

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS CERTIFYING A FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF THOUSAND OAKS GENERAL PLAN 2045, INCLUDING A MITIGATION MONITORING PROGRAM, CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT, AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING GENERAL PLAN AMENDMENT FOR THE CITY OF THOUSAND OAKS GENERAL PLAN 2045 **(2019-70760-GPA, 2022-70558-EIR)**

SECTION 1

The City Council of the City of Thousand Oaks, California, DOES RESOLVE AS FOLLOWS:

WHEREAS, the City of Thousand Oaks General Plan has not been comprehensively updated in more than 50 years and requires revision to ensure that it aligns with the current vision and guiding principles of the community of the City of Thousand Oaks and complies with current State law and regulations; and

WHEREAS, the City of Thousand Oaks is the applicant for General Plan Amendment No. 2019-70760-GPA, known as the “Thousand Oaks General Plan 2045” or “Thousand Oaks 2045 General Plan”; and

WHEREAS, in 2019, the City selected the firm Raimi + Associates to assist with the preparation and draft of the Thousand Oaks General Plan 2045 and the corresponding Program Environmental Impact Report; and

WHEREAS, the City, by and through its General Plan Advisory Committee, City Council, and extensive community and stakeholder outreach has prepared the Thousand Oaks General Plan 2045 as a comprehensive revision and update to the City’s existing General Plan; and

WHEREAS, the Thousand Oaks General Plan 2045 was prepared pursuant to Government Code Section 65350, et seq., and is intended to supersede all previously adopted General Plans and General Plan Elements in their entirety; and

WHEREAS, the Thousand Oaks General Plan 2045 consists of elements mandated by the Government Code Section 65302 and non-mandatory elements pursuant to Government Code 65303, including Land Use, Mobility, Parks and Open Space, Conservation, Community Facilities and Services, Arts and Culture, Safety, Noise, Governance, and Implementation; and

WHEREAS, on October 30, 2023, Notice of City Council Public Hearing was published in the “Ventura County Star,” a newspaper of general circulation within the City of Thousand Oaks; and

WHEREAS, the Planning Commission, upon giving the required notice, did, on the 13th day of November 2023, conduct a duly advertised public hearing as prescribed by law to consider the Final Program EIR and the Thousand Oaks General Plan 2045, including revisions included in the Addenda and Errata Memo, and the 2021-2029 Housing Element; and

WHEREAS, at the November 13, 2023, Planning Commission public hearing, oral and written evidence, including the agenda report and any supplements thereto, were presented and received, and comments and arguments were heard from all interested parties appearing in the matter, and a decision was reached in this matter.

SECTION 2

WHEREAS, on June 7, 2022, the City issued a Notice of Preparation of the Draft Program Environmental Impact Report (“EIR”) in accordance with the requirements of the California Environmental Quality Act (Public Resources Code [“PRC”] Section 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 California Code of Regulations [“CCR”] Section 15000 et seq.); and

WHEREAS, on June 22, 2022, the City held a scoping meeting to obtain public input to the direction and scope of the Program EIR; and

WHEREAS, the City, as lead agency, prepared the Draft Program EIR, including technical appendices thereto for the City of Thousand Oaks General Plan 2045 pursuant to CEQA and the CEQA Guidelines, and the Draft Program EIR was, in accordance with CEQA Guidelines Section 15166(b), forwarded to the State Clearinghouse (“SCH”) and assigned SCH No. 2022060087; and

WHEREAS, on August 11, 2023, the City issued a Notice of Availability pursuant to CEQA for the Draft Program EIR analyzing the potential impacts on the environment associated with the Thousand Oaks General Plan 2045 and the 2021-2029 Housing Element; and accepted public comments in accordance with CEQA Guidelines Section 15105 for a period of 45 days between August 11, 2023, and September 25, 2023; and

WHEREAS, the City prepared written responses to all forty-three (43) comments received on the Draft EIR and those responses to comments and revisions to the Draft EIR were incorporated into the Final EIR. The Response to Comments were distributed with the Final EIR to all public agencies and individuals that submitted comments on the Draft EIR at least 10 days prior to the certification of the Final Program EIR; and

