

EXHIBIT B

**CEQA Findings and  
Statement of Overriding Considerations**  
for the  
**2045 General Plan Update**

**Pursuant to CEQA Guidelines Sections 15091 and 15093  
and Public Resources Code Section 21081**

The Final Environmental Impact Report (Final EIR) prepared by the City of Thousand Oaks (City) for the TO2045 (“collectively referred to in this Final EIR as the “General Plan Update”, “TO2045”, “2045 General Plan”, “project” or “proposed project”) consists of the Draft EIR and Response to Comments on the Draft EIR. The Final EIR identifies significant environmental impacts that will result from implementation of the project. The City finds that the inclusion of certain mitigation measures as part of project approval will reduce all but the following significant impacts to levels that are less than significant: air quality, cultural resources, greenhouse gas emissions, noise, and transportation. No feasible mitigation measures have been identified to reduce these impacts to a less-than-significant level or mitigation measures have been identified but would not reduce impacts to a level of less than significant; thus, these impacts will remain significant unavoidable impacts of the project. These impacts will be overridden due to specific considerations that are described within this document.

As required by the California Environmental Quality Act (CEQA), the City, in adopting these CEQA Findings and Statement of Overriding Considerations, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The City finds that the MMRP, which is incorporated by reference, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project. In accordance with CEQA and the *CEQA Guidelines*, the City adopts these findings as part of the project approval. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the Final EIR reflects the City’s independent judgment as the lead agency for the project.

# Table of Contents

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1	Introduction .....	1
	Statutory Requirements for Findings.....	1
	Procedural Findings .....	1
	Findings Required Under CEQA .....	3
	Record of Proceedings.....	3
	Findings.....	4
2	2045 General Plan Update.....	5
	Project Objectives.....	5
	Project Description .....	6
	Alternatives.....	6
3	Topical Areas Determined to have Less than Significant or No Impacts.....	8
	Aesthetics .....	8
	Agriculture and Forestry.....	8
	Air Quality .....	9
	Biological Resources .....	9
	Cultural Resources .....	9
	Energy .....	9
	Geology and Soils.....	10
	Hazards and Hazardous Materials .....	10
	Hydrology and Water Quality.....	10
	Land Use and Planning.....	11
	Mineral Resources .....	11
	Noise .....	11
	Population and Housing.....	12
	Public Services and Recreation.....	12
	Transportation .....	12
	Utilities and Service Systems .....	13
	Wildfire .....	13

4	Topical Areas Determined to have Potentially Significant Impacts Mitigated to a Less Than Significant Level .....	14
	Air Quality .....	14
	Biological Resources .....	15
	Cultural Resources .....	17
	Noise .....	19
	Paleontological Resources .....	20
	Utilities and Service Systems .....	21
5	Topical Areas Determined to have Significant and Unavoidable Impacts.....	22
	Air Quality .....	22
	Cultural Resources .....	22
	Greenhouse Gas Emissions.....	23
	Noise .....	24
	Transportation .....	26
	Cumulative Impacts .....	27
6	Feasibility of Project Alternatives .....	28
	Alternative 1: No Project Alternative .....	28
	Alternative 2: Transportation Enhancement.....	29
	Alternative 3: Enhanced Construction Regulation .....	30
7	Statement of Overriding Considerations .....	31

# 1 Introduction

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## Statutory Requirements for Findings

California Environmental Quality Act (CEQA) Guidelines Section 15091 states that:

- (a) No public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
  - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.<sup>1</sup>

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.<sup>2</sup> The CEQA Guidelines state in Section 15093 that:

“If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

## Procedural Findings

The City Council of the City of Thousand Oaks finds as follows:

Based on the nature and scope of TO2045, State Clearinghouse No. 2022060087, the City Council of Thousand Oaks determined, based on substantial evidence, that the project may have a significant effect on the environment and prepared an EIR. The EIR was prepared, noticed, published, circulated, reviewed and completed in full compliance with the CEQA Public Resources Code

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<sup>1</sup> CEQA Guidelines Section 15091 (a), (b).

<sup>2</sup> Public Resources Code Section 21081(b).

Sections 21000 et seq. CEQA and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et. Seq.), as follows:

- **Notice of Preparation and Initial Study.** After deciding that an EIR is required, the lead agency (the City) must file a Notice of Preparation soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (CEQA Guidelines Section 15082; Public Resources Code [PRC] Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. The NOP may be accompanied by an Initial Study that identifies the issue areas for which the project could create significant environmental impacts. The City prepared an NOP of the Draft EIR for a 30-day agency and public review period that began on June 7, 2022 and ended on July 7, 2022.
- **Draft EIR Prepared.** The Draft EIR must contain a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing, and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; h) discussion of irreversible changes, and i) any identified areas of controversy. The City prepared a Draft EIR and circulated the Draft EIR for a 45-day public review period that began on August 11, 2023 and ended on September 25, 2023. A corresponding Notice of Availability (NOA) was published to provide notification when the Draft EIR became available for public review.
- **Notice of Completion (NOC).** The lead agency must file a notice of completion with the State Clearinghouse when it completes a Draft EIR and prepare an NOA. The lead agency must place the notice of completion in the County Clerk's office for 30 days (PRC Section 21092) and send a copy of the notice of completion to anyone requesting it (CEQA Guidelines Section 15087). Additionally, public notice of Draft EIR availability must be given through at least one of the following methods: a) publication in a newspaper of general circulation; b) physical signage posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public and respond in writing to all comments received (PRC Sections 21104 and 21253). An NOC was prepared and submitted to the State Clearinghouse with the Draft EIR on August 11, 2023.
- **Final EIR.** A Final EIR must include a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments. The City prepared a Final EIR, which was published and submitted to the State Clearinghouse on November 3, 2023.
- **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (CEQA Guidelines Section 15090).
- **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (CEQA Guidelines sections 15042 and 15043).
- **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should

be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.

- **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures adopted or made conditions of project approval to mitigate significant effects.
- **Notice of Determination (NOD).** The lead agency must file a NOD after deciding to approve a project for which an EIR is prepared (CEQA Guidelines Section 15094). A local agency must file the NOD with the county clerk. The NOD must be posted for 30 days and sent to anyone requesting notice previously. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (PRC Section 21167[c]).

## Findings Required Under CEQA

The City Council (the final decision-making body) of the City of Thousand Oaks (the CEQA Lead Agency) will determine whether to certify the EIR for the project. Because the Draft EIR identified a potentially significant environmental impact, the City Council must also make certain “findings” as part of its action to certify that the EIR has been completed in compliance with CEQA and to approve TO2045. Pursuant to CEQA Guidelines Section 15091 and CEQA Section 21081, no public agency shall approve or carry out a project for which an environmental impact report has been certified, which identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

## Record of Proceedings

For purposes of CEQA and these findings, the record before the City Council includes the following:

- The Draft EIR and all appendices to the Draft EIR
- The Final EIR including an errata, comments on the Draft EIR and responses to comments, and all appendices to the Final EIR
- Public notices required by CEQA
- Studies conducted for TO2045 and contained in, or referenced by, the Draft EIR or the Final EIR

- Documentary and oral evidence received and reviewed at public hearings, study sessions, and workshops and transcripts and minutes of those hearings related to TO2045 the Draft EIR and the Final EIR
- For documentary and informational purposes, the Findings and Statement of Overriding Conditions, Mitigation Monitoring and Reporting Program, and other documentation relevant to planned growth in the area
- Additional items not listed above if otherwise required by law

## Findings

The Final EIR is incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving TO2045 in spite of the potential for associated significant and unavoidable adverse impacts.

For the purposes of these findings, the impact discussions include the relevant policies and actions, as well as the separate mitigation measures imposed to reduce the impacts where the policies did not result in a less than significant impact. In the findings that follow, impact numbers are provided. The impact numbers correspond to sections of the Draft EIR that contain an expanded discussion of impacts. Please refer to the referenced impact sections of the EIR for more detail.

