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# **Appendix A**

## NOP and NOP Comments



## Notice of Preparation

To: **State Clearing House**

From: **City of Thousand Oaks, Community  
Development Department, Planning Division**

1400 10th St Ste 113, Sacramento, CA 95814

(Address)

state.clearinghouse@opr.ca.gov

2100 Thousand Oaks Blvd.

(Address)

Thousand Oaks, CA 91362

**Subject: Notice of Preparation of a Draft Environmental Impact Report**

The City of Thousand Oaks will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (  is  is not ) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Justine Kendall, Associate Planner, AICP at the address shown above. We will need the name for a contact person in your agency.

**Project Title:** Los Robles Comprehensive Cancer Center

**Project Applicant, if any:** HCA Health Care

Date: April 11, 2023

Signature Justine Kendall

Title Associate Planner, AICP

Telephone 805. 449.2355



## NATIVE AMERICAN HERITAGE COMMISSION

April 12, 2023

Justine Kendall  
City of Thousand Oaks  
2100 Thousand Oaks Blvd.  
Thousand Oaks, CA 93162

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[NAHC.ca.gov](http://NAHC.ca.gov)

**Re: 2023040287, Los Robles Comprehensive Cancer Center, Ventura County**

Dear Ms. Kendall:

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

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

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

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

AB 52

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

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

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

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

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

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

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

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

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

## SB 18

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

Some of SB 18's provisions include:

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

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

### NAHC Recommendations for Cultural Resources Assessments

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

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

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

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

Sincerely,

*Cody Campagne*

Cody Campagne  
Cultural Resources Analyst

cc: State Clearinghouse





May 1, 2023

City of Thousand Oaks, Community Development Department, Planning Division  
ATTN: Justine Kendall, AICP, Associate Planner  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362

**Los Robles Comprehensive Cancer Center, Environmental Document Review – Notice of Preparation of Draft Environmental Impact Report, RMA REF # 23-008)**

Ventura County Environmental Health Division (Division) staff reviewed the information submitted for the subject project.

The Division provides the following comments:

1. The project is a medical office building with treatment services. Hazardous materials and/or hazardous waste at or above the reportable thresholds must be reported to the Ventura County Certified Unified Program Agency (CUPA). Improper storage, handling, and disposal of these materials could result in the creation of adverse impacts to the environment. Compliance with applicable State and local regulations will reduce potential project-specific and cumulative impacts to a level considered less than significant.

<https://vcrma.org/en/cupa>

2. Medical waste generators are required to register with the Environmental Health Division. Management of the medical waste stream shall be maintained in accordance and compliance with the Medical Waste Management Act. Registration requirements for large and small quantity medical waste generators maybe found here:

[Medical Waste Program \(vcrma.org\)](https://vcrma.org/medical-waste-program)

If you have any questions, please contact me at (805) 654-2830 or [Roxy.Cabral@ventura.org](mailto:Roxy.Cabral@ventura.org).

Roxy Cabral R.E.H.S.  
Land Use Section  
Environmental Health Division



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newsom, Governor  
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region  
3883 Ruffin Road | San Diego, CA 92123  
wildlife.ca.gov

Via Electronic Mail Only

May 2, 2023

Justine Kendall  
City of Thousand Oaks  
2100 Thousand Oaks Blvd.  
Thousand Oaks, CA 91362  
[JKendall@toaks.org](mailto:JKendall@toaks.org)

**Subject: Notice of Preparation of a Draft Environmental Impact Report for the Los Robles Comprehensive Cancer Center, SCH #2023040287, City of Thousand Oaks, Los Angeles County**

Dear Ms. Kendall:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) from the City of Thousand Oaks (City) for the Los Robles Comprehensive Cancer Center (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

### **CDFW's Role**

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

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

### **Project Description and Summary**

**Objective:** The Project proposes to construct a 58,412 square foot medical office building with a mechanical rooftop screened with mansard roofing. The medical building will consist of patient rooms, office areas for staff and physicians, treatment services areas, conference and consultation rooms, lounge areas, general storage areas, and utility areas. In addition to the construction of a medical office, the Project proposes 233 parking spaces to accommodate staff and visitor parking. The existing drive will need to be reconfigured to allow for primary access off Rolling Oaks Drive. A secondary access to the site will be located off Los Padres Drive. The Project will also provide 14 percent landscape coverage to provide an enhanced landscape treatment along the perimeter of the site. Project activities will also entail demolition of all remaining improvements on the vacant lot, grading of slopes steeper than 25 percent, and removal and planting of trees. The Project will require a general plan amendment, zone change, and associated permits prior to Project activities.

**Location:** The Project site encompasses 4.7 acres located in the southeast corner of intersection Rolling Oaks Drive and Los Padres Drive, in the City of Thousand Oaks, Los Angeles County. The Project site is bounded by Interstate 101 to the north, Los Padres Drive to the west, Rimrock Road to the east, and open space to the south. The Project site is located on Assessor Parcel Number 6810-180-265 and 6810-180-275.

### **Comments and Recommendations**

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

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disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the EIR when it is available.

### **Specific Comments**

- 1) Impact on Species of Special Concern (SSC) - Reptiles. According to the [California Natural Diversity Database \(CNDDDB\)](#), southern California legless lizard (*Anniella stebbinsi*) have been observed within a mile of the Project site (CDFW 2023a). The southern California legless lizard is designated as an SSC. Project activities related to redevelopment construction will require ground disturbing activities such as grading and grubbing, which may result in reptile habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. Moreover, the Project may remove essential foraging and breeding habitat for this species.
  - a) Protection Status. CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).
  - b) Analysis and Disclosure. CDFW recommends the EIR provide full disclosure of presence of this SSC species and potential impacts on habitat within the Project site. To allow for a full assessment of significant impacts, surveys and assessments for the species should be disclosed in the EIR and not deferred until a later time (i.e., preconstruction surveys). If the Project would result in loss of suitable habitat, CDFW recommends the EIR include measures to mitigate impacts associated with habitat loss.
  - c) Surveys and Avoidance. CDFW recommends qualified biologist(s) familiar with the reptile species behavior and life history conduct focused surveys to determine the presence/absence of these SSC. Surveys should be conducted during the active season when reptile species are most likely to be detected. Additionally, CDFW recommends that a qualified biological monitor be on site during ground and habitat disturbing activities to move out of harm's way special status species (see General Comment #3) that would be injured or killed by Project-related activities. It should be noted that the temporary relocation of on-site wildlife does not constitute as effective mitigation for the purposes of offsetting Project

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impacts associated with habitat loss.

- 2) Impacts on Oak Trees (*Quercus* genus) and Oak Woodlands (*Quercus* genus Woodland Alliance). According to CNDDDB, oak woodlands have been recorded within a mile of the Project site. Additionally, the Project will involve removal of protected trees which may include oak trees. CDFW considers oak woodlands to be a sensitive plant community since certain associations of this species have a rarity ranking of S3.
  - a) Protection Status. Impacts to a sensitive natural community is be considered significant under CEQA unless impacts are clearly mitigated below a level of significance. Without appropriate mitigation, the Project may result in significant impacts on a sensitive natural community if the Project's measures and actions would remove, encroach into, or disturb such resources. Moreover, oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360-1372) and Public Resources Code section 21083.4 due to the historic and on-going loss of these resources.
  - b) Analysis and Disclosure. CDFW recommends the EIR discuss the Project's potential impacts on oak trees and oak woodlands. CDFW recommends the City avoid and minimize development and encroachment onto oak trees and woodlands. If avoidance is not feasible, CDFW recommends the EIR provide sufficient compensatory mitigation for the number of oak trees and acres of oak woodland habitat impacted. The number of replacement trees and oak woodland habitat acres should be higher if the Project would impact large oak trees; impact an oak woodland supporting rare, sensitive, or special status plants and wildlife; or impact an oak woodland with a State Rarity Ranking of S1, S2, or S3.
- 3) Impacts on Nesting Birds. The Project site provides potential nesting habitat for nesting birds and raptors. The proposed Project may impact nesting birds through construction activities, construction-related noise, and removal of vegetation within the Project site. Furthermore, Project activities occurring during the nesting bird season, especially in areas providing suitable nesting habitat, could result in the incidental loss of fertile eggs or nestlings, or nest abandonment.
  - a) Protection Status. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all

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birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.

