Print Form

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Ventura
800 S. Victoria Ave.
Ventura, CA 93009

From: (Public Agency): City of Thousand Oaks

(Address)

Project Title: Hillcrest Ownership Housing

Project Applicant: DiCecco Architecture, Inc. on behalf of People's Self-Help Housing Corporation

Project Location - Specific:
384 Erbes Rd

Project Location - City: Thousand Oaks Project Location - County: Ventura

Description of Nature, Purpose and Beneficiaries of Project:

The project involves the demolition of an approximately 26,500 SF one-story school building and parking lot and removal of ruderal vegetation typical of developed areas on 3.88 acres, to accommodate the construction of 78-units of affordable "for sale" townhomes consisting of eight three-story townhome buildings.

Name of Public Agency Approving Project: City of Thousand Oaks

Name of Person or Agency Carrying Out Project: City of Thousand Oaks

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Class 32 (15132 – In-Fill Projects), 15192 -Agricultural Housing,Affordable Housing, and Residential Infill Projects, and15194 – Affordable Housing Exemption
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

See attachment

Lead Agency
Contact Person: Fabiola Zelaya Melicher Area Code/Telephone/Extension: (805) 449-2311

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ▪ Yes ☐ No

Signature: Angela Georgeff Date: 3/20/2024 Title: Associate Planner

▪ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: 3/20/24

Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, California 93003
805-644-4455

RINCON CONSULTANTS, INC. SINCE 1994

March 19, 2024
Project No: 23-15437

Fabiola Zelaya-Melicher, AICP
Deputy Community Development Director
City of Thousand Oaks
2100 East Thousand Oaks Boulevard
Thousand Oaks, California 91362
Via email: FZelaya@toaks.org

Subject: CEQA Exemption for a Multi-Family Affordable Housing Project at 384 Erbes Road in Thousand Oaks, California 91362

Dear Ms. Zelaya-Melicher,

This memorandum provides analysis to support the determination by the City of Thousand Oaks (the lead agency) that the proposed Multi-Family Affordable Housing Project at 384 Erbes Road CEQA Categorical Exemption Project is exempt from the California Environmental Quality Act (CEQA) to CEQA Guidelines Sections 15192, 15194 and 15132 pursuant to title 14 of the California Code of Regulations.

This report serves as the technical documentation of an environmental analysis performed by Rincon Consultants, Inc. (Rincon) for Erbes/Hillcrest Affordable Housing Project in the City of Thousand Oaks. The intent of the analysis is to document whether the project qualifies as exempt from the California Environmental Quality Act (CEQA) regulations. Rincon has determined that the project is eligible for an exemption under the requirements of CEQA Guidelines Class 32 (15132 – In-Fill Projects) and Categorical Exemptions (CE) 15192 - Agricultural Housing, Affordable Housing and Residential Infill Projects, and 15194 - Affordable Housing Exemption. The following analysis describes an introduction/background, project description, and evaluation of the project's consistency with the requirements for a Class 32 exemption, and recommendations for a categorical exemption determination.

Project Location

The project site is located at 384 Erbes Road in the City of Thousand Oaks, California and consists of two parcels identified by Assessor Parcel Numbers (APNs) 670-0-250-210 and 670-0-250-290, consisting of approximately 3.88 acres. The project site has a land use designation of Neighborhood High under the 2045 Thousand Oaks General Plan, which allows a variety of multi-family housing. The designation supports walkable, transit-ready residential neighborhoods concentrated near commercial, civic and recreational uses and allows for a variety of multi-family building types including apartments, townhomes, rowhouses, and walkup buildings. The site is zoned R-3 (Multi-Family Residential) which permits up to 30 dwelling units per net acre. The project site is currently developed with a 26,500 square foot (SF) one-story school building (formerly used by Hillcrest Christian) and a surface parking lot. The site is bordered by East Hillcrest Drive to the north and Erbes Road to the west. Multi-family apartment buildings are located across Erbes Road to the west and a single-family home, and cleared, undeveloped parcels are located across East Hillcrest Drive to the north. Estella Park borders the site to the south and single-family residences border the site to the east.

Figure 1 depicts the project site in a regional context and Figure 2 depicts the project site at a local scale.

Project Description

The project involves the demolition of an approximately 26,500 SF one-story school building and parking lot and removal of ruderal vegetation typical of developed areas on 3.88 acres, to accommodate the construction of 78-units of affordable "for sale" townhomes consisting of eight three-story townhome buildings.. The project would provide a total of 161 parking spaces; 17 parking spaces would be provided for guests, and 144 parking spaces would be provided for residents. Additionally, six spaces for bicycle parking will be provided, as well as two electric vehicle (EV) charging stations. The project would have a total floor area of 71,946 SF. The project includes two 6-unit buildings, three 9-unit buildings, one 11-unit building and two 14-unit buildings. Housing units would range in size from 1 bedroom (949 SF) to 4 bedrooms (1,734 sf). The project would also include new walls, hardscape, landscape, and grading, and the removal and encroachment into the protected zone of oak and landmark trees. The project includes development of the City-owned site pursuant to a Disposition and Development Agreement, undergrounding of the two existing poles and power lines on Hillcrest Drive bordering the site to the north, installation of a new water main, sewer, and storm drain connections, site grading and retaining walls, guest parking, landscaping as well as providing mitigation of impacts to protected trees. The 2045 Thousand Oaks General Plan land use designation for the site is Neighborhood High (20-30 du/acre) and the zoning is Multiple-Family Residential (R-3). This project is a 100 percent affordable-unit and is publicly funded.

The project would remove one of the existing northern vehicular accesses on East Hillcrest Drive. The other existing vehicular access on East Hillcrest Drive would remain one of the primary access points for the project, along with the existing access driveway on Erbes Road. Access to the parking garages for each unit would be provided by newly paved private driveways on the project site. The project plans are shown below in Figure 3. Prior to issuing development permits, the City of Thousand Oaks Community Development department will require conditions of approval regarding unanticipated archaeological discoveries and human remains.

Project Design Features

The following project design features would be incorporated into the construction of the project.

1. **Nesting Birds** – Any site preparation activity, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least 5 days prior to initiation of activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the Community Development Department prior to ANY vegetation removal on site.
2. **Oak or Landmark Tree Report** – Prior to the issuance of any grading, paving, or building permit, the applicant shall prepare and submit a detailed oak tree report to address the health status of all oak and landmark trees, to evaluate the impact of improvements and to establish a health maintenance program for all such trees on the subject property.
3. **Oak Tree Permit** – If oak trees are impacted, the applicant shall apply for an Oak Tree Permit simultaneously with the application for any other entitlement permits on the subject property to determine potential impacts and to assure preservation.

4. **Preservation** – All oak tree work shall conform to and abide by the City of Thousand Oaks, Oak Tree Preservation and Protection Guidelines Resolution No. 87-93.
5. **Grading within Protected Zone** – Any form of grading and other construction activity within the protected zoned of oak trees shall be prohibited unless otherwise authorized by conditions of the permit. Prior to the issuance of any grading or building permit, any improvement which may affect oak trees shall be identified and clearly marked on the property for inspection by the Community Development Department.
6. **Oak Tree Removal** – Prior to the issuance of building or grading permits, an oak tree permit shall be obtained for the removal of any oak tree subject to the review and approval of the Community Development Department. The encroachment or removal of four (4) or more trees or combination of both requires a Planning Commission recommendation to the City Council for final action by that body. All trees allowed to be removed or trimmed shall be hauled to a site as approved by the Community Development Department.
7. **Mitigation Measures** – All mitigation measures outlined in the submitted Oak or Landmark Tree Report and Oak Tree Report Addendum shall be performed under the direction and supervision of the applicant's tree consultant with concurrent final inspection to be performed by the Community Development Department. A forty-eight (48) hour notice shall be given to the Community Development Department prior to the commencement of any work on the oak or landmark trees.
8. **Work Monitoring** – All of the work described in this permit shall be monitored by the applicant's tree consultant. Furthermore, it shall be the responsibility of the applicant to contact the consultant and arrange for the successful completion of these conditions. Additionally, the applicant shall be required to have his/her tree consultant submit a letter of certification within (14) days of completion to the Community Development Department, stating that all of the work was accomplished in his/her presence in accordance with the Oak Tree Report for this project, except as approved by the Community Development Department to be deleted or modified by conditions of the Oak Tree permit. Upon receipt of the letter of Certification, Staff will schedule a field inspection.
9. **Protective Fencing** – Prior to the issuance of any grading or building permit, a temporary (5) foot high chain link fence shall be placed around the protect zone of all oak trees within (100) feet of any development activity where the trees are located totally or partially on-site. Installation of said fence shall be subject to the review and approval of the Community Development Department and shall be removed upon completion of construction and upon authorization from the Community Development Department. Furthermore, it shall be the responsibility of the applicant to keep all protective fencing in a condition of good maintenance throughout the development period.
10. **Oak Tree Fence Signs** – The applicant shall place fence signs per the requirements of Resolution NO. 87-93, Oak Tree preservation and Protection Guidelines.
11. **Trenching/Grading near Oak Trees** – All trenching and related grading and construction activity within the protected zones of any oak tree shall be performed exclusively by hand tools with the authorized work to the affected oak trees to be accomplished under the review and on-site inspection to be conducted by a Certified Arborist.
12. **Oak Transplants/Security Deposit** – The applicant shall submit a refundable security deposit equal to the value of any on or off-site transplanted oak tree. The deposit will be refunded upon verification of oak transplant survival by the City of Thousand Oaks, but the refund shall not be remitted later than (2) years after the transplanting.
13. **Fertilization/Disease Control** – All oak trees shall be evaluated for the need of deep root watering, fertilization, and insect/disease control, using proper arboricultural methods under the direction of the applicant's oak tree consultant.

14. **Oak Tree Maintenance Guidelines** – The following requirements shall apply to the on-going maintenance of oak trees:
    a) All existing oak trees on the subject property shall be retained in a healthy state with proper grading and drainage techniques, including retaining walls and ventilation devices as approved by the Community Development Department.
    b) Positive drainage for water will be provided for all oak trees located upon the parcel and impacted by development.
    c) Oak trees that are confirmed dead by a City Oak Tree specialist shall be removed prior to grading.
    d) Activity that will affect the trees shall only occur in the presence of the City's oak tree specialist or the applicant's consultant. Any oak trees that are removed shall be replaced with specimen-sized oak trees in strategic locations throughout the property subject to the review of the City's Oak Tree Consultant.

15. **Guidelines Workers Environmental Awareness Program Training -** All construction personnel and monitors who are not trained archaeologists should be briefed regarding unanticipated discoveries prior to the start of construction activities. A basic presentation should be prepared and presented by a qualified archaeologist to inform all personnel working on the project about the archaeological sensitivity of the area. The purpose of the WEAP training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the project and explain the importance of and legal basis for the protection of significant archaeological resources. Each worker should also learn the proper procedures to follow in the event that archaeological resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the on-call archaeologist and if appropriate, Native American representative. The necessity of training attendance should be stated on all construction plans.