## 2 2045 General Plan Update

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### Project Objectives

Pursuant to CEQA Guidelines Section 15124(b), the EIR project description must include “[a] statement of objectives sought by the proposed project. The statement of objectives should include the underlying purpose of the project.” TO2045 is intended to achieve the following project objectives:

1. Maintain the “ring of green” open space at the outer edges of the city to provide a physical separation from adjacent communities, beautiful vistas, and a connection with nature;
2. Preserve and expand the existing urban forest, especially oak trees, through tree preservation and the significant addition of new trees;
3. Enhance visual gateways to the city with iconic architecture, open spaces, and monument signs;
4. Expand the existing network of parks and trails, so that all residents are within a short walk of a park, trail, or other open space;
5. Preserve and enhance single-family and multifamily neighborhoods as low-scale, family-friendly, and safe places to live; recognize that the majority of residential neighborhoods will experience minimal change over the time horizon of the General Plan;
6. Create a new “downtown core” for the city near the Civic Arts Plaza;
7. Revitalize underutilized land and opportunity areas (including malls, older shopping centers, and Thousand Oaks Boulevard) with a diverse mix of uses including residential;
8. Expand the number and types of entertainment options;
9. Create “village centers” throughout the community that provide retail and services, gathering places, and multifamily housing;
10. Expand the number and diversity of jobs in biotech, healthcare, and education and attract new jobs and businesses to the city to create a balanced and economically resilient economy;
11. Support California Lutheran University (CLU) and Los Robles Regional Medical Center as community stakeholders;
12. Create a diversity of housing types and affordability levels, including mixed-use and multifamily development;
13. Establish a human-scaled network of complete streets that includes enhanced bicycle, pedestrian, and transit networks;
14. Expand the high-quality, diversity, and accessibility of public facilities and services, focusing on youth, seniors, and residents with special needs;
15. Take steps to protect the city against future natural or human-caused disasters, including earthquakes and wildfires, and develop resilience plans to respond to such events;
16. Meet or exceed State-established targets for GHG emissions, energy use, water use, and recycling;
17. Maintain long-term fiscal sustainability by increasing revenues through land use and other policy changes.



## Project Description

TO2045 is a comprehensive update to the City of Thousand Oaks' existing General Plan (also known as the Development Plan) which was originally prepared in 1970. While some sections of the current General Plan have been updated over the years, the City has not comprehensively updated the General Plan since 1970.

TO2045 establishes the community's vision for future development in the city through the planning horizon year of 2045. As part of the general plan update process, the City's existing General Plan has been rewritten with updated goals, policies, and implementation actions that reflect the community's current vision for Thousand Oaks. Upon adoption of the 2045 General Plan, the City would review its Municipal Code, including its Zoning Map, to ensure consistency with TO2045.

The 2045 General Plan is organized into the following elements: Land Use (LU), Mobility (M), Parks and Open Space (POS), Conservation(C), Community Facilities and Services (CFS), Arts and Culture (AC), Safety(S), Noise(N), Governance (G), and Implementation. Together, these elements cover all topics required to be included in a general plan under State law.

TO2045 emphasizes infill and adaptive redevelopment within city limits. A focus is placed on increasing opportunities for new housing, retail and services in key areas of the city, such as along Thousand Oaks Boulevard, in the "downtown core" and in "village centers". The 2045 General Plan emphasizes maintenance of existing residential neighborhoods while revitalizing underutilized land with mixed-use development. This emphasis is intended to establish more complete neighborhoods that meet the daily needs of residents by providing housing, jobs, shopping, and recreational opportunities in close proximity to one another. New development would occur primarily where existing roads, water, and sewer are in place and in a manner that would minimize the impact of development on existing infrastructure and services, as well as the need to expand infrastructure and services. The 2045 General Plan also provides the policy framework to guide future development toward land uses that support walking, biking, and transit networks.

## Alternatives

Based on the project objectives and anticipated environmental consequences, and pursuant to CEQA Guidelines Section 15126.6, the following project alternatives were selected for analysis:

- **Alternative 1: No Project.** The No Project Alternative involves continued implementation of the City's current General Plan, originally adopted in 1970. The No Project Alternative assumes the proposed project would not be adopted and therefore future development would be carried out in accordance with the City's existing General Plan policies and land use designations through the horizon year of 2045. Thus, while growth in the region and in the Planning Area would still occur, any new development in Thousand Oaks would occur consistent with the existing land use designations and the allowed uses in each designation. Similarly, any new infrastructure would occur as envisioned in the existing General Plan.
- **Alternative 2: Transportation Enhancement.** TO2045 would include policies and a development framework to reduce VMT and associated impacts related to transportation (air quality, noise, and GHG) in Thousand Oaks. The Transportation Enhancement Alternative (Alternative 2) would include additional policies to aggressively reduce VMT per capita in Thousand Oaks. Implementation of additional policies would further encourage the expansion of mixed-use, infill, and affordable development and provide for the funding of multi-modal transportation

projects and transit infrastructure upgrades in Thousand Oaks. In order to achieve a substantial VMT per capita reduction beyond what is anticipated from implementation of TO2045, the Transportation Enhancement Alternative would include policies that require implementation of Travel Demand Management strategies that are aimed at minimizing personal vehicle use and maximizing active transportation use (i.e., bicycling and walking) and transit use.

- **Alternative 3: Enhanced Construction Regulation.** TO2045 would include policies to reduce the overall impacts of construction through stricter regulation prior to project approval and during construction. The Enhanced Construction Regulation Alternative would include additional, more stringent policies and implementation measures that would mitigate significant construction impacts found in the EIR. Policies to reduce air quality, greenhouse gas emissions and noise impacts may include provisions that encourage use of the most efficient and least polluting construction equipment, conducting health risk assessments with project specific air quality measures for individual projects, and construction noise and vibration control and reduction plans. Policies would also address construction-related impacts to biological, cultural, and paleontological resources by calling for larger areas of investigation prior to construction and increased buffers around potential resources during construction.

Refer to Chapter 6, *Alternatives*, of the Draft EIR for the complete alternatives analysis.

### 3 Topical Areas Determined to have Less than Significant or No Impacts

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The City finds that, based upon substantial evidence in the record, as discussed below, TO2045's impacts associated with the following topical areas would be less than significant.

#### Aesthetics

##### Impacts AES-1 – AES-4

Future development carried out under the proposed project may affect public views along designated scenic corridors. Adherence to development review procedures and Plan policies would reduce potential impacts to scenic vistas and corridors to a less-than-significant level.

Future development carried out under the proposed project may impact scenic resources, including trees, rock outcroppings, and historic buildings. This development could result in direct impacts to scenic resources should construction result in the physical demolition, destruction, relocation, or alteration of a scenic resource. However, there are no designated State Scenic Highways in the Planning Area. Compliance with Plan policies and Thousand Oaks Municipal Code would reduce potential impacts to eligible State Scenic Highways to a less-than-significant level.

While development under the proposed project could change the visual character and quality of portions of the Planning Area, the proposed project contains goals and policies specifically designed to protect areas of high visual character and quality and improve areas of low visual character and quality. Impacts would be less than significant.

New development carried out under the proposed project would add new sources of light and glare to the Planning Area, but development would be required to comply with the City's lighting regulations. Impact would be less than significant.

#### Agriculture and Forestry

The city does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Portions of land in the northern city limits have a zoning designation of Rural-Agricultural. The proposed project would change the land use designations of this area to Parks, Golf Courses, and Open Space. However, the change in land use designation would not remove agricultural land as the areas zoned Rural-Agricultural are not currently used for agricultural activities. Therefore, the proposed project would not have the potential to directly or indirectly convert Farmland or conflict with agricultural zoning.

The city does not have forest land, timberland, or timberland zoned Timberland Production. Therefore, the proposed project would not conflict with existing zoning, or cause rezoning of, forest land or land zoned for timberland production, and would not result in the loss of forest land or conversion of forest land to non-forest land. Therefore, impacts would be less than significant.

