



ATTACHMENT #2
Community Development Department
STAFF REPORT

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

TO: Planning Commission

FROM: Kelvin Parker, Deputy Community Development Director

DATE: July 8, 2019

SUBJECT: **Proposed Service Station and Convenience Store (SUP 2019-70299)**

APPLICANT: Megdal Thousand Oaks, LLC; 7-Eleven

LOCATION: 2198 N. Moorpark Road

REQUEST:

To allow construction of a gas station and 7-Eleven convenience store with hours of operation from 5:00 a.m. to 2:00 a.m. at 2198 N. Moorpark Road (Attachments 1, 2, and 3).

RECOMMENDATION:

That the Planning Commission deny Special Use Permit 2019-70299, based on the findings contained in the attached resolution (Attachment #4).

ENVIRONMENTAL REVIEW:

The project was analyzed for conformance with the California Environmental Quality Act (CEQA). It has been determined that the proposed project qualifies as a Class 32 Exemption (In-fill Development) under the CEQA guidelines because: 1) the project is consistent with the applicable General Plan designation; 2) it occurs within city limits on a site that is less than 5 acres; 3) the project site has no value as habitat for endangered, rare, or threatened species; 4) approval of the project would not result in any significant effect relating to traffic, noise, air quality, or water quality, and 5) the site can be adequately served by all required utilities and public services.

BACKGROUND:

On April 1, 2019, the Planning Commission considered a request by Megdal Thousand Oaks, LLC to allow construction of a 24-hour service station and

convenience store (7-Eleven) at the subject location. After receiving testimony from the public, applicant, and staff, the Planning Commission deliberated and denied, without prejudice, the request (4-0, Commissioner Kohan absent). By denying without prejudice, the applicant has the right to reapply for the same or a similar project within 6-months. The Planning Commission’s decision was intended to give the applicant the ability to address concerns raised at the meeting.

At the April 1, 2019 Planning Commission meeting, Commissioners identified several concerns with the request, including: 1) 24-hour operation; 2) proximity to homes and high school; 3) lot size below the minimum lot size of 20,000 square feet (s.f.) for service stations per the City’s Service Station Design Criteria; 4) sale of tobacco, vaping, alcohol products; 5) 300’ community outreach notification mailing radius and timing of one meeting near Christmas (Dec. 21st); 6) setback waiver; 7) lighting; 8) parking and: 9) traffic.

Project Summary

The project involves installation of new underground fuel storage tanks, three fuel dispenser islands, landscaping, a freestanding canopy above the fueling area, a convenience store, and a trash enclosure.

Since the April 1, 2019 meeting, the applicant has modified the project as described in Table 1 below.

Table 1: Response to Planning Commission Concerns

Previous Project	Current Project
24-hour operation, everyday	21-hour operation (5:00 a.m to 2:00 a.m.), everyday
No tobacco, vape, or alcohol products	No vape or alcohol products
Lot Size 19,943	Lot Size 20,043
300’ Community Outreach Mailing	500’ Community Outreach Mailing

As summarized above, the applicant responded to some of the Planning Commission concerns by modifying the operating hours, is prohibiting the sale of vape and alcohol products, but is proposing the sale of tobacco products, has provided documentation that verifies the lot size meets the minimum 20,000 s.f. required for service stations, and utilized a 500’ mailing radius for a third community outreach meeting.

All other project components, including the architectural design, building location, canopy design, number and location of fuel pumps, trash enclosure, and landscaping are the same as originally presented. For ease of reference, staff

has included the detailed evaluation for key project components below. The staff report presented at the April 1, 2019 meeting is attached (Attachment #5).

EVALUATION:

Zoning

The site is zoned C-1, which is a Neighborhood Shopping Center zoning designation. A service station use may be allowed in the C-1 zone with a Special Use Permit per Section of 9-4.2105 of the Thousand Oaks Municipal Code (TOMC), subject to approval by the Planning Commission.

Lot Size

At the April 1, 2019 Planning Commission meeting, staff indicated that the subject lot size is 19,943 s.f. in size. This was based on the applicant's original plans and the County Assessor's recorded lot size.

Since that meeting, the applicant's engineer submitted a plan with a revised lot size of 20,043 s.f. (Attachment #6). Public Works engineers have evaluated the submittal and agree with the area calculation. Therefore, the lot size meets the minimum lot area of 20,000 s.f. prescribed for service stations and is no longer a waiver request.