WHEREAS, the November Final Program EIR is comprised of the Draft Program EIR dated August 2023 and all appendices thereto, the comments and recommendations on the Draft Program EIR, the Responses to Comments on the Draft EIR, the clarifications, revisions, and corrections, to the Draft Program EIR, and the Mitigation Monitoring and Reporting Program contained as part of Exhibit A to this Resolution; and

WHEREAS, the Mitigation Monitoring and Reporting Program that was prepared for the Thousand Oaks General Plan 2045, a copy of which is on file in the Community Development Department, requires the City to take a variety of actions, including the imposition of applicable conditions of approval on future development within the City and to report compliance with the implementation of those measures; and

WHEREAS, a document entitled “CEQA Findings of Fact and Statement of Overriding Considerations”, regarding the Final Program EIR and the Thousand Oaks General Plan 2045, a copy of which is on file in the Community Development Department and contained in Exhibit B of this Resolution, has been prepared and distributed to the City Council, which document includes findings required in connection with the City’s certification of the EIR and approval of the Thousand Oaks General Plan 2045, including the findings required by CEQA Guidelines Section 15091; and

WHEREAS, the City Council supports adoption and certification of said 2022-70558-EIR, and makes the following findings of fact and recommends the following to City Council:

1. 2022-70558-EIR was prepared in accordance with the requirements of CEQA, includes all comments received on the Draft EIR and the City’s response thereto, reflects the independent judgement of the City of Thousand Oaks and has been reviewed and considered by the City Council prior to making its decision.
2. Changes or alterations have been incorporated into the Thousand Oaks General Plan 2045 policies and implementation that reduce potentially

significant environmental impacts to a less than significant level, as identified in the Final EIR.

3. The Final EIR conducted an environmental analysis for each of the environmental factors outlined in Appendix G of the CEQA Guidelines, Environmental Checklist Form and identified the following environmental factors as potential and less than significant impacts:
 - a. No significant impacts: Agriculture & Forestry, Energy, Geology & Soils, Hazardous & Hazardous Materials, Mineral Resources, Hydrology and Water Quality.
 - b. Less than significant: Utilities & Service Systems (UTIL-1, UTIL-3), Aesthetics, Land Use & Planning (LU-1, LU-2), Population & Housing (POP-1, POP-2), Public Services and Recreation (PS-1, PS-3), Wildfire (W-1, W-4), Air Quality (AQ-1, AQ-4), Biological Resources (BIO-2, BIO-5), Cultural Resources (CUL-3), Transportation (TRA-1, TRA-3, TRA-4).
 - c. Potentially significant impacts mitigated to a less than significant level: Air Quality (AQ-3), Biological Resources (BIO-1), Cultural Resources (CUL-2), Noise (NOI-2), Paleontological Resources (PAL-1), Utilities & Service Systems (UTIL-2).
4. The Final EIR (2022-70558-EIR) identifies Air Quality (AQ-4), Cultural Resources (CUL-1), Greenhouse Gas Emissions (GHG-1), Noise (NOI-1), and Transportation (TRA-1) as significant and unavoidable impacts. Mitigation Measures have been imposed upon these impact topic areas but remain significant with the implementation of mitigation measures. However, certain considerations and public benefits of the Thousand Oaks General Plan 2045 and 2021-2029 Housing Element outweigh these unavoidable adverse effects and justify and support accepting those impacts by approving the project, as described in the Findings of Fact and Statement of Overriding Consideration (SOC) as contained within Exhibit B.
5. The City Council has reviewed and considered additional mitigation measures that might reduce or avoid such significant impacts, and the City Council has determined that they are either not available or not feasible. The FEIR evaluated alternatives to the project that might reduce or avoid such significant impacts, which the City Council has considered, and the City Council has determined that there are no feasible alternatives that accomplish all or most of the objectives for the project, and the proposed

project is the best alternative that can be feasibly implemented taking into consideration the relevant economic, legal, social, technological and other reasons and public benefits of the proposed project.