## Air Quality

### **Impacts AQ-1 and AQ-4**

Implementation of TO2045 would not conflict with or obstruct implementation of the Ventura County 2022 AQMP. This impact would be less than significant.

The project would not create objectionable odors that could adversely affect a substantial number of people. Impacts related to odors would be less than significant.

## Biological Resources

### **Impacts BIO-2 – BIO-5**

Development facilitated by the proposed project would be subject to adopted federal, State, and local policies, including those the proposed project would implement, which would ensure that riparian habitat, wetlands, and other sensitive natural communities would not be substantially degraded or removed. Therefore, these impacts would be less than significant.

Implementation of the proposed project would not substantially impede the movement of native resident or migratory fish or wildlife species, or conflict with established native resident or migratory wildlife corridors due to existing City policies within the Municipal Code and implementation of policies proposed by the project. Therefore, this impact would be less than significant.

Development facilitated by the 2045 General Plan would be required to conform with applicable local policies and ordinances protecting biological resources. Therefore, this impact would be less than significant.

Implementation of the proposed project would not conflict with the provision of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact would occur.

## Cultural Resources

### **Impact CUL-3**

Ground disturbance associated with development facilitated by proposed project could potentially disturb or damage known or unknown human remains. This impact would be less than significant with adherence to existing regulations.

## Energy

The proposed project would facilitate the development of buildings that would adhere to existing California energy standards and would support transportation systems that rely less heavily on internal combustion vehicles and more on active transportation. The development facilitated by the proposed project would not result in a wasteful, inefficient, or unnecessary consumption of energy and would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy. Impacts would be less than significant.

## Geology and Soils

Geologic impacts including those associated with fault rupture, seismic ground shaking, liquefaction, landslides, erosion, unstable soils, and expansive soils would be reduced to less-than-significant levels with implementation of policies and associated implementation actions included in the proposed project's Safety Element that aim to prepare the city for landslides, geologic instability, and seismic activity.

## Hazards and Hazardous Materials

Mandatory compliance with all applicable State, and federal laws and the proposed policies from TO2045 relating to the transport, use, and disposal of hazardous materials during construction and operation of future development facilitated by the proposed project would minimize the potential to create a significant hazard to the public or the environment through the routine transport, use, and disposal of hazardous materials or reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant.

Compliance with existing regulations would reduce the potential for a school and its occupants to be exposed to hazardous materials. Future development facilitated by the proposed project would be required to identify and clean-up hazardous materials sites in accordance with proposed policies and remove such hazardous materials in accordance with applicable State and local regulations. This impact would be less than significant.

Camarillo Airport is the closest airport to the City, located approximately 6.5-miles west. Therefore, no development facilitated by the proposed project would be located within 2 miles of the Camarillo Airport, and the proposed project would not result in a safety hazard or excessive noise for people residing or working in the Planning Area. No impact would occur.

Development facilitated by the proposed project must comply with road standards and would be reviewed by the VCFD to ensure development would not interfere with evacuation routes or impede the effectiveness of evacuation plans. Therefore, the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. This impact would be less than significant.

## Hydrology and Water Quality

Compliance with the National Pollutant Discharge Elimination System Construction General Permit, SWPPP, City regulations, and TO2045's proposed policies would ensure BMPs are implemented during new construction to minimize potential impacts to water quality. Therefore, this impact would be less than significant.

Development associated with the proposed project would be required to comply with the *Ventura County Technical Guidance Manual for Stormwater Quality Control Measures*, and TO2045's proposed Policy CFS-4.6 would require utilization of pervious paving. Therefore, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the proposed project may impede sustainable groundwater management of the basin. This impact would be less than significant.

Compliance with existing regulations and TO2045's proposed policies would ensure development facilitated by the proposed project would not substantially alter the existing drainage pattern of a site or area such that substantial erosion or siltation on- or off-site, flooding on- or off-site, exceedance of the capacity of existing or planned stormwater drainage systems or provision of additional sources of polluted runoff, or impediment or redirection of flood flows would occur. Therefore, impacts would be less than significant.

Future development facilitated by the proposed project within flood hazard zones would adhere to the requirements of the Thousand Oaks Municipal Code and the policies proposed by the project (as listed above). With adherence to applicable regulations and TO2045 policies, the proposed project would not risk release of pollutants due to inundation. Therefore, this impact would be less than significant.

Future development facilitated by the proposed project would implement State and local regulatory requirements, including the provisions of the Construction General Permit, the Industrial General Permit, and the City's Municipal Code. Furthermore, the proposed project includes Policy CFS-7.1, CFS-7.2, CFS-7.3, CFS-7.4, and CFS-8.5, which require LID, stormwater retention, and treatment of runoff that would minimize potential impacts to water quality in accordance with the programs in the Basin Plan. Therefore, the proposed project would not conflict with or obstruct the implementation of a water quality control plan. This impact would be less than significant.

## Land Use and Planning

### **Impacts LU-1 and LU-2**

The proposed project retains and continues the Planning Area's existing street system and protects its established communities. It would therefore not divide an established community, and impacts would be less than significant.

Because the proposed project and its policies are consistent with SCAG'S 2020 RTP/SCS and other applicable plans, the proposed project would not conflict with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant.

## Mineral Resources

Implementation of the proposed project would not result in land use changes that preclude mineral extraction in industrial districts or would result in development in areas with mineral resources. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or the loss of availability of a locally important mineral resource recovery site. No impact would occur.

## Noise

### **Impact NOI-3**

The project would not expose people residing or working in the Planning Area to excessive noise levels related to airstrip/airport operation. No impact would occur.

## Population and Housing

### **Impacts POP-1 and POP-2**

Implementation of the proposed project could accommodate more growth than envisioned in SCAG's latest RTP/SCS. However, policies and actions included in the proposed project would adequately address the projected population growth. Thus, the proposed project is designed for planned and orderly growth that improves the balance of jobs and housing. This impact would be less than significant.

Development carried out under the proposed project could add up to 7,871 new housing units to the city's housing stock and 20,700 new residents by 2045. The proposed project could increase the number of housing units, including multifamily housing units, and would not directly displace any existing housing. Therefore, the proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere, and this impact would be less than significant.

## Public Services and Recreation

### **Impacts PS-1 – PS-3**

Future development facilitated by the project could increase the population in the Planning Area, which would result in an increase in demand for fire, police, and library services, which would potentially create the need for new fire, police, and library facilities. Compliance with proposed policies in TO2045 and continued environmental review would minimize adverse environmental effects associated with the provision of new or physically altered fire, police, or library facilities. These impacts would be less than significant.

Future development facilitated by the project would be required to pay impact fees that would provide funding for the provision or expansion of new school facilities, pursuant to Government Code Section 65995(b). Impacts from the project would be offset by the payment of impact fees, and impacts would be less than significant.

Future development facilitated by the project could increase the population in the Planning Area, which could increase the use of parks and recreational facilities. Adherence to Thousand Oaks Municipal Code regulations and proposed TO2045 policies would ensure impacts related to parks and recreational facilities would be less than significant.

## Transportation

### **Impacts TRA-1, TRA-3, and TRA-4**

The proposed project would not conflict with the Comprehensive Transportation Plan, Connect SoCal, the Active Transportation Plan, the Local Roadway Safety Plan, or any other applicable program, plan, ordinance, or policy relevant to the transportation system. This impact would be less than significant.

The proposed project would not substantially increase hazards due to geometric design features or incompatible uses. This impact would be less than significant.

Development facilitated by the proposed project would adhere to existing State and City requirements for emergency access. Therefore, the proposed project would not result in inadequate emergency access. This impact would be less than significant.

## Utilities and Service Systems

### **Impacts UTIL-1 and UTIL-3**

Development facilitated by the proposed project would increase demand for additional utility infrastructure; however, no substantial relocation or construction of utility services would be required to service the proposed project beyond existing conditions. Impacts would be less than significant.

The proposed project would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure. Growth and development facilitated by TO2045 would be developed in accordance with solid waste reduction statutes and regulations. These impacts would be less than significant.