- b) Analysis and Disclosure. CDFW recommends the EIR discuss the Project's potential impact on nesting birds and raptors within the Project site. A discussion of potential impacts should include impacts that may occur during ground-disturbing activities and vegetation removal. The EIR should analyze and discuss the Project's impact on bird and raptor nesting and breeding habitat.
  - c) Avoidance. CDFW recommends the EIR include a measure to fully avoid impacts to nesting birds and raptors. To the extent feasible, no construction, ground-disturbing activities (e.g., mobilizing, staging, and excavating), and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.
  - d) Minimizing Potential Impacts. If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the EIR include measures to minimize impacts on nesting birds and raptors. Prior to starting ground-disturbing activities and vegetation removal, a qualified biologist should conduct nesting bird and raptor surveys to identify nests. The qualified biologist should establish no-disturbance buffers to minimize impacts on those nests. CDFW recommends a minimum 300-foot no disturbance buffer around active bird nests. For raptors, the no disturbance buffer should be expanded to 500 feet and 0.5 mile for special status species, if feasible. Personnel working on the Project, including all contractors working on site, should be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. Reductions in the buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors determined by a qualified biologist.
- 4) Landscaping. The Project proposes landscaping along the perimeter of the Project site. CDFW recommends the City only use native species found in naturally occurring vegetation communities within or adjacent to the Project site. The proposed Project should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the City restrict use of any species, particularly 'Moderate' or 'High' listed by the [California Invasive](#)

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[Plant Council](#) (Cal-IPC 2023). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

- 5) Use of Rodenticides. If the Project results in enhanced landscaping, vegetation may need to be managed via chemical methods. Herbicides, pesticides, and rodenticides may impact wildlife. Second generation anticoagulant rodenticides are known to have harmful effects on the ecosystem and wildlife. [Assembly Bill 1788](#) prohibits the use of any second-generation anticoagulant rodenticides because second generation anticoagulant rodenticides have a higher toxicity and are more dangerous to nontarget wildlife (California Legislative Information 2020). CDFW recommends the EIR include a discussion as to the Project's use of herbicides, pesticides, and second-generation anticoagulant rodenticides to maintain the restored areas within the Project site in perpetuity. CDFW recommends the City include measures that would prohibit the use of any second-generation anticoagulant rodenticides throughout the Project.

## General Comments

- 1) Biological Baseline Assessment. The EIR should provide an adequate biological resources assessment, including a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project site. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. An environmental document should include the following information:
  - a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The EIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-

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wide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2023b);

- b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site;
- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a Project site and within the neighboring vicinity. The [Manual of California Vegetation Online](#) should also be used to inform this mapping and assessment (CNPS 2023). Adjoining habitat areas should be included in this assessment if the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur on the Project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
- e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a project site should also be addressed such as wintering, roosting, nesting, and foraging habitat.



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Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2023c). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS; and

- f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of a proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.
- 2) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from a project is prohibited, except as authorized by State law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project and any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project's CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. Please visit CDFW's [California Endangered Species Act \(CESA\) Permits](#) webpage for more information (CDFW 2023h).
  - 3) Scientific Collecting Permit. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling

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permits to capture, temporarily possess, and relocated wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2023e).

- 4) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
- 5) Lake and Streambed Alteration Program. The EIR should provide a stream delineation and analysis of impacts. The delineation should be conducted pursuant to the to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification. Modifications to a river, creek, or stream in one area may result in bank erosion, channel incision, or drop in water level along that stream outside of the immediate impact area. Therefore, CDFW recommends the EIR discuss the potential impact to any stream that may be located within or surrounding the Project site.
  - a) CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or "entity") must notify CDFW pursuant to Fish and Game Code Section 1600 *et seq.* CDFW's issuance of a Lake and Streambed Alteration (LSA) Agreement for a project that is subject to

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CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2023g).

- b) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess the 100, 50, 25, 10, 5, and 2-year frequency flood events to evaluate existing and proposed conditions and erosion/scour potential. CDFW recommends the EIR discuss the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
- 6) Disclosure. A EIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed Project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 7) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document "shall describe feasible measures which could mitigate for impacts below a significant level under CEQA."
  - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the Lead Agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, §

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15126.4). A public agency “shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures” (Pub. Resources Code, § 21081.6). CDFW recommends the City provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.

- b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the EIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the EIR should provide an adequate, complete, and detailed disclosure about the Project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 8) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023d). To submit information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW’s Vegetation Classification and Mapping Program (CDFW 2023f). The City should ensure data collected for the preparation of the EIR be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
- 9) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The EIR should address the following:
- a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space,

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adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the EIR;

- b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
- c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
- d) A discussion of Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
- e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the EIR; and
- f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact, the EIR should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].

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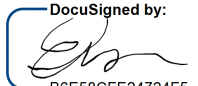
- 10) Compensatory Mitigation. The EIR should include mitigation measures for adverse Project-related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 11) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, an EIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

## **Conclusion**

We appreciate the opportunity to comment on the NOP for the Los Robles Comprehensive Cancer Center to assist the City in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov) or (562) 330-7563.

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May 2, 2023  
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Sincerely,

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

ec: CDFW

Erinn Wilson-Olgin, Seal Beach – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)  
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OPR

State Clearinghouse – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

## References:

- [CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>
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Making Conservation  
a California Way of Life

**DEPARTMENT OF TRANSPORTATION**

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May 4, 2023

Justine Kendall  
City of Thousand Oaks  
2100 Thousand Oaks Blvd.  
Thousand Oaks, CA 93162

RE: Los Robles Comprehensive Cancer Center  
Notice of Preparation (NOP) of a Draft  
Environmental Impact Report (DEIR)  
SCH # 2023040287  
Vic. VEN-101 / PM:3.64  
GTS # 07-VEN-2023-00544

Dear Justine Kendall:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced NOP. The project applicant proposes to construct a new 58,412 square foot (SF), 27 to 42-foot-tall medical office building, having a split level amongst two stories with a mechanical rooftop screened with mansard roofing. The medical building will accommodate patient rooms, treatment services, office area for staff and physicians, conference/consultation rooms, lounge and general storage and utility areas. Two hundred thirty-three (233) parking spaces are proposed with primary access off Rolling Oaks Drive, requiring reconfiguration of the existing drive and a secondary access accommodated off Los Padres Drive. The project will provide 14 percent landscape coverage (17,104 SF), providing enhanced perimeter landscape treatment. Development of the project would result in demolition of all remaining improvements on the vacant lot, grading on slopes steeper than 25 percent, and removal and replacement of 14 of 33 protected trees on site. The City of Thousand Oaks is the Lead Agency under the California Environmental Quality Act (CEQA).

The project site is approximately less than a mile from U.S. Route 101 (US-101). After reviewing the NOP, Caltrans has the following comments:

Currently the project is designed in a way that will lead to an overall increase in parking supply from the construction of 233 parking spaces. The Lead Agency is encouraged to integrate Traffic Demand Management (TDM) strategies in a way that reduces Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions by facilitating the provision of more transit-oriented and pedestrian-friendly projects to achieve a high level of non-motorized travel options for residents and the public. Caltrans recommends the following to helping the state of California achieve its goals to improve health and meet VMT reduction goals:

- Improve connections from commercial uses to existing active transportation and transit infrastructure. This can be done with robust signage near crosswalks, safety improvements, and human scale amenities to encourage recreational walking.

*“Provide a safe and reliable transportation network that serves all people and respects the environment.”*

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

Caltrans looks forward to reviewing the forthcoming DEIR. If you have any questions, please feel free to contact Karen Herrera, the project coordinator, at [Karen.Herrera@dot.ca.gov](mailto:Karen.Herrera@dot.ca.gov) and refer to GTS # 07-VEN-2023-00544.

Sincerely,

*Miya Edmonson*

MIYA EDMONSON  
LDR/CEQA Branch Chief


cc: State Clearinghouse



**VENTURA COUNTY  
AIR POLLUTION CONTROL DISTRICT**  
Memorandum

TO: Justine Kendall, Associate Planner, City of Thousand Oaks

DATE: May 05, 2023

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

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report for the Los Robles Comprehensive Cancer Care Center Project (RMA 23-008)

Ventura County Air Pollution Control District (APCD) staff has reviewed the subject Notice of Preparation (NOP) for the draft environmental impact report (DEIR), which will analyze the environmental impacts of a project to develop a new 58,412 sq. ft. medical office building. The project location is 400 E. Rolling Oaks Drive. The Lead Agency is the City of Thousand Oaks.

APCD has the following comments regarding the project's NOP of a DEIR.

1) *Air Quality Section*- The air quality assessment should consider project consistency, as included in the Ventura County Air Quality Assessment Guidelines, with the recently adopted 2022 Air Quality Management Plan (AQMP). The 2022 AQMP is the air plan to attain the 2015 federal 8-hr ozone standard with updated emission factors and population forecasts. The 2016 AQMP was the plan to attain the 2008 federal ozone standard; that standard has been met. More information on the 2022 AQMP can be found here <http://www.vcapcd.org/AQMP-2022.htm>.

