

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 AT THE PROPERTY LOCATED AT 400 EAST ROLLING OAKS AND 355 WEST JANSS ROAD; (ZONE CHANGE 2022-70733-Z)

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 March 26, 2024, the City Council approved this zone change application with the following findings:

WHEREAS, the Thousand Oaks Planning Commission (Commission) held a duly noticed public hearing on March 11, 2024, and thereafter, recommended that City Council certify the Final Environmental Impact Report No. 2022-70775-EIR, and that the City Council approve General Plan Amendment 2022-70587-LU, Zone Change 2022-70733-Z, Development Permit 2022-70732-DP, Parcel Map Waiver 2022-70736-PMW, and Protected Tree Permit 2022-70735-PTP; to allow the development of the Los Robles Comprehensive Cancer Center project, to allow for the construction of an approximately 58,412 square foot (sf) medical office building that accommodates various cancer medical and patient services for a property located at 400 East Rolling Oaks Drive and the new General Plan land use designations and zoning at both 400 East Rolling Oaks Drive and 355 West Janss Road to satisfy the “no net loss” rule established by Senate Bill (SB) 330 to maintain the City’s residential development capacity; and,

WHEREAS, the zoning on the property at 400 East Rolling Oaks Drive is currently “Rural Exclusive, 1 acre minimum (R-E)” and new designation would be “Commercial Office/Height Overlay (C-O/C-O-H) with the Height Overlay, limited to the building footprint and at the finished floor levels as indicated in the plan materials” to allow the proposed Cancer Center medical office building at a maximum building height of 44-feet 2-inches at 400 East Rolling Oaks Drive; and

WHEREAS, the zoning on the property at 355 West Janss Road is currently “Public, Quasi-Public, and Institutional Lands and Facilities Zone (P-L)” and new designation would be “Residential Planned development-4.5 dwelling units per acre (RPD-4.5U)” to satisfy the “no net loss” rule established by Senate Bill (SB) 330 and codified at California Government Code Section 66300(i)(1) to maintain the City’s residential development capacity; 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 March 26, 2024, 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 March 26, 2024.

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. 2022-70775-EIR is certified and approved.

SECTION 2. 2022-70733-Z is hereby approved and found to be consistent with all Elements of the Thousand Oaks General Plan as proposed in Exhibit "A" and Exhibit "B", based on the following finding:

1. On July 5, 2022, the City Council initiated a General Plan Amendment through the adoption of Council Resolution No. 2022-040, and the City Council authorized the concurrent processing of entitlement applications, including the Zone Change 2022-70733-Z application, for the proposed project requiring the Commission to make a recommendation to Council for the whole of the entitlement request.

The City Council findings to approve said Zone Change 2022-70733-Z application are as follows:

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

As described above in SECTION 3 (2022-70587-LU) Finding 2, the whole of the project has been found to be consistent with the 2045 General Plan and TOMC, and those findings are incorporated by reference into this finding.

400 East Rolling Oaks Drive

The Zone Change will re-designate approximately 4.74 net acres of land at 400 East Rolling Oaks Drive from Rural Exclusive, 1 acre minimum (R-E) to Commercial Office/Height Overlay (C-O/C-O-H) with the Height Overlay, limited to the building footprint and at the finished floor levels as indicated in the plan materials, to allow a building to be up to 44-feet 2-inches tall at said property in order to remain consistent with the subject property's General Plan Land Use Element designation, which will be Commercial Neighborhood, upon adoption by City Council. This designation accommodates a variety of neighborhood-serving retail, offices and service activities designed to serve the daily needs of residents, in support of the General Plan Healthcare Goal "CFS-14: Ensure access to quality health and mental healthcare and social services that support all stages of living in Thousand Oaks." The proposed project includes the development of a Cancer Center medical office building on the site which would consolidate multiple oncology and medical related functions in a single campus. Furthermore, the proposed Cancer Center's location adjacent to the Thousand Oaks Surgical Hospital (TOSH) will directly facilitate the effective provision of these services.

Within the City, a total of 15 properties have a C-O zone, all 15 C-O properties abut or are located across the street from properties with residential zoning (R-E, R-1, R-3, RPD, HPD, Ventura County – R-O). Consistent with the purpose of the C-O zone¹, and in practice, the C-O zone acts as a transition

¹ TOMC Section 9-4.1101. Purpose (C-O) "To provide a method by which land located in or adjacent to residential areas may be designed and developed as a unit for professional and limited commercial offices, and to produce a professional and limited commercial office development which will be compatible and harmonious with the existing or potential development of adjacent residential or other areas, and to foster professional and limited commercial office developments which meet high standards of open space, the concentration of buildings, parking facilities, landscaping, and pedestrian

space between higher intensity uses (P-L, C-1, C-2, C-3, C-4, CPD, M-1), open space (O-S), and/or Route 101 and residential uses.

The C-O zoning would be consistent with the existing zoning in the near vicinity of 400 East Rolling Oaks. Properties to the north and northwest of 400 East Rolling Oaks Drive are already zoned as C-O and P-L (Public, Quasi-Public, and Institutional), and these properties already abut or are adjacent to properties with zoned C-O, P-L, O-S (Open Space), RPD (Residential Planned Development), and R-O (Ventura County – Single-Family Estate).