## Wildfire

### **Impacts W-1 – W-4**

TO2045 includes policies to address emergency access, response, and preparedness. Therefore, TO2045 would not substantially impair an adopted emergency response plan or emergency evacuation plan. This impact would be less than significant.

TO2045 includes policies to ensure development would not exacerbate wildfire risk due to slope, prevailing winds, or other factors. Furthermore, development facilitated by TO2045 would adhere to the CFC and be reviewed by VCFD to ensure wildfire risk would not be exacerbated. Therefore, this impact would be less than significant.

TO2045 would not require the installation or maintenance of substantial infrastructure that may exacerbate fire risk or result in temporary or ongoing impacts to the environment associated with fire risk. Therefore, this impact would be less than significant.

TO2045 includes policies to ensure development would not exacerbate risks from flooding or landslides due to wildfire. Therefore, this impact would be less than significant.



## 4 Topical Areas Determined to have Potentially Significant Impacts Mitigated to a Less Than Significant Level

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These topical areas contain impacts of TO2045 that are reduced to a less-than-significant level through the implementation of mitigation measures. Pursuant to California Public Resources Code Section 21081(a)(1) and CEQA Section 15091(a)(1), as to each impact, the City, based on the evidence in the record before it, finds that changes or alterations incorporated into TO2045 mitigate, avoid, or substantially lessen to a level of insignificance these environmental impacts of the Project. The basis for the finding for each impact is set forth below.

### Air Quality

#### Impact AQ-3

Individual development projects carried out under TO2045 would generate construction- and operational-related emissions. Such emissions may result in adverse impacts to local air quality. However, implementation of Mitigation Measures AQ-1 and AQ-2 and proposed policies and compliance with existing regulations would reduce construction and operational emissions such that it would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.

*Mitigation Measure AQ-1      Adopt and Implement a New General Plan Policy that Requires Construction HRA*

To reduce impacts of substantial pollutant concentrations on sensitive receptors, the City shall adopt the following General Plan policy in the Conservation Element to be implemented as part of the project approval process:

- Policy 10.7: Require new development that is within 1,000 feet of sensitive receptors, will take longer than 2 months, or does not utilize construction equipment that is USEPA Tier 4, fitted with Level 3 Diesel Particulate Filter, and uses alternative fuel to prepare a construction health risk assessment (HRA) to identify potential health risk impacts. Based on the results of the HRA, the City shall require mitigation measures as necessary, to reduce potential exposure to toxic air contaminants.

*Mitigation Measure AQ-2      Conduct Operational HRA*

Prior to permit approval for warehousing or commercial land uses that would generate at least 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day, the applicant shall submit an operational HRA or submit proof that an HRA is not required in accordance with health risk thresholds of an increased cancer risk of greater than 10.0 in a million and an increased non-cancer risk of greater than 1.0 Hazard Index (Chronic or Acute) to the City for review and approval. If required by the City, the operational HRA shall be prepared in accordance with the OEHHA and mitigated to below the health risk thresholds. Typical measures to reduce risk impacts may include, but are not limited to:

- Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible
- Electrifying warehousing docks
- Truck Electric Vehicle (EV) Capable trailer spaces
- Requiring use of newer equipment and/or vehicles
- Restricting off-site truck travel through the creation of truck routes

The operational HRA shall be provided to the City for review and concurrence prior to project approval.

### **FINDING**

The City finds that with incorporation of Mitigation Measures AQ-1 and AQ-2, which would require the incorporation of a policy that requires a construction HRA and the completion of an operational HRA, impacts related to construction and operational emissions of toxic air contaminants would be reduced to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

## Biological Resources

### **Impact BIO-1**

The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on special-status species. Implementation of federal, State, and local regulations and policies, as well as Mitigation Measures BIO-1, BIO-2 and BIO-3, would ensure development facilitated by the proposed project would not have a substantial adverse effect on candidate, sensitive, or special-status species. This impact would be less than significant with mitigation incorporated.

*Mitigation Measure BIO-1      Conduct Pre-construction Bird Surveys and Implement Avoidance and Minimization Measures*

For construction activities initiated during the bird nesting season February 15 through September 15 (as early as January 1 for raptors), involving removal of vegetation, abandoned structures, man-made features, or other nesting bird habitat, a pre-construction nesting bird survey shall be conducted no more than 5 days prior to initiation of ground disturbance and vegetation removal. The nesting bird pre-construction survey shall be conducted on foot and shall include an area on and around the construction site at a distance determined by a qualified biologist, including staging and storage areas. The minimum survey radii surrounding the work area shall be 500 feet. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in the Thousand Oaks region. If construction lapses for 5 days or longer, the qualified biologist shall conduct another focused survey before project activities are reinitiated. If nests are found, an avoidance buffer shall be determined by the biologist dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside the site. The qualified biologist shall observe the active nest to establish a behavioral baseline of the adults and nestlings, if present. The qualified biologist shall monitor the active nests, while construction activities are happening to detect signs of disturbance and behavioral change as a result of construction impacts, such as noise, vibration, odors, or worker/equipment motion. If signs

of disturbance and behavioral changes are observed, the qualified biologist shall stop all construction work causing those changes and until a larger avoidance buffer is established or until it is determined that the nesting period is completed. The buffer shall be demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to demarcate the boundary. All construction personnel shall be notified of the buffer zone as a “Nesting Bird Area” and to avoid entering the buffer zone until a biologist determines that the nest is no longer active. No ground-disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. A report summarizing the pre-construction survey(s) shall be prepared by a qualified biologist and shall be included on project site plans and submitted to the City prior to the commencement of construction activities.

*Mitigation Measure BIO-2      Special Status Bat Species Habitat Assessment Survey and Emergence Survey(s)*

For future projects where trees, abandoned structures, or other habitat for roosting bats is present and construction activities may occur during seasonal periods of bat activity, construction activities shall occur outside the maternity season from April 1 through August 31, as feasible. Should construction timing not allow for it, a special-status bat habitat assessment survey shall be conducted by a qualified biologist no more than 5 days prior to any construction activities during the bat maternity season. The survey will document any evidence of special-status bat species that may occur in proposed work areas through direct observation (e.g., roosting bats) and/or sign (e.g., bat guano). If no observance and/or sign of special-status bats are detected during these surveys, then construction-related activities may proceed. If observance or sign of special-status bat species are detected during the survey, and construction activities occur during the bat maternity season (April 1 through August 31), special-status bat species emergence survey(s) will be conducted.

Emergence surveys will be conducted in areas of suitable bat habitat (e.g., near buildings or trees) during the bat maternity season to document any special-status bat species emerging from features identified during the habitat assessment survey. Generally, the emergence survey(s) will be conducted approximately one hour prior to sunset and last a minimum of two hours after sunset; however, the timing will be determined by the qualified biologist. Passive acoustic monitoring equipment will be utilized during the emergence surveys to determine identify bats to the species level. In the event multiple features were identified in the habitat assessment in which bats may occur, at the discretion of the qualified biologist, either multiple emergency surveys may be necessary or additional acoustic equipment may need to be set up in order to capture the acoustics of bats as they emerge at dusk.

Roosting sites documented within or adjacent to a project site during the maternity season shall be avoided. Specifically, the qualified biologist will determine an appropriate buffer around the roost site where construction shall be avoided. The buffer typically ranges in size, between 100 to 300 feet around the roost site, depending on potential resulting project impacts and surrounding terrain. For example, if a project will result in high noise decibels and the roost site is exposed without surrounding trees or hills, the buffer may be increased to reduce disturbances to the roosting bats during breeding activities. Buffer distances may also be at the discretion of the USFWS and/or CDFW if special-status bat species are present in the maternity roost.

Should special-status bat species be documented within a project site, and the roost site cannot be avoided by the project, a bat mitigation and/or management plan shall be developed for roost relocation. Mitigation and management plans will require consultation with and approval from the USFWS and/or CDFW prior to the commencement of construction.