Figure 1 Regional Location

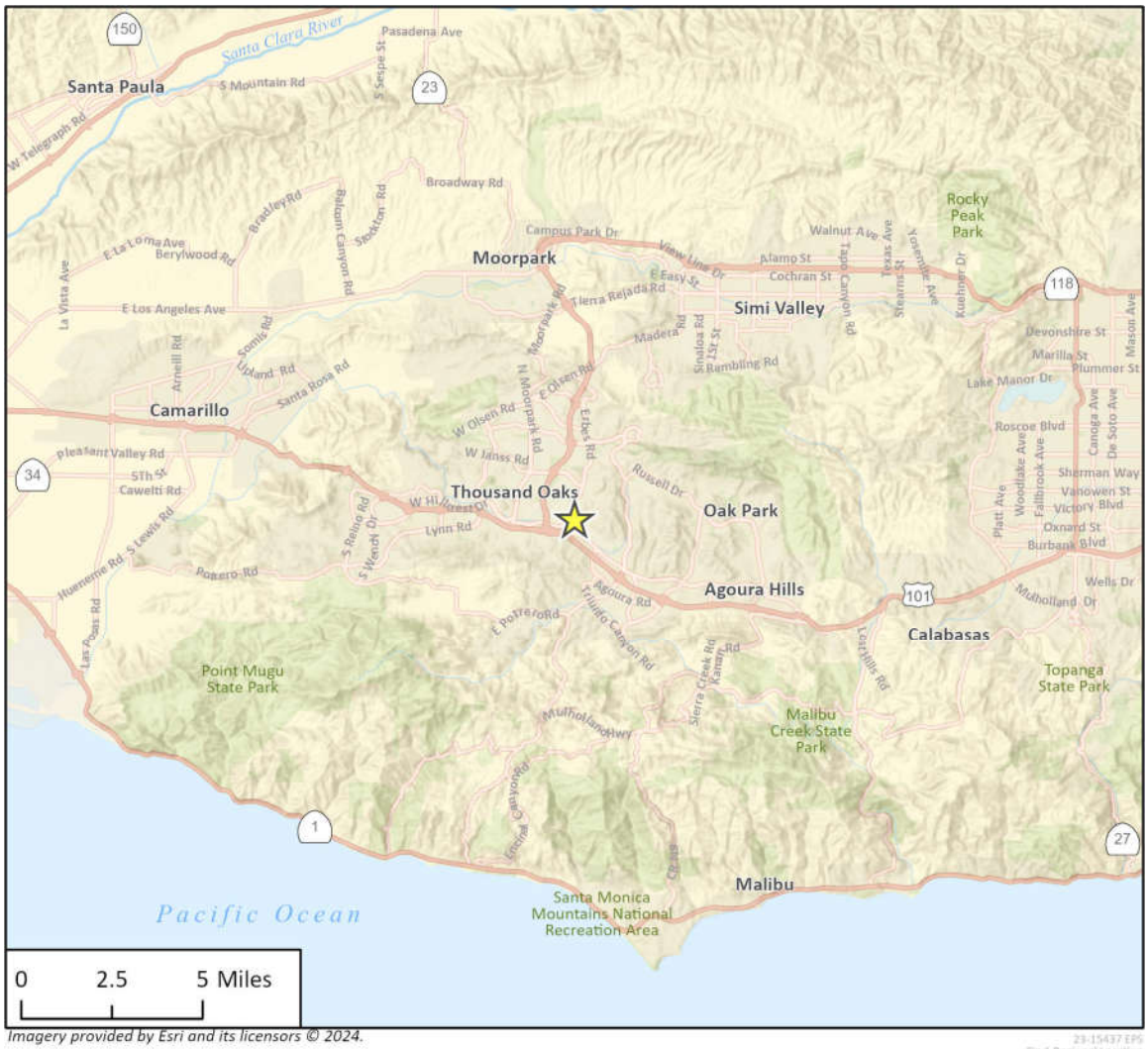
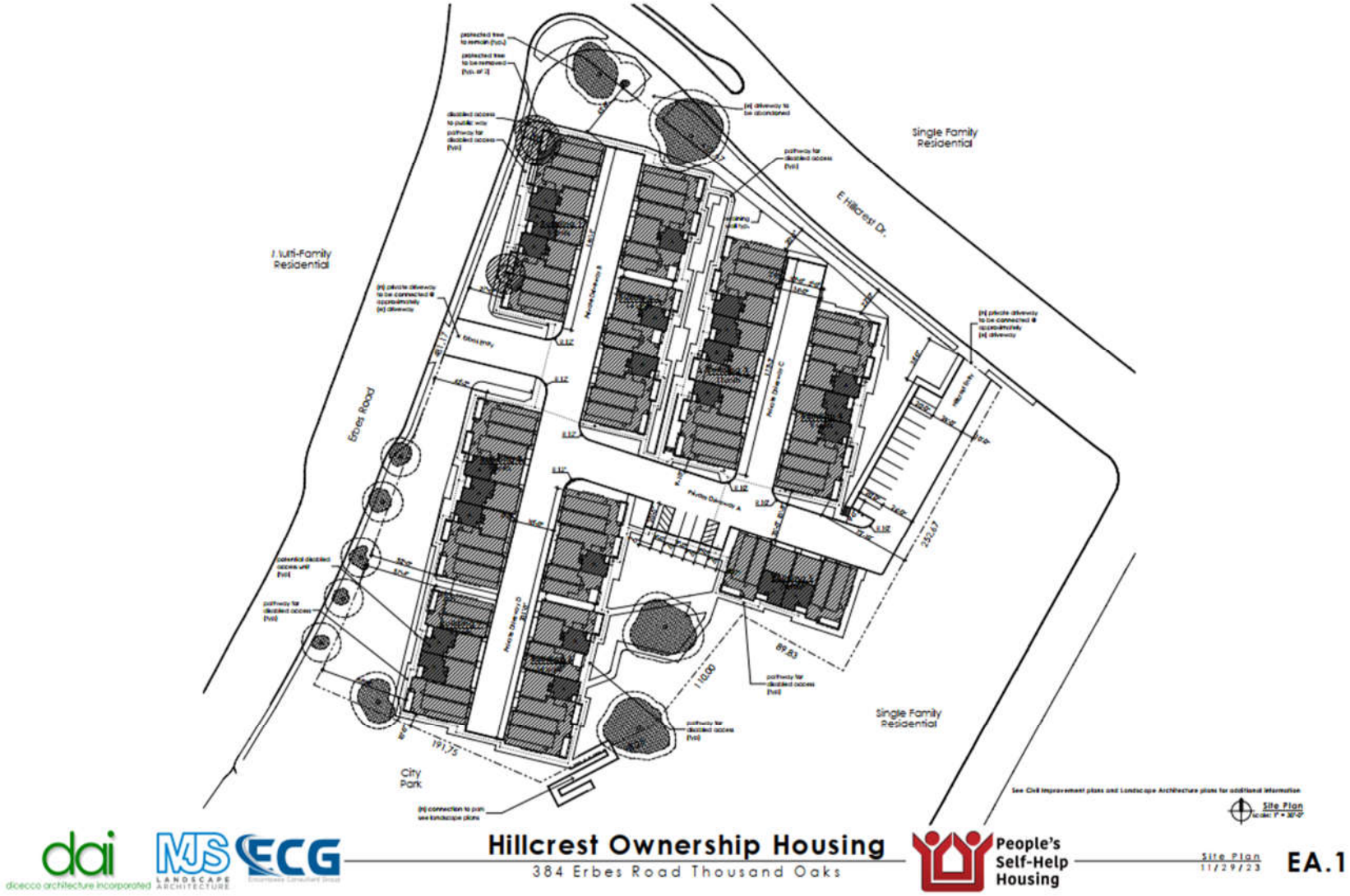


Figure 2 Project Site Location

Imagery provided by Microsoft Bing and its licensors © 2024.

Figure 3 Site Plan



Construction

Construction of the project is anticipated to commence in April 2025 and would comply with the Thousand Oaks Municipal Code (TOMC) Section 8.11-01, which prohibits construction related activities outside the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. As such, construction activities related to the project would occur Monday through Saturday from 7:00 a.m. to 7:00 p.m. Any construction activities occurring on Sundays would be pursuant to approval of an after-hours construction permit, which is required for any construction activities on Sundays. Construction is anticipated to be complete October 2026, for a total construction period of approximately 19 months. All construction equipment will be Teir rated by the United States Environmental Protection Agency (USEPA) and all equipment over 50 horsepower will be USEPA Tier 4 rated.

Class 32 CE Consistency Analysis

CEQA Guideline Section 15332 identifies the Class 32 categorical exemption for projects characterized as in-fill development. This exemption is intended to promote infill development within urbanized areas. The class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Such projects must meet conditions (a) through (e) described in the analysis below.

Consistency with General Plan and Zoning

15332(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

According to the 2045 Thousand Oaks General Plan Land Use Element, the project site is designated Neighborhood High, which permits multi-family residential development with a maximum density of 20 to 30 units per acre and a maximum height of 50 feet (Thousand Oaks 2023).

The project involves construction of 78-units of affordable "for sale" townhomes consisting of eight three-story townhome buildings. The project would be consistent with the Neighborhood High land use designation. Project consistency with applicable Land Use Element goals and policies is presented in Table 1 As shown therein, the project would be consistent with the 2045 Thousand Oaks General Plan Land Use Element.

Table 1 Consistency with City of Thousand Oaks General Plan Land Use Element Policies

Goals and Policies	Consistency
Goal LU 2 Preserve and enhance existing neighborhoods throughout the City	
Policy LU 2.3 Sustainable Residences. Encourage sustainable building practices during new construction or when buildings are substantially renovated.	**Consistent.** The development of the project would comply with the California Green Building Standards Code (CalGreen) Title 24 energy efficiency standards.
Policy LU 2.4 Building additions. Building additions and expansions should use matching materials to ensure compatibility with the existing character of the neighborhood.	**Consistent.** The project would utilize building materials matching the nearby single-family residences and the multi-family units located across Erbes Road.