The subject property abuts open space to the south, apartments to the west, single-family homes to the east, and the TOSH and associated medical offices on the opposite side of East Rolling Oaks Drive to the north. In addition, the proposed building footprint is approximately 630 feet from the nearest single-family residence to the south, approximately 350 feet from the nearest single-family residence to the east, and approximately 175 feet from the nearest apartment unit to the west. Finally, no development is proposed on the southerly portion of the property, which will maintain a reasonable buffer from the adjacent 20-acre open space parcel owned by the Conejo Open Space Conservation Agency (COSCA). As such, the existing medical office building uses are found to be compatible with surrounding residential and open space uses.

The C-O/C-O-H zoning of the property would allow a medical office building to function in a similar manner to the medical office buildings to the north and northwest. As the existing medical office buildings have been found to be compatible with the existing surrounding developments, the proposed medical office building of similar scale and operational characteristics is also found to be compatible with the adjacent uses, including the TOSH and medical office buildings to the north and east, residential uses to the west, the open space to the south, and the residences further to the south.

and vehicular circulation, Commercial Office Zones (C-O) are established to provide suitable alternative locations for offices and services of a professional, clerical, or administrative nature.”

The Height Overlay (C-O-H) is to be limited to the building footprint and at the finished floor levels as indicated in the plan materials, to allow a building to be up to 44-feet 2-inches tall. The site will be graded and the finished grade will be set into existing grade between approximately 0 to 10 feet and additional fill will be placed on the south side of the building resulting in the building appearing to be 16-feet shorter as viewed from the south elevation compared to other elevations. The Height Overlay will result in a proposed building's height being similar to the existing apartments to the west and similar to or less than the medical office buildings to the north.

The C-O/C-O-H zone is compatible with the surrounding zones (C-O, P-L, R-3, RPD, Ventura County R-O, and O-S) in terms of both physical development standards and allowed uses. By transferring the residential capacity to the 355 West Janss Road Site, the action also satisfies the requirements under SB 330 of no net loss in residential capacity.

355 West Janss Road

The Zone Change will re-designated approximately 2.145 net acres of land at 355 West Janss Road from Public, Quasi-Public, and Institutional Lands and Facilities Zone (P-L) to Residential Planned development-4.5 dwelling units per acre (RPD-4.5U) in order to remain consistent with the subject property's General Plan Land Use Element designation, which will be Neighborhood Low 1 (>2-4.5 units per acre), upon adoption by City Council. This designation accommodates low density, single-family neighborhoods between 2 and 4.5 dwelling units per acre, in support of the General Plan Land Use Goal "LU-3: Promote a diversity of housing types for Thousand Oaks residents through all stages of life." There is currently no development concept or project proposed for the property at 355 West Janss Road at this time.

The RPD-4.5U zoning would be consistent with the existing zoning in the near vicinity of 355 West Janss Road. Los Robles Hospital is located at 215 West Janss Road, and that property has an existing P-L zoning and immediately abuts properties that are zoned R-1 (north and east), C-O and C-1 (west) and is adjacent to properties zoned RPD (south). Properties with an RPD/HPD zone in the area (north and west) abut or are adjacent to properties that are zoned O-S.

These zones have been found to be compatible with one another in terms of both physical development standards and allowed uses.

400 East Rolling Oaks Drive & 355 West Janss Road

These subject sites are not located within any applicable specific plan or redevelopment plan. Therefore, the proposed Zone Change is in alignment with 2045 General Plan goals and policies and meets this finding.

b. *The project is compliant with the Housing Crisis Act.*

To comply with SB 330, City is concurrently changing the development standards, policies, and conditions applicable to another parcel or parcels within the jurisdiction to ensure that there is no net loss in residential capacity for the jurisdiction (Government Code Section 66300(i)). The City initiated said process on July 5, 2022, when the City Council approved the Applicant's request to initiate a General Plan Amendment to change the land use categories for both the site at 400 East Rolling Oaks Drive and 355 West Janss Road as well as authorized concurrent processing of legislative actions and project entitlements for the proposed project located at 400 East Rolling Oaks Drive. City Council now authorizes the development of the Cancer Center component of the Project, the Cancer Center site's General Plan land use designation is proposed to be changed from Neighborhood Very Low to Commercial Neighborhood, and its zoning designation is proposed to be changed from Rural-Exclusive (R-E-1AC) to Commercial Office (C-O). These proposed changes will reduce the residential development capacity of the Cancer Center site by nine dwelling units, triggering the application of the HCA's no net loss provision. The City is complying with

the requirements of HCA by concurrently changing the development standards, policies, and conditions applicable for the Cancer Center site's downzoning to another parcel to ensure no net loss of residential development capacity occurs in the City. The Applicant owns the Janss Road site, which is currently subject to a General Plan land use designation of Institutional and a zoning designation of Public, Quasi-public, and institutional Lands and Facilities. To accommodate the nine-unit reduction in residential development capacity associated with the General Plan and zoning designation changes proposed for the Cancer Center site and achieve compliance with the HCA, the Applicant proposes to change the Janss Road site's General Plan designation to Neighborhood Low 1 and its zoning designation to Residential Planned Development, maximum 4.5 dwelling units per acre. The new General Plan and zoning designations for the Janss Road site would establish a residential development capacity of nine dwelling units at this property. The City Council approves the land use changes as stated above which will meet the no net loss in residential capacity requirements of Government Code Section 66300(i)(1).

