

To: Iain Holt, Senior Planner, AICP  
Community Development Department, Planning Division  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362

From: Mic Farris

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Subject: Comments regarding the Notice of Preparation of the City of Thousand Oaks 2045 General Plan Update Draft Environmental Impact Report

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## Overview

Below are comments to be addressed in the preparation of the Draft Environmental Impact Report (DEIR). Main topic areas include:

- Evaluation of a Reduced Scope Alternative
  - Sufficient Impact Analysis and Disclosure to the Public
  - Voter Approval Requirements of Amendments to the Land Use Element
  - Additional Environmental Topics
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## Evaluation of a Reduced Scope Alternative

According to CEQA Guidelines, an Environmental Impact Report (EIR) "shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation."<sup>1</sup>

As noted in the Notice of Preparation, "the City conducted an extensive research and community engagement process that included an advisory committee, workshops, online surveys, educational forums and stakeholder meetings."<sup>2</sup>

In early 2021, a Land Use Alternatives Briefing Book ("Briefing Book") was presented comprising "a summary of and background for three land use alternatives" which "were

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<sup>1</sup> CEQA Guidelines § 15126.6(a).

<sup>2</sup> Memo to State Clearinghouse, Responsible Agencies, Trustee Agencies, Interested Parties, "Subject: Notice of Preparation and Public Scoping Meeting for the City of Thousand Oaks 2045 General Plan Update Draft Environmental Impact Report," June 7, 2022, p 2.

developed after a robust community engagement effort that involved many conversations with the public and the General Plan Advisory Committee (GPAC)...”<sup>3</sup>

Based on the alternatives presented in the Briefing Book, the number of mixed-use acres designated at various residential densities and the min-max ranges for these designations, each of the alternatives would add between 15,000–26,000 additional residential units.<sup>4</sup> There was no discussion nor consideration of a reduced scope alternative that would meet the needs of the community; only these three alternatives recommending significant increases in our General Plan residential buildout projections were presented or discussed during GPAC meetings.

I have served on GPAC since 2019 and when these alternatives were first presented to the GPAC and to the public, I expressed these concerns at the April GPAC meeting, immediately prior to Planning Commission and City Council consideration of the land use alternatives:<sup>5</sup>

“Coming from a historical perspective, where we’ve come from as a city, and in my view, being part of some of these city decisions, as well as to bring in some additional information for context of thinking about the plan.

“In general, my main concern is about the scope of the change. It is incredibly large; it is probably the largest for the plan for the change of increased development in sixty years - especially since the General Plan was enacted fifty years ago.

“The disappointment I have in this is that the choices we have are more about ‘given the size of it, where would you like the changes?’ as opposed to ‘in the alternatives, the scope of such change.’

“Does it have to be as big as it being presented, or are there options for the Commission and the Council to entertain and address things that are of real concern with the City, such as meeting the RHNA allocation numbers to meet our fair share of the housing crisis needs, as well as some items such as ensuring zoning is consistent with general plan designations - there could be some real penalties for the City and for some neighborhoods if they are not addressed properly.

“Does that require such a full scope and sizable change in order to do that?”

To illustrate the background, Thousand Oaks currently has 48,081 residential units,<sup>6</sup> which is close to the historically understood figure that over decades has been

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<sup>3</sup> Land Use Alternatives Briefing Book, City of Thousand Oaks General Plan Update, January 2021, p 2.

<sup>4</sup> Land Use Alternatives Briefing Book, City of Thousand Oaks General Plan Update, January 2021, p 21-28, 56.

<sup>5</sup> General Plan Advisory Committee Presentation, Meeting #15, April 21, 2021, <https://www.toaks2045.org/gpac/landusealtsurveyreview-erz7s>, 1:26:02.

<sup>6</sup> General Plan Advisory Committee Presentation, Meeting #3, November 14, 2019, p 13.

described as “buildout” of roughly 50,000 residential units. One example of this historical understanding comes from the Thousand Oaks Planning Area Buildout Projections table in the EIR certified by the City in 2011 for the Thousand Oaks Boulevard Specific Plan; this table “provides the amount of residential and non-residential development projected at full development of the uses allowed by the City of Thousand Oaks General Plan.”<sup>7</sup>

The following shows the table in terms of number and types of residential units allowed under projected buildout of the General Plan; note the projected buildout under the General Plan of 49,695 residential units:<sup>8</sup>

**Table 4.0-1  
Thousand Oaks Planning Area Buildout Projections**

Use Type	Projected Buildout (Units)
<b>Residential</b>	
Single Family Detached	34,210
Single Family Attached	2,396
Multiple Family	13,089
<b>Total</b>	<b>49,695</b>

One item for consideration for the City’s General Plan update is the City’s Regional Housing Needs Assessment (RHNA) allocation to accommodate our fair share of housing needs within the region.