Goals and Policies	Consistency
Policy LU 2.7. Access to neighborhood amenities. Improve sidewalks and bike lanes within neighborhoods and along routes to retail areas, schools, parks, and other points of interest to promote active transportation. Improve active transportation-related street amenities, including bike parking, lighting, and seating along major routes	**Consistent.** The project will provide access for residents to Estrella Park, located directly south of the project site. A bus stop, served by Crosstown Bus Route 44 and operated by Thousand Oaks Transit, is located 0.3 miles east of the project site on East Hillcrest Drive and would provide transit access to residents. In addition, the project will provide six bicycle parking spaces for residents.
Goal LU 3 Promote a diversity of housing types for Thousand Oaks residents through all stages of life.	
Policy LU 3.1. Diversity of Housing. Promote a diversity of housing types in locations throughout the City, specifically in neighborhood areas that contain goods and services, parks and open space, and public schools in a walkable setting.	**Consistent.** The project would provide affordable multi-family units in a highly urbanized area within Thousand Oaks. The project is located approximately 0.1 miles away from Estrella Park, 0.27 miles away from Wood Ranch Elementary School, and 0.6 miles away from the nearest supermarket (Siesta Market).
Policy LU 3.2. Housing for different life stages and incomes. Encourage new housing types for all residents including young professionals, older adults, and middle- and low-income families.	**Consistent.** The project includes 78 affordable housing units which would provide housing for low to medium income residents.
Policy LU 3.7. Parking Requirements. Allow a reduction in parking requirements on a project-by-project basis to achieve high-quality design, increased housing affordability, and to promote walking, bicycling, and transit use, while working to minimize potential negative impacts on adjacent properties.	**Consistent.** The project includes 161 parking spaces which meets the parking requirements of a Neighborhood High Land Use Designation as stated in Section 9-4.2402 of the TOMC.
Goal LU 4 Support the creation of safe, affordable, and sanitary housing for all ages, income levels, and abilities.	
Policy LU 4.1. New housing in very high fire hazard zones. Discourage developing housing on undeveloped land within the City's Very High Fire Hazard Severity Zone.	**Consistent.** The project is not located on undeveloped land within a Very High Fire Hazard Severity Zone.
Policy LU 4.2. Incentives for healthy housing. Create incentives for new and rehabilitated residential buildings to be designed and constructed to consider the health of residents, such as: • Sitting buildings to encourage walking; • Designing buildings to allow for high levels of natural light and air, and, • Provide safe connections to parks, trails, schools, and recreation.	**Consistent.** The project will be constructed in a highly urbanized area of Thousand Oaks, located near public schools, grocery stores, and transit stops. Furthermore, each townhome will be designed to allow for high levels of natural light and air. In addition, the site provide access to adjacent Estella Park.
Policy LU 4.4. Air quality of homes. For new residential land uses that cannot be sited at least 500 feet away from high-volume roadways, require design mitigation, such as: • Design residential units with individual heating, ventilation, and air conditioning (HVAC) systems to allow adequate ventilation even with windows closed; • Locate air intake systems for HVAC systems as far away from existing air pollution sources as possible; • Use High Efficiency Particulate Air (HEPA) air filters in the HVAC system and require a maintenance plan to ensure the filtering system is properly maintained; • Use sound walls, berms, and vegetation as physical barriers; and • Notify new potential home buyers and renters of risks from air pollution..	**Consistent.** Although the project is within 500 feet of high-volume roadways (Hillcrest Drive and Erbes Road), the project will comply with all applicable TOMC and 2045 Thousand Oaks General Plan regulations including equipping all residential units with HVAC systems, providing residents with HEPA air filters, and notifying potential new home-buyers and renters of risks from air pollution.

Goals and Policies	Consistency
Policy LU 4.5. Affordable housing stock. Increase the number and diversity of affordable housing units in the City and encourage housing of varying income levels and unit sizes/floor plans.	**Consistent.** The project will construct 78 affordable housing units at a range unit sizes and floor plans.
Goal LU 7 Multi-Family Residential Neighborhoods	
Policy LU 7.1 Character and Design. Require that multi-family dwellings and properties be designed to reflect the high level of architectural and landscape quality that distinguishes existing neighborhoods.	**Consistent.** Residential development surrounding the site consists largely of one- to three-story buildings. The three-story residential building would be similar in scale to surrounding development and would be consistent with the character and quality of the area. Furthermore, the project would include on-site landscaping on its frontage along East Hillcrest Drive and Erbes Road, which would be consistent with landscaping on surrounding properties.

Source: Thousand Oaks 2023

The project site is zoned R-3 (Multiple Family Residential), which, according to the City's Zoning Code, permits multi-family residential development. The multi-family residential project would thus be consistent with the allowable uses of the project site. A comparison of project features with base zoning requirements for the R-3 Multiple Residential Zone is presented in Table 2 below.

Table 2 Project Comparison with R-3 Zoning Requirements

	R-3 Requirements	Project
1-bedroom Unit	Minimum 1,000 SF	949 – 984 SF
2 Bedroom Units	Minimum 1,000 SF	1,155 - 1,169 SF
3-Bedroom Units	Minimum 1,000 SF	1,389 – 1550 SF
4 Bedroom Units	Minimum 1,500 SF	1,734 SF
Density (Total Number of Allowed Units)	30 DU/Acre or less	20.1 DU/Acre
Parking	152 spaces (with affordable housing incentives)	161 spaces
Stories/Height	3 stories/45 feet or less (with affordable housing incentive)	3 stories/38 feet

DU = dwelling unit; SF = square feet

The project would be consistent with the 2045 Thousand Oaks General Plan designation and general plan policies as well as with applicable zoning designation and regulations. The project meets this criterion.

Location, Size, and Surroundings

15332(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site is located within the limits of the city of Thousand Oaks on a project site of less than five acres substantially surrounded by urban uses. As shown in Figure 2, the project is located on a 3.88-acre site and is surrounded by single-family and multi-family residential uses. Multi-family apartment buildings are located across Erbes Road to the west and a single-family home, and cleared, undeveloped parcels are located across East Hillcrest Drive to the north. Estella Park borders the site

to the south and single-family residences border the site to the east. Therefore, the project meets this criterion.

Endangered, Rare, or Threatened Species Habitat

15332(c) The project site does not provide suitable habitat for special status species, including endangered, rare, or threatened species.

The project site is located within a highly developed urban area that lacks habitat that would be suitable for special status animal or plant species. According to a Biological Assessment and Impact Analysis prepared by Envicom Corporation in February 2024 (Appendix A) The nearest designated critical habit occurs approximately 1.45 miles to the south-southwest for Lyon's pentachaeta (*pentachaeta lyonia*), suitable habitat for this species does not occur within the project site. As discussed in the *Project Description*, existing vegetation on-site includes ornamental landscaping and ruderal vegetation that is typical of developed areas. Project demolition activities, such as grading and excavation, would require the removal of ten coast live oak trees (*Quercus agrifolia*). Grading impacts would encroach within 30 percent and 60 percent, respectively, of the Tree Protection Zone of two California sycamore trees (*Platanus racemose*) that may result in tree mortality. The ornamental landscaping and oak trees that will remain within the project site can support common nesting bird and raptor species, including Cooper's hawk, a CDFW "Watch List" species, that has a moderate potential to occur; however, no active or inactive raptor nests were observed during a site visit completed in February of 2024. Additional birds may nest on site, such as barn swallows (*Hirundo rustica*) and house finch (*Haemorhous mexicanus*). Prior to construction, pre-activity nesting bird surveys will be completed, per the City's General Plan Requirements, and therefore, no impacts to nesting birds is anticipated. Due to the limited available habitat, highly urban context, and ruderal nature of the vegetation, the project site does not provide suitable habitat for special status species or high habitat value for nesting birds, the project meets this criterion.

Significant Traffic, Noise, Air Quality, and Water Quality Impacts

15332(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic

Construction Traffic

If existing models or methods are not available to estimate the Vehicle Miles Traveled (VMT) for the project, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate to determine if the project would result in substantial impediments to circulation or safety. (AEP 2024)

As stated previously, construction of the project would comply with TOMC Section 8.11-01, which prohibits construction related activities outside of the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. Construction activities related to the project would take place Monday through Saturday from 7:00 a.m. to 7:00 p.m. In addition, an after-hours construction permit would be required for any project-related construction activities on Sundays, or between 7:00 p.m. and 7:00 a.m. Construction activities would be primarily limited to the project site.

Grading activities associated with project construction would require an estimated 36 daily truck trips for exporting debris from the site which would occur for approximately one month. According to TOMC

Section 77-2-203 and the 2045 Thousand Oaks General Plan Circulation Element, the City has designated heavy truck routes, which include the freeway system specifically Highway 101 and State Route 23 (Thousand Oaks 2023). The project would be required to comply with designated truck routes and would not route construction traffic on roadways unequipped for accommodating heavy duty truck travel.

Construction traffic impacts would be temporary by nature and would have no effect on traffic and circulation beyond the construction period. Furthermore, construction would not significantly contribute to local traffic during the construction period upon compliance with applicable TOMC regulations, including obtaining a Class A Permit required under TOMC Section 9-4.4005. Therefore, construction traffic impacts would be less than significant.

VMT Assessment

In August 2020, Thousand Oaks established and adopted an interim Citywide policy using VMT as the metric to measure transportation impacts from proposed development projects on a case by case basis pursuant to Government Code 15064 (b) (2) in conformance with the CEQA and in compliance with Senate Bill (SB) 743.

In accordance with the Thousand Oaks CEQA Thresholds, a project will be determined to have a less than significant impact, and no further transportation impact analysis will be required, if it meets either of the following screening criteria:

1. Trip Generation: Any project that generates less than 100PM peak hour trips based on the ITE 10th Edition Trip Generation Manual or most current edition published at the time the project application is submitted.
2. Low VMT Area: This criterion includes a map-based approach. Different sections of the City display different VMT characteristics based on land use and other factors. Areas where the General Plan favors intensification of development are generally areas of low average VMT. The following methodology shall be used for determining if a project meets the map-based screening threshold:
    a) The proposed project must be consistent with the General Plan designation and zoning.
    b) The Ventura County Transportation Commission (VCTC) has produced a countywide model for VMT and will provide maps to member agencies when available. The Public Works Department (PWD) will obtain and maintain the most current map for the purpose of this interim policy.
    c) For projects located in low VMT areas, the applicant must demonstrate that the project will result in a similar level of VMT as the surrounding land use within the Transportation Analysis Zone (TAZ), as shown on the best available map approved by the Community Development Department (CDD) and the Public Works Department (PWD) staff for project analysis. Where the project site is on the boundary of another TAZ, the same low VMT as the TAZ the project site is located must be determined. The VMT methodology may use VMT per capita, per employee, or net VMT as allowed by the Government Code.

Projects that do not meet these criteria will require a Traffic Impact Analysis (TIA) to determine the project's environmental impact.

To determine whether the project could be screened out of VMT and TIA analysis, the project's type was analyzed to determine if the project could be presumed to have a less than significant impact. According to the Trip Generation Memo prepared by the Thousand Oaks Public Works Department on August 24, 2023 (Appendix B), the project is estimated to generate a net increase of 36 trips in the PM Peak hour, therefore the project is screened out of VMT and TIA analysis based on the City's thresholds of significance for transportation impacts.