2) The Ventura County Air Quality Assessment Guidelines (AQAG) can also be used to evaluate all potential air quality impacts. The AQAG are also downloadable from our website here: <http://www.vcapcd.org/environmental-review.htm>. Specifically, the air quality assessment should consider reactive organic compound (ROC) and nitrogen oxide (NOx) emissions from all project-related motor vehicles for all proposed uses, energy emissions such as heating, lighting and electricity, and area emissions such as landscaping equipment and maintenance. The trips per day or VMT should be from a project-specific traffic study. We note that the AQAG has not been updated since 2003 and the recommended list of mitigation measures in the AQAG are also limited and outdated. Current air quality determinations follow the same methodology but using different tools (CalEEMod vs. URBEMIS, updated OEHHA standards health risk assessments). The recommended list of mitigation measures in the AQAG are also limited and outdated. There are currently other on-site mitigation options, rather than contributing to an off-site TDM Fund Mitigation, such as installing bicycle lockers, EV charging stations, energy standards exceeding Title 24, etc. EV charging station installation costs can also be covered by APCD's [Incentive Programs](#), provided the charging stations are provided for public use and grant awarded.

3) It is important to quantify construction emissions, although they are temporary and short-term in nature and not included in the impact determination for attaining the ambient air quality standards for ozone, can have detrimental effects to nearby sensitive receptors such as those receiving medical care at the adjacent Rolling Oaks Office Center and young children in the development stages. Emission reduction measures such as requiring Tier 4 off-road construction equipment can reduce pollutants by up to 85% and is highly recommended if construction emissions are above 25 lbs./day of ROC or NOx. Using low-VOC paints may also reduce ROC emissions once construction estimates are known. Other emissions reduction measures include requiring all 2010 and newer on-road engine vehicles for exporting material, in line with the California State Regulation for In-Use On-Road Diesel Vehicles Title 13, CCR §202 for fleet mixes. Note- compliance with APCD [Rule 55](#), *Fugitive Dust*, and [Rule 51](#), *Nuisance*, would apply to all construction and operational activities. Dust complaints can be reduced by adhering to Rule 55 by using an on-site water truck, etc.

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

**Rolling Oaks Property Owners Association  
And Some Neighbors South and West of 400 E. Rolling Oaks Drive**

**Concerns On  
HCA's Proposed Cancer Treatment Facility Project**

**Scope of Environmental Impact Evaluation  
Sites: 400 East Rolling Oaks Drive and 355 West Janss Road  
[8/9/2022]**

The neighboring Rolling Oaks Property Owners Association requests that due to the significant scope and magnitude of this proposed commercial intrusion into an established residential neighborhood and the large size of the non-residential structure, an Environmental Impact Report should be prepared. A "scoping meeting" should be held on the environmental document for this project that has an area-wide significance, we hope to participate in that meeting. [Pub. Resources Code, §21083.9].

First, there must be an accurate description of the size, staffing, expected patient load or visits, deliveries, storage of chemicals, vehicular parking demands, operational times, etc. for the proposed project. We are concerned that Rolling Oaks Drive now provides a barrier or buffer between the medical uses on the north side and the residential uses on the south side that will be eliminated by the project. Second, 355 West Janss Road is already zoned institutional and, at 2.15 acres, is of sufficient size to accommodate the proposed commercial use. An environmental analysis must examine the comparative impacts of a 58,000 square foot commercial development at both sites.

Since our Association feels there is no sound or logical land use rationale for a proposed commercial use intrusion south of Rolling Oaks Drive into an established residential neighborhood. Therefore, as required by Pub. Resources Code §21100 (4) that other alternatives such as a no project alternative to the proposed project needs to fully analyzed and discussed in the environmental document.

The Standard Environmental Factors to be addressed and included in an environmental document for the General Plan Amendments, zone changes, development entitlements and the proposed 58,000 sq. ft. in a 40' high structure as an outpatient medical treatment or cancer center at 400 East Rolling Oaks Drive and multi-family residential project on the hospital parking lot at Janss and Lynn Roads to at least include the following:

- Aesthetics
- Transportation/Traffic
- Land Use/Planning (to include Landscaping of the proposed site)
- Geology/Soils
- Biological Resources
- Hazards & Hazardous Materials (Was excluded from Oakmont MND. However, if materials (transported, stored, and used) of a dangerousness or hazardous nature in cancer treatment must be addressed.
- Utilities/Service Systems
- Hydrology/Water Quality
- Noise
- Air Quality

- City Guidelines Adherence (General Plan, Scenic Corridor, Municipal Code Standards, etc.) (added from standard)
- Residential Outreach (added from standard)

## Factor Details

- Aesthetics (to include Viewshed)
  - Provide detailed descriptive and visual mitigating resolution to adverse visual impacts. To include immediate, 5-year, 10-year.
  - Impact to viewshed studies and line of sight drawings or pictorials of the structure from the U.S. 101 Freeway, Rolling Oaks Drive, Los Padres Drive, Rimrock Road. The 101 freeway corridor is a City designated scenic highway, how is this project consistent with that designation and element of the General Plan?
  - Impact of proposed building to skyline (east and south facing). Include vertical visuals of all sides of the proposed building.
  - Impact from public viewing locations that are part of the unincorporated area of Ventura County. Include vertical visuals from public viewing locations.
  - Impacts of vegetation (a cooling element) removal. The proposed site appears to be made up only of a building and surrounding dark paved parking lot that will generate heat. There is minimal vegetation/landscaping reflected on the current site plan. It appears very bare in that the site will have higher than current storm water runoff (see adverse impact on drainage).
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- Describe in detail the money collected by the Traffic Impact Mitigation Fee (TIMF) and who is getting paid for this and how will this money be used specifically on the streets surrounding the site. The City has taken the approach where policing of traffic and parking issues is a neighborhood responsibility. As there are no street cleaning days marked for no parking, the streets are dirty. How can that be managed when in fact adding a new commercial building will exacerbate the filthiness of the street (Los Padres Drive)?
- Land Use/Planning (Zoning encroachment in the city. Landscaping of the site)
  - The site on Rolling Oaks is bordered by Open Space on one side and a CRPD owned parcel on the other and for the 20+ years has always been used as a recreational area for children a low-intensity use compatible with the neighborhood.
  - Our Association feels there is no sound land use planning rationale behind the suggested land use or zoning swap of inserting multi-family attached housing into an important regional medical complex and eliminating much needed parking and adding dwelling units on a lot located at the corner of the busy Janss and Lynn Roads. The City is aware of the traffic noise complaints of residents who live next to or near Lynn Road and Janss Road. It seems that 355 West Janss Road site is more suitable for this cancer treatment center. Provide a rational environmental and land use basis for this swap and why is the land located at 355 West Janss Road not suitable for the development of this project when a zoning change would not be necessary?

- We are informed the medical center has a parking shortage and HCA indicated that it does not want to develop the parking lot and indicated that it has no plans to develop it into something other than parking (stated during the City Council meeting). Where does HCA Healthcare now plan to create replacement parking for removing this parking lot for parking use by the existing medical facilities? Will the property be put up for sale for this residential development?
- Provide a comparative environmental impact analysis of the two sites identified by HCA as part of the zoning swap with a focus on an alternative design and possible construction of the same structure proposed for 400 East Rolling Oaks Drive on the parcel located at 355 West Janss Road.
- Zone swapping as described puts an isolated residential use on the 355 West Janss Road site in the middle of a commercial zone or medical complex and seems to be improper spot zoning.
- Describe the City's policy and practice on its commercial corridors. Describe the protections afforded to residents for this commercial intrusion into residential zoned areas. What has changed in the City's decision to reject the Oakmont project to a commercial zoning change for the same site today?
- Include a *detailed* description and vertical and horizontal landscaping conceptual view. In the 2016 MND for the site 13 oak trees were mentioned. What has happened to them since HCA bought the property and what is to happen to them?
- Provide detailed visual and descriptive landscaping plan, in accordance with all City and zoning regulations such as Sec.9-4.1107. Area regulations (C-O) and Sec. 9-4.1106. Height regulations, and Sec. 9-4.1109. Landscaping, lighting, and storage at a minimum.
- Describe in detail fire abatement mitigation to meet fire abatement standards of 100' without encroachment onto open space or neighboring properties. Ensure that proposed building standards meets fire abatement standards. Provide detailed mapping of fire abatement zones surrounding the proposed building.
- Describe construction mitigation details with particular focus on development of commercial activity in the middle of a residential neighborhood (residential to the west, south and east of the site). Example: No construction before 8:00AM or after 5:00PM Monday through Friday. No weekend construction. There should be no idling construction related vehicles at any time parked or lined up on any of the public streets or parking lots surrounding the property or idling on the site. What is the plan for waiting construction vehicles? This is a residential area with babies, children, elderly people, and neighbors walking and walking pets in the vicinity of the site.
- Describe any proposed connection/purpose and compatibility of this project to the residential park properties located to the east of the site in the unincorporated Ventura County owned by the Conejo Parks and Recreation District.
- **Geology/Soils**
  - Detail grading, topographic elevation, and impact. What is the base elevation of the building? How high is the pad as compared to the pad of the Thousand Oaks Surgical Hospital?
  - Erect, in a timely manner, building height or story poles on the site at 400 East Rolling Oaks Drive for review by interested parties and arrange a meeting on site with city decision makers to review detailed plans and neighborhood adverse impacts as described in this document and any other city document. Extend an invitation to all interested parties to attend.
  - Detail on number of truckloads of soil removal. How will construction be managed from all impact aspects? (See Hydrology/Water Quality)
- **Biological Resources**



