

THOUSAND OAKS CITY COUNCIL



Supplemental Information Packet

CM Rodriguez

Agenda Related Items - Meeting of April 26, 2016
Supplemental Packet Date: April 26, 2016
2:30 P.M.

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed, typically a minimum of two—one available on the Thursday preceding the City Council meeting and the second on Tuesday at the meeting. The Thursday Supplemental Packet is available for public inspection in the City Clerk Department, 2100 E. Thousand Oaks Boulevard, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2) Both the Thursday and Tuesday Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2100 E. Thousand Oaks Boulevard.

Americans with Disabilities Act (ADA):

In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk Department at (805) 449-2151. Assisted listening devices are available at this meeting. Ask City Clerk staff if you desire to use this device. Upon request, the agenda and documents in this agenda packet, can be made available in appropriate alternative formats to persons with a disability. Notification at least 48 hours prior to the meeting or time when services are needed will assist City staff in assuring reasonable arrangements can be made to provide accessibility to the meeting or service.

CityClerk - AGENDA 8A TOCC SSFC & CDBG grants for agenda packet

From: "NICK I. Quidwai" <concernedcitztoaks@gmail.com>
To: CityClerk <cityclerk@toaks.org>
Date: 4/26/2016 12:03 PM
Subject: AGENDA 8A TOCC SSFC & CDBG grants for agenda packet
Cc: Antoinette Mann <amann@toaks.org>, Caroline Milton <CMILTON@toaks.org>

2016 APR 26 PM 1:10
 CITY CLERK DEPARTMENT
 CITY OF INDIANAPOLIS AND OAKS

RESEND Aor 22nd 2016 pertains to appointments to ssfc item 8A

Oct 20th 2015 (805-390-2857) ConcernedCitzToaks@gmail.com
www.cctoaks.com <https://www.youtube.com/user/iquidwai7860/videos>

<https://draft.blogger.com/blogger.g?blogID=1020773532560181359#allposts>

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TOCC Meeting today oct 20th 2015 Consent Calendar 7 C, D, & E +

1. Why have you changed the policy from before and which is with ALL public agencies that consent is for ROUTINE items but if a citizen elects to address an item it has to be pulled and voted separately!

2. Why do you clutter so many items like c, d and e that should be under department reports??

3. Masry's resolution from 2000 states that no one can be on 2 committees; this to allow more citizen participation; yet you have found a loop hole that ad hoc committees are exempt. You have eliminated so many impt. Committees and refuse to bring back the budget task force which is badly needed.

TO COUNCIL 4-26-16
 AGENDA ITEM NO. 8.A.
 MEETING DATE 4-26-16

SUPPLEMENTAL PACKET Page 1 of 24

2 Reappointments to the SSFC are serving on another appropriations committee; also another re-appointment missed SEVERAL meetings last time around; there is a reason people are retired; they have to go to the doc etc. and hence end up missing meetings! Comm. Members on the SSFC should NOT miss a single presentation meeting as then they can know the whole picture and make a good decision regarding awarding the money.

3. 7C the public member has been serving for 30 yrs and 7 others applied and were ignored; the cultural affairs all 4 incumbents are being reappointed; why not reappoint those who have made a contribution like me to the SSFC??

4. So these appointments are all POLITICAL as was the firing of a traffic Commissioner by Mz. Bill; Mr. McCoy appointed a Planning Commissioner who will have to reclus himself on the most impt. Issue of the day; the Blvd Spec plan +

Nick Quidwai

Nick Q. Quidwai



"Do not take life too seriously. You will never get out of it alive."

Newbury Park CA 91320-1821 ConcernedCitzTOaks at gmail.com

Cell 805-390-2857  <http://cctoaks-nick.blogspot.com/>

NO registration needed  <https://www.facebook.com/profile.php?id=100003180981002&sk=wall>

Concernedcitizensthousand Oaks NickQuidwai

 IQuidwai7860  @cctoaks

From: Iqbal Quidwai <i.quidwai@gmail.com>
To: CityClerk <cityclerk@toaks.org>, Antoinette Mann <amann@toaks.org>, <cro...
CC: Rob McCoy <rmccoy@toaks.org>, Joel Price <jprice@toaks.org>, Becca Whitn...
Date: 4/26/2016 12:34 PM
Subject: Tonite TOCC 8a agenda
Attachments: IMG_0158.JPG; Part.002

Pray tell me why this foreign language
Is this to inform tax payers or to mislead us?
Why go time Ext not require a valid reason??