Site Access

Primary pedestrian access would still be provided via Erbes Road. However, primary vehicular access to the project site would be provided via Erbes Road and East Hillcrest Drive. The project would not include sharp curves, dangerous intersections, or incompatible on-site uses. Furthermore, implementation of the project would not create new obstructions to emergency access in the project area. Therefore, no significant impacts would occur regarding site access.

Conclusion

The project would not result in significant traffic impacts.

Noise

Noise Fundamentals

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response, which is most sensitive to frequencies around 4,000 Hertz (Hz) and less sensitive to frequencies around and below 100 Hz (Kinsler, et. al. 1999). Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; dividing the energy in half would result in a 3 dB decrease (Crocker 2007).

Human perception of noise has no simple correlation with sound energy: the perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not “sound twice as loud” as one source. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA, increase or decrease (i.e., twice the sound energy); that a change of 5 dBA is readily perceptible (8 times the sound energy); and that an increase (or decrease) of 10 dBA sounds twice (half) as loud as what is readily perceptible (Crocker 2007).

Sound changes occur in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in level as the distance from the source increases. The manner by which noise reduces with distance depends on factors such as the type of sources (e.g., point or line, the path the sound will travel, site conditions, and obstructions). Noise levels from a point source typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance (e.g., construction, industrial machinery, ventilation units). Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (California Department of Transportation [Caltrans] 2013). The propagation of noise is also affected by the intervening ground, known as ground absorption. A hard site, such as a parking lot or smooth body of water, receives no additional ground attenuation and the changes in noise levels with distance (drop-off rate) result from simply the geometric spreading of the source. An additional ground attenuation value of 1.5 dBA per doubling of distance applies to a soft site (e.g., soft dirt, grass, or scattered bushes and trees) (Caltrans 2013). Noise levels may also be reduced by intervening structures; the amount of attenuation provided by this “shielding” depends on the size of the object and the frequencies of the noise levels. Natural terrain features such as hills and dense woods, and man-made features such as buildings and walls, can significantly alter noise levels. Generally, any large structure blocking the line of sight will provide at least a 5-dBA reduction in source noise levels at the receiver (Federal Highway Administration [FHWA] 2011). Structures can substantially reduce exposure to interior noise as well. The FHWA’s guidelines indicate that modern building construction generally provides an exterior-to-interior noise level reduction of 20 to 35 dBA, with closed windows.

The impact of noise is not a function of loudness alone. The time of day when noise occurs, and the duration of the noise are also important factors of project noise impact. Most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed by academics and industry professionals. One of the most frequently used noise metrics is the equivalent noise level (L_{eq}); it considers both duration and sound power level. L_{eq} is defined as the single steady A-weighted level equivalent to the same amount of energy as that contained in the actual fluctuating levels over time.

Noise that occurs at night tends to be more disturbing than that which occurs during the day. Community noise is usually measured using Day-Night Average Level (L_{dn}), which is the 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. There is also the Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a +5 dBA penalty for noise occurring from 7:00 p.m. to 10:00 p.m. and a +10 dBA penalty for noise occurring from 10:00 p.m. to 7:00 a.m. (Caltrans 2013). Noise levels described by L_{dn} and CNEL usually differ by about 1 dBA. The relationship between the peak-hour L_{eq} value and the L_{dn}/CNEL depends on the distribution of traffic during the day, evening, and night).

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response. Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes.

One of the most frequently used noise metrics that considers duration as well as sound power level is the equivalent noise level (L_{eq}). The L_{eq} is defined as the single steady-state A-weighted sound level equal to the average sound energy over a time period. When no time period is specified, a one-hour period is assumed.

Vibration Fundamentals

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent structures. The number of cycles per second of oscillation makes up the vibration frequency, described in terms of Hertz (Hz). The frequency of a vibrating object describes how rapidly it oscillates. The normal frequency range of most groundborne vibration that can be felt by the human body starts from a low frequency of less than 1 Hz and goes to a high of about 200 Hz (Crocker 2007).

While people have varying sensitivities to vibrations at different frequencies, in general they are most sensitive to low-frequency vibration. Vibration in buildings, such as from nearby construction activities, may cause windows, items on shelves, and pictures on walls to rattle. Vibration of building components can also take the form of an audible low-frequency rumbling noise, referred to as groundborne noise. Groundborne noise is usually only a problem when the originating vibration spectrum is dominated by frequencies in the upper end of the range (60 to 200 Hz), or when foundations or utilities, such as sewer and water pipes, physically connect the structure and the vibration source (Federal Transit Administration [FTA] 2018). Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. However, the primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses.

Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS) vibration velocity. The PPV and RMS velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (Caltrans 2020a).

Sensitive Receivers

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. According to the City of Thousand Oaks Noise Element, the following land uses are considered noise-sensitive uses of primary concern: residential uses, schools, hospitals, churches, outdoor spectator sports facilities, performing arts facilities, and hotels and motels (City of Thousand Oaks 2000).

Vibration-sensitive receivers, which are similar to noise-sensitive receivers, include residences and institutional uses, such as schools, churches, and hospitals. Vibration-sensitive receivers also include buildings where vibrations may interfere with vibration-sensitive equipment that is affected by vibration levels that may be well below those associated with human annoyance (e.g., recording studies or medical facilities with sensitive equipment).

The nearest sensitive receivers include single-family homes to the north and east, multifamily residential buildings to the south and west, the Ascension Lutheran Early Childhood Center preschool to the west, the Ascension Lutheran Church to the west, and the Colina Middle School to the west.

Existing Noise Setting

The most prominent source of noise in the project site vicinity is vehicular traffic on East Hillcrest Drive and Erbes Road. To characterize ambient sound levels at and near the project site, two short-term (15-minute) and one long-term (24-hour) sound level measurements were conducted on March 4–5, 2024 using a Soft dB Piccolo-II, ANSI Type 2 integrating sound level meter. Short-term measurement 1 (ST1) was taken at the northeastern corner of the project site to capture noise levels from East Hillcrest Drive. Short-term measurement 2 (ST2) was taken at the western project site boundary to capture noise levels from Erbes Road. Long-term measurement 1 (LT1) was taken at the eastern project site boundary near the proposed Building 5 to capture ambient residential noise levels at this area of the site. Figure 4 shows the locations of the noise measurements, Table 3 summarizes the results of the short-term noise measurements, and Table 4 summarizes the results of the long-term noise measurements.

Figure 4 Noise Measurement Locations

Table 3 Short-Term Sound Level Monitoring Results

Measurement Location		Sample Times	Approximate Distance to Primary Noise Source	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)
ST1	Northeastern corner of project site	7:21 a.m. to 7:36 a.m.	51 feet to centerline of East Hillcrest Dr	70.0	54.7	86.9
ST2	Western boundary of project site	7:41 a.m. to 7:56 a.m.	45 feet to centerline of Erbes Rd	66.5	51.9	76.8

L_{eq} = average noise level equivalent; dBA = A-weighted decibel; L_{min} = minimum instantaneous noise level; L_{max} = maximum instantaneous noise level; ft = feet

Table 4 Long-Term Sound Level Monitoring Results

Sample Time	dBA L_{eq}	Sample Time	dBA L_{eq}
LT1 – Eastern project site boundary, March 4–5, 2024			
8:00 AM	55	8:00 PM	53
9:00 AM	53	9:00 PM	50
10:00 AM	53	10:00 PM	48
11:00 AM	52	11:00 PM	48
12:00 PM	53	12:00 AM	47
1:00 PM	54	1:00 AM	47
2:00 PM	55	2:00 AM	50
3:00 PM	55	3:00 AM	52
4:00 PM	56	4:00 AM	54
5:00 PM	56	5:00 AM	57
6:00 PM	54	6:00 AM	60
7:00 PM	54	7:00 AM	59
24-hour Noise Level (dBA CNEL)			**60.4**

dBA = A-weighted decibels; L_{eq} = equivalent noise level; CNEL = community equivalent noise level

See Figure 4 for approximate noise measurement locations; see Appendix C for graphical measurement results.

Regulatory Setting

Federal Regulations

The FTA provides reasonable criteria for assessing construction noise impacts based on the potential for adverse community reaction in their Transit and Noise Vibration Impact Assessment Manual (FTA 2018). For residential, commercial, and industrial uses, the daytime noise threshold is 80 dBA L_{eq}, 85 dBA L_{eq}, and 90 dBA L_{eq} for an 8-hour period, respectively.

State Regulations

The state of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires each county and city to adopt a General Plan that includes a Noise Element prepared per guidelines adopted by the Governor's Office of Planning and Research.

The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels. The California Environmental Quality Act requires all known environmental effects of a project be analyzed, including environmental noise impacts.

California Noise Control Act of 1973

California Health and Safety Code Sections 46000 through 46080, known as the California Noise Control Act, find that excessive noise is a serious hazard to public health and welfare and that exposure to certain levels of noise can result in physiological, psychological, and economic damage. The act also finds that there is a continuous and increasing bombardment of noise in urban, suburban, and rural areas. The California Noise Control Act declares that the State of California has a responsibility to protect the health and welfare of its citizens by the control, prevention, and abatement of noise. It is the policy of the State to provide an environment for all Californians that is free from noise that jeopardizes their health or welfare.

California Building Code (CCR Title 24, Part 2)

California adopted noise insulation standards for residential buildings (Title 24, Part 2, California Code of Regulations, section 1206, et. seq.). Title 24 establishes standards for interior room noise (attributable to outside noise sources). A project must be designed to limit intruding noise to an interior CNEL (or Ldn) of at least 45 dBA in any habitable room.

California Green Building Code

California Green Building Standards Code 2016 (CalGreen) Section 5.507.4, Acoustical Control, requires that construction within the 65 dB(A) day-night noise level (L_{dn}) contour of an airport, freeway, expressway, railroad, industrial noise source, or other fixed source. According to Section 5.507.4.1.1, where noise contours are not readily available "buildings exposed to a noise level of 65 dB Leq-1-hr during any hour of operation shall employ sound-resistant assemblies as determined by a prescriptive method (CalGreen Section 5.507.4.1) or performance method (CalGreen Section 5.507.4.2).

- Projects may demonstrate compliance through the prescriptive method if wall and roof-ceiling assemblies exposed to the noise source shall meet a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30.
- Projects may demonstrate compliance through the performance method if wall and roof-ceiling assemblies exposed to the noise source shall be constructed to provide an interior noise environment that does not exceed 50 dB Leq-1-hour in occupied areas during hours of operations.

Local Regulations

Thousand Oaks General Plan Noise Element

Chapter 4.6 of the City of Thousand Oaks General Plan Noise Element develops more specific thresholds of significance where the ambient noise is at or above certain levels. Table 5 summarizes noise impacts associated with project-related noise level increases based on various ambient noise environments.

