Under CEQA Guidelines Section 15126.6(e), the specific alternative of "no project" shall be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The "no project" analysis is required to discuss the existing conditions at the time of the Notice of Preparation (published on February 17, 2023) 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.

DESCRIPTION

The "No Project" Alternative assumes the circumstance under which the proposed project does not proceed, and the project site's current General Plan land use designations and zoning remain as is. Based on the General Plan Land Use Map, the project site is designated "Commercial" (C). Based on the City's Zoning Map, the project site is zoned "Community Shopping Center" (C-3 Zone) without the "Community Shopping Center – Height Overlay" (C-3-H) coterminous with the project footprint.

Given that the site is currently developed with uses consistent with the existing land use designations and zoning (i.e., Reign of Terror Haunted House and USA Vein Clinics), it is reasonably expected that buildout of the site under existing designations and zoning would be the existing retail uses. Thus, the "No Project" Alternative is essentially a "no build" alternative wherein the existing environmental setting is maintained. Specifically, the site would continue to operate as a commercial use center with three retail units inside the partial two-story building, currently occupied in part by Reign of Terror Haunted House and USA Vein Clinics. The existing structures on-site would remain, and no new development would occur.

Unlike the proposed project, the "No Project" Alternative would not require a Zone Change, Tentative Parcel Map, Site Development Permit, Special Use Permit, Development Agreement, or Landscape Plan Check.

IMPACT COMPARISON TO THE PROPOSED PROJECT

Aesthetics/Light and Glare

The existing visual character of the project site is illustrated in the following exhibits: Exhibit 5.1a-1, Existing Conditions, Exhibit 5.1b-1, Existing Conditions, and Exhibit 5.1c-1, Existing Conditions. The short-term visual impacts associated with grading and construction activities that would occur with the proposed project would not occur with the “No Project” Alternative. Therefore, the project’s construction-related impacts to the visual character/quality of the project site and its surroundings would be avoided.

The project site’s long-term visual character would be altered with the proposed project, because the existing commercial building with two-story massing would be replaced with a new 216-room, five-story hotel and retail pad development. Project implementation would alter the visual character of the site and its surroundings, as the former building would be replaced with a taller hotel and associated walkways and landscaping. Surrounding land uses provide a mix of uses consistent with retail/restaurant uses focused toward a more visitor-oriented character. Implementation of the project would modernize the visual character of the project area and would not significantly impact viewsheds because of the increased building height (refer to Section 5.1, Aesthetics and Light/Glare). The long-term visual character of the project site would not be altered with the “No Project” Alternative, because no construction activities would occur, and the project site would remain in its current condition. The project’s less than significant impact to the area’s visual character/quality and light/glare would be avoided with the “No Project” Alternative.

The “No Project” Alternative would be environmentally superior to the proposed project regarding aesthetics/light and glare, given it would avoid less than significant impacts to short-term visual character/quality, long-term visual character/quality, and light/glare.

Air Quality

Table 5.2-3, Maximum Daily Construction Emissions, presents the project’s anticipated daily short-term construction emissions and indicates that less than significant impacts would occur in this regard. Short-term air quality impacts from demolition, grading, and construction activities would not occur with the “No Project” Alternative. Therefore, the short-term air quality impacts that would occur with the proposed project would be avoided with this alternative.

The proposed project would not exceed the Ventura County Air Pollution Control District’s regional emissions thresholds or localized significance thresholds (LST), as indicated in Table 5.2-4, Net Long-Term Operational Air Emissions. Additionally, the project would not result in carbon monoxide hotspots at any of the study intersections. Long-term air quality impacts from mobile and area source pollutant emissions would not occur with the “No Project” Alternative. Therefore, the air quality emissions that would occur with the proposed project would be avoided with the “No Project” Alternative.

Under the “No Project” Alternative, no new development would occur, and the project site would maintain its existing zoning. Thus, no short-term construction or long-term operational air quality emissions would be generated. The “No Project” Alternative would be environmentally superior to the proposed project.

Biological Resources

Project implementation would result in less than significant impacts as the project footprint is currently developed and does not contain sensitive natural communities or jurisdictional waters and wetlands on-site. The project would not

conflict with a habitat conservation plan. Under the “No Project” Alternative, no construction activities would occur, and the project site would remain in its current condition. Therefore, although less than significant, the project’s impacts would be avoided. As with the proposed project, no impact to sensitive vegetation communities, wetlands, jurisdictional waters, or wildlife movement corridors would occur with the “No Project” Alternative.

The “No Project” Alternative would be environmentally superior to the proposed project regarding biological resources, given that it would not change the site, and would avoid less than significant impacts to biological resources.

Cultural, Tribal Cultural, and Historical Resources

There are no cultural resources that have been identified on the project site. Project implementation would require demolition of this structure, which is concluded to be a less than significant impact. Under the “No Project” Alternative, as with the proposed project, there would be no potential for impacts to historical resources, since the existing structure does not qualify as a historical resource. The project site is determined to potentially have archaeological and paleontological resource sensitivity; therefore, the potential exists for as yet undiscovered archaeological and paleontological resources to be present on the project site. With the “No Project” Alternative, there would be no potential impacts to archaeological/paleontological or tribal cultural resources, given no ground-disturbing activities would occur. Comparatively, less than significant potential impacts (with mitigation incorporated) to archaeological/paleontological resources would occur with the proposed project, while no impacts would occur with the “No Project” Alternative.

