

CITY OF THOUSAND OAKS

PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_-2023 PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF THOUSAND OAKS RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM AND ADOPT AN ORDINANCE TO AMEND THE THOUSAND OAKS MUNICIPAL CODE RELATED TO THE OFFICIAL ZONING MAP AND CHANGE THE CLASSIFICATION OF A PORTION OF THE PROPERTY LOCATED AT 225 NORTH MOORPARK ROAD

Application: Zone Change Z-2021-70997 and Environmental Impact Report  
CEQA-2022-70002

Applicant: Verdant Thousand Oaks LLC (Adam Corral – Greens  
Development)

Location: 225 North Moorpark Road  
Assessor's Parcel Number (APN): 525-0-030-470

SECTION 1

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

WHEREAS, the applicant has filed with the City an application under the provisions of the City of Thousand Oaks Municipal Code requesting the following:

1. CEQA-2022-70002: Consider the Final Environmental Impact Report (EIR), including Mitigation Monitoring and Reporting Program (MMRP) prepared in accordance with the California Environmental Quality Act (CEQA) for the subject project; and
2. 2021-70997-Z: Zone Change limited to the footprint of the proposed building (2022-70079-DP Development Permit (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.

WHEREAS, on March 2, 2023, a Notice of Application was mailed to all property owners and occupants within a 500-foot radius of the subject property; and

WHEREAS, on August 10, 2023, a Notice of Application sign was posted on the subject property; and

WHEREAS, on October 6, 2023, a Notice of Hearing sign was posted on the subject property; and

WHEREAS, on October 9, 2023, Notice of Planning Commission Public Hearing was mailed to all property owners of record within a 500- foot radius of the subject site; and

WHEREAS, on October 9, 2023, Notice of Planning Commission Public Hearing was published in the "VC 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 23<sup>rd</sup> day of October 2023, conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, at the October 23, 2023, Planning Commission public hearing, oral and written evidence, including a staff report, were presented and received, and comments and arguments were heard from all interested parties appearing in the matter.

## SECTION 2

WHEREAS, pursuant to CEQA, City conducted environmental review of the project (consisting of a 2021-70997-Z, 2022-70079-DP, 2022-70265-TTM, and SUP-2023-70009), prepared and duly processed an EIR ("The Janss Marketplace Hotel Project EIR"), consisting of a Draft EIR dated August 2023 and a Final EIR dated October 2023, and prepared an MMRP for implementation of mitigation measures specified in the EIR; and

WHEREAS, pursuant to CEQA (Public Res. Code, Section 21000 et seq.), the State CEQA Guideline (14 CCR Section 15000 et seq.) and the City of Thousand Oaks' Local CEQA Guidelines, the City of Thousand Oaks (City) is the lead agency for the Project, as the public agency with general governmental powers; and

WHEREAS, the City, as the lead agency, determined that an EIR would be prepared pursuant to CEQA to analyze all potential adverse environmental impacts of the Project; and

WHEREAS, the City issued a Notice of Preparation (NOP) of a Draft EIR on February 17, 2023, and circulated the NOP for a period of 30 days (between February 17 and March 20, 2023), pursuant to State CEQA Guidelines Sections 15082(a), 15103 and 15375; and

WHEREAS, pursuant to State CEQA Guidelines section 15082, the City solicited comments from potential responsible agencies, including details about the scope and content of the environmental information related to the responsible agencies area of statutory responsibility, as well as the significant environmental issues, reasonable alternatives and mitigation measures that the responsible agency would have analyzed in the Draft EIR; and

WHEREAS, seven (7) written statements were received by the City in the response to the NOP, which assisted the City in narrowing the issues and alternatives for analysis in the Draft EIR; and

WHEREAS, a public scoping meeting was held on March 1, 2023, to familiarize the public with the Project and the environmental review process and receive input as the scope of the Draft EIR and issues of community concern; and

WHEREAS, the Draft EIR was completed and released for public review on August 11, 2023 and City initiated a 45-day public comment period (between August 11 and September 25, 2023) by filing a Notice of Completion and Availability; and

WHEREAS, pursuant to Public Resources Code section 21092, the City also provided a Notice of Completion (NOC) and Notice of Availability (NOA) to all organizations and individuals who had previously requested such notice and published the NOC on August 11, 2023, in a newspaper of general circulation in the Project area. Pursuant to the City of Thousand Oaks Local CEQA Guidelines, the NOA was mailed to all residents and property owners with 500 feet of the Project. The Draft EIR was posted on the City's website, public counter and public libraries; and

WHEREAS, two (2) written statements were received by the City in response to the NOC and NOA during the 45-day public comment period and one (1) written statement was received by the City in response to the NOC and NOA after the 45-day public comment period; and