Table 5 City of Thousand Oaks Stationary Noise Standards

If the annual average noise level with the proposed project, cumulative projects, and General Plan buildout in an area currently used for or designated in the General Plan for a noise-sensitive land use[1] is expected to be:	A significant project or cumulative impact may result if the change in annual average noise levels from existing conditions due to all sources in an area currently used for or designated in the General Plan for a noise-sensitive land use[1] is:	The project alone may be considered to make a substantial contribution to significant cumulative impact if the change in annual average noise level due to the project is:
Less than 55 dBA CNEL	Not significant for any change in noise level	Not significant for any change in noise level
55 – 60 dBA CNEL	Equal to or greater than 3.0 dBA	Equal to or greater than 1.0 dBA
60 – 70 dBA CNEL	Equal to or greater than 1.5 dBA	Equal to or greater than 0.5 dBA
Greater than 70 dBA CNEL	Equal to or greater than 1.0 dBA	Equal to or greater than 0.5 dBA

Source: Table 9, City of Thousand Oaks Noise Element 2000

[1] A noise-sensitive land use is a use for which the lower limit of the noise level considered "normally unacceptable" for development because of noise impact is 70 dBA CNEL or lower. In identifying land use areas, areas which are undevelopable for noise-sensitive uses because of slope, development restriction, easement, etc., or which are used for non-noise-sensitive components of a multiple-use or mixed-use project, should not be considered noise sensitive.

Exceptions. Development of single-family or multi-family residential uses in an infill project in an existing residential area which is designated for development for residential uses in the General Plan, and for which a sound insulation study has been prepared by a qualified acoustical engineer or other sound insulation specialist, and for which sound insulation is included in the proposed project to meet state standards for interior noise levels for multi-family residential development, shall not be considered to have a significant adverse effect when considering the exposure of the project itself to noise level exceeding the standards of this Noise Element.

For projects which would result in a potentially significant impact, the City may require an acoustical study to identify mitigation measures to reduce impacts to a less-than-significant level.

Chapter 4.9 of the Noise Element limits construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No construction is permitted on Sunday. In addition, no congregation of trucks or construction-related vehicles or construction workers is allowed before 7:00 a.m. at the project site or in the nearby residential areas.

Thousand Oaks Municipal Code (TOMC)

Section 5-21.02 of the City of Thousand Oaks Municipal Code (TOMC) regulates powered equipment noise in residential areas. Between the hours of 9:00 p.m. and 7:00 a.m. of the following day, no person shall operate any lawn mower, backpack blower, lawn edger, riding tractor, or any other machinery, equipment, or other mechanical or electrical device, or any hand tool which creates a loud, raucous or impulsive sound, within any residential zone or within any commercial zone which can be heard from any inhabited real property in a residential zone.

Section 8-11.01 of the TOMC limits the construction of any building or structure, the moving of earth, or the laying of any pavement, including, but not limited to, the making of any excavation, clearing or grading of surface land, and loading or unloading material, equipment, or supplies to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.

The City of Thousand Oaks does not have defined, quantitative thresholds for construction noise or vibration. Therefore, construction noise and vibration impacts are analyzed using the thresholds from Caltrans' Transportation and Construction Vibration Guidance Manual and the FTA's Transit Noise and Vibration Impact Assessment Manual (Caltrans 2020a; FTA 2018). Based on these criteria, construction noise impact would be significant if construction noise exceeds 80 dBA L_{eq} at nearby sensitive receptors, while construction vibration impact would be significant if vibration levels exceed 0.2 in/sec PPV at the nearest offsite structures.

Project Noise Impacts

Construction Noise

Temporary noise levels caused by construction activity would be a function of the noise generated by construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of noise-generating activities. For a construction noise assessment, construction equipment can be considered to operate in two modes: stationary and mobile. As a rule, stationary equipment operates in a single location for one or more days at a time, with either fixed-power operation (e.g., pumps, generators, and compressors) or variable-power operation (e.g., pile drivers, rock drills, and pavement breakers). Conversely, mobile equipment moves around the construction site with power applied in cyclic fashion, such as bulldozers, graders, and loaders (FTA 2018). Noise impacts from stationary equipment are assessed from the center of the equipment, while noise impacts from mobile construction equipment are assessed from the center of the equipment activity area (e.g., construction site). Due to the complex nature of construction activity within the project site throughout a typical day, construction noise was evaluated at the center of the project site.

Construction noise was estimated using the Federal Highway Administration's (FHWA) Roadway Construction Noise Model (RCNM) Version 1.1. Typical construction projects have long-term noise averages that are lower than louder short-term noise events due to equipment moving from one point to another on the site, work breaks, and idle time. Each phase of construction has a specific equipment mix depending on the work to be carried out during that phase. Accordingly, each phase also has its own noise characteristics; some will have higher continuous noise levels than others, and some may have discontinuous high-impact noise levels. The maximum hourly L_{eq} of each phase is determined by combining the L_{eq} contributions from each piece of equipment used in that phase (FTA 2018). Project construction phases would include demolition, grading and excavation, utilities installation, building construction, and paving. It is assumed that diesel engines would power all construction equipment. Per information provided by the project applicant, typical heavy construction equipment would include backhoes, concrete saws, bulldozers, excavators, front-end loaders, graders, tractors, and stationary equipment, such as generators. Construction equipment would not all operate at the same time or location. In addition, construction equipment would not be in constant use during the eight-hour operating day.

Table 6 presents the expected construction noise levels at the closest sensitive receptors to the center of the project site. As shown in Table 6, construction noise levels would reach up to approximately 71 dBA L_{eq} at the nearest sensitive receptors (single-family homes located to the east); therefore, noise levels generated by construction of the project would not exceed the FTA's 80 dBA L_{eq} threshold at the nearest sensitive receptors. Additionally, construction would occur from 7:00 a.m. to 5:00 p.m., Monday through Friday, and would not conflict with the TOMC. Therefore, construction noise impacts would be less than significant.

Table 6 Construction Noise Levels at Sensitive Receptors

Sensitive Receptor	Distance (ft)	Estimated Construction Noise Levels (dBA L_{eq}, 8-hour) by Construction Phase				
		Demolition	Grading/ Excavation	Utilities Installation	Building Construction	Paving
Single-family homes to north	415	67	67	63	64	65
Single-family homes to east	250	71	71	68	69	70
Multifamily homes to south	405	67	67	64	65	65
Multifamily homes to west	290	70	70	66	67	68
Ascension Lutheran Early Childhood Center preschool	505	65	65	62	63	63
Ascension Lutheran Church	840	61	61	57	58	59
Colina Middle School	1,115	58	58	55	56	57

Source: Roadway Construction Noise Model (RCNM). See Appendix D for modeling outputs.

Operational Noise

Packaged Terminal Air Conditioning (PTAC) Units

Per information provided by the project applicant, each residential unit was assumed to include a packaged terminal air conditioning (PTAC) system at the exterior of each living unit. The PTAC unit assumed in this analysis is the LG Model LP150HED1, which produces an outdoor sound pressure level of 63 dBA, per manufacturer's specifications (data sheet included in Appendix E). Note that this sound pressure level was assumed to be generated at a distance of 3 feet. Building 5, located closest to the adjacent residential property line, would contain six PTAC units, which would generate a sound pressure level of approximately 70.8 dBA at 3 feet. At the nearest adjacent residential property line to the east, this sound pressure level would attenuate to approximately 50 dBA. Based on noise measurements taken at the project site, the existing noise environment at the site is approximately 60.4 dBA CNEL (*Existing Noise Setting* section, above). When combined with the existing ambient noise level of 60.4 dBA CNEL, noise generated by the project's PTAC units would increase the ambient noise level to 60.8 dBA, a 0.4 dBA increase. Therefore, noise levels generated by the project's PTAC equipment would not cause an exceedance of the exterior ambient noise level by more than 0.5 dBA. Operational noise impacts associated with the project's PTAC equipment would be less than significant.

Delivery and Trash Trucks

The project would require periodic delivery and trash hauling services. However, noise associated with delivery and trash-hauling trucks would be an intermittent noise source and are already a common occurrence in the project area due to existing residences that make up the surrounding developed residential area. Therefore, such services associated with the project would not result in a substantial permanent increase in ambient noise levels. Operational noise impacts associated with delivery and trash-hauling trucks would be less than significant.

Additional on-site noise sources such as landscape maintenance, entering/exiting vehicles, and conversations would be typical of noise generated by neighboring land uses and would not substantially contribute to overall ambient noise levels. Therefore, on-site operations would have a less than significant impact.

Off-site Traffic Noise

The project would remove the existing vehicular access point at the northwest corner of the site near the intersection of Erbes Road and East Hillcrest Drive but would maintain the access points along Erbes Road and East Hillcrest Drive. Off-site traffic noise impacts would be considered significant if project-generated traffic resulted in a noise level increase of 3 dBA or more. In order for a 3 dBA increase to occur, traffic volumes on a roadway would need to be doubled. According to the Trip Generation Analysis Memo provided for the project, the project would generate 36 p.m. peak hour trips (City of Thousand Oaks Public Works Department 2023). Because the project would not generate more than 100 trips, per the City's Administrative Policy, a VMT Analysis and Traffic Impact Study (TIS) both are not required. In the vicinity of the project site, the daily traffic volumes on East Hillcrest Drive and Erbes Road are 9,710 and 1,884 daily trips, respectively (Replica 2024). With the assumption that the peak hour trips generated by the project would be 10 percent of the average daily traffic volumes, the project would generate an additional 360 daily trips on these roadways, resulting in a noise increase of approximately 0.2 dBA on East Hillcrest Drive and 0.8 dBA on Erbes Road. Therefore, the project would not result in an increase of 3 dBA at nearby sensitive receptors. Off-site traffic noise impacts would be less than significant.

Groundborne Vibration

Construction activities known to generate excessive groundborne vibration, such as pile driving, would not be conducted as part of the project. Therefore, the greatest known sources of vibration during project construction activities would be a vibratory roller and large bulldozer, which may be used as close as approximately 35 and 29 feet, respectively, to the nearest single-family residence adjacent to the eastern property line. A vibratory roller would generate a vibration level of approximately 0.210 in/sec PPV at a distance of 25 feet (Caltrans 2020), which would result in a vibration level of approximately 0.127 in/sec PPV at 35 feet.[1] A large bulldozer would generate a vibration level of approximately 0.089 in/sec PPV at 25 feet, which would result in a vibration level of approximately 0.071 in/sec PPV at 29 feet. Therefore, vibration generated by the use of a vibratory roller and a large bulldozer (and similar equipment) would not exceed the 0.2 in/sec PPV threshold at nearby sensitive receptors and temporary construction vibration impacts associated with these types of equipment would be less than significant.

Airport Noise

The airport nearest to the project site, Van Nuys Airport (VNY), is located approximately 20.5 miles to the east. According to the California State Airport Noise Standards Quarterly Report for Van Nuys Airport, the project would not be located within the 65 CNEL noise contour of the Van Nuys Airport (Los Angeles World Airports 2023). Therefore, no substantial noise exposure from airport noise would occur to construction workers or residents of the project and no impacts would occur.