*Mitigation Measure BIO-3      Conduct Pre-construction Crotch's Bumblebee Surveys and Implement Avoidance Measures*

For construction activities located in vacant or undeveloped areas containing open grasslands, shrublands, or chaparral, a habitat assessment for Crotch's bumblebee shall be performed by a qualified biologist knowledgeable and experienced with Crotch's bumblebee and the habitat in which they occur. If the biologist determines that suitable habitat for Crotch's bumblebee is present, a focused survey shall be performed during the species' active flight period for Crotch's bumblebee and peak blooming period of nectar and pollen sources (May 1 through July 31). The Crotch's bumblebee survey shall be conducted on foot and shall encompass the entirety of a project site and focus on areas that allow for the highest probability of detection, such as high abundance nectar or pollen sources and rodent burrows that may be used for breeding and nesting. If Crotch's bumblebee is determined to be present, the project proponent shall map the locations of the observed bumblebee, areas of abundant nectar or pollen sources, and any active nesting sites. A report summarizing the results of the habitat assessment and focused survey (if required) shall be prepared by the qualified biologist and shall be submitted to the City prior to the commencement of construction activities. Further, consultation with the CDFW will be necessary in the event Crotch's bumblebee was observed within a project site and an Incidental Take Permit, in accordance with the California Endangered Species Act, may be required prior to initiating any ground disturbance on the site.

**FINDING**

The City finds that with incorporation of Mitigation Measures BIO-1, BIO-2, and BIO-3, which would require pre-construction surveys for birds, bats and crotch's bumblebee, and implementation of subsequent avoidance and minimization measures, impacts to special status species would be reduced to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

## Cultural Resources

### **Impact CUL-2**

The proposed project could potentially adversely affect previously unidentified archaeological resources. This impact would be less than significant with mitigation incorporated.

*Mitigation Measure CUL-2      Archeological Resources Assessment*

For a project that involves ground-disturbance activities (that may include, but are not limited to, pavement removal, potholing, grubbing, tree removal, and grading) and if determined necessary based on preliminary review conducted by City staff, the project applicant shall submit to the City an Archaeological Resources Assessment prepared by a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in either Prehistoric or Historic Archaeology. Assessments shall include a California Historical Resources Information System records search at the South Central Coast Information Center and a Sacred Lands File Search from the NAHC. The records searches shall characterize the results of previous cultural resource surveys and disclose any cultural resources that have been recorded and/or evaluated in and around the development site. A qualified professional shall conduct a Phase I pedestrian survey for those projects that include undeveloped areas to locate any surface cultural materials.

If the Phase I archaeological survey identifies resources that may be affected, the applicant shall also conduct Phase II testing and evaluation. If resources are determined significant or unique through Phase II testing and site avoidance is not possible, the qualified professional shall identify appropriate site-specific mitigation measures in the Phase II evaluation. These measures may include, but would not be limited to, a Phase III data recovery program, avoidance, or other appropriate actions to be determined by a qualified archaeologist. If significant archaeological resources cannot be avoided, impacts may be reduced to a less-than-significant level by filling on top of the sites rather than cutting into the cultural deposits. Alternatively, and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit, to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples would occur as specified by the archaeologist. The City shall review and approve the Archaeological Resources Assessment prior to project approval.

*Mitigation Measure CUL-3 Unanticipated Discoveries*

For projects whose Phase I archaeological survey identifies archaeological resources that may be affected, the applicant shall retain a qualified cultural resource specialist to monitor construction activities that involve ground-disturbing activities greater than 12 inches in depth and occur within 60 feet of a potentially significant cultural resource. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant pursuant to the CEQA and cannot be avoided by the project, additional work, such as excavating the cultural deposit to fully characterize its extent and collecting and curating artifacts may be warranted to mitigate any significant impacts to cultural resources. If archaeological resources of Native American origin are identified during construction, a qualified archaeologist shall consult with the City to begin Native American consultation procedures, which are outlined in Mitigation Measure CUL-4. Periodic reports of the find and subsequent evaluations shall be submitted to the City during construction.

**FINDING**

The City finds that with incorporation of Mitigation Measures CUL-2 and CUL-3, which would require an archeological resources assessment and the evaluation of unanticipated discoveries, impacts to archaeological resources would be reduced to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

**Impact CUL-4**

The proposed project could potentially adversely impact tribal cultural resources; however, adherence to the requirements of SB 18 and AB 52 would reduce impacts. With mitigation to protect tribal cultural resources, impacts would be less than significant.

*Mitigation Measure CUL-4 Suspend Work Around Tribal Cultural Resources Identified During Construction*

In the event that cultural resources of Native American origin are identified during ground disturbance during construction of a project implemented under TO2045, all earth-disturbing work in the vicinity of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. If the City, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and, thus, significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with local Native American group(s). The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American tribal representative and, if applicable, a qualified archaeologist. Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.

**FINDING**

The City finds that with incorporation of Mitigation Measure CUL-4, which would require the suspension of work and evaluation of the resource in the event that tribal cultural resources are discovered during construction, impacts to tribal cultural resources and archeological resources would be reduced to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

## Noise

### **Impact NOI-2**

Construction of individual projects facilitated by TO2045 could temporarily generate groundborne vibration and noise, potentially affecting nearby land uses. Operation of development facilitated by TO2045 would not result in substantial groundborne vibration and noise. This impact would be less than significant with mitigation.

*Mitigation Measure NOI-3 Construction Vibration Control Plan*

Prior to issuance of a building permit for a project that includes the following, the project applicant shall prepare a groundborne noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these construction activities:

- Pile driving within:
  - 135 feet of fragile structures such as historical resources
  - 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings)
  - 75 feet of engineered concrete and masonry (no plaster)
- A vibratory roller within:
  - 40 feet of fragile historical resources
  - 25 feet of any other structure

- A dozer or other large earthmoving equipment within:
- 20 feet for a fragile historical structure
- 15 feet of any other structure

The noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The vibration levels shall not exceed FTA architectural damage thresholds (e.g., 0.12 in/sec PPV for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses, such as drilling piles as opposed to pile driving, static rollers as opposed to vibratory rollers, and lower horsepower earthmoving equipment, shall be used. If necessary, construction vibration monitoring shall be conducted to ensure FTA vibration thresholds are not exceeded.

#### **FINDING**

The City finds that with incorporation of Mitigation Measure NOI-3, which requires preparation of a construction vibration control plan, impacts to groundborne vibration would be reduced to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

## Paleontological Resources

### **Impact PAL-1**

Development facilitated by the proposed project has the potential to impact paleontological resources. Impacts would be less than significant with mitigation incorporated.

#### *Mitigation Measure PAL-1      Retention of Qualified Professional Paleontologist*

Prior to approval of a discretionary development application in areas underlain by high or undetermined sensitivity geologic units (i.e., Quaternary older alluvium, Monterey Formation, Lower Monterey Formation, Sandstone of Lindero Canyon, Conglomerate of Lindero Canyon, Upper Topanga Formation, sandstone, Upper Topanga Formation, clay shale and siltstone, Upper Topanga Formation, sandstone, Upper Topanga Formation, clay shale and siltstone, Conejo Volcanics, basaltic sandstone and siltstone, Lower Topanga Formation, sandstone, Lower Topanga Formation, clay shale, Sespe Formation, Llajas Formation, sandstone, Llajas Formation, claystone and siltstone, Santa Susana Formation, sandstone, Santa Susana Formation, claystone and siltstone, Santa Susana Formation, Simi Conglomerate Member, Chatsworth Formation, sandstone, Chatsworth Formation, clay shale), the City shall require a Qualified Professional Paleontologist [as defined by the SVP (2010)] to be retained by the project applicant to determine the project's potential to significantly impact paleontological resources according to SVP (2010) standards. If necessary, the Qualified Professional Paleontologist shall recommend mitigation measures to reduce potential impacts to paleontological resources to a less-than-significant level. These measures may include, but not be limited to, implementation of a Worker Environmental Awareness Program, on-site paleontological monitoring, and fossil salvage, if applicable. The City shall review and approve the Qualified Professional Paleontologist's findings and recommendation. All recommendations shall be incorporated into the project plans prior to issuance of a grading permit.

