

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS APPROVING A DEVELOPMENT AGREEMENT WITH LATIGO HILLCREST, LLC, RELATING TO THE DEVELOPMENT OF PROPERTY LOCATED AT 2150 WEST HILLCREST DRIVE (APN 667-0-113-075), THOUSAND OAKS, CALIFORNIA (**DEVELOPMENT AGREEMENT 2022-70777-DAGR**)

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 given at a public hearing on June 20, 2023, the City Council approved this Development Agreement with the following findings:

WHEREAS, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864 *et seq.* (the “Development Agreement Statute”) which authorizes cities to enter into agreements for the development of real property with any person having a legal or equitable interest in such property in order to establish certain development rights in such property; and

WHEREAS, in accordance with the Development Agreement Statute, the City of Thousand Oaks (the “City”) has adopted regulations (the “Development Agreement Regulations”) to implement procedures for the processing and approval of development agreements in accordance with the Development Agreement Statute, which are contained in Section 9-11.01 *et seq.* of the Thousand Oaks Municipal Code; and

WHEREAS, the Latigo Hillcrest, LLC (“Developer”) desires to carry out the development of a mixed-use commercial and residential project (“Project”) located at 2150 West Hillcrest Drive (APN 667-0-113-075), (“Property”), consistent with the General Plan, Specific Plan (SP-24), other City rules and regulations, and the Development Agreement and vested entitlements referenced therein;

WHEREAS, this Development Agreement (2022-70777-DAGR) will assure the City and the Developer that the Project will proceed as proposed and that the Project can proceed without disruption caused by a change in City planning and development policies and requirements, which assurance will thereby reduce the actual or perceived risk of planning, financing, and proceeding with construction of the Project and promote the achievement of the private and public objectives of the Project;

WHEREAS, the Planning Commission held a duly noticed public hearing on June 5, 2023 on the Project, during which the Planning Commission received comments from the Developer, City staff, and members of the general public and made a recommendation to the City Council on the Project entitlements and legislative actions.

WHEREAS, the City Council of the City of Thousand Oaks held a duly noticed public hearing on the Project on June 20, 2023, during which the City Council received comments from the Developer, City staff, and members of the general public and approved related entitlements and legislative actions, including a 2022-70774-EIR, 2021-70169-LU, 2022-70776-Z, 2022-70778-SP, 2022-70773-DP, 2022-70779-SUP, 2022-70780-PTP and 2022-70777-DAGR.

Part 2

NOW THEREFORE, the City Council of the City of Thousand Oaks does hereby ordain as follows:

SECTION 1. This Ordinance incorporates, and by this reference makes a part hereof, the Development Agreement (including all exhibits to the Agreement), attached hereto as Exhibit A, subject to the provisions of Section 5 hereof.

SECTION 2. This Ordinance is adopted under the authority of Government Code Section 65864 *et seq.* and pursuant to the City's "Development Agreement Regulations."

SECTION 3. In accordance with the Development Agreement Regulations, the City Council hereby finds and determines, as follows:

- (a) The Development Agreement is consistent with the goals and policies of the Thousand Oaks General Plan and Specific Plan 24,

- (b) The Development Agreement establishes certain development rights, obligations and conditions for implementation of the Project located at 2150 West Hillcrest Drive (APN 667-0-113-075).
- (c) The Development Agreement is in conformity with public convenience, general welfare and good land use practice;
- (d) The Development Agreement will not be detrimental to the public health, safety and general welfare;
- (e) The Development Agreement will support the orderly development of the Property and the preservation of property values;
- (f) The project qualifies as a “mixed-use” project consisting of approximately 5,300 square feet of commercial space and 333 units of multi-family residential development, which is a development concept for the Specific Plan area intended to produce a mix of interactive uses, which will create an active and interesting atmosphere in both the site and within nearby properties. Complementary uses are to be located in close proximity to each other in order to promote interaction between uses to advance the development concept of the Specific Plan.
- (g) The project is consistent with the “Commercial/ Residential” land use designation of the Thousand Oaks General Plan.
- (h) The architectural design of the project complies with the development standards of SP-24 and the intent of the City’s Architectural Design Review Guidelines, Precise Plan of Design Guidelines, Commercial Design Guidelines, and Freeway Corridor Guidelines.
- (i) 2022-70774-EIR was prepared for the subject project in accordance with the California Environmental Quality Act (CEQA). A comprehensive evaluation of the potential environmental impacts for this project was performed. This evaluation determined that the project could have a significant effect on the environment without appropriate mitigation measures in place, therefore an EIR was prepared for the project. Appropriate measures are detailed in the report to ensure appropriate mitigation is in place so no significant adverse environmental impact results from the project. To that end,

a mitigation monitoring plan is required to ensure the indicated mitigation measures are applied to the project.

SECTION 4. 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) The City's General Plan, as amended by General Plan Amendment 2021-70169-LU (City Council Resolution No. _____) prior to adoption of this Ordinance;
- (c) Resolution Nos. _____ for the Project entitlements, adopted by the City Council on June 20, 2023, and which Resolutions and exhibits are incorporated herein by reference as if set forth in full;
- (d) All City Staff reports (and all other public reports and documents) prepared for the Planning Commission and City Council, relating to the Development Agreement and other actions relating to the Project;
- (e) All documentary and oral evidence received at public hearings or submitted to the City during the comment period relating to the Development Agreement, and other actions relating to the Project; and
- (f) 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 5. The City Council hereby approves the Development Agreement, attached hereto as Exhibit A, 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.

SECTION 6. The approval contained in Section 5 hereof is subject to and conditioned upon Resolution No. _____, adopted by the City Council approving the General Plan Amendment, becoming effective.

SECTION 7. The City Manager is hereby authorized and directed to perform all acts authorized to be performed by the City Manager in the administration of the Development Agreement pursuant to the terms of the Development Agreement.

Part 3
(Uncodified)
Severability

SECTION 8. 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 4
(Uncodified)
Effective Date

SECTION 9. This ordinance shall become effective on and after the thirtieth (30th) day following its adoption, provided, however, that if the actions referred to in Section 6 hereof are not effective on such date, then the effective date of this Ordinance shall be the date on which all of said actions become effective, as certified by the City Clerk.

PASSED AND ADOPTED this XXth day of XX, 202X, by the following vote:

Ayes:
Noes:
Absent:

Kevin McNamee, 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

APPROVED AS TO ADMINISTRATION:

Patrick J. Hehir,
Chief Assistant City Attorney

Andrew P. Powers, City Manager

Introduced: XXXX XX, 202X
Published: XXXX XX, 202XX
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"

DEVELOPMENT AGREEMENT

(Development Agreement will be attached upon project approval. See Attachment #7B)