Conclusion

The proposed project would not result in significant noise impacts.

[1] $PPV_{Equipment} = PPV_{Ref}(25/D)^n$ (in/sec), PPV_{Ref} = reference PPV at 25 feet, D = distance ,and n = 1.1

Air Quality

Environmental Setting

The federal and State Clean Air Acts (CAA) mandate the control and reduction of certain air pollutants. Under these laws, the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) have established the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS) for "criteria pollutants" and other pollutants. Some pollutants are emitted directly from a source (e.g., vehicle tailpipe, an exhaust stack of a factory, etc.) into the atmosphere, including carbon monoxide (CO), volatile organic compounds (VOC)/reactive organic compounds (ROC),[2] nitrogen oxides (NO_X), particulate matter with diameters of ten microns or less (PM_{10}) and 2.5 microns or less ($PM_{2.5}$), sulfur dioxide, and lead. Other pollutants are created indirectly through chemical reactions in the atmosphere, such as ozone, which is created by atmospheric chemical and photochemical reactions primarily between VOC and NO_X. Secondary pollutants include oxidants, ozone, and sulfate and nitrate particulates (smog).

Air pollutant emissions are generated primarily by stationary and mobile sources. Stationary sources can be divided into two major subcategories:

- Point sources occur at a specific location and are often identified by an exhaust vent or stack. Examples include boilers or combustion equipment that produce electricity or generate heat.
- Area sources are widely distributed and include such sources as residential and commercial water heaters, painting operations, lawn mowers, agricultural fields, landfills, and some consumer products.

Mobile sources refer to emissions from motor vehicles, including tailpipe and evaporative emissions, and can also be divided into two major subcategories:

- On-road sources may be legally operated on roadways and highways.
- Off-road sources include aircraft, ships, trains, and self-propelled construction equipment.

Air pollutants can also be generated by the natural environment, such as when high winds suspend fine dust particles.

Air Quality Standards and Attainment

The project site is located in the City of Thousand Oaks, Ventura County, and within the South Central Coast Air Basin (SCAB, under the jurisdiction of the Ventura County Air Pollution Control District (VCAPCD). As the local air quality management agency, VCAPCD is required to monitor air pollutant levels to ensure that the NAAQS and CAAQS are met and, if they are not met, to develop strategies to meet the standards. Depending on whether the standards are met or exceeded, the Ventura County portion of the SCAB is classified as being in "attainment" or "nonattainment." In areas designated as non-attainment for one or more air pollutants, a cumulative air quality impact exists for those air pollutants, and the human health impacts associated with these criteria pollutants are already occurring in that area as part of the environmental baseline condition. Under State law, air districts are required to prepare a plan for air quality improvement for pollutants for which the district is in non-attainment. Ventura County is currently designated nonattainment for the ozone NAAQS and CAAQS

[2] CARB defines VOC and ROG/ROC similarly as, "any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate," with the exception that VOC are compounds that participate in atmospheric photochemical reactions. For the purposes of this analysis, ROG/ROC and VOC are considered comparable in terms of mass emissions, and the term ROC is used in this analysis.

and the PM_{10} CAAQS. Ventura County is either unclassified or designated attainment for all other NAAQS and CAAQS (VCAPCD 2024).

The VCAPCD's Guidelines recommend specific air pollutant emission threshold levels for determining whether a project may have a significant adverse impact on air quality in the Basin. Based on the VCAPCD Guidelines, the project would have a significant impact if operational emissions of ROC or NO_X would exceed 25 pounds per day. As noted in the VCAPCD Guidelines, the 25-pounds-per-day threshold for ROC and NO_X is not intended to be applied to construction emissions because such emissions are temporary. Nevertheless, VCAPCD's Guidelines state construction-related emissions should be mitigated if estimates of ROC or NO_X emissions from heavy-duty construction equipment exceed this threshold (VCAPCD 2003).

Project Air Quality Impacts

Plan Consistency

The project would induce population growth directly through the construction of 78 residential units, replacing the existing residential building. Based on an average household size of 2.58, the project would result in a population increase of approximately 201 persons (California Department of Finance 2023). While it is likely that some future residents already live in the city, this analysis conservatively assumes all 201 future residents would move into the city. Additionally, as a conservative analysis, the number of residents in the existing residences are not deducted from the number of project-generated residents. The SCAG growth forecasts estimate the City's population to reach 144,700 persons by 2045, representing a total increase of 15,200 persons between 2016 and 2045. The project's potential direct population growth (201 persons) represents 1.3 percent of the city's anticipated growth between 2016 and 2045, and only 0.14 percent of the city's total projected 2045 population. Therefore, the project is consistent with the types, intensity, and patterns of land use envisioned for the site vicinity and would be considered consistent with the growth forecasts contained in the SCAG 2020 Regional Transportation Plan/Sustainable Communities Strategy. As the VCAPCD has incorporated these same projections into the 2022 Air Quality Management Plan (AQMP), the proposed project would be consistent with the 2022 AQMP and impacts would be less than significant.

Construction Emissions

Development of the proposed project would involve demolition, site preparation, grading, building construction, and other construction-related activities that have the potential to generate substantial air pollutant emissions. Temporary construction emissions from these activities were estimated in the California Emissions Estimator Model (CalEEMod) version 2022.1 using project-specific construction schedules, equipment lists, and site plans. Project-specific information for hauling and soil export was also used to estimate total haul trips. Under the provided schedule, construction would begin in April 2025 and occur five days a week for approximately 18 months, ending in October 2026. Table 7 shows maximum daily construction emissions. As indicated in Table 7, emissions from construction activities would not exceed VCAPCD daily significance thresholds and thus would not result in significant air quality impacts.

Table 7 Estimated Construction Emissions

	Emissions (pounds per day)				
	ROC	**NO_X**	**CO**	**PM_{10}**	**$PM_{2.5}$**
Maximum Daily Emissions	11	10	60	12	3
VCAPCD Threshold	25	25	N/A	N/A	N/A
Exceed VCAPCD Threshold?	**No**	**No**	**No**	**No**	**No**

Source: http://www.vcapcd.org/pubs/Planning/VCAQGuidelines.pdf
Note: See Appendix F for complete modeling results.
For a conservative estimate of project emissions, construction and operational emissions were modeled during winter and summer, then reported for the maximum day during the winter or summer, whichever was highest. Maximum daily mission estimates were then compared to the VCAPCD thresholds and measured in pounds-per-day.

The use of asbestos containing materials (ACMs) and lead paint was common in building construction prior to 1978. Because the project site contains an existing structure to be demolished, there is the potential that ACMs and/or lead paint is present on the project site. Federal asbestos requirements are found in National Emission Standards for Hazardous Air Pollutants (NESHAP) within the Code of Federal Regulations (CFR) Title 40 and are enforced in the project area by VCAPCD. In conformance with NESHAP, VCAPCD Rule 62.7 establishes surveying, notification, and work practice requirements to prevent asbestos emissions from emanating during building demolition activities (VCAPCD 2003). Mandatory compliance with the provisions of Rule 62.7 would ensure that construction-related grading, clearing, and demolition activities do not expose construction workers or nearby sensitive receptors to significant health risks associated with ACMs. In addition, the project would be required to comply with the Hazardous Materials Transportation Act and Toxic Substances Control Act, which would ensure safe handling and disposal of ACMs. Therefore, project construction would not result in significant impacts related to asbestos.

Operational Emissions

Long-term operational emissions associated with the proposed project are those associated with vehicle trips (mobile emissions) and the use of natural gas, consumer products, and architectural coatings (area source emissions) upon buildout of the project. Operational emissions were estimated in CalEEMod version 2022.1 based on the proposed use and the number of associated vehicle trips generated by the project as discussed above. Refer to Appendix F for CalEEMod results.

As shown in Table 8, the emissions generated by the proposed project would not exceed the SCAQMD's daily operational thresholds for any pollutant and would not significantly affect regional air quality. Therefore, the project's operational impacts to air quality would be less than significant.

Table 8 Estimated Operational Emissions

	Emissions (pounds per day)				
	ROC	**NO_X**	**CO**	**PM_{10}**	**$PM_{2.5}$**
Emissions from the Proposed Project	4	2	18	3	1
VCAPCD Thresholds	25	25	N/A	N/A	N/A
Exceed Thresholds?	**No**	**No**	**No**	**No**	**No**

Note: See Appendix F for complete modeling results.

For a conservative estimate of project emissions, construction and operational emissions were modeled during winter and summer, then reported for the maximum day during the winter or summer, whichever was highest. Maximum daily mission estimates are then compared to the VCAPCD thresholds measured in pounds-per-day. The annual emissions listed in the tables in the attachment to Appendix F show the average annual emissions in terms of metric tons per year. These estimates are used for analysis of greenhouse gas emissions impacts since the greenhouse gas emission thresholds are based on metric tons per year.

Toxic Air Contaminants

CARB and the Office of Environmental Health Hazard Assessment (OEHHA) have identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, infants (including in utero in the third trimester of pregnancy), and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis (CARB 2005, OEHHA 2015). Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved and are referred to as sensitive receptors. Examples of these sensitive receptors are residences, schools, hospitals, religious facilities, and daycare centers. The closest sensitive receptors to the project site include residences 50 feet to the east of the project site.

The proposed project does not include operational uses that would emit substantial amounts of pollution or toxic air contaminants that would affect nearby sensitive receptors.

Construction-related activities would result in short-term, project-generated emissions of DPM exhaust emissions from off-road, heavy-duty diesel equipment for site preparation, grading, building construction, and other construction activities. DPM was identified as a TAC by CARB in 1998. The potential cancer risk from the inhalation of DPM (discussed in the following paragraphs) outweighs the potential non-cancer health impacts (CARB 2021).

Generation of DPM from construction projects typically occurs in a single area for a short period. Construction of the proposed project would occur over approximately 18 months. The dose to which the receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the extent of exposure that a person has with the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the Maximally Exposed Individual. The risks estimated for a Maximally Exposed Individual are higher if a fixed exposure occurs over a longer period of time. According to the Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 30-year exposure period (assumed to be the approximate time that a person spends in a household). OEHHA recommends this risk be bracketed with 9-year and 70-year exposure periods. Health risk assessments should be limited to the period/duration of activities associated with the project.

The maximum $PM_{2.5}$ emissions, which is used to represent DPM emissions for this analysis, would occur during site preparation and grading activities. While grading emissions represent the worst-case

condition, such activities would occur for approximately one month, or 0.9 percent for a 9-year health risk calculation period and less than 0.3 percent for a 30-year and 70-year health risk calculation period. $PM_{2.5}$ emissions would decrease for the remaining construction period because construction activities such as building construction, architectural coating, and paving would require less construction equipment. Furthermore, construction equipment would be rated Tier 4, which is the strictest USEPA emissions requirement for off-highway diesel engines. This requirement significantly reduces the amount of DPM and NO_X emissions from off-highway diesel engines. Therefore, DPM generated by project, construction is not expected to create conditions where the probability that the Maximally Exposed Individual would contract cancer is greater than 10 in one million. This impact would be less than significant.