The “No Project” Alternative would be environmentally superior to the proposed project regarding cultural resources, given it would avoid the potential for any impact to occur.

Energy

No new development would occur under the “No Project” Alternative compared to the proposed project. Thus, no new impacts would occur from additional energy usage related to electricity and natural gas consumption. The “No Project” Alternative would be environmentally superior to the proposed project.

Geology and Soils

The project site consists of developed land and almost entirely impervious surfaces. The project site is essentially flat and does not possess site conditions necessarily conducive to soil erosion or loss of topsoil. Soil erosion or the loss of topsoil from grading and excavation operations would not occur with the “No Project” Alternative, because site development would not occur. Comparatively, less than significant impacts involving soil erosion could occur with the proposed project, while no soil erosion impacts would occur with the “No Project” Alternative.

The project site is susceptible to seismic hazards (i.e., strong seismic ground shaking, and seismically induced liquefaction), geologic hazards, and hazardous soils (i.e., expansive and unstable). Implementation of the “No Project” Alternative would not expose additional people or structures to potential adverse effects associated with seismic, geologic, or soil hazards, since no new land uses would be developed on the project site. Comparatively, a less than significant impact (with mitigation incorporated) would occur with the proposed project, while no impacts would occur with the “No Project” Alternative.

The “No Project” Alternative would be environmentally superior to the proposed project regarding geology and soils, given it would avoid the potential for any impacts to occur. It should be noted that the existing site would remain susceptible to the same geologic conditions and hazards that were identified for the proposed project.

Greenhouse Gas Emissions

As indicated in Table 5.7-1, Project Annual Greenhouse Gas Emissions, project implementation would result in 1,348 metric tons of carbon dioxide equivalent per year. The City and VCAPCD have not adopted a numerical significance threshold for assessing greenhouse gas emissions, however the estimated project-related emissions are determined to be less than significant. Thus, less than significant short-term and operational greenhouse gas (GHG) emission impacts would occur with the proposed project. GHG emissions from construction and operational activities would not occur with the “No Project” Alternative. Therefore, the GHG emissions that would occur with the proposed project would be avoided with the “No Project” Alternative.

The “No Project” Alternative would be environmentally superior to the proposed project regarding GHG emissions, since no GHG emissions would occur.

Hazards and Hazardous Materials

Short-term construction-related impacts involving the potential for accidental release of hazardous materials (i.e., asbestos containing materials, lead-based paints, and soil/groundwater contamination) would not occur with the “No Project” Alternative, since the current commercial building with two-story massing would not be demolished/removed and ground-disturbing activities would not occur. Comparatively, less than significant potential impacts (with mitigation incorporated) involving accidental release of hazardous materials from construction activities would occur with the project, while no impacts would occur with the “No Project” Alternative.

The “No Project” Alternative would be environmentally superior to the proposed project regarding hazardous materials, given it would avoid the potential for any impacts to occur.

Hydrology and Water Quality

The “No Project” Alternative would result in no short-term impacts to water quality associated with grading, excavation, or construction activities, because site development would not occur. Comparatively, less than significant potential impacts involving water quality impacts from construction activities would occur with the project, while none would occur with the “No Project” Alternative.

The “No Project” Alternative would avoid the project’s long-term operational impacts to water quality and quantity because new land uses would not be developed. The post-construction BMPs to address pollutants in storm water runoff and new drainage improvements that would be constructed with the proposed project would not be constructed with the “No Project” Alternative. Since new development would not occur, impacts related to hydrology and water quality that would occur with the proposed project would not occur with the “No Project” Alternative. While the project would result in less than significant operational impacts to water quality and quantity, the “No Project” Alternative would not include BMPs and storm water runoff would remain untreated.

The “No Project” Alternative would be environmentally inferior to the proposed project regarding hydrology and water quality impacts. As construction activities would not occur and new land uses would not be developed, no changes in drainage patterns or on-site operations would occur, BMPs would not be implemented, and storm water runoff would not be controlled.

Land Use and Planning

As stated in Section 3.0, Project Description, the proposed project would require a number of discretionary approvals, including a Zone Change, Tentative Parcel Map, Development Permit, and Special Use Permit. Under the “No Project”

Alternative, no development would occur and the project site would maintain its existing land use designations and zoning and thus, would be consistent with the General Plan and Municipal Code. However, in comparison to the proposed project, the “No Project” Alternative would not be able to achieve several General Plan policies compared to the proposed project. Specifically, the “No Project” Alternative would not strengthen the City’s commercial core area by improving and enhancing retail uses, nor would it strengthen the axis between the commercial core areas by improving and rebuilding unattractive areas near Thousand Oaks Boulevard.⁵

In contrast, the proposed project would construct a 216-room, five-story hotel and retail pad with associated landscaping, recreational services, and related amenities. The site would be improved with extensive and modernized landscaping and common and private open space areas.

Overall, this alternative would be environmentally superior to the proposed project regarding land use and relevant planning since no amendments of relevant land use planning policy documents or the zoning code would be required and no physical change to the environment would occur.