6. A Mitigation Monitoring and Reporting Program has been prepared for the General Plan 2045 and is incorporated herein by reference. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures imposed as conditions of approval which are fully enforceable through fees, permit conditions, agreements or other measures. The MMRP is attached as Exhibit A and incorporated by reference describes the mitigation measures recommended by the EIR to reduce and avoid potential significant effects of the project, and adequately identifies the appropriate timing and enforcement details for each to ensure each mitigation measure is implemented.
7. 2022-70558-EIR has been reviewed for conformance with the provisions of the California Environmental Quality Act. For this project, the City is the Lead Agency and, the City Council is being asked to (a) adopt and make the CEQA Findings and certify the EIR as legally adequate under CEQA, (b) determine that identified considerations and public benefits outweigh the significant unavoidable adverse environmental effect and that mitigation measures and alternatives which might reduce or avoid such effects are not feasible, and adopt the Statement of Overriding Considerations to support its approval of the General Plan 2045 and 2021-2029 Housing element, and (c) adopt the MMRP and programmatically incorporate its provisions as conditions of approval on future projects to the extent appropriate.
8. The City Council has reviewed and considered the information contained in the project Final EIR, and written and oral comments regarding environmental effects. The project EIR was prepared in accordance with the requirements of CEQA, includes all comments received on the EIR and the City's response thereto, reflects the independent judgement of the City of Thousand Oaks, and the City Council is being asked to recommend to City Council the adoption of the Final Environmental Impact Report (FEIR) that was prepared for the project. Each of the following Commission findings is supported by and elaborated in the attached CEQA Findings.
9. Based on all written and oral evidence and testimony in the record, the project EIR (a) complies with the requirements of CEQA and adequately identifies and considers all potential significant environmental effects of the General Plan Amendment and Housing Element Update, and (b) reflects the City's independent judgment and analysis.

10. The City Council recommends that the City Council adopt and make the CEQA Findings and certify the Final EIR as legally adequate under CEQA as the project and adopt the MMRP and incorporate its provisions as conditions of approval for future development applications to the extent appropriate.

SECTION 3

WHEREAS, the City Council of the City of Thousand Oaks, has given notice thereof as required by law, held a public hearing on the General Plan Amendment (2019-70760-GPA) for the Thousand Oaks General Plan 2045; and

WHEREAS, the City Council has carefully considered all pertinent testimony and the staff report offered in the General Plan 2045 as presented at the public hearing; and

WHEREAS, the findings of the City Council for recommending approval of said General Plan Update 2019-70760-GPA are as follows:

1. The General Plan Amendment for the Thousand Oaks General Plan 2045 reflects the City's vision for its future, which consists of updated goals, policies and implementation measures as a result of public and stakeholder engagement and input from the General Plan Advisory Committee, City Council and City Council throughout the phases of development for the Thousand Oaks General Plan 2045. The General Plan 2045 reflects the requirements of recent state legislation and revision to the State's General Plan Guidelines, which mandate that communities amend their General Plans across a variety of topics, including environmental justice, climate change, affordable housing, and safety.

SECTION 4

NOW, THEREFORE, BE IT RESOLVED that based on substantial evidence contained within the record, the analysis in the staff report, and, having considered the Final Program Environmental Impact Report 2022-70558-EIR and associated Mitigation Monitoring and Reporting Program (Exhibit A), the CEQA Findings of Fact and Statement of Overriding Considerations (Exhibit B) that the City Council

recommends that City Council approve the General Plan Amendment 2019-70760-GPA (Exhibit C), and Draft General Plan 2045 Addenda and Errata Memo (Exhibit D), set forth and attached hereto and made a part hereof.

PASSED AND ADOPTED this 5th day of December 2023, by the following vote:

Ayes:
Noes:
Absent:

Kevin McNamee, Mayor
City of Thousand Oaks, California

ATTEST/CERTIFY:

Laura B. Maguire, City Clerk

Date Attested: _____

APPROVED AS TO FORM

Patrick J. Hehir, Chief Assistant City Attorney

APPROVED AS TO ADMINISTRATION:

Andrew P. Powers, City Manager

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the City of Thousand Oaks City Council on the date cited above.

- Exhibit A: Final Program Environmental Impact Report, including the Mitigation Monitoring and Reporting Program
- Exhibit B: CEQA Findings of Fact and Statement of Overriding Considerations
- Exhibit C: Draft General Plan 2045
- Exhibit D: Draft General Plan 2045 Addenda and Errata Memo