Odors

The proposed project includes residential uses and would not create objectionable odors during project operation. Project construction could generate odors associated with heavy-duty equipment operation and earth-moving activities. Such odors would be temporary in nature and limited to the duration of construction in the vicinity of the project site. Therefore, this impact would be less than significant.

Conclusion

The proposed project would not result in significant air quality impacts.

Water Quality

Urban runoff can have a variety of deleterious effects. Oil and grease contain a number of hydrocarbon compounds, some of which are toxic to aquatic organisms at low concentrations. Heavy metals such as lead, cadmium, and copper are the most common metals found in urban stormwater runoff. These metals can be toxic to aquatic organisms and have the potential to contaminate drinking water supplies. Nutrients from fertilizers, including nitrogen and phosphorous, can result in excessive or accelerated growth of vegetation or algae, resulting in oxygen depletion and additional impaired uses of water.

As part of the Clean Water Act (CWA), the United State Environmental Protection Agency (USEPA) has established regulations under the National Pollutant Discharge System (NPDES) program to control direct stormwater discharges. In California, the State Water Resources Control Board (SWRCB) facilitates the NPDES permitting program, which regulates construction and operation pollutant discharges, and is responsible for developing its requirements in coordination with the Los Angeles Regional Water Quality Control Board (RWQCB). Although Thousand Oaks is within Ventura County, some incorporated cities within Ventura County including Thousand Oaks, fall under the Jurisdiction of the Los Angeles Regional Water Quality Control Board. The Los Angeles RWQCB implements the CWA by issuing permits for the County and its incorporated cities. The Los Angeles RWQCB reissued the Los Angeles County Municipal Separate Storm Sewer System Permit (Los Angeles County MS4 Permit) in which the City is a co-permittee. Therefore, development in the city, including the project, is required to adhere to the CWA requirements.

According to project plans, the constructed buildings would comprise 30.6 percent of the site, impervious surfaces, including drive isles and parking spaces, and landscaping would comprise the remaining 69.4 percent of the site. Because the majority of the site is currently developed with a mix of impervious and pervious surfaces, the project would not substantially alter existing site conditions or significantly increase the quantity or velocity of stormwater runoff. Nonetheless, the project would be required to comply with the Los Angeles County MS4 Permit requirements, which are also

incorporated into TOMC Section 7-8-102. The project would also be required to control pollutant discharge and runoff volume by utilizing Low Impact Development (LID) Best Management Practices (BMPs) during construction and operation. The project would comply with the aforementioned regulatory requirements in compliance with the mS4 permit requirements and therefore the potential for detrimental water quality and hydrology effects are less than significant. The project would be required to comply with the current municipal NPDES permit and LID requirements, which would also include submittal of a SUSMP for review and approval prior to issuance of a construction permit. Since the project would comply with BMPs during construction and permanent LID measures for ongoing operation, impacts related to water quality would be less than significant.

Conclusion

The project would not result in significant water quality impacts.

Utilities and Public Services

15332(e) The site can be adequately served by all required utilities and public services.

The project site is located within a highly developed urban area already served by existing public utilities and services. The Calleguas Municipal Water District provides water and sewer. Gas and electricity services are provided by the Southern California Gas Company and Southern California Edison, respectively. and Athens Trash Services provides solid waste collection services. The Thousand Oaks Police and Fire Departments provide police and fire protection services. Thousand Oaks.

The project involves the demolition of the existing Hillcrest Family School and parking lot and the construction of 78 affordable housing units consisting of eight three-story multi-family townhomes. The project would incrementally increase demand for public services and utilities compared to existing conditions; however, the site is already served and connected to all utilities and public services. Because the project would be consistent with the existing land use designation and zoning under the TOMC and 2045 Thousand Oaks General Plan. Furthermore, project development would include payment of standard utilities connection fees and ongoing user fees would offset the project's future demand on utilities. The project would also be compatible with other residential land uses and would not substantially increase the demand for police and fire protection services. The site would be adequately served by all required utilities and public services due to the prior existing Hillcrest Christian School therefore, the project would meet this criterion.

Exemption Analysis - Exceptions

CEQA Guidelines Section 15132 – Threshold Requirements for Class 32: In-Fill Projects

The following sections evaluate whether any of the exceptions to the use of a Class 32 CE pursuant to CEQA Guidelines Section 15300.2 are applicable to the proposed project.

Location

15300.2(a) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern

where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.

The use of Class 3, 4, 5, 6, or 11 CE is not proposed for the project. Therefore, this exception does not apply.

Cumulative Impacts

15300.2(b) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The project would involve the demolition of the existing Hillcrest Christian School for construction of 8 three-story multi-family townhomes consisting of 78 units located at 384 Erbes Road. No successive projects of the same type are currently located adjacent to the site. As discussed in the previous analyses included in this CE, particularly under Criterion 15332(d) for impacts to traffic, noise, air quality, and water quality, the project would not result in a significant impact in these issue areas.

The potential for cumulative impacts during project construction is a function of several factors, including the proximity of other proposed development projects surrounding the project site, which could potentially generate construction traffic, noise, air quality and water quality emissions at the same time as the project's construction. For cumulative projects, a 1,000-foot radius is used. A proposed multi-family residential project at 170 Erbes Road, approximately 927 feet south of the project site, is in beginning stages of the application process. It is anticipated that the 170 Erbes Road project would begin construction in March 2025. In addition, another proposed multi-family residential project is located at 1730 Los Feliz Drive, approximately 1,638 feet south of the project site is. Project construction is anticipated to begin February 2025. As such, there may be overlapping construction activities between the 384 Erbes Road project and the two other projects.

Cumulative operational noise impacts related to construction activities would consist of the exposure of nearby sensitive residential receivers to the combined operational noise of the proposed project in conjunction with planned projects in the vicinity. However, all development in the city would be required to comply with the City's noise ordinance in Section 8.11-01, which includes regulations for machinery (e.g., air conditioning) and leaf blowers. The project would not contribute to a significant cumulative noise impact. However, construction activities for all three projects would be temporary and would comply with applicable regulations that would reduce potential construction impacts related to air quality, noise, and construction traffic. In addition, at a distance over 1,000 feet, any temporary construction impacts would occur on separate blocks and would not be concentrated in the same place. Therefore, construction of the projects would not result in significant cumulative impacts.

With respect to cumulative operational traffic impacts, the project meets the Project Type Screening criterion for additional VMT analysis. Furthermore, the project would not modify existing pedestrian or vehicle access to the site from Erbes Road or East Hillcrest Drive. Therefore, the project would have a less than significant traffic impact at the project level and would not contribute a significant cumulative traffic impact.

Cumulative operational noise impacts related to construction activities would consist of the

SCAQMD recommends that project-specific air quality impacts be used to determine the potential cumulative impacts to regional air quality. Therefore, in accordance with VCAPCD guidance on determining cumulative impacts, the project would not result in a significant cumulative air quality impact.

Regarding hydrology and water quality, the project would not substantially alter existing site conditions or significantly increase the quantity and speed of stormwater runoff. Similar to the project, all cumulative development projects would be required to confirm with the City's MS4 permit and would comply with permanent LID measures for ongoing operation. Therefore, the project would not contribute to cumulative water quality impacts.

Based on the foregoing analysis, no significant cumulative impacts would result from successive projects in the same place over time, and this exception to a CE does not apply to the proposed project.

Significant Effect

15300.2(c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The project would not result in any significant effects on the environment due to unusual circumstances. The project site is currently developed as a single-story school building in a residential neighborhood and will operate as 78-units of affordable "for sale" townhomes. The project is permitted use under the site's Neighborhood High land use designation and R-3 zoning. Furthermore, the site is not located within a sensitive resource area and no site-specific environmental constraints, such as biological resources, geology and soils, and hazards and hazardous material exist on-site. There are no unusual circumstances applicable to this project or site, and thus this exception to a CE does not apply to the project.

Scenic Highways

15300.2(d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

According to the Caltrans State Scenic Highway System Map, no officially designated or eligible state scenic highways are adjacent to or in the proximity of the project site. Approximately 0.52 miles south of the site. a portion of State Route (SR) 101 is eligible for designation as a state scenic highway. However, due to the existing built urban environment surrounding the project and its vicinity, the project site is not visible from this distance from this portion of SR 101,. (Caltrans 2019). Therefore, the project would not impact scenic resources within a state scenic highway corridor. This exception to a CE does not apply to the project.

Hazardous Waste Sites

15300.2(e) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The following databases and listings compiled pursuant to Government Code Section 65962.5 were checked for known hazardous materials contamination at or near the project site:

- Department of Toxic Substances Control (DTSC): Envirostor database for hazardous waste facilities or known contamination sites

- California State Water Resources Control Board (SWRCB): GeoTracker search for leaking underground storage tanks (LUST) and other cleanup sites

In addition to the above-listed databases, other "Cortese List" resources identified by the California Environmental Protection Agency (CalEPA) were searched for the known contamination at or near the project site. According to these databases and resources, the project site is not located on or directly adjacent to any known hazardous or contaminated site. The nearest known contaminated site, as identified by the GeoTracker database, is located approximately 1,367 feet west of the site at Rancho Conejo Blvd Newbury Park, CA 91320. This site is listed as a LUST Cleanup Site for potential waste oil contamination. However, according to GeoTracker, the cleanup status of the site is completed, and the case has been closed since 1998 (SWRCB 2023, DTSC 2023, CalEPA 2023). Therefore, the project site is not located on and is not affected by any site included on a list compiled pursuant to Section 65962.5 of the Government Code. This exception to a CE does not apply to the project.

Historical Resources

15300.2(f) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

A Historical Resources Assessment prepared by Rincon Consultants in March 2024 (Appendix G), documented the results of a California Historical Resources Information System (CHRIS) records search through the South Central Coastal Information Center (SCCIC), a Sacred Lands File (SLF) search with the Native American Heritage Commission (NAHC), archival and background research, field surveys for built environment and archaeological resources, and a built environment evaluation for the existing building within the project site. This report was prepared in conformance with CEQA Guidelines Section 15064.5 for historical resources.

The SLF search results were negative, and the CHRIS records search and field survey did not identify any archaeological cultural resources within the project site and a 0.5-mile radius. The field survey also did not identify any archaeological resources within the project site. In addition, the sole built environment property within the project site, 384 Erbes Road, is recommended ineligible for listing in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or local register, and therefore does not qualify as a historical resource pursuant to CEQA. As such, there is no information to suggest the site contains any archaeological or built environment cultural resources that qualify as historical resources pursuant to Section 15064.5 of the CEQA Guidelines qualify as historical resources and be impacted by the proposed project. Rincon Consultants therefore recommends a finding of no impacts to historical resources.