Given the current residential units in the City relative to the projected buildout numbers (approximately 1,700 units using the numbers above), there is little room to meet the City’s RHNA allocation (which is 2,621 units over the next eight years<sup>9</sup>) without increasing the number of residential units allowed under the General Plan.

However, the Briefing Book alternatives and the map attached to the Notice of Preparation (“NOP Map”), which is derived from these alternatives, far exceeds the City’s identified regional housing needs and represents a significant change from what residents have historically considered buildout.

Failure to evaluate a reduced scope alternative would be a considerable oversight, given the City’s decades-long history of a carefully and well-planned community. This is evidenced from the most recent community attitude survey conducted by the City, where “[n]early all residents in 2020 (94%) of respondents shared favorable opinions of

<sup>7</sup> Thousand Oaks Boulevard Specific Plan, Final Environmental Impact Report EIR No. 327, dated September 2011, certified October 25, 2011, Volume I, p. 4.0-3.

<sup>8</sup> Ibid., “Table 4.0-1, Thousand Oaks Planning Area Buildout Projections,” Volume I, p. 4.0-3.

<sup>9</sup> Memo to Andrew P. Powers, City Manager, from Kelvin Parker, Community Development Director, “Subject: 2021-2029 Housing Element,” January 25, 2022, p 4.

the quality of life in Thousand Oaks, with 54% reporting it is excellent and 40% stating it is good.”<sup>10</sup>

Additionally, it would be counter to CEQA guidelines requiring evaluation of a "range of reasonable alternatives" that "would feasibly attain most of the basic objectives of the project."<sup>11</sup> Given the size and scope of the alternatives presented to date, it seems that such a reduced scope alternative would indeed feasibly attain the objectives of the General Plan update. The absence of a reduced scope alternative in the CEQA review would be a glaring omission in the environmental review process.

### **Sufficient Impact Analysis and Disclosure to the Public**

To date, the evolving nature of the recommended changes to the General Plan Land Use Element map (“LU Map”) makes it difficult for the public to ascertain the impacts of the proposed changes, especially on important areas such as noise, water, traffic, and burdens on infrastructure.

Though final numbers have not been presented, using the estimates provided in the May 18, 2021, staff report<sup>12</sup> and accounting for subsequent direction provided by Council (e.g., reducing Mixed-Use Medium to Mixed-Use Low),<sup>13</sup> it is estimated that the additional residential capacity resulting from the NOP Map would be between 12,000-20,000 residential units within the areas identified as “Areas of Change.” As noted above, these changes alone result in a significant increase in residential buildout projections.

However, additional residential areas outside the “Areas of Change” (labeled as “Areas of Stability”) will also be changed, and no analysis has been presented to date as to these impacts. This “stability” labelling and lack of public review prior to Council endorsement presents the impression that there will be no changes of significance. As noted in the staff report:<sup>14</sup>

“As part of the redistribution of residential units to the areas of change, the areas of stability will be assigned land use designations that reflect the densities on the ground for those established neighborhoods. Subcategories for the Neighborhood Low through Neighborhood Medium categories will be calibrated to reflect the existing density for tracts of land that are occupied by subdivisions and condominiums that have limited to no potential for further development. The purpose behind this concept is to allow unused residential capacity under Measure E to be allocated to the

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<sup>10</sup> Community Opinion Survey: Summary Research Report, prepared for the City of Thousand Oaks, June 16, 2020. p. 4.

<sup>11</sup> CEQA Guidelines § 15126.6(a).

<sup>12</sup> Memo to City Council from Kelvin Parker, Community Development Director, “Subject: General Plan Update – Consideration of Draft Preferred Land Use Map (GPA 2019-70760) LOCATION: Citywide,” May 18, 2021, Attachment #8.

<sup>13</sup> Minutes of the Thousand Oaks City Council, May 25, 2021.

<sup>14</sup> Memo to City Council from Kelvin Parker, Community Development Director, “Subject: General Plan Update – Consideration of Draft Preferred Land Use Map (GPA 2019-70760) LOCATION: Citywide,” May 18, 2021, p 13.

proposed areas of change and preserve the character of existing neighborhoods.”