## **FINDING**

The City finds that with incorporation of Mitigation Measure PAL-1, which requires the retention of a qualified professional paleontologist to assess the potential for paleontological resources to occur in certain identified areas, impacts to paleontological resources would be reduced to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.

## Utilities and Service Systems

### **Impact UTIL-2**

The overall growth anticipated by the Proposed Project would generate additional water demand in Thousand Oaks that would exceed projected water supplies. With implementation of Mitigation Measure UTIL-1, this impact would be less than significant.

#### *Mitigation Measure UTIL-1      Provision of a Will Serve Letter*

As part of the City's development review process for individual projects, prior to an individual project's approval, the City shall require the project applicant to provide a Will-Serve letter from the water provider that would serve the proposed development that demonstrates the water provider has determined adequate water supplies exist to serve the proposed development. The project applicant shall provide the Will-Serve letter as an attachment to the development applicant submitted to the City for review and approval. The City shall not approve a development application without submission of a Will-Serve letter.

## **FINDING**

The City finds that with incorporation of Mitigation Measure UTIL-1, which requires the provision of a will serve letter from the water provider to service proposed development under the project, impacts related to water demand would be reduced to a less than significant level. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect to the extent feasible.



## 5 Topical Areas Determined to have Significant and Unavoidable Impacts

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### Air Quality

#### Impact AQ-2

Development facilitated by the project would generate construction and operational emissions. Such emissions may result in adverse impacts to local air quality. Implementation of TO2045 policies and compliance with existing regulations would reduce emissions, but not below applicable levels of significance. Impacts would be significant and unavoidable.

No additional feasible mitigation measures were identified that would reduce the impact's level of significance.

#### *Finding*

The City finds that development facilitated by the proposed project would result in increased construction and operational emissions which could adversely impact local air quality. This impact would be reduced to the extent feasible with adherence to existing regulations and the policies included in TO2045, however impacts would remain significant and unavoidable. The General Plan Update and related EIR are planning level documents that look at overall potential impacts that might occur on a regional level. As future development is proposed, consideration will be given on a project-by-project basis addressing potential air quality impacts and identify specific mitigation to address those impacts, if necessary. At this point, however, future project-level details are unknown and individual projects may exceed Ventura County Air Pollution Control District thresholds after mitigation. Without project-level details, there are no known additional feasible mitigation measures that would be applicable to TO2045.

### Cultural Resources

#### Impact CUL-1

Development facilitated by the proposed project could have the potential to cause adverse changes to the significance of historical resources. Impacts would be potentially significant and unavoidable with mitigation incorporated.

#### *Mitigation Measure CUL-1 Historical Resources*

If determined necessary based on preliminary review conducted by City staff, the project applicant shall submit a report to the City that identifies any historical age features (i.e., structures over 45 years of age) proposed to be altered or demolished. If historical-age features are present, the applicant shall submit a historical resources evaluation to the City prepared in areas that contains buildings, structures, objects, sites, landscape/site plans, or other features that are 45 years of age or older, by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards in Architectural History or History (36 CFR Part 61). The evaluation shall be carried out in accordance with the guidelines and best practices meeting the

State Office of Historic Preservation guidelines (NPS 2023b). All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report shall be submitted to the City for review and approval.

If historical resources are identified through the survey and evaluation, efforts shall be made by the applicant to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's *Standards for the Treatments of Historic Properties*. The applicant shall submit a report to the City that identifies and specifies the treatment of character-defining features and construction activities, and demonstrates how the project complies with the Secretary of the Interior's *Standards for the Treatments of Historic Properties* and avoids the substantial adverse change in the significance of the historical resource as defined by *CEQA Guidelines* Section 15064.5(b). The report shall be prepared by an architectural historian or historical architect meeting the Professional Qualifications Standards as defined by 36 CFR Part 61 and provided to the City for review and concurrence prior to project approval.

If significant historical resources are identified on a development site and compliance with the Secretary of the Interior's *Standards for the Treatments of Historic Properties* and or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. Mitigation measures may include documentation of the historical resource in the form of a Historic American Building Survey report. The report shall comply with the Secretary of the Interior's *Standards for Architectural and Engineering Documentation* and shall generally follow the Historic American Building Survey Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian or historian who meets the Professional Qualifications Standards as defined by 36 CFR Part 61 and submitted to the City prior to issuance of any permits for demolition or alteration of the historical resource.

## **FINDING**

The City finds that development facilitated by the proposed project could have an adverse effect on historical resources. Implementation of Mitigation Measure CUL-1 would reduce and, in some cases, avoid potential adverse impacts on historic resources. However, even with implementation of mitigation, the demolition of historic resources could still be possible. Accordingly, impacts would remain significant and unavoidable with implementation of mitigation.

## Greenhouse Gas Emissions

### **Impact GHG-1**

Development facilitated by the project would make progress towards achieving State goals but would not necessarily meet State 2030 or 2045 goals. While construction emissions would be less than significant, development facilitated by the project would not meet the 2030 or 2045 goals during operation. This impact would be significant and unavoidable.

*Mitigation Measure GHG-1    Adopt and Implement a CEQA GHG Emissions Threshold*

The City shall adopt CEQA GHG Emissions thresholds of significance by the end of 2024 that is consistent with the CEAP for use in future CEQA GHG emissions analyses through 2030. In addition,

upon completion of future CEAP updates and as necessary, the City shall update the CEQA GHG emissions threshold of significance to be consistent with each CEAP update.

*Mitigation Measure GHG-2    Adopt Thousand Oaks CEAP to Meet the State's 2030 GHG Emissions Goals*

The City shall draft and adopt the Thousand Oaks CEAP by the end of 2024 to outline how Thousand Oaks will meet the State's 2030 goal of 40 percent below 1990 emissions levels and 2045 goal of carbon neutrality. Implementation measures in the CEAP to achieve the 2030 and 2045 goals may include, but are not limited to, the following:

- Develop and adopt a building electrification ordinance for existing and/or proposed structures
- Expand charging infrastructure and parking for EVs
- Implement carbon sequestration by expanding the urban forest and/or supporting regional open space protection
- Implement policies and measures included in the California 2022 Climate Change Scoping Plan, such as mobile source strategies for increasing clean transit options and zero-emissions vehicles by providing EV charging stations.

**FINDING**

The City finds that development facilitated by the proposed project would not meet the 2030 or 2045 goals during operation. Implementation of Mitigation Measures GHG-1 and GHG-2 would ensure that development facilitated by the project after 2024 would be consistent with State emissions goals. However, individual projects that may occur prior to 2024, when the CEAP is anticipated to be adopted/implemented, would not be guaranteed to be consistent with State emissions goals, nor are exact emissions reductions known at the time of adoption of TO2045. Until the CEAP and CEQA GHG thresholds are adopted, implementation of the project would not be consistent with State GHG reduction plans. Therefore, the project's impacts related to GHG emissions would be significant and unavoidable.

## Noise

### Impact NOI-1

Construction of individual projects facilitated by TO2045 could temporarily increase noise levels, potentially affecting nearby noise-sensitive land uses. Development facilitated by TO2045 would also introduce new noise sources and contribute to increases in operational noise. The continued regulation of noise, consistent with the City Code and implementation of proposed TO2045 policies would minimize disturbance to adjacent land uses. However, construction and operational traffic noise could exceed standards. This impact would be significant and unavoidable even with mitigation.

*Mitigation Measure NOI-1    Conduct Construction Noise Analysis*

Revise proposed TO2045 Policy N-3.2 to include the following:

All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers.

Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels.

Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities, where feasible.

Erect temporary noise barriers, where feasible, when construction noise is predicted to exceed the City's construction standards or when the anticipated construction duration is greater than is typical (e.g., 2 years) and adjacent to sensitive receptors. Temporary noise barriers shall be constructed with solid materials (e.g., wood) with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the barrier. If a sound blanket is used, barriers shall be constructed with solid material with a density of at least 1 pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain or equivalent absorptive material rated STC 32 or higher.