Suitability of Use of Affordable Housing Exemptions

Article 12.5 of the CEQA Guidelines details exemptions for affordable housing projects provided that certain threshold criteria are met pursuant to Section 15192 (Thresholds Requirements For Exemptions For Agricultural Housing, Affordable Housing, And Residential Infill Projects) and Section 15194 (Affordable Housing Exemption). The project's consistency with the applicable requirements under CEQA Guidelines Sections 15192 and 15194 are provided in the following analysis.

CEQA Guidelines Section 15192 – Threshold Requirements for Agricultural Housing, Affordable Housing, and Residential Infill Projects

To qualify for an exemption set forth in CEQA Guidelines Section 15194, an affordable housing project must meet all threshold requirements (a) through (o) as follows:

a) *The project must be consistent with: (1) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete; and (2) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete, unless the zoning of project property is inconsistent with the general plan because the project property has not been rezoned to conform to the general plan.*

The project site's General Plan land use designation is Neighborhood High and the project site is zoned R-3 (Multiple-Family Residential). The project is allowed as a by-right project in the R-3 zoning and Neighborhood High land use designation with an Administrative Housing Permit and Site Plan Review.

(b) Community-level environmental review has been adopted or certified.

The project is located in a highly urbanized area in the City of Thousand Oaks. Therefore, the 2045 Thousand Oaks General Plan Environmental Impact Report, which was certified in November 2023, is applicable to the project.

(c) The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.

The project would connect to existing utility lines (e.g., water, sewer, electrical, stormwater) located along East Hillcrest Drive and within the surrounding urban area.

(d) The site of the project: (1) Does not contain wetlands, as defined in Section 328.3 of Title 33 of the Code of Federal Regulations. (2) Does not have any value as an ecological community upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection. (3) Does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code. (4) Does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.

The project site does not contain any wetlands or riparian habitat.[3] The closest wetlands habitat is a riverine habitat located 374.76 feet south of the project site. The construction and operation of the proposed project would not interfere or otherwise impact the riverine habitat since construction and operational activities would be restricted to the project site. The project site primarily contains ruderal vegetation, with no riparian habitat or sensitive natural communities identified in local or regional plans, policies, or regulations. As a result, no impacts to wetlands, sensitive ecological areas, and protected flora and fauna would occur with the implementation of the proposed project.

[3] U.S. Fish and Wildlife Service. "National Wetlands Inventory – Wetlands Mapper". National Wetlands Inventory (usgs.gov) (accessed February 2024).

(e) The site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.

The project site is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code, also known as the Cortese List.[4]

(f) The site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps have been taken in response to the results of this assessment: (1) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements. (2) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.

Due to the nature of the project's uses, no hazardous materials beyond what are utilized in a typical construction, household or retail setting are anticipated to be encountered or released during project construction and operation. In addition, the project site is not identified on the Cortese List nor is the site located near any active or closed oil wells or gas fields.[5]

A Phase I Environmental Site Assessment Report (ESA) was prepared for the project site by Rincon Consultants, Inc., on September 17, 2021 (Appendix H). The Phase 1 ESA determined asbestos-containing materials (ACM) and lead-based paint (LBM) are present on the subject property. In addition, the Phase 1 ESA also determined that miscellaneous discarded debris and hazardous materials were observed on the subject property. As such, an ACM and LBM survey are warranted due to the nature of the property. Additionally, proper removal and offsite disposal of miscellaneous discarded debris and hazardous materials is warranted.

(g) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.

A Historical Resources Assessment prepared by Rincon Consultants in March 2024 (Appendix G). The SLF search results were negative, and the CHRIS records search and field survey did not identify any archaeological cultural resources within the project site and a 0.5-mile radius. The field survey also did not identify any archaeological resources within the project site. The sole built environment property within the project site, 384 Erbes Road, is recommended ineligible for listing in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or local register, and therefore does not qualify as a historical resource pursuant to CEQA. As such, there is no information to suggest the site contains any archaeological or built environment cultural resources that qualify as historical resources pursuant to Section 15064.5 of the CEQA Guidelines qualify as historical resources and be impacted by the proposed project. Rincon Consultants therefore recommends a finding of no impacts to historical resources.

[4] California Environmental Protection Agency. 2023. "Cortese List Data Resources". Cortese List Data Resources | CalEPA (accessed February 2024).
[5] California Department of Conservation. "Well Finder". Well Finder (ca.gov) (accessed February 2024).

(h) The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.

According to CalFire, the project site is not located in a moderate, high, or very high Fire Hazard Severity Zone.[6]

(i) The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.

The project site is in an area that is predominantly residential. None of the uses that abut the site (i.e., residential, educational) have an unusually high risk of fire or explosion from materials stored or used since these uses do not typically require the utilization, storage, or handling hazardous materials beyond common household products.

(j) The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.

According to California Environmental Protection Agency (CalEPA), neither the project site nor the surrounding properties are identified on any Cortese List database. The uses that surround the project site include residential and a daycare/preschool. In addition, the project site is not located within a moderate, high, or very high Fire Hazard Severity Zone.

(k) Either the project site is not within a delineated earthquake fault zone or a seismic hazard zone, as determined pursuant to Sections 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard.

According to the United States Geological Survey (USGS) , the project site is not located in an earthquake fault zone, liquefaction zone, or landslide zone.[7] The closest earthquake fault to the project site is the Boney Mountain Fault, located approximately 1.30 miles south of the project site.[8] However, the project would be constructed in accordance with all applicable State and County building, seismic, and fire codes.

(l) Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.

According to the 2045 Thousand Oaks General Plan Safety Element, the project site is not located within a seismic and geotechnical hazards zone, a Federal Emergency Management Agency flood zone, a floodplain or floodway, a tsunami hazard area, or Fire Hazard Severity Zone. In addition, the project site is not encumbered by any general plan or zoning restrictions promulgated to mitigate the risk of a landslide or flood.

(m) The project site is not located on developed open space.

The project site is presently occupied by a vacant 26,500 SF one-story school building and parking lot. Furthermore, the site has a land use designation of Neighborhood High, and is zoned R-3 (Multi-Family Residential), while the site's corresponding general plan land use designation is Neighborhood High.

[6] California Department of Forestry and Fire Protection. 2023. "Fire Hazard Zones in State Responsibility Area". Last modified: June 15, 2023. Fire Hazard Severity Zones in State Responsibility Area (arcgis.com) (accessed February 2024).
[7] United States Geological Survey. 2023. "U.S. Quaternary Faults". U.S. Quaternary Faults (arcgis.com) (accessed February 2024)

The project site does not contain any open space nor is the site zoned for open space. Furthermore, the properties that comprise the project site are privately owned and are not accessible to the public.

(n) The project site is not located within the boundaries of a state conservancy.

The project site is located within an urbanized area of Thousand Oaks. Nonetheless, the project site is not identified by a state conservancy as an area that is subject to current grants or would be subject to grants in the future. In addition, the project is not likely to be acquired by a conservancy as property since the project site is not located near any body of water nor does the site have any utility as open space or habitat.

(o) The project has not been divided into smaller projects to qualify for one or more of the exemptions set forth in Sections 15193 to 15195.

As described above, the project is consistent with the 2045 Thousand Oaks General Plan. The project has not been divided into smaller projects and does not include any later phases or off-site activities.

Conclusion

The project meets the criteria set forth in CEQA Guidelines Section 15192. Therefore, the following analysis further evaluates the applicability of an affordable housing exemption for the project pursuant to CEQA Guidelines Section 15194.

CEQA Guidelines 15194 – Affordable Housing Exemption

According to CEQA Guidelines Section 15194, an affordable housing project is exempt from further CEQA review if it meets the criteria (a) through (d) as follows:

(a) The project meets the threshold criteria set forth in Section 15192.

As previously analyzed, the project is consistent with the threshold requirements under CEQA Guidelines Section 15192 and, therefore, meets this criterion.

(b) The project meets the following size criteria: the project site is not more than five acres in area.

The project site encompasses 3.88 acres and meets this criterion.

(c) The project meets both of the following requirements regarding location:

(1) The project meets one of the following location requirements relating to population density:

(A) The project site is located within an urbanized area or within a census-defined place with a population density of at least 5,000 persons per square mile.

(B) If the project consists of 50 or fewer units, the project site is located within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.

(C) The project is located within either an incorporated city or a census defined place with a population density of at least 1,000 persons per square mile and there is no reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.

The project site is in a highly urbanized area in the City of Thousand Oaks. The project site is located within a census designated place that has a population density of at least 1,000 persons per square

mile (Thousand Oaks has a population density of 2,297.7 persons per square mile). Therefore, the project meets the criterion of C.

(2) The project meets one of the following site-specific location requirements:

(A) The project site has been previously developed for qualified urban uses; or

(B) The parcels immediately adjacent to the project site are developed with qualified urban uses.

The project site has been developed with qualified urban uses and is located adjacent to properties that are developed with qualified urban uses, under the R-3 (Multi-Family Residential) zoning. Surrounding urban uses include, single-family residences border the site to the east, and Estella Park borders the project site to the south. Therefore, the project meets the criterion of B.

(C) The project site has not been developed for urban uses and all of the following conditions are met:

1. *No parcel within the site has been created within 10 years prior to the proposed development of the site.*
2. *At least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses.*
3. *The existing remaining 25 percent of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses.*

As stated previously, the project site has been developed with qualified urban uses, is located adjacent to properties that are developed with qualified urban uses, and at least 75 percent of the project site adjoins parcels that are developed with qualified urban uses. Furthermore, both parcels located within the site have not been created 10 years prior to the project. Therefore, the project meets this criterion.

(d) The project meets both of the following requirements regarding provision of affordable housing.

(1) The project consists of the construction, conversion, or use of residential housing consisting of 100 or fewer units that are affordable to low-income households.

(2) The developer of the project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 30 years, at monthly housing costs deemed to be "affordable rent" for lower income, very low income, and extremely low-income households, as determined pursuant to Section 50053 of the Health and Safety Code.

The project involves the construction and operation of a 78-unit affordable housing development. The units would be 100 percent affordable "for sale" townhomes.

Conclusion

The project also meets the criteria set forth in CEQA Guidelines Section 15194.

Determination

Based on this analysis, the project meets the qualifications of the Class 32 (15132 – In-Fill Projects) categorical exemption, Agricultural Housing, Affordable Housing, and Residential Infill Projects exemption (15192) and Affordable Housing exemption (15194) and is exempt from CEQA pursuant to CEQA Guidelines Article 19. Moreover, as discussed above, the project does not qualify for any of the exceptions to the exemptions.

Sincerely,
Rincon Consultants, Inc.

Marco Mendoza

Marco Mendoza
Environmental Planner/Project Manager

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Appendices

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