The description above implies that any changes within the “Areas of Stability” would be to match existing conditions and thereby reduce the maximum residential densities in these neighborhoods, “allow[ing] unused residential capacity under Measure E to be allocated to the proposed areas of change...” However, a detailed comparison of the NOP Map and the current General Plan LU Map<sup>15</sup> shows otherwise.

The NOP Map affects nearly every property in the City,<sup>16</sup> both in the “Areas of Change” and the “Areas of Stability.” While the intent of the proposed designations in the NOP Map is to “maintain the character of existing residential neighborhoods,”<sup>17</sup> numerous residential neighborhoods will see an increase in maximum allowable residential density, many by 33% (e.g., from Low Density Residential (max 4.5 du/ac) to Neighborhood Low 2 (max 6 du/ac)).

In comparing the NOP Map with the current land use designations, examples of residential neighborhoods that are recommended to have an increase in allowable residential density, include, but are not limited to:

- Treasures and others in Dos Vientos
- Most of Newbury Park south of Borchard Road
- Westlake Hills
- Some neighborhoods near Westlake Lake
- Central Thousand Oaks bordered by Avenida de las Arboles and Avenida de las Flores

Given the state of analysis to date, key questions arise:

- How do the citywide density reallocation numbers work out if, within the “Areas of Stability,” there are many acres adding 1.5 du/ac in residential density?
- Do the residents in these neighborhoods know that the densities will increase under the proposed General Plan?

The changes contemplated by the NOP Map are more significant in some existing residential neighborhoods than has been implied to date. A detailed analysis of the citywide impacts of land use designation changes should be conducted as part of the environmental review, and it cannot be assumed that the effects of citywide land use changes can be limited to their analysis only to within certain areas designated “Areas of Change.”

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<sup>15</sup> Retrieved from the City’s website, updated through April 24, 2018, via approval of Resolution 2018-017

<sup>16</sup> With the exception of most (though not all) lands currently designated “parks, golf courses, open space.”

<sup>17</sup> Memo to City Council from Kelvin Parker, Community Development Director, “Subject: General Plan Update – Consideration of Draft Preferred Land Use Map (GPA 2019-70760) LOCATION: Citywide,” May 18, 2021, p 3.

## Voter Approval Requirements of Amendments to the Land Use Element

In 1996, 1998, and 2016, the voters of Thousand Oaks initiated and approved their involvement in key decisions regarding amendments to the General Plan. With the passage of these measures, the voters' intentions were clear: legislative acts of the City to approve certain types of amendments to the LU Map specified by these ordinances do not become effective unless they also receive approval by City voters.

Given the importance to the voters of Thousand Oaks of their involvement and approval of certain General Plan amendments, critical items missing from the current General Plan and the proposed NOP Map should be included in the update. Specifically, these include:

- Incorporation of the city's Planning Area boundary and the City Urban Restriction Boundary (CURB) lines, as they are critical references for proper management of the City's General Plan.
  - The NOP Map currently only identifies the city limits and the Sphere of Influence lines, excluding the Planning Area and CURB lines on the current LU map.
- An addendum to the Land Use Element setting the policy for reviewing any recommended changes to the Land Use Element in context of the voter approval ordinances in place.

### *Incorporation of the Planning Area and CURB lines*

References to the City's Planning Area and CURB lines are key to interpreting the City's Land Use Element, especially in relation to voter approval requirements. Incorporating these boundaries on the LU Map will alleviate confusion for future City decision makers and the public regarding the allowed uses of various lands and when or whether voter approval is required for any changes.

Unfortunately, errors have already occurred in the General Plan update process with respect these critical planning boundaries. In describing the existing conditions of the General Plan, the CURB line was described below:

“In addition, Measure W prohibits the City of Thousand Oaks from approving urbanized land uses and extending urban services outside of the City Urban Boundary (CURB), **which is coterminous with the City's Sphere of Influence.**”<sup>18</sup> [emphasis added]

This is, however, not true and presents an incorrect understanding of the history of City decision making and the allowable uses of these properties. In 1998, Thousand Oaks voters approved Measure P, which established the CURB line and prevented any “urbanized uses of land”<sup>19</sup> to be allowed outside the CURB line without approval by a

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<sup>18</sup> Thousand Oaks Land Use & Community Design, Existing Conditions, March 2020, p 19.

<sup>19</sup> Thousand Oaks Municipal Code, Section 9.2-502 – 3(a).

majority of Thousand Oaks voters. The voter approval aspects of this measure were extended to apply through 2050 via passage of Measure W in 2016.