WHEREAS, Code section, the City following the closure of the public comment period, all comments received on the Draft EIR during the comment period and after the comment period, the City's written responses to the significant environmental points raised in those comments were added to the Draft EIR to produce the Final EIR, and

WHEREAS, prior to taking action, the Planning Commission has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including Final EIR, and all oral and written evidence presented to it during all the meetings and public hearing; and

WHEREAS, the Final EIR reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the Planning Commission supports adoption and certification of said CEQA-2022-70002, and makes the following findings of fact and recommends the following to City Council:

1. CEQA-2022-70002 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 project through design or conditions that reduce potentially significant environmental impacts to a less than significant level, as identified in the Final EIR.
3. The Final EIR (CEQA-2022-70002) 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:
  - a. No significant impacts: Agriculture and Forestry Resources; Mineral Resources; Population and Housing; and Wildfire.
  - b. Less than significant impacts: Aesthetics; Energy; Greenhouse Gas Emissions; Hydrology and Water Quality; Land Use and Planning; Noise; Public Services and Recreation; and Transportation.
  - c. Potentially significant impacts without mitigation but less than significant with mitigation incorporated: Air Quality; Biological Resources; Cultural, Tribal and Historical Resources; Geology and Soils; Hazards and Hazardous Materials; and Utilities and Service Systems.

Mitigation Measures have been imposed upon the project which will feasibly reduce or eliminate any potential adverse effects to less than significant levels. Based on Final EIR, the Mitigation Monitoring and Reporting

Program (MMRP) and any comments received, it is found that, there is no substantial evidence that the project will have a significant effect on the environment.

4. A MMRP has been prepared for the project associated with this application 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 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.
5. CEQA-2022-70002 has been reviewed for conformance with the provisions of the CEQA. For this application, the City is the Lead Agency and, on behalf of the Applicant, the City Council is being asked to (a) adopt and make the CEQA Findings and certify the EIR as legally adequate under CEQA as to each development application associated with the project and (b) adopt the MMRP and incorporate its provisions as conditions of approval for project to the extent appropriate.
6. The Planning Commission 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 judgment of the City of Thousand Oaks, and the Planning Commission is being asked to recommend to City Council the adoption of the Final EIR that was prepared for the project. Each of the following Commission findings is supported by and elaborated in the attached CEQA Findings.
7. Based on all written and oral evidence and testimony in the record, the project Final EIR (a) complies with the requirements of CEQA and adequately identifies and considers all potential significant environmental effects of the Zone Change; Development Permit; Tentative Tract Map; and Special Use Permit, and (b) reflects the City's independent judgment and analysis.
8. The Planning Commission recommends that the City Council adopt and make the CEQA Findings and certify the Final EIR as legally adequate under CEQA as to each development application associated with the project and adopt the MMRP and incorporate its provisions as conditions of approval for each of the development applications associated with the project to the extent appropriate.

### SECTION 3

WHEREAS, the Planning Commission of the City of Thousand Oaks, has given notice thereof as required by law, held a public hearing on the application of the City of Thousand Oaks with respect to the requested Zone Change 2021-70997-Z limited to the footprint of the proposed building (Development Permit 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; and

WHEREAS, the Planning Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing; and

WHEREAS, the findings of the Planning Commission for recommending approval of said Zone Change 2021-70997-Z application are as follows:

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 subject 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 4

NOW, THEREFORE, BE IT RESOLVED that based on substantial evidence contained within the record, the analysis in the staff report, the Findings of Fact above, and, having considered the Final EIR and associated MMRP, the Planning Commission recommends that the City Council adopt and certify the Final Environmental Impact Report CEQA-2022-70002 prepared for the project, the Planning Commission recommends that the City Council approve 2021-70997-Z by the adoption of an ordinance to amend the Thousand Oaks Municipal Code related to the Official Zoning Map and changing the zoning classification of a portion of the property located at 225 North Moorpark Road (APN: 525-0-030-470). Except as otherwise expressly indicated, said conditions shall be fully performed and completed, or at the City's discretion, shall be secured by bank or cash deposit or other security satisfactory to the City Attorney before the use or occupancy of the property is commenced and before a Certificate of Occupancy is issued. The violation of any of the conditions of said permit shall be grounds for revocation by the Planning Commission or City Council.

I HEREBY CERTIFY that the foregoing resolution reflects action taken by the Planning Commission of the City of Thousand Oaks at a regular meeting held on the 23<sup>rd</sup> day of October 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Sharon McMahon, Chair  
Planning Commission

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Fabiola Zelaya Melicher, Secretary  
Planning Commission