- Conduct a current (2022) detailed and comprehensive Biological Assessment study, by a biologist who is qualified to independently conduct such analysis using the Ventura County Initial Study Assessment Guidelines and any additional information that is available on the Ventura County’s Planning Division website.
- Please do not include “no assumptions” without fact-based evidence. I.e., we *assume* no impact.
- How does the removal of vegetation and trees impact the scenic vistas and biological resources? Describe in detail mitigation. Use standards for tree and vegetation replacement of existing trees and vegetation. Current conceptual plan indicates a very bare site with a building and parking lot. The site is not currently bare. Describe how the proposed development will maintain compatibility and pleasing aesthetics with the neighborhood and open space surrounding the site?
- As with fire abatement noted elsewhere, the requirement is 100’ from the building structure. Is there an encroachment on other properties/open space? (Also referenced in Land Use) Detail mitigation.
- Conduct and present an analysis of potential impacts to special status species (e.g., species that the California Department of Fish and Wildlife or United States Fish and Wildlife Service consider to be rare, threatened, or endangered). This includes the impact on site and the impact to adjacent lands (from construction to operation). Define specifically the rare, threatened, or endangered species and what specific vegetation removal will cause an impact and any mitigation from noise-generating construction activities and the proposed long-term use of the project site such as lighting, increased human activity, vehicle emissions (air quality), that interfere with impacted species.
- Is there existing species such as nesting activities that will be impacted? Define and describe.
- The MND for the Oakmont project dated 10/15/2015 states that there are 13 coast live oaks, one valley oak, one holly oak, and one toyon located on the subject property. Please describe all trees on the property as of ownership, any tree removal from the time of purchase, and proposed tree removal and replacement. Describe the potential adverse impacts that may result from construction activities (e.g., increased noise and human presence) that will occur within proximity to, and may interfere with, nesting birds with the trees that will remain on-site.
- Hazards & Hazardous Materials (Was excluded from Oakmont MND)
  - Describe in detail what, if any, hazards, or hazardous materials will be transported, stored, and used) at the site for proposed construction and long-term use. Describe the mitigation for these hazards.
- Utilities/Service Systems
  - No suggestions or comments at this time.
- Hydrology/Water Quality
  - Water Supply - Detailed and substantial evidence of adequate water supply for the construction and continuing use of the project, without negatively impacting existing consumers. Include how the demand of sufficient water through the lifetime of the project.
  - How will HCA mitigate and avoid using precious and extremely limited water supplies during construction to keep air quality and impact on neighbors? What is HCA’s plan of water usage during our severe drought restrictions and mandatory water use reduction and conservation impact. Describe in detail.
  - Drainage Calculation – Use the County of Ventura’s standard runoff rates (not just a 100-year storm event) as measurement. Describe in detail how the current drainage from the residential

trenches and the trenches on site will be changed and any adverse impacts. Describe in detail, how runoff to surrounding properties be managed. Example: To the east of the site, is an arroyo. How will the arroyo be impacted? Additionally, the proposed site appears to be building and parking and no longer permeable soil. Describe in detail the impact and mitigation to site drainage.

- How will the future condition Q100 (post-development) change from the Q100 conditions (pre-development). If the calculation indicates excess hydrology, how will this be held on the property?
- Noise
  - Describe in detail mitigation for construction noise.
  - Describe in detail mitigation for continuous use noise (i.e., generators, air conditioners, etc. coming from the building and property).
  - See elsewhere where construction operation times/days are detailed.
- Air Quality
  - Describe in detail mitigation of emissions and dust during construction.
  - Describe in detail mitigation of emissions during post-development use.
  - If there will be dangerous and/or toxic chemicals stored and used on the property, describe in detail alarms for leaks or spillage and remediation or containment plan of action.
- County of Ventura and City of Thousand Oaks Guidelines and Standards Adherence (added from standard)
  - Please describe in detail how the proposed design complies with all, but not limited to, the following. Why should previous decisions made by City Leadership be different?
    - Municipal Code Sec. 9-4.1106. Height regulations (C-O). “The Community Development Director shall not permit any building or structure, or part thereof, in C-O Zones to exceed a height of two (2) stories not to exceed twenty-five (25’) feet.”
    - Vegetation Removal for Fire Protection: Fire standards require a one hundred (100’) feet clearance without causing encroachment or action by neighboring properties to create the required clearance. The property is in a high fire zone.
    - Previous comments on City decisions: In 2016, Al Adam said (Oakmont decision) “Is the compatibility so compelling that we should upzone it from rural exclusive to (public land)? I’m having a hard time with that... To me, the zone should provide and maintain a rural residential area. This is not an issue of senior housing tonight...” Ventura County Star February 10, 2016. Why is the request for a zoning change 6 years later different?
    - Scenic Highway – visibility from the U.S. 101 Freeway which has been designated as the “scenic highway” in the Scenic Highways Element of the Thousand Oaks General Plan (1974). It is the City Policy to ensure that new development occurring along designated scenic highways be visually compatible with the scenic highway standards. Accordingly, steps must be taken to ensure that the proposed development will be aesthetically pleasing and visually compatible with surrounding residential development. In addition, because the northern portion of the site is within 1000’ of the centerline of the U.S. 101 Freeway, the City’s Freeway Corridor Design Guidelines also apply.
- Residential Use Stability Under General Plan
  - Adverse environmental impact also includes the adverse impacts on individuals/families living within the direct vicinity of the project, especially when the fact NO commercial use on the subject site has been relied upon by residents of that area for over 40 years. Describe in detail how this General Plan amendment is consistent with that Plan’s long-term goals and stability.

## Rolling Oaks Property Owners Association

August 10, 2022

Via E-Mail

([crodriguez@toaks.org](mailto:crodriguez@toaks.org); [kparker@toaks.org](mailto:kparker@toaks.org); [jkendall@toaks.org](mailto:jkendall@toaks.org))

City Clerk and Director of Community Development  
City of Thousand Oaks  
2100 Thousand Oaks Blvd.  
Thousand Oaks Ca 91362

**Re: Statement of Concerns on HCA's Proposal for Cancer Treatment Center at 400 E. Rolling Oaks Drive and 355 W. Janss Road and Scope of Environmental Impact Evaluation**

Dear Ms. Rodriguez and Mr. Parker and Ms. Kendall:

Rolling Oaks Property Owners Association and some neighbors living to the south and west of 400 E. Rolling Oaks Drive are jointly submitting the attached "Concerns on HCA Proposed Cancer Treatment Facility Project, Scope of Environmental Impact."

Please confirm receipt.

Sincerely,

Bryan McQueeney  
Treasurer, ROPOA  
505 Rimrock Road  
Thousand Oaks CA 91361  
[Bryan@rideon.org](mailto:Bryan@rideon.org)  
818-378-0963

Lynn Burdick  
324 Los Padres Drive  
Thousand Oaks CA 91361  
[Lpburdick@gmail.com](mailto:Lpburdick@gmail.com)  
805-402-4733

Cc: [msellers@jacksontidus.law](mailto:msellers@jacksontidus.law)

**Rolling Oaks Property Owners Association  
And Some Neighbors South and West of 400 E. Rolling Oaks Drive**

**Concerns On  
HCA's Proposed Cancer Treatment Facility Project**

**Scope of Environmental Impact Evaluation  
Sites: 400 East Rolling Oaks Drive and 355 West Janss Road  
[8/10/2022]**

The neighboring Rolling Oaks Property Owners Association requests that due to the significant scope and magnitude of this proposed commercial intrusion into an established residential neighborhood and the large size of the non-residential structure, an Environmental Impact Report should be prepared. A "scoping meeting" should be held on the environmental document for this project that has an area-wide significance, we hope to participate in that meeting. [Pub. Resources Code, §21083.9].