As indicated in Measure W, since the time of the original establishment of the CURB line via Measure P, the current Sphere of Influence line and the CURB line are no longer coterminous:

“Although the Sphere of Influence has since been expanded to include the Broome Ranch, the CURB line shall continue to be in its current location, coterminous with the Sphere of Influence line applicable to the City of Thousand Oaks **in existence on January 1, 1998**, approved by the Local Agency Formation Commission.”<sup>20</sup> [emphasis added]

Without proper understanding of the relationships between the CURB line and the Sphere of Influence line, some may conclude that the 326 acres of Broome Ranch may have been approved for urbanized uses, even though the property has always lied outside the CURB line before and after City annexation proceedings commenced in 2010.<sup>21</sup>

Additionally, first approved via the Parks Initiative in 1996, Measure W extended the protections for lands within the City’s Planning Area designated “Existing Parks, Golf Courses, Open Space” through 2050. Critical to understanding which lands are protected is whether those lands lie within the City’s Planning Area boundary, as noted in the measure’s purpose:

“The unique character of the City of Thousand Oaks and quality of life of City residents depend on the protection of a substantial amount of open space, rural and agricultural lands both within and without its City limits. Part of that unique character requiring protection is the land use designations of Existing Parks, Golf Courses, Open Space **within the City’s planning area.**”<sup>22</sup> [emphasis added]

Absence of the Planning Area and CURB lines on the LU Map can lead to incorrect conclusions by City decision makers and the public about the allowable uses of various lands and the requirements for approval for any such changes to these lands. For these reasons, they should be incorporated as part of any update to the General Plan LU map.

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<sup>20</sup> Thousand Oaks Municipal Code, Section 9.2-501(b)(5).

<sup>21</sup> Minutes of the Thousand Oaks City Council, April 27, 2010.

<sup>22</sup> Thousand Oaks Municipal Code, Section 9.2-501(a)(5).

## *Addendum to Reviewing any Land Use Element Amendments in Context of Voter Approval Ordinances*

Since certain amendments to the General Plan Land Use Element would require voter approval, a question arises: If an amendment to the LU Map is approved by the Council, how does the public know whether voter approval is required to become effective?

Said another way, it is not the voters' burden to prove that an amendment requires voter approval; it is the City's burden to prove that an amendment does not require such voter approval, and the City should demonstrate sufficiently either that the proposed amendment is not one of the types covered by the ordinances or that voter approval of the amendment is not required to become effective.

A detailed analysis of the NOP Map indicates that key areas of analysis against voter approval ordinances have been missing in its preparation, and additionally, if the NOP Map were to be adopted unchanged from its current form, the amendment to the General Plan Land Use Element would require voter approval to become effective.

It should be noted that the voter approval requirements under Measure W (Parks Initiative and SOAR) are part of the General Plan itself, including in its title that it is a "Land Use Voter Participation General Plan Amendment."<sup>23</sup> Specifically, Measure W requires that "...the Existing Parks, Golf Courses, Open Space land use designations, as identified herein, may not be amended, altered, revoked or otherwise changed prior to December 31, 2050, except by vote of the people or by the City Council pursuant to the procedures set forth in Section 4 of this General Plan amendment."<sup>24</sup>

However, the NOP Map proposes to change the land use of properties currently designated as Existing Parks, Golf Courses, Open Space to other designations, thus requiring voter approval under Measure W. Specific examples include, but are not limited to:

- The 20 acres on the north end of Conejo Creek Park South
- The northern 4.5 acres of the Sycamore Canyon School site

Additionally, with the current General Plan update, much of the focus has been on residential density calculations and requirements under Measure E to approve any changes without voter approval. However, there has been little if any consideration to the other Measure E requirement – maintaining the baseline of commercial acreage resulting from any amendment unless voters approve.

Inconsistency in analysis for critical voter approval requirements, even within this comprehensive update, demonstrates the need for a more consistent process of analysis that provide greater clarity and transparency. Incorporating a consistent review policy for any amendments to the General Plan Land Use Element, as proscribed by the City's voter approval ordinances, would catch these identified inconsistencies and

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<sup>23</sup> Ordinance 1268-NS, City of Thousand Oaks, effective December 23, 2016.

<sup>24</sup> Thousand Oaks Municipal Code, Section 9.2-502 – 3(e).



remove concerns the public may have about adhering to these voter protection ordinances. Since Measure W requires such voter approval for at least the next 28 years (through 2050), it seems prudent for the Council to incorporate a policy of requiring analysis of any amendment to the LU Map against the voter approval ordinances in place.