2016 APR 26 PM 1:10
CITY CLERK DEPARTMENT
CITY OF THOUSAND OAKS

TO COUNCIL 4-26-16
AGENDA ITEM NO. B.A.
MEETING DATE 4-26-16

NOTICE OF APPLICATION ON THIS PROPERTY

CASE #: TTTE 2016-70141

REQUEST: TO ALLOW A 2 YEAR TIME
EXTENSION TO A PREVIOUSLY APPROVED TRACT
MAP (TRACT 4927 M2).

FOR INFORMATION REGARDING THIS
APPLICATION, PLEASE CONTACT THE
PLANNER: CLAUDIA PEDROSO

AT: 449-2323 BY: 4-28-16

CityClerk - TOCC Apr 22, 16 8C Amgen Bldg

From: Iqbal Quidwai <i.quidwai@gmail.com>
To: CityClerk <cityclerk@toaks.org>
Date: 4/26/2016 1:00 PM
Subject: TOCC Apr 22, 16 8C Amgen Bldg
Cc: America786 Yahooogroup <americamyhome786@yahooogroups.com>, Wendy Leung <w...

This was a city hall

It took me 3-5 mins max from my living room to get my card in to Dillon!

Then City went to Willow Ln & got Amgen to give the building for a \$1 yr!

Any hanky , panky?!!!

Lewis was the Mayor; was as curious as Price but he & council ANSWERED questions put by citz like me; though some times Schrillo , Fiore attacked us when we challenged the dream of having 2 theaters with NO TPayer support!! A pipe dream! FAILED!!

I was ONLY ONE to speak during meeting for Amgen campus and was applauded by Amgen CEO Emeritus Mr. Gordon Binder!!

THOSE WERE the days!!! https://www.youtube.com/watch?v=gs58_ZvsbBI

I was younger too!! LOL

Apr 22th 2016 (805-390-2857) ConcernedCitzToaks@gmail...com www.cctoaks.com
<https://www.youtube.com/user/iqidwai7860/videos>

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TOCC Meeting today oct 20th 2015



TO COUNCIL 4-26-16
 AGENDA ITEM NO. B.C.
 MEETING DATE 4-26-16

TO: City Council

FROM: Al Adam, Councilmember

DATE: April 26 2016

SUBJECT: **Ex Parte Communication, Agenda Item 8D – Highgate Residential Project Appeal**

In compliance with Thousand Oaks Municipal Code Section 1-10.08, the purpose of this memo is to convey that I met with Tom Cohen on April 22, 2016.

Our discussion centered around the merits of the Jemstreet project.



Al Adam
Councilmember

2016 APR 26 AM 10:34
CITY CLERK DEPARTMENT
CITY OF THOUSAND OAKS

CMO:470-901 H:Common/Ex Parte Communication/04 26 16, Adam, Agenda Item 8D

TO COUNCIL 4-26-2016
AGENDA ITEM NO. 8.D.
MEETING DATE 4-26-2016

From: "Phillips, Helen" <safonoff@amgen.com>
Date: April 15, 2016 at 7:33:15 PM CDT
To: "Joel Price" <JPrice@toaks.org>
Subject: Highgate Road Open Space Development

Dear Mayor,

This letter is in reference to Case: Appeal of TTM 2014-70149 / RPD 2015-70666/OTP 2014 – 70306

In March, the city Planning Commission wisely denied the application from Jemstreet Properties to subdivide 24 acres south of 2123 Highgate Road. The developer has now appealed this decision.

We are concerned residences who would be directly impacted by this development. We believe that the original rationale given at the Planning Commission hearing by many of the local residents was clear and unambiguous. Our precious open space continues to shrink which has a profound negative impact on protected plants and wildlife. This development would also have a significant negative impact not only on local residents but also on a broader population of Thousand Oaks residents who enjoy this beautiful and unique spot. Please help us to protect this space by convincing those on the city council and planning commission to permanently deny this application. By helping to preserve this open space, your actions will benefit generations to come.