First, there must be an accurate description of the size, staffing, expected patient load or visits, deliveries, storage of chemicals, vehicular parking demands, operational times, etc. for the proposed project. We are concerned that Rolling Oaks Drive now provides a barrier or buffer between the medical uses on the north side and the residential uses on the south side that will be eliminated by the project. Second, 355 West Janss Road is already zoned institutional and, at 2.15 acres, is of sufficient size to accommodate the proposed commercial use. An environmental analysis must examine the comparative impacts of a 58,000 square foot commercial development at both sites.

Since our Association feels there is no sound or logical land use rationale for a proposed commercial use intrusion south of Rolling Oaks Drive into an established residential neighborhood. Therefore, as required by Pub. Resources Code §21100 (4) that other alternatives such as a no project alternative to the proposed project needs to be fully analyzed and discussed in the environmental document.

The Standard Environmental Factors to be addressed and included in an environmental document for the General Plan Amendments, zone changes, development entitlements and the proposed 58,000 sq. ft. in a 40' high structure as an outpatient medical treatment or cancer center at 400 East Rolling Oaks Drive and multi-family residential project on the hospital parking lot at Janss and Lynn Roads to at least include the following:

- Aesthetics
- Transportation/Traffic
- Land Use/Planning (to include Landscaping of the proposed site)
- Geology/Soils
- Biological Resources

- Hazards & Hazardous Materials (Was excluded from Oakmont MND. However, if materials (transported, stored, and used) of a dangerousness or hazardous nature in cancer treatment must be addressed.
- Utilities/Service Systems
- Hydrology/Water Quality
- Noise
- Air Quality
- City Guidelines Adherence (General Plan, Scenic Corridor, Municipal Code Standards, etc.) (added from standard)
- Residential Outreach (added from standard)

### **Factor Details**

- Aesthetics (to include Viewshed)
  - Provide detailed descriptive and visual mitigating resolution to adverse visual impacts. To include immediate, 5-year, 10-year.
  - Impact to viewshed studies and line of sight drawings or pictorials of the structure from the U.S. 101 Freeway, Rolling Oaks Drive, Los Padres Drive, Rimrock Road. The 101 freeway corridor is a City designated scenic highway, how is this project consistent with that designation and element of the General Plan?
  - Impact of proposed building to skyline (east and south facing). Include vertical visuals of all sides of the proposed building.
  - Impact from public viewing locations that are part of the unincorporated area of Ventura County. Include vertical visuals from public viewing locations.
  - Impacts of vegetation (a cooling element) removal. The proposed site appears to be made up only of a building and surrounding dark paved parking lot that will generate heat. There is minimal vegetation/landscaping reflected on the current site plan. It appears very bare in that the site will have higher than current storm water runoff (see adverse impact on drainage).
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- zoned areas. What has changed in the City's decision to reject the Oakmont project to a commercial zoning change for the same site today?
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    - Detail grading, topographic elevation, and impact. What is the base elevation of the building? How high is the pad as compared to the pad of the Thousand Oaks Surgical Hospital?
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  - Please describe in detail how the proposed design complies with all, but not limited to, the following. Why should previous decisions made by City Leadership be different?
    - Municipal Code Sec. 9-4.1106. Height regulations (C-O). "The Community Development Director shall not permit any building or structure, or part thereof, in C-O Zones to exceed a height of two (2) stores not to exceed twenty-five (25') feet."
    - Vegetation Removal for Fire Protection: Fire standards require a one hundred (100') feet clearance without causing encroachment or action by neighboring properties to create the required clearance. The property is in a high fire zone.
    - Previous comments on City decisions: In 2016, Al Adam said (Oakmont decision) "Is the compatibility so compelling that we should upzone it from

rural exclusive to (public land)? I'm having a hard time with that... To me, the zone should provide and maintain a rural residential area. This is not an issue of senior housing tonight..." Ventura County Star February 10, 2016. Why is the request for a zoning change 6 years later different?

- Scenic Highway – visibility from the U.S. 101 Freeway which has been designated as the "scenic highway" in the Scenic Highways Element of the Thousand Oaks General Plan (1974). It is the City Policy to ensure that new development occurring along designated scenic highways be visually compatible with the scenic highway standards. Accordingly, steps must be taken to ensure that the proposed development will be aesthetically pleasing and visually compatible with surrounding residential development. In addition, because the northern portion of the site is within 1000' of the centerline of the U.S. 101 Freeway, the City's Freeway Corridor Design Guidelines also apply.
- Residential Use Stability Under General Plan
  - Adverse environmental impact also includes the adverse impacts on individuals/families living within the direct vicinity of the project, especially when the fact NO commercial use on the subject site has been relied upon by residents of that area for over 40 years. Describe in detail how this General Plan amendment is consistent with that Plan's long-term goals and stability.



August 18, 2022

Direct Dial: 805.418.1914  
Email: msellers@jacksontidus.law  
Reply to: Westlake Village Office  
File No: 10312.128235

**VIA E-MAIL & U.S. MAIL**  
**[kparker@toaks.org]**

Kelvin Parker  
Director of the Department of Community Development  
City of Thousand Oaks  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362

**Re: REQUEST FOR GENERAL PLAN AMENDMENT AND ZONING APPLICATIONS FOR HOSPITAL PARKING LOT SITE CONNECTED TO GENERAL PLAN AMENDMENT INITIATION LU 2022-70587 AND THE RELATED PROPOSED CANCER TREATMENT CENTER PROJECT.**

Dear Mr. Kelvin Parker:

This law firm represents the Rolling Oaks Property Owners Association, which has some serious concerns about the proposed expansion of commercial uses south of Rolling Oaks Drive into their existing residential neighborhood such as is proposed by HCA for a commercial cancer treatment center on the 4.87 acres located at 400 East Rolling Oaks Drive, Thousand Oaks, California.

As you have pointed out SB 330 or Gov. Code sec. 66300(b)(1)(A) requires “with respect to land where housing is an allowable use” like 400 East Rolling Oaks Drive, a city shall not change the general plan land use designation or zoning of a parcel or parcels of property that would “individually or cumulatively reduce the site’s residential development capacity.” Staff has also noted under subsection “(i)(1) This section does not prohibit an affected county or an affected city, including the local electorate acting through the initiative process, from changing a land use designation or zoning ordinance to a less intensive use, or reducing the intensity of land use, if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity. . . “concurrently” means the action is approved at the same meeting of the legislative body.”

Irvine Office  
2030 Main Street, 12th Floor  
Irvine, California 92614  
t 949.752.8585 f 949.752.0597

Westlake Village Office  
2815 Townsgate Road, Suite 200  
Westlake Village, California 91361  
t 805.230.0023 f 805.230.0087

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

On August 15, 2022, the City provided our client with only 4 applications, one for a Development Permit for a medical building at 400 East Rolling Oaks Drive, one for a oak tree permit for 400 East Rolling Oaks Drive, one for a parcel map waiver for 400 East Rolling Oaks Drive, and a zone change application just for 400 East Rolling Oaks Drive. As noted above, this project involves two sites. We have not seen any similar applications for a multi-family residential building or any development layout or drawings for the 2.145 acre hospital parking lot site called 355 West Janss Road that is northeast of the corner of Janss and Lynn Roads.

We have some concerns that creating an attached multi-family zone on such a small 2 acre hospital parking lot does not make good land use sense and seems to be improper “spot zoning” out of character and incompatible with all of the surrounding medical offices and hospital institutional uses. Such an isolated residential allowance may be a type of discriminatory, unreasonable and non-uniformed special privilege zoning ordinance that is disfavored in California.

“Thus, a zoning ordinance is void as to an island of a single lot zoned for residential purposes but completely surrounded by public or commercial uses where no rational reason exists for such a classification.” §25:68. Requisites and validity—Uniformity and nondiscrimination, 8 McQuillin Mun. Corp. (3d ed.)

We are concerned about the loss of parking for the hospital and how that will adversely impact the residential neighborhoods to the east of the hospital. Hearing there may be a parking shortage at this medical complex, perhaps, a parking demand analysis is needed. We feel it does not make sense to eliminate useable medical facility land at such an important regional medical complex to create a few residential units with the noises of two major city streets and ambulances arriving and helicopter pads nearby. The proposed concurrent changes may upset two neighborhoods. Therefore, members of Rolling Oaks Property Owners Association have asked why isn't the cancer treatment center being proposed and designed to fit on this parking lot site? An answer to that question should be a priority before a lot of work is undertaken on analyzing both sites.