Noise

Construction noise associated with the proposed project would result in less than significant impacts, with mitigation incorporated, regarding exposure to surrounding sensitive receptors to noise levels in excess of established standards. Construction activities would cause less than significant increased mobile noise along access routes to and from the site due to movement of equipment and workers. The project’s construction-related vibration impacts are also anticipated to be less than significant. Construction-related short-term impacts from stationary and mobile sources, and vibration impacts and would not occur with the “No Project” Alternative. Therefore, short-term construction-related noise and vibration impacts that would occur with the proposed project would be avoided with the “No Project” Alternative.

Existing modeled noise levels would range from 57.5 dBA to 79.0 dBA depending on location at either the West Wilbur Road and Saint Charles Road intersection, or west of the driveway outside of Biltmore Apartments. These existing conditions would continue with the “No Project” Alternative, although may be impacted by additional growth in the area over time. Project implementation would result in less than significant impacts from mobile noise sources. The less than significant increase in mobile and stationary noise projected to occur with the proposed project would not occur with the “No Project” Alternative, because the proposed hotel would not be developed. Therefore, the project’s long-term noise impacts would be avoided.

The “No Project” Alternative would be environmentally superior to the proposed project regarding noise, since it would result in no short-term construction-related, or long-term operational mobile or stationary source noise impacts.

Public Services and Recreation

Implementation of the proposed project would place increased demands upon public services (i.e., fire and police protection and parks and recreation). The “No Project” Alternative would result in none of the impacts associated with increased demands upon public services and recreation because no new land uses would be developed. Therefore, the increased demands upon public services that would occur with the proposed project would be avoided with the “No Project” Alternative.

The “No Project” Alternative would be environmentally superior to the proposed project regarding public services and recreation, given no impacts to public services would occur.

⁵ City of Thousand Oaks, “General Plan Goals and Policies”, <https://www.toaks.org/departments/community-development/planning/general-plan/general-plan-goals-and-policies>, 1997.

Transportation

No new development would occur under the “No Project” Alternative compared to the proposed project. Thus, no transportation impacts related to VMT would occur. In comparison, the proposed project would increase the use of transportation facilities in the project area. However, the proposed project would not exceed the City’s established VMT threshold. In conclusion, although the project would result in less than significant transportation impacts, the “No Project” Alternative would result in no new transportation impacts. This alternative would be environmentally superior to the proposed project.

Utilities and Service Systems

Implementation of the proposed project would place increased demands upon utilities and service systems (i.e., water, wastewater, solid waste, electrical, natural gas, and telecommunication). The “No Project” Alternative would result in none of the impacts associated with increased demands upon utilities and service systems because no new land uses would be developed. Therefore, the increased demands upon utilities and service systems that would occur with the proposed project would be avoided with the “No Project” Alternative.

The “No Project” Alternative would be environmentally superior to the proposed project regarding utilities and service systems, given no impacts to utilities and service systems would occur.

ABILITY TO MEET PROJECT OBJECTIVES

As detailed in Table 7-1, “No Project” Alternative and Project Objectives, the “No Project” Alternative would not achieve any of the project’s basic objectives.

**Table 7-1
“No Project” Alternative and Project Objectives**

| Objective | Discussion |
|--|---|
| Enhance the City of Thousand Oaks and Janss Marketplace, by creating an aesthetically pleasing hotel that is compatible with existing adjoining uses to serve the local community. | Not Achieved. This alternative would not change the existing building and would therefore not provide a new, aesthetically pleasing hotel use. The Janss Marketplace would not be enhanced with this alternative. |
| Revitalize Janss Marketplace by replacing outdated dormant building structures, with a fresh, modern building and design. | Not Achieved. This alternative would not update or modernize any part of Janss Marketplace, as it would remain the same as existing conditions. The outdated and moderately dormant building on the project site would remain as is. |
| Provide local employment, with career advancement opportunities. | Not Achieved. This alternative would not add any new local employment opportunities to the City. |
| Provide needed overnight and extended stay services to residents, business groups, and tourists within the City of Thousand Oaks. | Not Achieved. This alternative would not provide new overnight or extended stay services within the City. |
| Provide shopping, dining, recreational, and assembly opportunities within the City of Thousand Oaks. | Not Achieved. This alternative would not provide new shopping, dining, recreational, or assembly opportunities within the City. The existing commercial use would remain the same. |
| Strengthen the City’s commercial core by providing local quality lodging for residents, business groups, and tourists. | Not Achieved. This alternative would not provide local quality lodging. |

**Table 7-1
“No Project” Alternative and Project Objectives**

| Objective | Discussion |
|--|--|
| Create a financially viable hotel capable of serving a wide range of guests. | Not Achieved. This alternative would not provide a hotel of any kind. |
| Provide fiscal and economic benefits to the City by adding local amenities to the community. | Not Achieved. This alternative would not provide fiscal and economic benefits to the City, as it would not add any new amenities. |

CONCLUSION

The “No Project” Alternative would be environmentally superior in every topical area except for hydrology and water quality; however, it would not attain any of the proposed project’s basic objectives. A modern development that would revitalize the Janss Marketplace would not be constructed. Shopping, dining, and visitor accommodations for visitors and residents of Thousand Oaks would not be provided on the project site. The “No Project” Alternative would also not create City revenue through collection of transient occupancy taxes.