Best regards
Helen & Ben Phillips
2060 Hillsbury Road, Thousand Oaks
1-805-443-3264

2016 APR 25 AM 7:37
CITY CLERK DEPARTMENT
CITY OF THOUSAND OAKS

TO COUNCIL 4-26-2016
AGENDA ITEM NO. 8.D.
MEETING DATE 4-26-2016

From: "Remilie" <ezsaver3000@yahoo.com>
Date: April 22, 2016 at 12:26:23 AM CDT
To: "Joel Price" <JPrice@toaks.org>, "" <cnclmanfox@aol.com>
Subject: Re Highgate development

We have a lot of concerns re the proposed development of Highgate estates. Our concerns are:

We need to maintain pristine open space , Negative impact to wildlife ,will Cause traffic before and after construction. This is a very quiet and safe neighborhood, mostly with children . We used to see DEERS in our backyard almost every week, now we don't see them anymore.

We hope you all understand!

Thank you

Sent from my iPhone

2016 APR 25 AM 7:37
CITY CLERK DEPARTMENT
CITY OF THOUSAND OAKS

TO COUNCIL 4-26-2016
AGENDA ITEM NO. 8.D.
MEETING DATE 4-26-2016

>>> On 4/23/2016 at 10:07 AM, <jcedithers@gmail.com> wrote:

Dear Mayor Price, and Councilmembers McCoy, Bill de la Pena, Adam, and Fox,

Please enter my comments in the public record in the appeal of TTM 2014-70/Jemstreet appeal.

I have been following the development of the Highgate/Jemstreet property which is just South of my home in the Westlake Vlg section of Thousand Oaks.

I attended the Planning Commission hearing, and believe they made the correct assessment that the project should be denied.

I agree with their reasoning:

1. The +25 degree grade is too steep for a driveway.
2. The new homes would become a death trap in case of a fire in that circular valley.
3. Lyons Pentacaeta (LP) is an endangered species, "protected" here on a thin layer of soil which covers volcanic material. They should not be disturbed by construction projects. It is against the law to disturb any listed endangered species.

I have noticed that when projects are approved here in Thousand Oaks, any promise of "no net export" of soil is quickly forgotten. But, I believe a lot of soil would be disturbed and would need to be trucked out of the Highgate project. We don't want dirt trucks rumbling down our streets.

When developers estimate a project completion timeline, they routinely disregard said timeline when they run into "unexpected" problems. It is never that easy. "The hill was steeper than we thought." "The underlying rock was much harder to remove than we thought." And the list goes on. So, a "6 month" project becomes 2 or 3 years. We don't want a never ending project disrupting our neighborhood.

When approval is given to encroach on oak tree roots, there is seldom supervision by the city. Trees are killed, roots are trenched and left to rot, and the city is left unaware. I don't believe the city has any ability to monitor promises made when a development is permitted. None.

Unfortunately, the person who purchased this property has made a bad land speculation. The owner keeps returning every 10 years, hoping to wear the people down. He hires new developers to attend planning and council meetings. Hoping we the people will all just give up. But I believe it is now time for the land owner to give up. He can't win them all.

Also, there is evidence that an intermittent stream runs through the area where the

CITY CLERK DEPARTMENT
CITY OF THOUSAND OAKS

2016 APR 25 AM 10:03

TO COUNCIL 4-26-2016
AGENDA ITEM NO. 8.D.
MEETING DATE 4-26-2016

SUPPLEMENTAL PACKET Page 9 of 24

developer would like to build 3 homes. This stream has kept plants and trees alive there for hundreds of years. It should not be diverted, or tampered with. Leave what little rain we do get alone. We have already been asked to leave our lawns to die, we don't need 3 new water hook ups.

God has created our beautiful open space. We, the citizens of Thousand Oaks must be the stewards of our city's land, and it is our responsibility to protect God's endangered creations found within our boundary. These small endangered plants (cannot exist if they are disturbed.

Bulldozers and weed-whackers will disturb them. All of them.

Best Regards,

Joan Edwards
2031 Channelford Rd
Westlake Vlg Ca 91361
805 217 3792

From: "WILLIAM SUTTON" <natsnottus@aol.com>
Date: April 24, 2016 at 2:48:59 PM PDT
To: "Joel Price" <JPrice@toaks.org>, "Rob McCoy" <RMcCoy@toaks.org>, "" <cnclmanfox@aol.com>, "" <albertcadam@gmail.com>, "" <claudia4slowgrowth@roadrunner.com>
Subject: Re: Highgate Estates/Jemstreet Properties

Council Members,

This is an update of my previous letter and email. On Tues. April 26 there will be a public hearing and appeal presented before the council by Jemstreet Properties regarding new development of Highgate Estates at the end of Highgate Road in South Shore Hills in Westlake Village. Attached is a letter voicing my opinion against this development. Please take the time to read and take action on this matter.