Since changes are required to occur for both sites “concurrently” and approved at the same City Council meeting, the “project” to be analyzed in the environmental document includes the “whole of an action” if there are various steps, which taken together are needed to obtain an objective. [*Association for a Cleaner Environment v. Yosemite Community College Dist.*, 116 Cal. App. 4th 629 (5th Dist. 2004), as modified, (Mar. 4, 2004), Cal. Code Reg., tit. 14, § 15378, subd. (a)]. Under CEQA, a city may not divide a project into segments (“piecemealing”) to evade a full and thorough CEQA review, therefore, we assume this whole 2 step action will be studied in just one environmental document.

Kelvin Parker  
August 18, 2022  
Page 3

Thank you for providing us with copies of the applications for the 355 West Janss Road property and your attention and response to the above questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark G. Sellers". The signature is stylized and written in a cursive-like font.

Mark G. Sellers

MGS:dp  
cc: Rolling Oaks POA

1570458.1



August 22, 2022

Direct Dial: 805.418.1914  
Email: msellers@jacksontidus.law  
Reply to: Westlake Village Office  
File No: 10312.128235

**VIA E-MAIL & U.S. MAIL**  
**[kparker@toaks.org]**

Kelvin Parker  
Director of the Department of Community Development  
City of Thousand Oaks  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362

**Re: REQUEST FOR GENERAL PLAN AMENDMENT AND ZONING APPLICATIONS FOR HOSPITAL PARKING LOT SITE CONNECTED TO GENERAL PLAN AMENDMENT INITIATION LU 2022-70587 AND THE RELATED PROPOSED CANCER TREATMENT CENTER PROJECT.**

Dear Mr. Kelvin Parker:

This law firm represents the Rolling Oaks Property Owners Association, which has some serious concerns about the proposed expansion of commercial uses south of Rolling Oaks Drive into their existing residential neighborhood such as is proposed by HCA for a commercial cancer treatment center on the 4.87 acres located at 400 East Rolling Oaks Drive, Thousand Oaks, California.

As you have pointed out, SB 330 or Gov. Code sec. 66300(b)(1)(A) requires “with respect to land where housing is an allowable use” like 400 East Rolling Oaks Drive, a city shall not change the general plan land use designation or zoning of a parcel or parcels of property that would “individually or cumulatively reduce the site’s residential development capacity.” Staff has also noted under subsection “(i)(1) this section does not prohibit an affected county or an affected city, including the local electorate acting through the initiative process, from changing a land use designation or zoning ordinance to a less intensive use, or reducing the intensity of land use, if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity. . . “concurrently” means the action is approved at the same meeting of the legislative body.”

As a result, staff has suggested 400 East Rolling Oaks Drive site could generate 9 dwelling units (GP Designation of “Very Low Residential”) so the 2.145 acre hospital parking lot site at 355 West Janss Road could get a Low Residential Designation and

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

zoned to allow 9 dwelling units to be developed on that site. We are not sure of the format for such housing being single family detached or a multi-family attached project.

On August 15, 2022, the City provided our client with only 4 applications, one for a Development Permit for a medical building at 400 East Rolling Oaks Drive, one for an oak tree permit for 400 East Rolling Oaks Drive, one for a parcel map waiver for 400 East Rolling Oaks Drive, and a zone change application just for 400 East Rolling Oaks Drive. As noted above, this project involves two sites. We have not seen any similar applications for a housing project or any development layout or drawings for the 2.145 acre hospital parking lot site.

We have concerns that creating a Single Family Detached or a Multi-Family Attached zone on such a small 2 acre hospital parking lot does not make good land use sense and seems to be improper “spot zoning” out of character and incompatible with all of the surrounding medical offices and hospital institutional uses. This parking lot is on the northeast of the corner of two very busy and noise roads, Janss and Lynn Roads (I am aware that residents on the opposite corner have repeatedly complained about the excessive traffic noise and speeding). Such an isolated residential allowance may be the type of a discriminatory, unreasonable and non-uniformed special privilege zoning that is disfavored in California.

“Thus, a zoning ordinance is void as to an island of a single lot zoned for residential purposes but completely surrounded by public or commercial uses where no rational reason exists for such a classification.” §25:68. Requisites and validity—Uniformity and nondiscrimination, 8 McQuillin Mun. Corp. (3d ed.)

We are concerned about the loss of parking for the hospital and how that will adversely impact the residential neighborhoods to the east of the hospital. Hearing there may be a parking shortage at this medical complex, perhaps, a parking demand analysis is needed. We feel it does not make sense to eliminate useable medical facility land at such an important regional medical complex to create a few residential units with the noises of two major city streets and ambulances arriving and helicopter pads nearby. The proposed concurrent two use changes may only upset two neighborhoods. Having 9 new single family detached units with yards on this noisy small site is not appealing and likely has no development market. We simply do not see this housing transfer option as realistic and it is never going to be actually developed, so this Gov. Code sec. 66300 exercise may be pointless.

Therefore, members of Rolling Oaks Property Owners Association have asked why isn't the cancer treatment center being proposed and designed to fit on this parking lot site? An answer to that question should be a priority before a lot of work is undertaken on analyzing both controversial uses on these sites.



Since changes are required to occur for both sites “concurrently” and approved at the same City Council meeting, the “project” to be analyzed in the environmental document includes the “whole of an action” if there are various steps, which taken together are needed to obtain an objective. [*Association for a Cleaner Environment v. Yosemite Community College Dist.*, 116 Cal. App. 4th 629 (5th Dist. 2004), as modified, (Mar. 4, 2004), Cal. Code Reg., tit. 14, § 15378, subd. (a)]. Under CEQA, a city may not divide a project into segments (“piecemealing”) to evade a full and thorough CEQA review, therefore, we assume this whole 2 step action will be studied in just one environmental document.

Thank you for providing us with copies of the applications for the 355 West Janss Road property and any information on its development as a residential project and your attention and response to the above questions.

Sincerely,

A handwritten signature in blue ink that reads "Mark G. Sellers". The signature is written in a cursive style with a large initial 'M' and 'S'.

Mark G. Sellers

MGS:dp  
cc: Rolling Oaks POA

1570458.1

---

**From:** Community Development Department  
**Sent:** Monday, May 1, 2023 5:11 PM  
**To:** Justine Kendall  
**Subject:** FW: Why now, and not then?

Hi Justine,

Mr. Marcarelli is signed up to attend tomorrow's scoping meeting. Wanted you to see his email below.

Thanks,  
A

-----Original Message-----

From: Rob Marcarelli <rdm7@verizon.net>  
Sent: Monday, May 1, 2023 4:58 PM  
To: Community Development Department <CommunityDevelopment@toaks.org>  
Subject: Re: Why now, and not then?

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

Yes, this is for tomorrow nights Scoping meeting via zoom on potential development of 400 E Rolling Oaks dr in T.O. Los Robles Hospital and their parent company are attempting to build a 58,000 sf building and 240 parking space on currently "residential" zoned land.

> On May 1, 2023, at 4:39 PM, Community Development Department <CommunityDevelopment@toaks.org> wrote:  
>  
> Mr. Marcarelli,  
>  
> In order to provide you with a response from the City, I'd like to get a little more information. Do you have a specific address of the project you're referring to? Was this matter before the City Council on April 25, 2023?  
>  
> Please let me know so I can address your questions or find the right person who can help.  
>  
> Thank you,  
>  
> Adrienne Sosner (she, her)  
> Senior Administrative Specialist  
> Community Development Department  
> 2100 East Thousand Oaks Boulevard  
> Thousand Oaks, CA 91362  
> Email: asosner@toaks.org  
> Office: (805) 449-2536  
> City of Thousand Oaks  
>  
> Register for TO/24 to submit plans, pull permits, view live status updates, resubmit, schedule inspections, view inspection results, and MORE! Click [HERE!](#)

>  
>  
>  
> -----Original Message-----  
> From: Rob Marcarelli <rdm7@verizon.net>  
> Sent: Monday, May 1, 2023 3:20 PM  
> To: Community Development Department <CommunityDevelopment@toaks.org>  
> Subject: Why now, and not then?  
>  
> CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.  
>  
>  
> 6 years ago the City Council overwhelmingly voted 4-1 against the "Oakmont" development proposal due to its large size, 27 ft high and 40 new parking spaces.  
> Today LRH a subsidiary of HCA out of Nashville Tn is proposing a 40 ft tall building with 240 parking spaces. Same space but an even bigger impact.  
> Al Adam in his no vote stated that " it was a very poor fit for the community". David Newman, who was a City Planner for Claudia de la Pena stated in their no vote that "it was not consistent with the surroundings" The BIG question: Why now, with its much larger footprint, and not then?  
>  
> Rob Marcarelli