7.2.2 “Reduced Density” Alternative

DESCRIPTION

The “Reduced Density” Alternative proposes the development of a hotel use and retail pad on the project site that would have approximately 162 rooms and would be four floors (eliminating the fifth floor). The “Reduced Density” Alternative would have the same basic building footprint, architecture, open space areas, and vehicular and pedestrian access as the proposed project. The development associated with this alternative would include the demolition of the existing outdated structures. Under the “Reduced Density” Alternative, the zoning category would still need to be amended similar to the proposed project.

The following discussion evaluates the potential environmental impacts associated with the “Reduced Density” Alternative, as compared to impacts from the proposed project.

IMPACT COMPARISON TO THE PROPOSED PROJECT

Aesthetics/Light and Glare

The short-term visual impacts associated with grading and construction activities that would occur with the proposed project would similarly occur with the “Reduced Density” Alternative. Comparatively, the construction-related impacts to the visual character/quality of the project site and its surroundings would be slightly less than the proposed project, given this alternative would involve a shorter construction period and less overall construction.

The project site’s long-term visual character would be altered with the proposed project, because the existing building would be replaced with new development. The long-term visual character of the project site and its surroundings would be altered with the “Reduced Density” Alternative, to a lesser degree than the with the proposed project, because the project site would be developed with a four-story 162-room hotel, instead of the proposed five-story 216-room hotel. It should be noted that there were no view impacts associated with the proposed project. Therefore, the four-story

alternative would not enhance public views. The “Reduced Density” Alternative would also reduce the shadows and visual mass associated with the proposed project. The view simulations prepared for the proposed project determined that the visual mass of the project would not have significant impacts, however, the tallest point of the proposed building was moderately visible from a few perspectives within the public right-of-way around the Janss Marketplace. With the “Reduced Density” Alternative, the building would not be detectable from most of the relevant lines of sight, because its height would be reduced. As with the proposed project, the “Reduced Density” Alternative would result in less than significant impacts.

The “Reduced Density” Alternative would be neither environmentally superior nor inferior to the proposed project regarding aesthetics/light and glare, given that it would be a similar use and it would have similar impacts as the proposed project.

Air Quality

Table 5.2-3, Maximum Daily Construction Emissions, presents the proposed project’s anticipated daily short-term construction emissions and indicates that less than significant impacts would occur in this regard. Short-term air quality impacts from demolition, grading, and construction activities would occur with the “Reduced Density” Alternative. Comparatively, the construction-related air quality impacts would be less than the proposed project, given ground-disturbing activities would occur within a similar development footprint but less overall construction would be required. Therefore, the short-term air quality impacts that would occur with the proposed project would be similar under the “Reduced Density” Alternative.

The proposed project would not exceed the VCAPCD’s regional emissions thresholds or LST, as indicated in Table 5.2- 4, Net Long-Term Operational Air Emissions. Additionally, the project would not result in CO hotspots at any of the study intersections. Long-term air quality impacts from mobile and area source pollutant emissions would occur with the “Reduced Density” Alternative, although to a lesser degree than the proposed project. The “Reduced Density” Alternative would result in fewer rooms and vehicle trips, as compared to the proposed project. With this alternative, proportionately less long-term air quality impacts from mobile pollutant emissions would occur, as compared to the proposed project.

The “Reduced Density” Alternative would be environmentally superior to the proposed project regarding air quality impacts due to decreased mobile source emissions.

Biological Resources

Project implementation would result in less than significant impacts as the project site is currently developed and does not contain special status species, sensitive natural communities, or jurisdictional waters and wetlands. The proposed project would also not interfere with the City’s Tree Preservation Ordinance. Under the “Reduced Density” Alternative, construction activities would occur over the same development footprint as the proposed project but would be a four-story hotel instead of a five-story hotel. Therefore, as with the proposed project, the “Reduced Density” Alternative would result in less than significant impacts to biological resources. As with the proposed project, no impact to special status plant species, sensitive vegetation communities, wetlands, jurisdictional waters, or wildlife movement corridors would occur with the “Reduced Density” Alternative.

The “Reduced Density” Alternative would be neither environmentally superior nor inferior to the proposed project regarding biological resources because it would result in similar impacts as the proposed project.

Cultural, Tribal Cultural, and Historical Resources

There are no cultural resources that have been identified on the project site. Project implementation would require demolition of the existing structure, which is concluded to be a less than significant impact. Similar to the proposed project, under the “Reduced Density” Alternative, impacts to historical resources would be less than significant.

The project site is determined to potentially have archaeological and paleontological resource sensitivity. Therefore, the potential exists for as yet undiscovered archaeological and paleontological resources to be present on the project site. As with the proposed project, under the “Reduced Density” Alternative, the potential for impacts to archaeological/paleontological resources would be less than significant with the implementation of mitigation, given that ground-disturbing activities would occur.

The “Reduced Density” Alternative would be neither environmentally superior nor inferior to the proposed project regarding potential impacts to cultural resources, given that it would involve similar ground-disturbing activities within the same development footprint.