*Mitigation Measure NOI-2      Implement Roadway Vehicle Noise Reduction Measures*

The City shall implement a developer fair share mitigation program to fund the following measures for projects operated on the following roadway segments in the city: Moorpark Road between Hillcrest Drive and Thousand Oaks Boulevard and Hillcrest Drive between Lynn Road and Moorpark Road.

The City shall retain a qualified acoustical consultant to prepare a Traffic Noise Reduction Study that specifies, at a minimum, the specific locations, extent, height of sound walls, and other design details such as "quiet pavement" to reduce traffic noise impacts at impacted roadways throughout the city. The study shall also include an estimated cost of improvement along each impacted roadway segment to inform the developer fair share mitigation program. Traffic noise reduction measures may include, but are not limited to:

- **Sound Barrier Walls.** Construct sound barriers (e.g., walls or solid fences) along impacted roadways where there are no driveways that would break continuity and along the residential portions or other sensitive receiver locations of such roadways. The sound barriers would be continuous from grade to top, with no cracks or gaps, and have a minimum surface density of four pounds per square foot and a minimum height of six feet, as measured from the base elevation; and/or
- **Special Roadway Paving.** Install "quiet pavement" roadway improvements, such as rubberized asphalt or open-grade asphalt concrete overlays along impacted roadway segments where sound barriers are determined not to be feasible.

**FINDING**

The City finds that construction of development facilitated by the proposed project could temporarily increase noise levels which could affect noise-sensitive land uses. Construction noise impacts would be significant and unavoidable even with implementation of Mitigation Measure NOI-1. Operational traffic noise impact would be significant and unavoidable even with implementation of Mitigation Measure NOI-2. Considering that specific project-level details are unknown at this level of planning, individual projects may exceed noise thresholds after mitigation. Proposed future development will be looked at on a project-by-project case to determine whether potential construction related noise impacts will occur and mitigation incorporated that is site

specific, if needed. Without project-level details, there are no additional feasible mitigation measures that would be applicable to TO2045.

## Transportation

### **Impact TRA-2**

The 2045 citywide VMT per service population with the proposed project would not achieve a reduction of at least 15 percent below the existing citywide VMT per service population. As a result, the proposed project would be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). This impact would be significant and unavoidable.

#### *Mitigation Measure TRA-1      Achieve VMT Reductions for Development Projects*

In the interim, prior to the City adopting VMT Analysis Guidelines included as Implementation Action M-A.7 of the proposed project, for individual projects that exceed the City's recommended threshold below the VMT average based on project-specific VMT analysis, the City shall require the project applicant to implement project-level VMT reduction strategies. The City shall design strategies for the proposed project to reduce VMT from existing land uses, where feasible, and from new discretionary residential or employment land use projects. The design of programs and project-specific mitigation shall focus on VMT reduction strategies that increase travel choices and improve the comfort and convenience of sharing rides in private vehicles, using public transit, biking, or walking. VMT reduction strategies may include, but are not limited to, the following:

1. Provision of bus stop improvements or on-site mobility hubs
2. Pedestrian improvements, on-site or off-site, to connect to nearby transit stops, services, schools, shops, etc.
3. Bicycle programs, including bike purchase incentives, storage, maintenance programs, and on-site education program
4. Enhancements to the citywide bicycle network
5. Parking reductions and/or fees set at levels sufficient to incentivize transit, active transportation, or shared modes
6. Cash allowances, passes, or other public transit subsidies and purchase incentives
7. Providing enhanced, frequent bus service
8. Implementation of shuttle service

Following the City's adoption of VMT Analysis Guidelines, individual projects shall be evaluated and mitigated in accordance with the procedures outlined in the VMT Analysis Guidelines.

### **FINDING**

The City finds that the proposed project would be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Adoption and implementation of the City's VMT Analysis Guidelines in accordance with Implementation Action M-A.7 would ensure that development facilitated by the project would generally be consistent with SB 743. However, individual projects that may occur would not be guaranteed to be below thresholds in the adopted VMT Analysis Guidelines nor would feasible mitigation therein necessarily reduce VMT below thresholds. Therefore, the project's impacts related to VMT would be significant and unavoidable. Any future proposed projects will be

looked at on a case-by-case basis and project specific mitigation incorporated, if required. Considering that specific project-level details are unknown at this level of planning, individual projects may exceed VMT thresholds after mitigation. Without project-level details, there are no additional feasible mitigation measures that would be applicable to TO2045.

## Cumulative Impacts

With the exception of the unavoidable impacts to air quality, cultural resources, greenhouse gas emissions, noise, and transportation, TO2045 would have no impact, a less than significant impact, or a less than significant impact after mitigation with respect to all environmental issues.

Because the project is a general plan update, including related long-range planning components, cumulative impacts are treated somewhat differently than would be the case for a project-specific development. *CEQA Guidelines* Section 15130 provides the following direction relative to cumulative impact analysis and states that the following elements are necessary for an adequate discussion of environmental impacts:

A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

By its nature, a general plan considers cumulative impacts insofar as it considers cumulative development that could occur within the City limits. For example, the transportation analysis considers the overall change in VMT due to implementing several development projects under TO2045 that would add to the City buildout. As such, the analysis in this EIR considers the cumulative impacts in the City from implementation of TO2045. These cumulative VMT calculations are accounted for in the air quality, energy, greenhouse gas emissions, and noise analyses; therefore, these analyses would also be considered cumulative. Additionally, cultural resources impacts associated with historical resources would be cumulatively significant. Therefore, the analysis of project impacts in the Draft EIR also constitutes the cumulative analysis and the findings related to each of those impacts would apply.

## 6 Feasibility of Project Alternatives

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CEQA requires that an EIR include an analysis of a reasonable range of feasible alternatives to a project capable of avoiding or substantially lessening any significant adverse environmental impact associated with the Project. The discussion of alternatives is required to include the “No Project” alternative. CEQA requires further that the City identify an environmentally superior alternative. If the “No Project” alternative is the environmentally superior alternative, an environmentally superior alternative must be identified from among the other alternatives (CEQA Guidelines, Section 15126.6). However, “CEQA did not require the City to choose the environmentally superior alternative. It simply required the City to consider environmentally superior alternatives, explain the considerations that led it to conclude that those alternatives were infeasible, weigh those considerations against the environmental harm that the Plan would cause, and make findings that the benefits of those considerations outweighed the harm.” (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1005–1006).

Whether to reject or approve any of the alternatives is a decision only for the decisionmakers. “They may reject alternatives that are undesirable from a policy standpoint as well as alternatives that fail to meet project objectives.” (*Ocean Street Extension Neighborhood Assn. v. City of Santa Cruz* (2021) 73 Cal.App.5th 985, 1016 (citations omitted).) “While it is up to the EIR preparer to identify alternatives as potentially feasible, the decision-making body “may or may not reject those alternatives as being infeasible” when it comes to project approval. Rejection by the decision-makers does not undermine the validity of the EIR’s alternatives analysis.” (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 999 [99 Cal.Rptr.3d 572, 602 (citations omitted)].)

### Alternative 1: No Project Alternative

The No Project Alternative involves continued implementation of the City’s current General Plan, originally adopted in 1970. The No Project Alternative assumes the proposed project would not be adopted and therefore future development would be carried out in accordance with the City’s existing General Plan policies and land use designations through the horizon year of 2045. Thus, while growth in the region and in the Planning Area would still occur, any new development in Thousand Oaks would occur consistent with the existing land use designations and the allowed uses in each designation. Similarly, any new infrastructure would occur as envisioned in the existing General Plan. SCAG has projected Thousand Oaks would have a population of approximately 144,700, a housing stock of approximately 51,300, and approximately 80,000 jobs in 2045. The No Project Alternative’s build out would occur in accordance with SCAG’s population, housing and jobs projections. In comparison to the proposed project’s anticipated 2045 population of 145,139, housing stock of 56,078 residential units, and 81,945 jobs, the No Project Alternative would result in 439 fewer additional residents, 4,778 fewer housing units, and 1,945 fewer jobs in Thousand Oaks in 2045, consistent with SCAG projections. As a result, the anticipated growth in Thousand Oaks under the No Project Alternative would be less than the proposed project.