Thank you in advance and thank you for your continued service.

Stan Sutton
805-750-2340

2016 APR 25 AM 7:47
CITY CLERK DEPARTMENT
CITY OF THOUSAND OAKS

TO COUNCIL 4-26-2016
AGENDA ITEM NO. 8.D.
MEETING DATE 4-26-2016

Mr. & Mrs. W. Stanton Sutton
2231 Highgate Road
Westlake Village, CA 91361
805-495-1556
natsnottus@gmail.com

April 22, 2016

City of Thousand Oaks
Community Development Dept.
2100 E. Thousand Oaks Blvd.
Thousand Oaks, CA 91362

RE: Proposed Highgate Estates/Jemstreet Properties
EIR No. 2014-70235/State Clearinghouse #2014061027

Attn: Thousand Oaks Planning Commission and Thousand Oaks
City Council

We are homeowners living at the above address and I am writing to voice our disapproval of the proposed development which would allow the opening of the closed gate at the end of Highgate Road between South Shore Hills and Three Springs homes in order to build custom homes in that area. We concur with the 2002 rejection of development of this area by the City Council that there were specific environmental and safety concerns. Construction of these homes and opening up Highgate would not only cause increased noise & traffic up and down Highgate, but disturb and ecologically impact the environment. Highgate Road should remain closed as was determined years ago in order to keep Highgate from becoming a main traffic thoroughfare and also in order to maintain the stable environment.

When the request for development comes before the Council, please take into consideration the above concerns.

Sincerely,
W. Stanton Sutton

2016 APR 25 AM 7:47
CITY CLERK DEPARTMENT
CITY OF THOUSAND OAKS

CityClerk - tocc agenda 8c jemstreet 3 homes wlv

From: "NICK I. Quidwai" <concernedcitztoaks@gmail.com>
To: CityClerk <cityclerk@toaks.org>, Antoinette Mann <amann@toaks.org>
Date: 4/26/2016 12:13 PM
Subject: tocc agenda 8c jemstreet 3 homes wlv
Cc: Joel Price <jprice@toaks.org>, Rob McCoy <rmccoy@toaks.org>, Editor The ...

8D
 tocc agenda 8c jemstreet 3 homes wlv Apr 22nd 2016

As a speakers 12 years ago I have changed my position; it was a big deal to save the Lyons Pancheta; Remember this was approved for 98 homes!
 It is horrible, disgusting that Plann Comm did not use common sense and fairness to allow this small development.
 In fact a former Plann Comm wrote that not even ONE plant should be allowed to be removed. Some body wrote well " The bunny got away with the endangered plant for a meal"
 Actually we have many more, but the dire need is housing for the many!

+++++

RESEND Aor 22nd 2016 pertains to appointments to ssfc item 8A

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TO COUNCIL 4-26-16
 AGENDA ITEM NO. 8.D.

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Nick J. Quidwai

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Cell 805-390-2857  NO registration needed  <https://www.facebook.com/profile.php?id=100003180981002&sk=wall>

Concernedcitizensthousandoaks NickQuidwai

 IQuidwai7860  @cctoaks



CityClerk - : Back & forth regard TOCC agenda 8C today apr 26. 16 Jemstreet 3 homes WLW

From: "NICK I. Quidwai" <concernedcitztoaks@gmail.com>
To: CityClerk <cityclerk@toaks.org>, America786 Yahooogroup <americamyhome786...>
Date: 4/26/2016 2:10 PM
Subject: : Back & forth regard TOCC agenda 8C today apr 26. 16 Jemstreet 3 homes WLW
Cc: Rob McCoy <rmccoy@toaks.org>, Joel Price <jprice@toaks.org>, Clint Matko...

TOCClerks, PLEASE try to put tonite's greenie, meanie!! 210 pm Tues 26th

Back & forth regard TOCC agenda 8C today apr 26. 16 Jemstreet 3 homes WLW **WATER**
MORATORIUM on BUILDING in TO & State?