---

**From:** Community Development Department  
**Sent:** Wednesday, May 3, 2023 7:40 AM  
**To:** Justine Kendall  
**Subject:** FW: Tonights Scoping Meeting

**Mary Kate Stein**

Administrative Specialist  
Community Development Department  
[City of Thousand Oaks](http://www.toaks.org)  
(805) 449-2331

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



---

**From:** Elena Radosavcev <elenaradosa@gmail.com>  
**Sent:** Tuesday, May 2, 2023 5:58 PM  
**To:** Community Development Department <CommunityDevelopment@toaks.org>; Bryan Radosavcev, Jr. <bryan.radosavcev@yahoo.com>  
**Subject:** Tonights Scoping Meeting

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

Hello,

We are the owner of 243 Rimrock. This project abuts our property. We would like to know how the project will affect the biology of the land (environmentally, plants, oak trees, species etc), traffic study (how the volume of traffic will affect the community), the line of sight from your neighborhood (how it will look from the street, our home, our pool, yard, kitchen window, our neighborhood, height of the buildings etc), how much earthwork volume (how much dirt will be entering and leaving the development, truck loads entering and exiting the community, traffic control etc)?

We would like a copy from the developer to review?

Thank you,

Elena and Bryan Radosavcev



**ELENA** *Radosavceva*

Cell/Text: 818-917-2587

Email: [Elenaradosa@gmail.com](mailto:Elenaradosa@gmail.com), [www.PrimeRealty.com](http://www.PrimeRealty.com)

---

**From:** David Ganser <dtganser@twc.com>  
**Sent:** Wednesday, May 3, 2023 12:45 PM  
**To:** Justine Kendall  
**Subject:** Cancer Center Scoping Meeting  
**Attachments:** Rezoning -- Sent to TO.pdf

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

Justine — Thank you for moderating the scoping meeting yesterday. I spoke during the comment period and have attached my remarks, as requested, to facilitate your review of input for the EIR.

There as another point I would like to make now regarding land use/zoning, which I did not mention during yesterday's meeting.

Suppose the project were to proceed as requested by the applicant, i.e. zoning swap to convert Rolling Oaks to commercial and the hospital parcel to residential. Your remarks yesterday indicate the hospital has no development plans for the parcel on the hospital campus. Further, the hospital executive indicated that the hospital has no intention to sell or develop the parcel for residential purposes. If this swap takes place, the hospital's use of the parcel newly rezoned to residential is restricted to only residential purposes and not any commercial purposes. To make an extreme example, the hospital could not build a restaurant on the parcel. Similarly, the hospital should not be allowed to use the parcel for parking purposes, which is clearly a commercial use and not a residential use of the property. Therefore, if this project were to proceed, this parcel which is currently used as a parking lot would need to be retired from this service.

Thanks,

Dave Ganser

September 2, 2022

VIA E-Mail and U.S. Mail

([crodriguez@toaks.org](mailto:crodriguez@toaks.org);[kparker@toaks.org](mailto:kparker@toaks.org);[jkendall@toaks.org](mailto:jkendall@toaks.org))

City Clerk and Director of Community Development  
City of Thousand Oaks  
2100 Thousand Oaks Blvd.  
Thousand Oaks, CA 91361

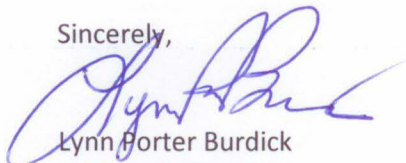
Re: Addendum to Correspondence Dated August 10, 2022, and August 22, 2022

Dear Ms. Rodriguez, Mr. Parker, and Ms. Kendall:

Please EMAIL Lynn Burdick at [lpburdick@gmail.com](mailto:lpburdick@gmail.com) with a receipt of delivery of this EMAIL and/or letter and confirmation that topics #1 and #2 are included and acceptable.

- 1. Alternative Site Analysis** - I hereby request that an alternative site analysis be conducted for the proposed developments at both **400 E. Rolling Oaks Drive AND 355 W. Janss Road** based upon the use of available land in the city with no requirement to change the zoning.
- 2. Extension of Mail or Delivery to One Thousand (1000') Foot Radius and Site Posting** – We hereby request that all notices by mailing or delivery be extended to 1000' of the sites at **400 E. Rolling Oaks Drive and 355 W. Janss Road** due to open space between certain properties, large existing parking lots, and large parcel sizes that limit notification to a smaller number of households of a larger impacted population of the proposed changes to zoning and development. We also request that due to proposed changes at both sites that a billboard posting also be done at both sites. (Sec. 9-12.204)
- 3. Status of Scoping Meeting** – Please email or contact me at [lpburdick@gmail.com](mailto:lpburdick@gmail.com) or 805-402-4733 as to the status of scoping meeting for residential neighbor participation. Please provide the actual or anticipated date. I am requesting that you notify me in advance of the scoping meeting. I would like to attend; please let me know in advance if there are any problems with that request.

Sincerely,



Lynn Porter Burdick  
324 Los Padres Drive  
Thousand Oaks, CA 91361

Cc: Bryan McQueeney, Treasurer, ROPOA, 505 Rimrock Road, Thousand Oaks, CA 91361  
Mark Sellers, [msellers@jacksontidus.law](mailto:msellers@jacksontidus.law)

---

**From:** Lynn Burdick <lpburdick@gmail.com>  
**Sent:** Thursday, May 11, 2023 10:55 AM  
**To:** Justine Kendall  
**Cc:** Bob Engler  
**Subject:** Project No.: 2022-70732-DP, 2022-70587-LU, 2022-70733-Z, 2022-70736-PMW, 2022-70735-PTP  
**Attachments:** HCA - ROPOA Scope of Environmental Review 8.10.2022 (2).pdf; MGS HCA Environmental Impact Evaluation 8.10.2022 V6 FINAL.pdf; Los Robles Cover Ltr.pdf

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

Reference project numbers in the subject line in relation to the applicant, HCA HealthCare; and locations, 400 East Rolling Oaks Drive & 355 West Janss Road.

This is in response to the Notice of Preparation. Note: I was out of the country at the time of the Zoom meeting that was indicated to be held on Wednesday, May 2, 2023 from 6:00P-7:00P. However, May 2, 2023 was a Tuesday. Therefore, much confusion and possibility of lack of attendance by the community likely occurred because of the date error. I, therefore, was not able to call in because of the above. **Justine, I ask that you respond to me with specifically what written response you are seeking based upon the Notice of Preparation document that I did receive (dated April 11, 2023).** In the meantime, I am going to assume that the written response is specifically directed for the Environmental Impact Report.

Please include the 3 attachments as part of my response. These documents were provided to you and/or city officials in August 2022.

- MGS HCA Environmental Impact Evaluation dated 8/10/2022
- Los Robles Cover Ltr dated 8/10/2022
- Rolling Oaks - Ltr to City Re Expansion dated 8/18/2022

**More specifically as it relates to the MGS HCA Environmental Impact Evaluation document, please carefully address all details mentioned in the document in addition to all the comments that were orally given during the Zoom call on May 2, 2023.**

Also note that my neighbor, Barbara Ballenger, and I met with Public Works (Jim Mashiko and Mark Bueno) on April 4, 2023 to discuss our concerns regarding the project and its impact on **traffic and parking** that will be exacerbated as a result of the project. Justine, you had indicated that transportation was not included as part of the EIR evaluation. I have learned that transportation is now included. Please more specifically note the following as it relates to traffic and parking that must be included as part of the EIR:

- Address the traffic and parking impact off site. I.e., we know there will be approximately 244 on site parking spaces. What is the impact of adding to the traffic and parking impact off site?
- I would like to comment that the City's position based upon my conversation with Jim Mashiko and Mark Bueno is that the City only will consider what is the minimum state requirement for implementing any changes to traffic and parking. Example: No change to the 2-way stop at the corner of Los Padres Drive and Rolling Oaks Drive if the project is approved. No change to establishing no parking zone areas on Los Padres Drive and Rolling Oaks Drive where visibility issues are of a neighborhood concern and double parking concerns. It is extremely important that while we understand minimum state requirements, we expect as citizens of this City and residents impacted directly by this project that **the City would allow for concessions over and above minimum**



**state requirements to help minimize the exacerbated impact (and as suggested below).** After all, the City has to approve an exception to the height of the proposed building which exceeds minimum code requirements. We expect the City to also allow exceptions to helping this residential neighborhood as well. Remember that the 400 East Rolling Oaks Drive parcel is currently zoned Residential and is in a residential neighborhood. Changing the zoning to Commercial is an encroachment into a residential neighborhood. **We expect that an approval of this project by the City should be a Win/Win scenario. Win for HCA and a Win for the neighborhood residents. Currently, we are feeling that we are in a Win/Lose scenario if the City approves the project.** May I remind you that in 2016, the City Council did not approve of the zone change for the proposal of Oakmont Long Term Care Facility, noting that it was incompatible with the neighborhood, rezoning this parcel from Residential to Commercial. We, as local residents, know that something has to be done with the parcel. However, we have issues with the potential inconsistencies with City decision making as it relates to more specifically the 400 East Rolling Oaks location and in general City Planning.