### Finding

The No Project Alternative would generally result in similar or greater environmental impacts compared to the proposed project. While this alternative would reduce the number of development

sites, it also would not include updated policies to reduce environmental impacts. Therefore, this alternative would result in greater impacts to air quality, biological resources, tribal cultural resources, greenhouse gas emissions, noise, paleontological resources, transportation, and wildfire. This alternative would result in fewer impacts to land use and planning, population and housing, public services and recreation, and utilities and service systems. However, this alternative would not meet the project objectives since the purpose of the project is to update the existing General Plan and under this alternative, no changes to the existing General Plan would occur.

The City rejects Alternative 1 as infeasible because it would not achieve the objectives of the proposed project. Furthermore, Alternative 1 would result in greater impacts to air quality, biological resources, tribal cultural resources, greenhouse gas emissions, noise, paleontological resources, transportation, and wildfire the proposed project.

The findings for the proposed project set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

## Alternative 2: Transportation Enhancement

TO2045 would include policies and a development framework to reduce VMT and associated impacts related to transportation (air quality, noise, and GHG) in Thousand Oaks. The Transportation Enhancement Alternative (Alternative 2) would include additional policies to aggressively reduce VMT per capita in Thousand Oaks. Implementation of additional policies would further encourage the expansion of mixed-use, infill, and affordable development and provide for the funding of multi-modal transportation projects and transit infrastructure upgrades in Thousand Oaks. In order to achieve a substantial VMT per capita reduction beyond what is anticipated from implementation of TO2045, the Transportation Enhancement Alternative would include policies that require implementation of Travel Demand Management strategies that are aimed at minimizing personal vehicle use and maximizing active transportation use (i.e., bicycling and walking) and transit use. However, the Transportation Enhancement Alternative would not add or alter land uses or result in additional growth beyond the development potential anticipated by the proposed project; therefore, overall growth under the Transportation Enhancement Alternative is anticipated to remain the same as the proposed project.

### Finding

Alternative 2 is the environmentally superior alternative as it would reduce the severity of air quality, greenhouse gas emissions, noise, and transportation impacts compared to the TO2045. Alternative 2 would have similar impacts as the proposed project in all other issue areas.

Alternative 2 would generally result in similar or incrementally decreased environmental impacts compared to the proposed project.

The City rejects Alternative 2 as infeasible. The implementation and enforcement of additional policies and related focus on multi-modal transportation projects would require the creation and implementation of a fee structure to support the policies and substantial infrastructure upgrades and changes that are not currently supported by the lead agency from a fiscal and social perspective. Although public transportation options are currently available, demand for use or increase in facilities was not identified as a guiding objective of the General Plan Update. Allocation



of resources is limited and the inability to implement policies in this alternative make this a less desirable alternative.

The findings for the proposed project set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

## Alternative 3: Enhanced Construction Regulation

TO2045 would include policies to reduce the overall impacts of construction through stricter regulation prior to project approval and during construction. The Enhanced Construction Regulation Alternative would include additional, more stringent policies and implementation measures that would mitigate significant construction impacts found in the EIR. Policies to reduce air quality, greenhouse gas emissions and noise impacts may include provisions that encourage use of the most efficient and least polluting construction equipment, conducting health risk assessments with project specific air quality measures for individual projects, and construction noise and vibration control and reduction plans. Policies would also address construction-related impacts to biological, cultural, and paleontological resources by calling for larger areas of investigation prior to construction and increased buffers around potential resources during construction. The Enhanced Construction Regulation Alternative would fulfill the guiding principles laid out for TO2045 and encourage growth in the areas outlined in Section 2, Project Description. However, the Enhanced Construction Regulation Alternative would create a regulatory environment that would substantially increase hurdles and costs preceding development, which could hinder development within the city, including residential development to fulfill the City's RHNA.

### **Finding**

Alternative 3 would result in fewer impacts to air quality, greenhouse gas emissions, and noise when compared to the proposed project. This alternative would have similar impacts to the proposed project in all other issue areas.

The City rejects Alternative 3 as infeasible because it would create a regulatory environment that would substantially increase hurdles and costs preceding development, which could hinder development within the city, including residential development to fulfill the City's RHNA. The City must balance project goals of increasing and enhancing the availability of housing and other resources to its residents and its ability to attract those resources. Augmenting regulatory oversight to the degree suggested by Alternative 3 would require additional staffing resources and substantially increase the time frame for project approval and construction. Implementing strong regulatory policies that are significantly greater than surrounding communities may also discourage development within City borders such that development then occurs outside of the City's jurisdiction but with potential impacts to the City beyond its control.

The findings for the proposed project set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

## 7 Statement of Overriding Considerations

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CEQA requires the decision-making agency to balance the benefits of a project against its significant unavoidable impacts when determining whether to approve a project. If the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines Section 15093(a)). CEQA requires the agency to state in writing the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093(b)). The General Plan Update, as proposed, could result in significant unavoidable impacts related to air quality, cultural resources, greenhouse gas emissions, noise, and transportation. These significant unavoidable impacts are identified and discussed in Section 5 of these Findings.

The City adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of TO2045 and the anticipated benefits of TO2045. The City finds that each of the benefits set forth below in this Statement constitutes a separate and independent ground for finding that the benefits of TO2045 outweigh the risks of their potential significant adverse environmental impacts. The benefits of TO2045, which constitute the specific economic, legal, social, technological and other considerations that justify the approval of the TO2045 are as follows:

- The proposed project would emphasize sustainable growth through well-planned development that provides for the needs of Thousand Oak’s residents and businesses, makes efficient use of land and infrastructure, protects important environmental resources, promotes the health of the community, and maintains the unique character distinguishing the city as a special place in the region.
- The proposed project would emphasize infill and reuse development within the City limits with a focus on increasing opportunities for housing development in key areas of the City through mixed-use projects where appropriate while revitalizing underused land.
- The project introduces mixed-use opportunity areas containing an integrated mix of commercial, office, and/or housing that enable Thousand Oaks’s residents to live close to businesses and employment, reduce automobile use, and actively engage and enhance pedestrian activity.
- The proposed project would provide a well-connected transportation system that emphasizes the creation of complete streets enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.
- The proposed project would protect the natural resources and scenic assets in Thousand Oaks including the preservation of the “ring of green” surrounding the edges of the city, opens spaces and community forest within the city.
- The proposed project would promote fair and equitable access for all residents to employment, housing, parks, education, recreation, transportation, retail, and public services, including participation in governmental decision-making.
- The proposed project would promote a self-sustaining, innovative, and resilient local economy that provides goods and services desired by local residents, promotes growth in living-wage jobs and access to lifelong learning, attracts regional consumer spending, and contributes to Thousand Oaks’s premier quality of life.

- The proposed project would provide housing opportunities that meets the existing and future needs of all residents and the objectives of the State of California in promoting affordable housing.
- The project would invigorate Thousand Oaks by creating a new downtown core area that foster a sense of place, promotes local businesses, provides gathering spaces, and events, and improves the overall appearance of Thousand Oaks.
- The project would provide for a city that improves the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.
- The proposed project was shaped by an extensive public outreach process that engaged the community and decision-makers. The City hosted a series of community workshops and forums, pop-workshops, online surveys, stakeholder interviews and meetings, and Planning Commission/City Council study sessions. The proposed project is developed with all this public input and consideration and represents the desires of the community as a whole in shaping the future of the City.
- The proposed project updates outdated policies in a manner that meets current legal requirements for General Plans.
- The proposed project provides a more user-friendly document that will make use of the General Plan easier for decision makers, staff, and the public.

On balance, the City finds that there are specific beneficial considerations associated with TO2045 that serve to override and outweigh TO2045's significant unavoidable effects. Therefore, pursuant to CEQA Guidelines Section 15093(b), these adverse effects are considered acceptable.