



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
Amalia@lozeaudrury.com

ATTACHMENT #10

BY E-MAIL

June 13, 2023

City of Thousand Oaks City Council
Kevin McNamee, Mayor
Al Adam, Mayor Pro Tem
Bob Engler, Councilmember
David Newman, Councilmember
Mikey Taylor, Councilmember
2100 Thousand Oaks Blvd.
Thousand Oaks, CA 91362
kmcnamee@toaks.org
aadam@toaks.org
bengler@toaks.org
dnewman@toaks.org
mtaylor@toaks.org

Justine Kendall, AICP, Associate Planner
Community Development Department
City of Thousand Oaks
2100 Thousand Oaks Boulevard
Thousand Oaks, CA 91362
jkendall@toaks.org

**RE: Request for Extension of City Council Hearing for Latigo Hillcrest Project
(SCH# 2022100528)**

Dear Mayor McNamee, Mayor Pro Tem Adam, and Members of the City Council:

I am writing on behalf of Supporters Alliance For Environmental Responsibility ("SAFER") regarding the Environmental Impact Report ("EIR") for the Latigo Hillcrest Project ("Project") proposed in the City of Thousand Oaks ("City"). The City intends to hold a City Council hearing to make a determination regarding the EIR for the Project on June 20, 2023. SAFER is requesting that the City Council extend the hearing date for the Project due to not having received notice of the release of the Final EIR ("FEIR"), nor of any hearings on the Project. The public has a privileged position in project review under the California Environmental Quality Act ("CEQA"), and extending the hearing date to allow additional time for review will further the purposes of CEQA.

SAFER did not receive notice that the FEIR was released for this Project, nor the scheduling of the Planning Commission or City Council hearings to consider the FEIR, despite having submitted a CEQA notice request on April 24, 2023. (Attached hereto as Exhibit A.) SAFER only became aware that the City Council hearing was scheduled by conducting its own review of the City's Planning Commission agenda. Public Resources Code ("PRC") § 21092(a) states that "[a] lead agency that is preparing an environmental impact report or a negative declaration or making a determination pursuant to subdivision (c) of Section 21157.1 shall provide public notice of that fact within a reasonable period of time prior to certification of the

environmental impact report.” PRC § 21092(b)(3) states that the notice required pursuant to the section “shall be given to the last known name and address of all organizations and individuals who have previously requested notice.” The City’s failure to provide notice to SAFER of the FEIR release and of the hearings on the Project was in error.

CEQA requires the lead agency to provide the FEIR to all public entities that commented on the Draft EIR at least 10 days before certifying the EIR. PRC §21092.5. Many public agencies, as well as SAFER, commented on the DEIR, including CalTrans, the Ventura County Air District, the County of Ventura, and the Ventura County Fire Department. The City was required to provide these entities with the FEIR at least 10 days prior to the Planning Commission hearing. When the City provided the FEIR to the public agencies, it became a public record. At that time, since this firm requested all CEQA documents pursuant to CEQA section 21092.2, we should have been provided with the FEIR. However, we did not receive the document from the City at all. Thus, SAFER did not have the required ten days prior to the Planning Commission hearing to review and comment on the FEIR. We request that the City continue the City Council hearing by at least ten days to allow the required review period for the FEIR.

Extending the date of the final Project hearing will also further the purposes of CEQA. As the Court held in *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal. 3d 376, 392:

The EIR is also intended “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86 [118 Cal.Rptr. 34, 529 P.2d 66] [hereafter *No Oil*]; Guidelines, § 15003, subd. (d).) Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. (*People v. County of Kern* (1974) 39 Cal.App.3d 830, 842 [115 Cal.Rptr. 67]; Guidelines, § 15003, subd. (e).) The EIR process protects not only the environment but also informed self-government.

Based on the above, SAFER respectfully requests that the City Council extend the date of the City Council hearing on the Project by at least ten days in order to give SAFER and other members of the public adequate time to review the Final EIR prior to the City of Thousand Oaks’ final decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Amalia Bowley Fuentes".

Amalia Bowley Fuentes
Lozeau Drury LLP

EXHIBIT A



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F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

Via Email

April 24, 2023

Kelvin Parker, Community Development
Director of Thousand Oaks
2100 Thousand Oaks Blvd.
Thousand Oaks, CA 91362
communitydevelopment@toaks.org

Laura Maguire, City Clerk
City of Thousand Oaks
2100 Thousand Oaks Blvd.
Thousand Oaks, CA 91362
cityclerk@toaks.org

Justine Kendall, City Planner
Planning Division
City of Thousand Oaks
2100 Thousand Oaks Blvd.
Thousand Oaks, CA 91362
jkendall@toaks.org

Re: CEQA and Land Use Notice Request for the Latigo Hillcrest Project

Dear Mr. Parker, Ms. Maguire, and Ms. Kendall,

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Latigo Hillcrest Project, including all actions related or referring to the proposed construction of a four-story mixed-use project with 333 units, located at 2150 W. Hillcrest Dr., Newbury Park, in the City of Thousand Oaks ("Project").

We hereby request that the City of Thousand Oaks send by electronic mail, if possible or U.S. mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City of Thousand Oaks and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City of Thousand Oaks, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
 - Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
 - Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.

April 24, 2023

CEQA and Land Use Notice Request for the Latigo Hillcrest Project

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- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

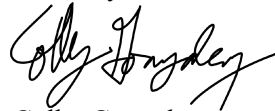
Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local counties to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail or U.S. Mail to:

Richard Drury
Molly Greene
Colby Gonzalez
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
richard@lozeaudrury.com
molly@lozeaudrury.com
colby@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Colby Gonzalez
Lozeau | Drury LLP