Energy

Project implementation would result in less than significant impacts to energy. The “Reduced Density” Alternative, as with the proposed project, would have less than significant impacts on additional energy usage related to electricity and natural gas consumption. Comparatively, the “Reduced Density” Alternative would generate less energy usage and natural gas consumption because it would be a four-story, instead of five-story, hotel. With the “Reduced Density” Alternative, proportionately less energy impacts from additional energy usage related to electricity and natural gas consumption would occur, as compared to the proposed project.

The “Reduced Density” Alternative would be environmentally superior to the proposed project regarding energy impacts due to decreased electricity and natural gas consumption.

Geology and Soils

The project site consists of impervious surfaces (developed land). The project site is essentially flat and does not possess site conditions necessarily conducive to soil erosion and loss of topsoil. Soil erosion from grading and excavation operations would occur with the “Reduced Density” Alternative. Comparatively, similar impacts involving soil erosion would occur with the “Reduced Density” Alternative, as with the proposed project, due to a similar ground disturbance area. Therefore, the less than significant impacts involving soil erosion that would occur with the proposed project would occur also with the “Reduced Density” Alternative.

Implementation of the proposed project would result in less than significant impacts (with mitigation incorporated) involving the exposure of additional people or structures to potential adverse effects associated with seismic hazards (i.e., strong seismic ground shaking and seismically induced liquefaction), geologic hazards, and hazardous soils (expansive and unstable). Implementation of the “Reduced Density” Alternative would expose people and structures to potential adverse effects associated with seismic, geologic, and soil hazards, since new land uses would be developed on the project site, similar to the proposed project. Comparatively, the “Reduced Density” Alternative’s impacts involving geology and soils would be similar to the proposed project, given the “Reduced Density” Alternative would also introduce additional people and a new structure on the project site. Therefore, the less than significant impacts (with mitigation incorporated) to geology and soils that would occur with the proposed project would also occur with the “Reduced Density” Alternative.

The “Reduced Density” Alternative would be neither environmentally superior nor inferior to the proposed project regarding geology and soils.

Greenhouse Gas Emissions

As indicated in Table 5.7-1, Project Annual Greenhouse Gas Emissions, project implementation would result in 1,348 metric tons of carbon dioxide equivalent per year. The City and VCAPCD have not adopted a numerical significance threshold for assessing greenhouse gas emissions, however the estimated project-related emissions are determined to be less than significant. Thus, less than significant short-term and operational GHG emission impacts would occur with the proposed project. GHG emissions from construction and operational activities would also occur with the “Reduced Density” Alternative, although to a lesser degree than the proposed project because the smaller hotel would accommodate less visitors overall. As with the proposed project, the combined construction and operational GHG emissions would also result in less than significant impacts from a cumulative perspective under the “Reduced Density” Alternative, although to a lesser degree than with the proposed project.

The “Reduced Density” Alternative would be environmentally superior to the proposed project regarding GHG emissions, due to decreased mobile emissions.

Hazards and Hazardous Materials

Implementation of the proposed project would result in less than significant impacts (with mitigation incorporated) involving the potential for accidental release of hazardous materials (i.e., ACMs, LBPs, and soil/groundwater contamination). Implementation of the “Reduced Density” Alternative would result in the potential for accidental release of hazardous materials. Comparatively, the “Reduced Density” Alternative’s impacts involving the potential for accidental release of hazardous materials would be similar to the proposed project, given the “Reduced Density” Alternative would involve a similar development footprint.

The “Reduced Density” Alternative would be neither environmentally superior nor inferior to the proposed project regarding impacts associated with the potential for accidental release of hazardous materials.

Hydrology and Water Quality

The proposed project would result in less than significant short-term impacts to water quality associated with grading, excavation, and construction activities. Implementation of the “Reduced Density” Alternative would similarly result in short-term impacts to water quality. Comparatively, the “Reduced Density” Alternative’s short-term impacts to water quality would be similar to the proposed project, given the “Reduced Density” Alternative would involve a similar development footprint.

The proposed project would result in less than significant long-term impacts to water quality, as the proportion of impervious surface would remain approximately the same and minimal drainage improvements would be made. Implementation of the “Reduced Density” Alternative would result in similar long-term operational impacts to water quality and quantity. Although the “Reduced Density” Alternative would generate fewer vehicle trips, the long-term impacts to water quality would be similar to the proposed project, given the “Reduced Density” Alternative would involve a similar development footprint.

The “Reduced Density” Alternative would be neither environmentally superior nor inferior to the proposed project regarding hydrology and water quality.

Land Use and Planning

Under the “Reduced Density” Alternative, the new development would require a Zone Change, Tentative Parcel Map, Development Permit, and Special Use Permit, similar to the proposed project. Therefore, the project’s proposed zoning code amendment would still be implemented, although at a lower intensity of use.

The “Reduced Density” Alternative would be neither environmentally superior or inferior to the proposed project regarding land use and relevant planning as the same need to amend the zoning code, as well as the same discretionary approvals, would be required.

