

TO: Andrew P. Powers, City Manager

FROM: Kelvin Parker, Community Development Director

DATE: November 19, 2024

SUBJECT: Open Space Parcel Purchase and Transfer to Conejo Open Space Conservation Agency (Conejo Ridge Road, North of Skyline Drive)

RECOMMENDATION:

1. Approve Purchase and Sale Agreement with Escrow Instructions for Assessor Parcel Number (APN) 676-0-070-070 between the City of Thousand Oaks and Hillside, a California non-profit public benefit corporation, formerly known as Church Home for Children of the Protestant Episcopal Church of the Diocese of Los Angeles, and authorize City Manager, or designee, to execute the Purchase and Sale Agreement and all other documents necessary to effectuate the purchase by the City of Thousand Oaks, including the authority to accept the deed, subject to resolution of any liens and encumbrances affecting said parcel.
2. Transfer the property (APN 676-0-070-070) to Conejo Open Space Conservation Agency (COSCA) for long-term management, subject to the procedural requirements of the Surplus Land Act.
3. Find that this action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 14, Sections 15313 and 15325 of the CEQA Guidelines.

LEVINE ACT ITEM: Yes

FINANCIAL IMPACT:

No Additional Funding Requested. \$43,000 was previously authorized on July 2, 2024, by City Council for the purchase of APN 676-0-070-070 and is included in the FY 2024-25 Community Recreation Facilities and Open Space Acquisition and Maintenance Endowment Fund (CROSEF) Fund Budget in CI 1227.

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BACKGROUND:

The City Council has maintained a longstanding goal of completing a ring of open space around the City and preserving natural habitat in designated open space areas. Over time, COSCA has made key acquisitions of open space lands to advance this City Council goal when opportunities arise. The 66-acre Skyline Open Space is identified as a top priority area by COSCA for additional acquisitions.

Purchase negotiations with property owners in the Skyline Open Space Area were authorized by City Council on April 23, 2002, for parcels identified on COSCA's Priority List of Areas for Potential Acquisition as Open Space, on an as-needed basis. Since that time, the City and COSCA have acquired approximately 90 parcels in the Skyline Open Space area. The subject parcel, APN 676-0-070-070, lies within the Skyline Open Space Priority Area. The purchase would incrementally add to this open space area. Acquisition of this parcel protects 0.75 acres of natural coastal sage scrub habitat and mature oak trees and protects a prominent ridgeline within a Protected Ridgeline Overlay Zone. The lot is proximate to existing COSCA-owned open space to the south.

The location of the parcel is shown in Attachments #1 and #2. Attachment #3 is an aerial photo of the property and the adjacent area. The parcel is 0.75 acres in size and is zoned RE-13-PR (Rural Exclusive, 13,000 square foot minimum lot size, Protected Ridgeline Overlay Zone).

On July 2, 2024, City Council approved a purchase and sale agreement for APN 676-0-070-070 on Conejo Ridge Road. Following this approval, and prior to signature, the purchase and sale agreement was re-negotiated at the request of the sellers, and the changes justified bringing the purchase and sale agreement back to City Council for approval. The negotiated change includes language that the purchase is now an As-Is purchase wherein the seller accepts no liabilities for any condition of the property, makes no claims or disclosures associated with the condition of the property, and offers no indemnities. The purchase price of the parcel remains unchanged. The new purchase and sale agreement is attached as Attachment #4.

DISCUSSION/ANALYSIS:

Despite the changes in the nature of the purchase agreement, COSCA staff recommends moving forward with the acquisition. COSCA has acquired approximately 90 parcels in this area and has not encountered any conditions that would indicate that there are significant liabilities associated with the property. COSCA staff have completed a title review of the property and there are no concerning items. In addition, as part of COSCA's due diligence process, a Phase I Environmental Site Assessment has been commissioned and the purchase and

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sale agreement provide an opportunity for termination if negative results are identified.

The purchase price for this parcel was established by a narrative appraisal prepared by a licensed appraiser. Staff anticipates up to \$4,000 in closing costs for this purchase. CROSEF was proposed as the funding source for this acquisition because the property lies within the City limits and the acquisition meets with the purpose of the fund to support open space and recreation projects.

This acquisition meets General Plan implementation goals POS-1 and POS-2 to preserve open space lands for future generations of Thousand Oaks residents and complete the connected ring of natural open space around the developed portions of Thousand Oaks. Pursuant to Open Space Element Policy 1.2, which recommends coordination with COSCA to transfer ownership of natural open space parcels owned by the City and Conejo Recreation and Park District to COSCA for consistent planning and management, staff is requesting City Council authorize transfer of the parcel, after purchase, to COSCA for long-term stewardship. The procedural requirements of the Surplus Land Act will be satisfied prior to the subsequent transfer of the parcel to COSCA.

This purchase will serve to protect natural habitat and continue an ongoing effort to acquire open space parcels from willing sellers in order to complete the planned ring of open space around the City. In this case, the parcel will augment the Skyline Open Space.

Section 65402 of the California Government Code requires that real property acquisition or disposition be consistent with the General Plan as to location, purpose, and extent. The proposed acquisition was evaluated by the Planning Commission on July 1, 2024, and found to be consistent with the General Plan and was documented by resolution.

LEVINE ACT (California Government Code § 84308):

This item is subject to the Levine Act. City Councilmembers who have received a campaign contribution of more than \$250 (aggregated) within the preceding 12 months from a party or their agent/representative, or a financially-interested participant involved in this proceeding may do either of the following: (1) disclose the contribution on the record and recuse themselves from this proceeding; or if applicable (2) return the portion of the contribution that exceeds \$250 within 30 days from the time the official knew or should have known about the contribution, and participate in the proceeding.

All parties and their agents/representatives must disclose on the record of this proceeding any aggregated contribution of more than \$250 made to any

Councilmember within the preceding 12 months. Councilmembers are prohibited from accepting, soliciting, or directing a campaign contribution of more than \$250 (aggregated) from a party, their agent/representative, or a financially-interested participant during a proceeding and for 12 months following the date a final decision is made. In addition, a party, their agent/representative, or a financially-interested participant is prohibited from contributing more than \$250 (aggregated) to a Councilmember during a proceeding and for 12 months following the date a final decision is made. A Levine Act Disclosure form from the Seller is included in Attachment #5

COUNCIL GOAL COMPLIANCE:

Meets the following City Council goal:

E. Complete ring of open space around the City; Protect and preserve ridgelines, natural habitat, and designated open space areas.

PREPARED BY: Brian Stark, COSCA Administrator

Attachments:

- Attachment #1 – Regional Map
- Attachment #2 – Detail Map
- Attachment #3 – Air Photo
- Attachment #4 – Purchase and Sale Agreement
- Attachment #5 – Levine Act Disclosure Form