

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS AMENDING THE THOUSAND OAKS MUNICIPAL CODE RELATING TO THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF A PORTION OF THE PROPERTY LOCATED AT 225 NORTH MOORPARK ROAD; **(ZONE CHANGE Z-2021-70997)**

The City Council of the City of Thousand Oaks does hereby ordain as follows:

Part I

Based upon the information contained in the staff report, exhibits, and public testimony at the public hearing on _____, the City Council approved this zone change application with the following findings:

WHEREAS, the Thousand Oaks Planning Commission held a duly noticed public hearing on October 23, 2023, and thereafter, recommended that City Council certify the Final Environmental Impact Report No. CEQA-2022-70002, and that the City Council approve Zoning Change (Z) 2021-70997-Z; Development Permit (DP) 2022-70079-DP; Tentative Tract Map (TTM) 2022-70265-TTM; and Special Use Permit (SUP) SUP-2023-70009; to allow the development of the Janss Marketplace Hotel project, to subdivide 21.63-acre of airspace, and to allow for the sale and consumption of beer, wine, and distilled spirits with food service for a property located at 225 North Moorpark Road; and,

WHEREAS, the zoning on the property is currently “Community Shopping Center (C-3)” and new designation would be “Community Shopping Center – Height Overlay (C-3-H)” to increase the maximum height up to 75 feet to facilitate the development of a five-story development comprised of a 216-room hotel with amenities and approximately 13,000 square feet of commercial retail space; and

WHEREAS, upon notice duly given, a public hearing was held at the regular meeting of the City Council of the City of Thousand Oaks on _____, at which time evidence, both oral and written, including a Staff Report and a Final Environmental Impact Report, were presented and received, and testimony was taken from all interested parties appearing in the matter; and

WHEREAS, an ordinance is required to formalize Council action pursuant to Section 65453 of the California Government Code, and this ordinance is adopted; therefore, for that purpose and reflects the action of a majority of the members of the City Council (voting ____ - ____) in rendering a decision on this matter following the public hearing at the regular meeting of _____.

Part 2

NOW, THEREFORE, BE IT RESOLVED that pursuant to Government Code Section 65850, the City Council of the City of Thousand Oaks does hereby ordain as follows:

SECTION 1. The Final Environmental Impact Report No. CEQA-2022-70002 is certified and approved.

SECTION 2. 2021-70997-Z is hereby approved and found to be consistent with all Elements of the Thousand Oaks General Plan as proposed in Exhibit "A," based on the following findings:

1. *The project is consistent with the Thousand Oaks General Plan and any applicable specific plan or redevelopment plan.*

The proposed zone amendment will re-designate approximately 35,500 square feet of property, limited to the footprint of the building proposed within 2022-70079-DP, from C-3 (Community Shopping Center) to C-3-H (Community Shopping Center – Height Overlay) to increase the building’s maximum height up to 75 feet. The City of Thousand Oaks General Plan land use designation for the property is Commercial, which encourages hotel, retail, restaurant (including ancillary on-site sale and consumption of alcoholic beverages), and similar uses, and the project site has a corresponding zoning designation of C-3 (Community Shopping Center) and requested C-3-H (Community Shopping Center – Height Overlay). Upon adoption of the zone change, the proposed amendment will meet this finding because the General Plan land use designation for the property is Commercial, which aligns with the C-3-H zoning. The proposed project is consistent with the General Plan policies to “maintain and preserve existing neighborhoods through the application of appropriate zoning and development controls.” The Commercial designation permits commercial uses in support of the General Plan goal “to provide the framework for a planned and unified community containing a balance of living, working, shopping, educational, civic, cultural and recreational facilities.” Further, the proposed project is consistent with the General Plan goals to provide

opportunities “enabling commercial, industrial and residential development to flourish in an efficient and compatible manner.” The subject site is not located within any applicable specific plan or redevelopment plan. Therefore, the proposed Zone Change is in alignment with Thousand Oaks General Plan goals and policies and meets this finding.

2. *The project has been reviewed in conformance with the provisions of the California Environmental Quality Act.*

The proposed Zone Change has been reviewed for conformance with the provisions of the California Environmental Quality Act. For this application, the City is the Lead Agency and, on behalf of the Applicant, the City Council is being asked to certify the Final EIR that was prepared for the project. The Final EIR identifies where all areas listed as potentially significant have been mitigated to levels that are no longer significant, through the inclusion of mitigation measures, which the applicant shall comply with under the proposed conditions of approval.

SECTION 3. The foregoing findings and determinations are based upon the following:

- (a) The Recitals set forth in this Ordinance, which are deemed true and correct;
- (b) Resolution Nos. _____ for the Project entitlements, adopted by the City Council on _____, and which Resolutions and exhibits are incorporated herein by reference as if set forth in full;
- (c) All City Staff reports (and all other public reports and documents) prepared for the Planning Commission and City Council, relating to the Zone Change and other actions relating to the Project;
- (d) All documentary and oral evidence received at public hearings or submitted to the City during the comment period relating to the zone change, Specific Plan, and other actions relating to the Project; and
- (e) All other matters of common knowledge to the Planning Commission and City Council, including, but not limited to the City’s fiscal and financial status; City policies and regulations; reports, projections and correspondence related to development within and surrounding the City, State laws and regulations and publications.

SECTION 4. The City Council hereby approves the Zone Change, attached hereto as Exhibit A, subject further to such minor, conforming and clarifying changes consistent with the terms thereof as may be approved by the City Manager, in consultation with the City Attorney to execution thereof, including completion of references and status of planning approvals, and completion and conformity of all exhibits thereto, and conformity to the General Plan, as amended, as approved by the City Council.

Part 3

Pursuant to Title 9 Zoning Map of the City of Thousand Oaks Municipal Code, Official Zoning Map, is amended to read as follows:

Thousand Oaks Official Zoning Map

The land and other property shown upon the map, attached hereto as Exhibit A and incorporated herein by reference, are zoned according to the zone classification symbols indicated on said map, changing the zoning from C-3 (Community Shopping Center) to C-3-H (Community Shopping Center – Height Overlay) for approximately 35,500 square feet of property, limited to the footprint of the building proposed within DP-2022-70079 located at 225 North Moorpark Road (Assessor's Parcel Number: 525-0-030-470).

Part 3

(Uncodified)
Severability

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it being hereby expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Part 4
(Uncodified)
Effective Date

This Ordinance shall take effect on the thirty-first (31st) day following its final passage and adoption.

PASSED AND ADOPTED this XXth day of XXXX, 202X, by the following vote:

Ayes:
Noes:
Absent:

Kevin McNamee, Mayor
City of Thousand Oaks City Council

ATTEST/CERTIFY:

Laura B. Maguire, City Clerk

Date Attested: _____

APPROVED AS TO FORM:
Office of the City Attorney

Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:

Andrew P. Powers, City Manager

Introduced: XXXX XX, 202X
Published: XXXX XX, 202XX
Ordinance No.: XXXX-NS

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
Zone Change Z-2021-70997
Verdant Thousand Oaks LLC (Adam Corral – Greens Development)