Noise

Construction noise associated with the proposed project would result in less than significant impacts (with mitigation incorporated) regarding exposure to surrounding sensitive receptors to noise levels in excess of the established standards. Construction activities would cause less than significant increased mobile noise along access routes to and from the site due to movement of equipment and workers. The project’s construction-related vibration impacts are also anticipated to be less than significant. Short-term noise impacts from demolition, grading, and construction activities would occur with the “Reduced Density” Alternative due to construction of the proposed building and improvements. Comparatively, the “Reduced Density” Alternative’s construction-related noise impacts would be similar to the proposed project, given the “Reduced Density” Alternative would result in a similar development footprint. Therefore, the less than significant short-term noise impacts (with mitigation incorporated) that would occur with the proposed project would also occur with the “Reduced Density” Alternative.

The proposed project would insignificantly increase noise levels on the surrounding roadways; long-term noise impacts from vehicular travel on the surrounding roadway network would occur with the “Reduced Density” Alternative, although to a lesser degree than with the proposed project. Comparatively, the “Reduced Density” Alternative’s mobile source noise impacts would be less than the proposed project, given the “Reduced Density” Alternative would result in less average daily traffic. Therefore, the mobile source noise impacts that would occur with the proposed project would occur also with the “Reduced Density” Alternative, although to a lesser degree.

Project implementation would result in less than significant impacts from stationary noise sources associated with the proposed project, which would be typical of the surrounding commercial uses. With the “Reduced Density” Alternative, a new 162-room hotel would operate on the project site, generating noise levels from new stationary sources, including loading/unloading areas and outdoor patios, among others. Comparatively, the stationary source noise impacts under the “Reduced Density” Alternative would be similar to the proposed project, given the “Reduced Density” Alternative would have a similar development footprint as the proposed project. Therefore, the stationary noise impacts that would occur with the proposed project would also occur with the “Reduced Density” Alternative.

The “Reduced Density” Alternative would be neither environmentally superior nor inferior to the proposed project regarding impacts associated with noise.

Public Services and Recreation

Implementation of the proposed project would place increased demands upon public services (i.e., fire and police protection and parks and recreation). The “Reduced Density” Alternative would result in similar impacts associated with increased demands upon public services and recreation because a new hotel would be developed. Therefore, the less than significant increased demands upon public services and recreation that would occur with the proposed project would also occur with the “Reduced Density” Alternative, but to a lesser degree.

The “Reduced Density” Alternative would be neither environmentally superior nor inferior to the proposed project regarding impacts to public services.

Transportation

Under the “Reduced Density” Alternative, a 162-room hotel and retail pad would be developed in place of the proposed project’s 216-room hotel and retail pad. Due to the provision of fewer rooms and therefore fewer guests, the “Reduced Density” Alternative would generate fewer daily trips than the proposed project. The “Reduced Density” Alternative would reduce the number of hotel rooms by 25%; because the hotel’s trip generation is calculated based on the number of rooms proposed, the “Reduced Density” Alternative would generate approximately 25 percent fewer average daily trips, when compared to the proposed project.

Comparatively, the transportation impacts under the “Reduced Density” Alternative would be less than the proposed project, given the “Reduced Density” Alternative would decrease the ADT approximately 25 percent (as it pertains to the hotel portion of the development). Therefore, as with the proposed project, the transportation impacts would be less than significant with the “Reduced Density” Alternative, however, to a lesser degree.

The “Reduced Density” Alternative would be environmentally superior to the proposed project regarding transportation impacts due to decreased average daily traffic volumes.

Utilities and Service Systems

Implementation of the proposed project would place increased demands upon utilities and service systems (i.e., water, wastewater, solid waste, electrical, natural gas, and telecommunications). The “Reduced Density” Alternative would result in similar impacts associated with increased demands upon utilities and service systems because a new hotel would be developed. Therefore, the less than significant increased demands upon utilities and service systems that would occur with the proposed project would also occur with the “Reduced Density” Alternative, but to a lesser degree.

The “Reduced Density” Alternative would be neither environmentally superior nor inferior to the proposed project regarding impacts to utilities and service systems.

ABILITY TO MEET PROJECT OBJECTIVES

As detailed in Table 7-2, “Reduced Density” Alternative and Project Objectives, the “Reduced Density” Alternative would attain all of the project’s basic objectives provided it is financially viable.

Table 7-2
“Reduced Density” Alternative and Project Objectives

| Objective | Discussion |
|--|---|
| Enhance the City of Thousand Oaks and Janss Marketplace, by creating an aesthetically pleasing hotel that is compatible with existing adjoining uses to serve the local community. | Achieved. This alternative would create an aesthetically pleasing hotel and retail pad that is compatible with existing adjoining commercial uses. |
| Revitalize Janss Marketplace by replacing outdated dormant building structures, with a fresh, modern building and design. | Achieved. This alternative would replace the outdated and dormant existing building with a modernized, fresh hotel and retail pad. |