REPLY: TO Res. Good points, but I'm talking about new construction, not add-ons or making repairs. Government and some citizens have to feel the pain before taking action on the water problem. Let's see action first, then we can ease building restrictions.

So u r asking for a moratorium on all new construction! That needs to be done by the state not punish those who own property, pay taxes on it, keep it clean & free from fire hazards etc.

You realize the attys will come up ways so you can do what is being done all over; demo & rebuild? Or take 2 single story home & build 2 more stories! This is not new construction!!!

VC past few years had 2-3% increase population ALL attributable to BIRTHS!! We have a net migration out for years now! Ask the people in Salt Lake, Portland, Seattle!!

TO Res: We have to get tough on using water, so if we sacrifice, home builders need to sacrifice. Stop building will galvanize government into doing something about water. Stop all forms of migration into California. Serve no water at restaurants, unless asked. No new building = no new taxes. Then we will see desalination plants and other tools installed to provide low cost water to all residents. At that time, proceed with some modest new building projects. Stop. Review the water problem, and restart building if justified. California is asleep on the water problem. NO NEW BUILDING until they wake up.

r u serious? Not even 3 homes?
 The way to conserve seems to be instead of \$70 I am paying \$225 this month
 These people have to rights to use their property?
 There is no happy medium?

Sent from my iPhone by Nick Iqbal Quidwai Newbury Park CA

tocc agenda 8c jemstreet 3 homes wlv Apr 22nd 2016

TO COUNCIL 4-26-16
 AGENDA ITEM NO. 8.D.
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In fact a former Plann Comm wrote that not even ONE plant should be allowed to be removed.

Some body wrote well " The bunny got away with the endangered plant for a meal"

Actually we have many more, but the dire need is housing for the many! NICK Q

TO RES:

Wait! How can anyone support new housing in the city, when there's a water shortage; our wells are dry and we now pay more for water. The state, county and city, when affected by lack of vital resources, should put a hold on new construction. We must limit development, not encourage it, until quality potable water resources are available at reasonable cost.

Nick I. Quidwai

Nick I. Quidwai

CA 91360

Cell 805-390-2857 Email: nick.ch2rd@gmail.com



From: Susan Chevalier <susanchevalier123@me.com>
Subject: proposed Highgate development
Date: April 26, 2016 9:38:20 AM PDT
To: rmccoy@toaks.org

2016 APR 26 PM 2:35
CITY CLERK DEPARTMENT
CITY OF THOUSAND OAKS

Thousand Oaks City Council

My name is Susan Chevalier I live in Three Springs. I am out of town and unable to attend the hearing tonight as I did last time.

I am vehemently opposed to the proposed Highgate Development.

This would negatively affect hundreds of families in the surrounding neighborhoods, hundreds of hikers who walk this ridge, innumerable wildlife who live in this unspoiled terrain....

All impacted with the 2 +years of construction

WE do not need or want this development: he huge houses. McMansions.

Development has been denied three times. Why should this be different? Because the developer can keep hiring more and more "experts".

The only one who benefits from this project is the developer... Profit, profit, profit.. No one else..

Our voices need to be heard to protect this beautiful land from the developer's bulldozers....

TO COUNCIL 4-26-2016
AGENDA ITEM NO. 8.D.
MEETING DATE 4-26-2016

This is majestic space. Once you take this away it can NEVER be replaced.

I ask , I beg of this council to deny this project. When do we all take a stand and do what is morally right instead of profit driven...

We need to stay ENOUGH!

So please, deny this project for God's sake, for all of our sakes, for future generations. LET US PRESERVE SOMETHING!

From the last meeting, I heard that there were three issues the Council judged when approaching such a project.

This project does NOT benefit the community, this project is NOT wanted by the community...

Thank you,

Susan Stanley Chevalier

2564 Kirsten Lee Drive

Westlake Village, CA 91361

310 614-5130



Community Development Department MEMORANDUM

2100 Thousand Oaks Boulevard • Thousand Oaks, CA 91362
Planning Division • Phone 805/449.2323 • Fax 805/449.2350 • www.toaks.org
Building Division • Phone 805/449.2500 • Fax 805/449.2575 • www.toaks.org

To: Scott Mitnick, City Manager

From: John Prescott, Community Development Director

Date: April 26, 2016

Subject: Agenda Item 8-D: Public Hearing, Appeal Planning Commission decision to deny request to subdivide approximately 24 acres into three residential lots (TTM 2014-70149, RPD 2015-70666 and OTP 2014-70306); Applicant/Appellant: Jemstreet Properties

Staff is providing a copy of Resolution No. 2002-129, which documents the City Council's decision and findings relative to the previous 6-unit project on the subject property in 2002.