- **Suggested city concessions to support the residential neighborhood regarding traffic and parking:**
  - Put a 4-way stop at the corner of Los Padres Drive and Rolling Oaks Drive.
  - Reduce the speed from 35 mph to 25 mph on Los Padres Drive and Rolling Oaks Drive.
  - City/sheriff to monitor traffic and parking in the area on a regular basis. Currently the City is expecting the residents to police its own street. We have personally received life and property threats in our mailboxes from vehicle owners. It is not the responsibility of residents to put our lives in danger to police traffic and parking. Vehicle abandonment near the apartments is a consistent problem.
  - There should be no parking area alongside the 400 East Rolling Oaks project on both Rolling Oaks Drive and Los Padres Drive during the time period Monday-Friday from 8:00AM-5:00PM (and post associated signs). This would be on the Eastside of Los Padres Drive. The project has an entrance on a blind curve on Los Padres Drive whereby safely entering or exiting this entrance would be dangerous without enough visible site. The same is true on Rolling Oaks Drive right in front of the parcel. Note that no parking violations on existing no parking areas is pervasive. This is dangerous for vehicles and folks walking on sidewalks or crossing the street.
  - No loading or off loading on both Los Padres Drive and Rolling Oaks Drive unless a loading zone is put in place. Trucks/vehicles double park currently or park in no parking areas.
  - Put up a sign pointing direction to the medical offices/TOSH/Cancer Center at the corner of Moorpark Road and Rolling Oaks Drive AND Rancho Road and Haaland Drive. This helps prevent medical office traffic off Los Padres Drive and into the Rancho Road/Rimrock Road Drive areas.
  - Put in painted crosswalks at the Los Padres Drive and Rolling Oaks Drive intersection.
  - Paint all No Parking areas with red curbs.
  - **All of our recommendations need to be included as part of any approval and NOT to be evaluated after the project is completed.**
  - Note that we have not seen that a current traffic study has been done by placing counter stripes on Rolling Oaks Drive or Los Padres Drive. Therefore, I'm skeptical that a traffic study that may have been done for this project has been holistic in its review. What was done in 2016 was a reactive response by the Oakmont Long Term Care Facility. It was not a thorough study. Any study must be based on 2022/2023 information.
  - If the site is approved for constructions, there should be NO construction truck vehicle parking on Los Padres Drive at any time. All construction parking must be on site. NO construction truck idling either. This is included in the attached document.

Traffic and parking is a huge issue for the residents of the neighborhood surrounding the parcel. We again ask for concessions over and above minimum requirements.

Lastly, may I point out that HCA is not a residential developer and that it is likely they have no intention of ever building homes on any property they own. Therefore, while "on the books" a trade of zoning from the Rolling Oaks parcel to the Janss parcel is a shell game and a sham. It takes usable residential land completely off the books for the City. I am saddened that the City would allow this to happen when we desperately need equity building homes (not apartments).

I am copying Bob Engler on this email as he had reminded me yesterday of the deadline for responding to the NOP. Bob, please read this email carefully and any attachments carefully. I speak for myself, but also I hear that my neighbors are of a similar mind. We all want what is best for Thousand Oaks. We ask that our City representatives be proactive in developing our land in the best interest of the City, keeping our City culture intact. Please maintain a balanced review (what is good for the residents who live here and what is good for the city).

I am happy to speak to either of you personally. Let me know when you want to talk. I can be reached at 805-402-4733.

**In summary, Justine, please let me know if I should be providing you comments on something else by the close of today. In speaking with my neighbors, we are not City Planning and are not used to the jargon used in the documents provided to us.**

Lynn Burdick  
324 Los Padres Drive  
Thousand Oaks, CA 91361  
[lpburdick@gmail.com](mailto:lpburdick@gmail.com)

---

**From:** Justine Kendall  
**Sent:** Friday, May 12, 2023 12:36 PM  
**To:** Diane Gomez  
**Subject:** RE: Los Robles Comprehensive Cancer Center

Hello Diane,

Of course, your comments sent yesterday, as well as all previous comments, have already been included in the record as responses to the Environmental Impact Report Notice of Preparation.

Have a great weekend,  
Justine

**Justine Kendall, AICP | Associate Planner**

*She/ Her*

Community Development Department

Planning Division

2100 Thousand Oaks Boulevard

Thousand Oaks, CA 91362

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

Office: (805) 449-2355

[City of Thousand Oaks](#)

CITY OF THOUSAND OAKS  
**TO/24**  
VIRTUAL LAND USE SERVICE



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

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**From:** Diane Gomez <gomezgang@msn.com>  
**Sent:** Friday, May 12, 2023 12:33 PM  
**To:** Justine Kendall <JKendall@toaks.org>  
**Subject:** Re: Los Robles Comprehensive Cancer Center

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

There was a deadline on may 11. I would like my comments to be submitted to the right entities.  
Thank you,  
Diane

Sent from my iPhone

On May 12, 2023, at 1:30 PM, Justine Kendall <[JKendall@toaks.org](mailto:JKendall@toaks.org)> wrote:

Hello Diane and Peter,

Thank you for your comments and for attending the meeting! I'd like to clarify that there will be several more formal opportunities to provide input, including when the Draft EIR is circulated, and when the Notice of Hearing notices are released before each public hearing date. If you have comments you would like to share in the interim, please send those to me in writing, give me a call, or request a meeting.

I will share your comments and materials with the applicant, other City staff, and the environmental consultant.

Please be in contact if you think of anything else,  
Justine

**Justine Kendall, AICP | Associate Planner**

*She/ Her*

Community Development Department

Planning Division

2100 Thousand Oaks Boulevard

Thousand Oaks, CA 91362

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

Office: (805) 449-2355

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

<image001.png>

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

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**From:** Diane Gomez <[gomezgang@msn.com](mailto:gomezgang@msn.com)>

**Sent:** Thursday, May 11, 2023 8:52 PM

**To:** Justine Kendall <[JKendall@toaks.org](mailto:JKendall@toaks.org)>

**Subject:** Los Robles Comprehensive Cancer Center

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

Dear Justine,

I am writing this to you a little late because of traveling out of the area. I'm sure it will be ok since you've had a typo in your letter with the wrong date and day on your last letter and didn't offer an additional meeting for those who were unable to attend the zoom meeting.

As a resident in the neighborhood of Rolling Oaks Homes I am against the proposed project for many reasons.

First, to propose a zone change from the most rural residential zoning to commercial not only impacts the environment in all aspects of the EIR, Noise, Light, Traffic, transportation to name a few, but the human aspect of the project and the stress it will put on the residents in the neighborhood, on ALL sides of the project. This encroachment on residences is not ok. There are MANY Commercial properties in the area that can be put to use in Thousand Oaks as well as the property on Los Robles Hospital. As a State, we are in desperate need of more housing , not

more commercial development. Although Los Robles Hospital has chosen to purchase this parcel, it is the City's responsibility to understand the impact this project will have on the surrounding area and the residence in the area. Just because they own it doesn't mean it should be developed. The land swap they're proposing is insulting to the community and the City. The land swap is nothing more than a lawyer's strategic move to the project forward to satisfy the law. It is shameful that the planning commission would even go for that tactic. This is big business and it doesn't belong in a rural area.

The developer has failed in their design of the building to consider how their structure will cause light pollution, noise pollution, destruction of natural landscape, traffic to name a few. The development has very little trees to the east of the project to offer a buffer between the property line to the East. They are proposing to erect a building that is an eyesore to the scenic corridor. Story line polls need to be erected and should be erected so the citizens of Thousand Oaks can SEE what is being proposed.

Thank you,  
Diane and Peter Gomez

Sent from [Outlook](#)