Table 7-2
“Reduced Density” Alternative and Project Objectives

| Objective | Discussion |
|---|---|
| Provide local employment, with career advancement opportunities. | Achieved. This alternative would add new opportunities for local employment and career advancement associated with the hotel and retail components. |
| Provide needed overnight and extended stay services to residents, business groups, and tourists within the City of Thousand Oaks. | Achieved, but to a lesser degree. This alternative would provide overnight and extended stay services to residents, business groups, and tourists within the City of Thousand Oaks, but to a lesser degree when compared to the proposed project because of the reduced hotel size. |
| Provide shopping, dining, recreational, and assembly opportunities within the City of Thousand Oaks. | Achieved. This alternative would provide shopping, dining, recreational, and assembly opportunities. |
| Strengthen the City’s commercial core by providing local quality lodging for residents, business groups, and tourists. | Achieved. This alternative would strengthen the City’s commercial core by providing local quality lodging and shopping opportunities. |
| Create a financially viable hotel capable of serving a wide range of guests. | Achieved, but to a lesser degree. This alternative would create a hotel capable of serving a wide range of guests, but to a lesser degree. The financial viability of the reduced density hotel is not certain. |
| Provide fiscal and economic benefits to the City by adding local amenities to the community. | Achieved, but to a lesser degree. This alternative would provide fiscal and economic benefits to the City by adding local amenities to the community, but to a lesser degree. This alternative would create less City revenue through collection of transient occupancy taxes when compared to the proposed project. |

CONCLUSION

The “Reduced Density” Alternative would attain all of the proposed project’s objectives, provided it is financially viable. As with the proposed project, a reduced density hotel project would help revitalize the Janss Marketplace and create a visitor-oriented development. Shopping, dining, and visitor accommodations for visitors and residents of Thousand Oaks would also be provided on the project site but to a lesser degree when compared to the proposed project. However, the “Reduced Density” Alternative would create less City revenue through the collection of transient occupancy taxes.

7.3 “Environmentally Superior” Alternative

Table 7-3, Comparison of Alternatives, summarizes the comparative analysis presented above (i.e., the alternatives compared to the proposed project). Review of Table 7-3 indicates the “No Project” Alternative is the environmentally superior alternative, because it would avoid or lessen the majority of impacts associated with development of the proposed project. According to CEQA Guidelines Section 15126.6(e), “if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” Accordingly, an environmentally superior alternative among the other alternatives is identified below.

**Table 7-3
Comparison of Alternatives**

| Sections | “No Project” Alternative | “Reduced Density” Alternative |
|---|--------------------------|-------------------------------|
| Aesthetics/Light and Glare | ↓ | = |
| Air Quality | ↓ | ↓ |
| Biological Resources | ↓ | = |
| Cultural, Tribal Cultural, and Historical Resources | ↓ | = |
| Energy | ↓ | ↓ |
| Geology and Soils | ↓ | = |
| Greenhouse Gas Emissions | ↓ | ↓ |
| Hazards and Hazardous Materials | ↓ | = |
| Hydrology and Water Quality | ↑ | = |
| Land Use and Planning | ↓ | = |
| Noise | ↓ | = |
| Public Services/Recreation | ↓ | = |
| Transportation | ↓ | ↓ |
| Utilities and Service Systems | ↓ | = |

Notes:

- ↑ Indicates an impact that is greater than the proposed project (environmentally inferior).
- ↓ Indicates an impact that is less than the proposed project (environmentally superior).
- = Indicates an impact that is equal to the proposed project (neither environmentally superior nor inferior).

It should be noted that no significant and unavoidable impacts have been identified for the proposed project. However, the environmentally superior alternative is the “Reduced Density” Alternative because it has impacts that are less than the proposed project. As concluded in the analysis presented above, the “Reduced Density” Alternative involves a four-story 162-room hotel and retail pad. This alternative would reduce its intensity by eliminating the fifth story associated with the proposed project. Although this alternative would create less City revenue through collection of transient occupancy taxes, it has the potential to fulfill all of the project’s objectives.

8.0 Effects Found Not to Be Significant

Section 15128 of the California Environmental Quality Act (CEQA) Guidelines requires an EIR to briefly describe any possible effects that were determined not to be significant. The environmental factors discussed below are in response to the checklist questions listed in Appendix G of the CEQA Guidelines that were not discussed in Sections 5.1 through 5.14 of this EIR. The lettered analyses under each topical area directly correspond to their order in CEQA Guidelines Appendix G.

AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

- a) ***Would the project covert 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?***

No Impact. Per the California Department of Conservation, the Janss Marketplace area is situated within urban and built-up land, including the proposed project site.¹ The project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Thus, no impacts would result in this regard.

- b) ***Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?***

No Impact. The project site is zoned "Community Shopping Center" (C-3) and is not covered under an existing Williamson Act contract. Thus, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impacts would occur in this regard.

- c) ***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))?***

No Impact. As stated above in Agriculture and Forestry Resources (b), the project site and the surrounding area are not zoned for any forest land, timberland, or timberland production. Project implementation would not affect any existing lands zoned for forest land, timberland, or timberland production. Therefore, no impacts would occur.

¹ California Department of Conservation, *California Important Farmland Finder*, <https://maps.conservation.ca.gov/DLRP/CIFF/> accessed March 6, 2023.

d) *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

No Impact. Refer to response to Agriculture and Forestry Resources (c). No impact would occur.

e) *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?*

No Impact. Refer to responses to Agriculture and Forestry Resources (a) through (d). No agricultural resources or forest land exists within or adjacent to the project site. Therefore, construction activities would not result in the conversion of farmland to non-agricultural use or forest land to non-forest use. No impacts would occur in this regard.