Such a policy can be described as a series of tests, where an example can be described as follows:

For the proposed amendment to the General Plan Land Use Element, some preliminary questions are presented:

(A1) Are any lands affected by the amendment currently in a land use designation of "Existing Parks, Golf Courses, Open Space"?

(A2) Would the amendment expand the CURB line outward from its current boundaries?

(A3) Do the lands affected by the amendment, when considered cumulatively, result in a net increase in the maximum number of residential dwelling units which could be permitted under the proposed land use designation(s)?

(A4) Do the lands affected by the amendment, when considered cumulatively, result in a net increase in the amount of acreage designated "commercial"?

For this General Plan Land Use Element amendment:

(A) Are any of the answers to A1 through A4 "YES"?

AND

(B) Do the lands affected by the amendment fall outside of the specific exemptions within these ordinances?

If the answer to both (A) and (B) is "YES," then the General Plan Land Use Element amendment requires voter approval to become effective.

If the answers to either (A) or (B) are "NO," then the General Plan Land Use Element amendment does not require voter approval to become effective.

Questions A1, A2, and B must be part of the test through 2050 per Measure W (unless extended). Questions A3 and A4 must be part of the test through 2026 per Measure E (unless extended).

For completeness, any policy requiring evaluation of an amendment to the General Plan against voter approval requirements should also add a test for amendments to the Open Space Element. Measure W incorporates and amends Chapter 8 of the Open Space Element and states that the measure “may be amended or repealed only by the voters of the City of Thousand Oaks at an election held in accordance with state law.”<sup>25</sup>

Given the importance of voter approval ordinances to the voters’ involvement in the decisionmaking process regarding changes to the City’s General Plan Land Use Element, a consistent review policy can provide greater clarity and transparency in cases voter approval may be required. Additionally, such a policy will ensure that no aspects of analyzing any proposed amendment against voter approval ordinances are overlooked.

Lastly, with the comprehensive nature of the Land Use Element revisions, it is expected that a detailed citywide analysis of parks/open space designations, residential densities, and commercial acreages of every property affected will be conducted to demonstrate sufficiently whether or not voter approval is required under Measure W and Measure E.

### **Additional Environmental Topics**

In addition to the important scope and voter protection items relating to the Land Use Element, the following are additional topics for consideration in the CEQA review for the General Plan update.

- Evaluation of wildlife corridor protections should be considered, where an example of a pinch point includes Mount Clef Ridge. The county has established clear measures that should be emulated.
- Coordination with the Conejo Recreation and Park District is of importance before establishing new densities and land uses. General Plan policies for new development should require dedication of sufficient park lands and conversion of commercial lots to residential without such dedication could stray from the acknowledged quality of life benefits achieved from incorporating residential with neighborhood parks.
- Given the drought conditions within California, increased intensities of land use will lead to increases in the demand for water. How will these demands be addressed? Should the use of recycled or grey water for landscaping be considered?
- With eliminating the use of gas, are there ways to encourage battery storage to enhance solar energy?

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<sup>25</sup> Ordinance 1268-NS, City of Thousand Oaks, Section 7 of Measure W, effective December 23, 2016.

- Will there be evaluations of policies to reduce the urban heat effects with any increases in land use intensity? Are there ways to require drought tolerant trees like oaks in new developments specifically to shade streets, sidewalks, buildings, and open space? Can policies be recommended to reduce heat islands and requiring white rooftops?
- Evaluation of separated bike lanes should be considered as part of this General Plan update. I believe there was a previous recommendation for a bike lane from Willow to Rancho. With more people riding electric bikes it's a good opportunity to provide them safe separated lanes that will greatly increase the number of riders.
- For consideration within the update of the Safety Element, our County's Emergency Management Services provides CERT trailers outfitted with emergency and medical supplies at various fire stations and schools. The unincorporated areas have these, but it could be good to have redundancy in the cities, so there is power at major intersections to better ensure traffic signals will work during evacuations.
- The Woolsey Fire After Action Reports recommended removing non-native fast burning vegetation and restoring those areas with vegetation specifically to create more soil moisture; it would be good to have the same wording in the General Plan.
- Within the Thousand Oaks Boulevard Specific Plan area, there is undersized flood control infrastructure like box culverts that can only handle 20-year events. Extreme weather events could place many areas of focused development intensity at risk without appropriate policies and investment in infrastructure. The risk of ignoring these needs means properties may very well be flooded and damaged with the possibility of people being potentially injured.