- c. *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 certifies 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 No. _____ for the Project entitlements, adopted by the City Council on March 26, 2024, 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 General Plan Amendment, Zone Change, Development Permit, Parcel Map Waiver, and Protected Tree Permit 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 Exhibits A and B, 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 Rural Exclusive, 1 acre minimum (R-E) to Commercial Office/Height Overlay (C-O/C-O-H) with the Height Overlay, limited to the building footprint and at the finished floor levels as indicated in the plan materials for the building proposed with 2022-70732-DP, located at 400 East Rolling Oaks Drive (Assessor's Parcel Numbers: 681-0-180-265, 681-0-180-275).

The land and other property shown upon the map, attached hereto as Exhibit B and incorporated herein by reference, are zoned according to the zone classification symbols indicated on said map, changing the zoning from Public, Quasi-Public, and Institutional Lands and Facilities Zone (P-L) to Residential Planned development-4.5 dwelling units per acre (RPD-4.5U) for the property at 355 West Janss Road (Assessor's Parcel Number: 522-0-270-135).

Part 4
(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 5
(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:

Al Adam, 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: March 26, 2024
Published: XXX XX, 202X
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 2022-70733-Z
400 East Rolling Oaks Drive (APN 681-0-180-265, and 681-0-180-275)
HCA Healthcare/Los Robles Hospital

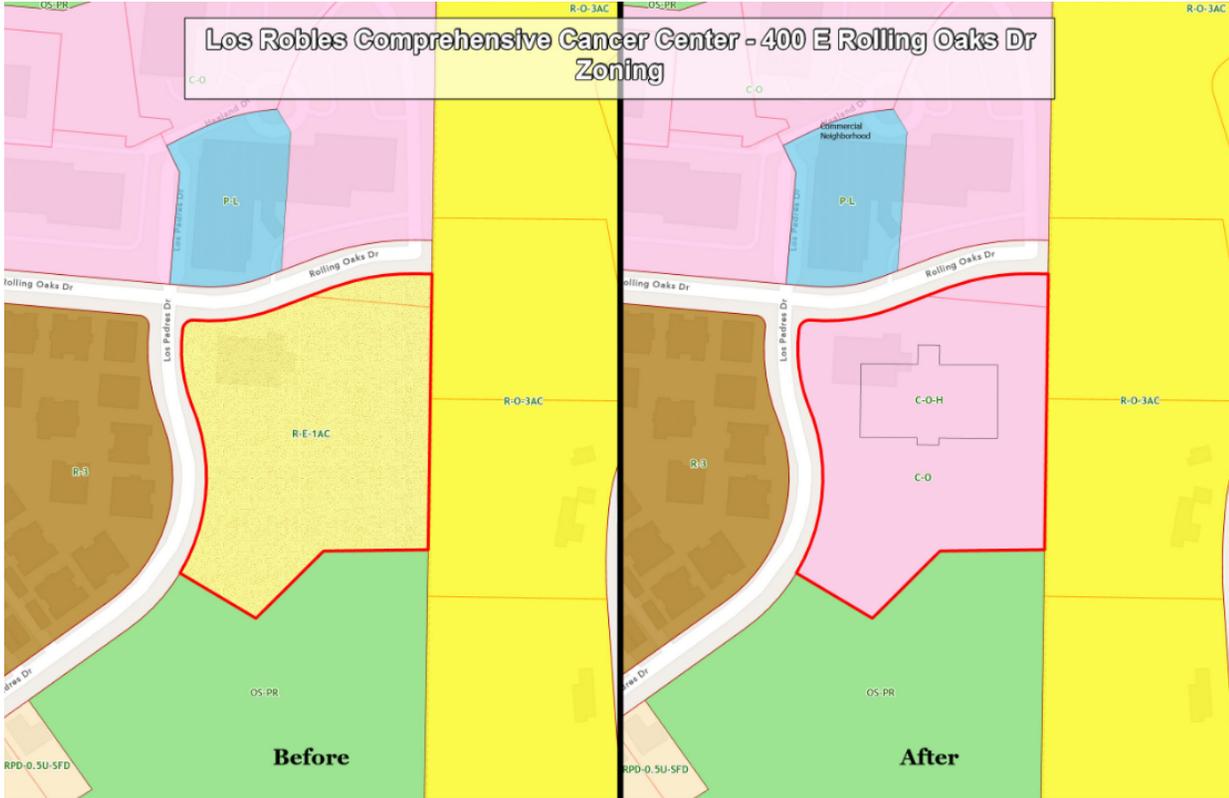


EXHIBIT B
Zone Change 2022-70733-Z
355 West Janss Road (APN 522-0-270-135)
HCA Healthcare/Los Robles Hospital