MINERAL RESOURCES

a) *Would the project expose result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?*

No Impact. The project site is mapped as Mineral Resource Zone 1 by the California Geological Survey, indicating that there is little to no likelihood for the presence of significant mineral deposits, based on available geologic information.² Additionally, the project site is currently developed for a commercial use and thus is not available as a mining site. Therefore, project development would not cause the loss of availability of mineral resources valuable to the region and the State, and no impact would occur.

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. Refer to response to Mineral Resources (a). Additionally, according to the General Plan Conservation Element, no significant mineral resources have been identified within the City’s Planning Area.³ No impact would occur in this regard.

POPULATION AND HOUSING

a) *Would the project 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)?*

No Impact. The proposed project does not include any residential units, so no additional residents are anticipated to directly increase the population of the City of Thousand Oaks as a result of development of the proposed project. The project also does not involve the development of roads or other infrastructure that could indirectly induce substantial population growth. Therefore, the project would not result in significant unplanned population growth. Construction of the proposed project would result in temporary increases in employment opportunities on the project site, however, the demand for construction

² California Geological Survey, *Mineral Resource Zone Map for Portland Cement Concrete Aggregate in the Western Ventura County and Simi Production-Consumption Regions*, https://www.conservation.ca.gov/cgs/Documents/Publications/Special-Reports/SR_253-MLC-WesternVenturaCountySimiPCR-2022-Plate01-MRZs-a11y.pdf, 2022.

³ Thousand Oaks, City of. *General Plan, Conservation Element*, <https://www.toaks.org/home/showpublisheddocument/332/636022036102300000>, October 2013.

employment would likely be met within the existing and future labor market in Thousand Oaks, Ventura County and nearby areas. If construction workers live outside the City limits, they would likely commute during the temporary construction period. During operation, the proposed project would result in approximately 35 employees working at the hotel, though not all at the same time.⁴ The specific number of employees that would be employed within the approximately 13,600 square feet are already included in the existing commercial retail space of approximately 35,500 square feet (the baseline condition). Consequently, the project's net number of employees is equal to the hotel's employee count. It is anticipated that some of the people who would be working at the proposed development are already living in the area and are able to commute. The remaining number of employees who may potentially move to the area would be minimal and would not constitute substantial population growth. No impact would occur in this regard.

b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

No Impact. Construction of the proposed project would require the demolition of an approximately 35,500 square foot commercial building with a two-story volume; no housing is present on-site. Thus, implementation of the proposed project would not result in the displacement of existing housing or people. No impact would occur in this regard.

WILDFIRE

If located in or near State responsibility areas or lands classified as very high fire hazard severity zones:

a) *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*

No Impact. According to the California Department of Forestry and Fire's *Ventura County Very High Fire Hazard Severity Zones in LRA*, the project site is not located in or near a State Responsibility Area (SRA), and the nearest designated "Very High Fire Hazard Severity Zone" (VHFHSZ) is situated approximately 0.5-mile south, at the Los Robles Greens Golf Course.⁵ As such, the project site and immediate vicinity are not classified as a very high fire hazard severity zone and no impact would occur in this regard. The Ventura County Fire Department (VCFD) has indicated that development of the proposed project would not impact their emergency services. Given that the proposed project site is currently developed, the proposed Janss Marketplace Hotel would not significantly affect fire protection services and would not impair emergency response or evacuation; no impacts would occur in this regard.

b) *Would the project 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?*

No Impact. Refer to response to Wildfire (a). The proposed project site is in an urban area and would take place on an existing developed site. The property is relatively flat, and development of the proposed project would not increase the risk of wildfires in the area. No impact would occur in this regard.

⁴ Greens Development, "Project Description", PDF, December 13, 2022.

⁵ California Department of Forestry and Fire Protection, "Very High Fire Hazard Severity Zones in LRA, Thousand Oaks", https://osfm.fire.ca.gov/media/6024/thousand_oaks.pdf, 2022.

- c) ***Would the project 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?***

No Impact. Refer to response to Wildfire (a). Development of the proposed project would include the addition and/or modification of utility lines to the project area, however the utility lines would be undergrounded and would therefore not exacerbate fire risk. No roads, fuel breaks, or emergency water resources would be affected by the development of the proposed project. No impact would occur in this regard.

- d) ***Would the project 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?***

No Impact. Refer to response to Wildfire (b). The project proposes minimal drainage changes, is not located on a sloped site, and runoff flows and rates would remain relatively similar. No impact would occur in this regard.

9.0 Organizations and Persons Consulted

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Patrick Hehir, Chief Assistant City Attorney

Haider Alawami, Economic Development Manager

Dusty Russell, Economic Development Analyst

Anna Huber, Conejo Open Space Conservation Agency, Community Development Analyst

Darren Jeffery, Library, Deputy Library Services Director

Alan Dearden, Ventura County Fire Department, Senior Fire Inspector

Nick Resendes, Ventura County Fire Department, Fire Inspector II

Gunnar Dike, Ventura County Sheriff's Office, Sergeant

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Patricia Robertson, Construction Coordinator

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