Attachment

H:/Common/City Council/CC Agendas/042616/042616 Supplemental Item 8D.doc

2016 APR 26 PM 2:55
CITY CLERK DEPARTMENT
CITY OF THOUSAND OAKS

TO COUNCIL 4-26-2016
AGENDA ITEM NO. 8.D.
MEETING DATE 4-26-2016

RESOLUTION NO. 2002-129

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS DENYING APPEAL OF TRACT 5262 / DA 2000 - 02, (APPELLANT/APPLICANT: JBH DEVELOPMENT COMPANY, INC.) AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION REJECTING A SUBDIVISION TRACT MAP AND THE PROJECT LOCATED APPROXIMATELY 400 FEET SOUTH OF THE SOUTH TERMINUS OF HIGHGATE ROAD, AND ADJACENT TO THE CITY OF WESTLAKE VILLAGE AT THE TERMINUS OF YELLOW WOOD DRIVE AND MOUNTVIEW COURT.

WHEREAS, on April 8, 2002, the Planning Commission of the City of Thousand Oaks denied Tract 5262 (JBH Development Company, Inc.), a request to subdivide 29.93 acres of land into six (6) lots of record, a private street and two (2) open space parcels; and to assign a tentative point rating in the 2002 Development Allotment cycle, on certain property described as follows:

that undeveloped and rolling land approximately 400' south of the south terminus of Highgate Road, and adjacent to the City of Westlake Village at the terminus of Yellowwood Drive and Mountview Court; and

WHEREAS, on April 17, 2002, the applicant, JBH Development Company, Inc., appealed the decision of the Planning Commission which denied the subject tract application; and

WHEREAS, upon notice duly given, a hearing was held at the regular meeting of the City Council of the City of Thousand Oaks on June 4, 2002, at which time testimony, public input, evidence, both oral and written, including consideration of Final Environmental Impact Report 316 and Staff Report, were presented and arguments were heard from all interested parties appearing in the matter; and

WHEREAS, pursuant to Section 9-4.2808 of the Thousand Oaks Municipal Code, a resolution is required to confirm and formalize in a written manner the City Council action taken regarding this appeal on June 4, 2002. This resolution is adopted for that purpose and reflects the final findings and the action of June 4, 2002 by the City Council (4 For; 0 Against; Masry absent) in rendering a decision

on this appeal at its regular meeting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Thousand Oaks that:

A. Pursuant to CEQA Guideline section 15090, the Final Environmental Impact Report 316 is certified for Subdivision Tract Map no. 5262.

B. The EIR identifies significant environmental effects which cannot be mitigated to a level of insignificance.

C. The City Council cannot make the findings as required by Public Resources Code section 21081 and Title 14 of the California Code of Regulations section 15091, nor can it accept the project's identified impacts on the natural topographical features, the wildlife habitat and the biological resources while there are possible less intrusive changes to the Subdivision Tract Map no. 5262; and, under Title 14 of the California Code of Regulations section 15093 the project does not provide significant local economic, social, affordable housing, or other community benefits overriding or justifying the project's impacts on the natural topographical features, the wildlife habitat and biological resources.

D. Pursuant to Government Code section 66474, the appeal of Subdivision Tract Map no. 5262 by applicant/appellant, JBH Development Company, Inc., is hereby denied, and the decision of the Planning Commission is upheld, based on the following findings:

1. Due to the topographic and site constraints, the land is a remnant parcel left over from the previous and significant City approved development of that area by the former owner who received the benefits of such approvals, and the present applicant is well aware the high risks for obtaining development approval of this remaining last parcel which is the most difficult portion of the whole property to develop, and it must be developed with an environmentally sensitive design and density;
2. The design and proposed improvements of Subdivision Tract Map no. 5262 are in conflict and not consistent with the City's Conservation and Open Space Elements of the General Plan (specified in Government Code Section 65451, et seq.) since these documents specify that hillside areas with twenty-five percent (25%) and steeper slope in fire hazard zones should remain undeveloped. The project is inconsistent with Policies CO-4, CO-5 and CO-6 of the Conservation Element and OS-1 and OS-8 of the Open Space Element;
3. The proposed design and improvements of Subdivision Tract Map no. 5262

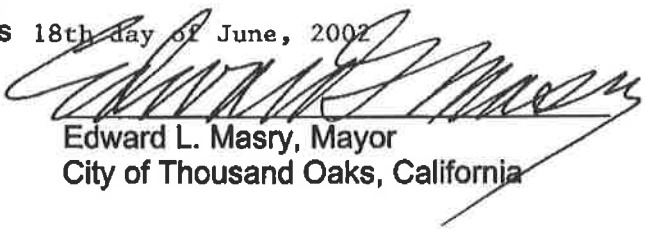
and the project are inconsistent with the Conservation Element of the Thousand Oaks General Plan due to the following:

- A. There are small pocket areas of twenty-five percent (25%) natural terrain on each of the lots which are proposed to be developed, as well as a larger sized area where the private long access street is to be located. This impacts to this larger sized area is considered visually significant and ecologically important by the Conservation Element of the General Plan.
 - B. The project, as designed, will result in significant adverse impacts to Lyon's pentachaeta, a State and Federally listed rare and endangered plant, which can not be mitigated to a level of insignificance. The project is inconsistent with Policy CO-31 of the Conservation Element.
 - C. The project, as designed, will result in the removal of thirty (30) scrub oaks (*Quercus berberidifolia*) that are within a large scrub oak chaparral community area and due to the large number of removals, the purpose and intent of the Oak Tree Ordinance are not met.
 - D. The loss of oak trees and habitat is likely to cause substantial irreversible significant biological damage;
- 4. The City for many years has adopted numerous development standards to reduce the impact of grading in hillside areas and the project and its site is in a hillside area, which is physically unsuitable for the proposed design and density of development because of the encroachments into twenty-five percent (25%) sloped natural terrain that will be necessary to construct the presently proposed long private access street and the large-flat graded estate pads that are over twice as large in size as the graded pads in the existing residential neighborhoods to the north and east, thus, inconsistent with the integrity and character of the zone and the surrounding properties;
 - 5. The design of the subdivision and type of improvements are likely to cause substantial environmental damage, plus substantially (and avoidably) injuring wildlife and their habitat. Specific unacceptable impacts include thirty (30) oak tree removals, encroachment into twenty-five percent (25%) natural terrain and removal of rare and endangered plants, lyons pentachaeta;
 - 6. In this isolated and brush fire danger area, the proposed design of the subdivision is likely to cause serious safety (health) problems in that the long single access road does not provide for adequate secondary fire or emergency exiting for the residents of the project. There should be accessing or emergency exiting of the project via Yellow Wood Drive or

Montview Court in the existing residential project to the south;

7. The proposed long access road cuts through and divides scenic public open space area;
8. The project does not provide a two hundred foot (200') buffer area between developed areas and Lyon's pentachaeta populations as recommended by the United States Fish and Wildlife Service in the Draft Recovery Plan for Pentachaeta (September, 1998);
9. The project will negatively affect both the cities of Thousand Oaks and Westlake Village rather than focusing its adverse impacts, in the least intrusive manner, on only one community; and
10. Approval of this project would be precedent setting due to the fact that the project would require the destruction and removal of approximately six percent (6%) of the Federal and State listed endangered plant habitat (Lyon's pentachaeta).

PASSED AND ADOPTED this 18th day of June, 2002


Edward L. Masry, Mayor
City of Thousand Oaks, California

ATTEST:


Nancy A. Dillon, City Clerk

APPROVED AS TO FORM:


Mark G. Sellers, City Attorney

APPROVED AS TO ADMINISTRATION


MaryJane V. Lazz, City Manager

CERTIFICATION


STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF THOUSAND OAKS)

I, NANCY A. DILLON, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution No. 2002-129 which was duly and regularly passed and adopted by said City Council at a regular meeting held June 18, 2002 by the following vote:

AYES: Councilmembers Gillette, Fox, Parks and Mayor Masry

ABSENT: Councilmember Del Campo

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.

for 
Nancy A. Dillon, City Clerk
City of Thousand Oaks, California

Res. No. 2002-129