Building Design

There has been no design change from the original submittal. A summary of the design with staff comment is below.

The tallest portion of the proposed building height is 29' and the pump island canopy has a height of 17'. Materials for the building include metal roof, stucco walls, stone veneer, and metal canopy. The Service Station Design Criteria require the architectural theme to integrate with adjacent developments and the surrounding residential area. The building is incorporating gable and flat roof elements that provide horizontal and vertical interest. The front of the building is primarily ledgestone with stucco finishes. The east wall, oriented toward the residential area (Calle Jazmin), utilizes the ledgestone. With the exception of the metal roofing, the design complies with the intent of the City's Architectural Design Guidelines.

The two adjacent commercial developments, commercial plaza to the north and medical office to the south, have concrete tile roofing materials. The adjacent

single-family homes have predominately composition shingle roofing materials. The City’s architectural design guidelines identify metal roofing as an acceptable material as long as it is compatible to adjacent uses. In this case, introducing a metal roof in this limited commercial environment would detract from orderly and attractive design since the project would not materially relate to the development in the area.

Development Standards

All setbacks, minimum lot size, building heights, landscaping, and building coverage requirements are identified in Table 2. As demonstrated, other than the left property line setback, the project complies with applicable development standards

Table 2: Development Standard Compliance

Standard	Required		Provided		Complies	
	Canopy	Building	Canopy	Building	Canopy	Building
Front	10'	100' from centerline of street	58'	138'	Yes	Yes
Rear	0'	0'	76'	0'	Yes	Yes
Right Side	10'	100' from centerline of street*	80'	100'	Yes	Yes
Left Side	10'	100' from centerline of street*	100'	40'	Yes	No*
Lot Size	20,000 s.f.		20,043 s.f.		Yes	
Building Heights	35'	35'	17'	29'	Yes	Yes
Landscaping	5% of Total Net Area		21% of Total Area		Yes	
Lot Coverage	25% Max. Coverage		21% Coverage		Yes	
Number of Pump Islands	3 Max.		3		Yes	
Number of Fuel Dispensers Per Island	4 Max.		1		Yes	

* Section 9-4.1203 and 9-4-2504 requires all structures to be located 100' from centerline of any public street, road, or highway, unless otherwise stated in the Development Permit or waived by the Planning Commission.

Hours of Operation

The applicant has requested that the use be open from 5:00 a.m. to 2:00 a.m. every day. The Service Station Design Criteria state that business hours may be limited to avoid disturbance to nearby residential areas. For service stations within 200' of residential, the guidelines state a condition may be imposed to limit operating hours to 6:00 a.m. to 11:00 p.m. for the fueling portion of the operation. The standard further states that all other business operations, excluding gasoline, oil, and emergency repair, *shall* be confined to the hours of 7:00 a.m. and 9:00 p.m. on weekdays and 10:00 a.m. and 8:00 p.m. on Sundays.

The commercial shopping center to the north (2220 North Moorpark Road) was approved with business hours limiting the center to the hours of 8:00 a.m. to 9:00 p.m. The medical office building to the south, 2166 North Moorpark Road, is required to close by 9:00 p.m. as part of its approval. The limitation on the hours minimizes noise impacts to the nearby residential homes.

In 1991, the Planning Commission authorized extended operating hours for the Domino's Pizza within the commercial plaza to the north. These hours are 11:00 a.m. to 1:00 a.m., Sunday through Thursday, and 11:00 a.m. to 2:00 a.m. on Friday and Saturday. The Commission further conditioned the project to have all operations confined to the interior of the tenant space and limited the use to take-out or delivery services. Tables and chairs were prohibited, both inside and outside of the tenant space. In approving the extended hours, the Commission required that staff report back to the Planning Commission within 6 months to determine if there were any negative impacts as a result of the extended hours. Staff reported back as required and advised that there had been no complaints of the operation received.

The actual operating hours for Domino's is 10:00 a.m. to midnight, Monday thru Thursday and Sunday and 10:00 to 1:00 a.m. on Friday and Saturday. The opening hour is earlier than specified by permit, however is within the opening hour specified for the center, which was not a concern for the city. Since the restaurant is limited to delivery and take-out, there is limited customer interaction at the facility after 9:00 p.m. Due to the nature of the request, staff anticipates higher levels of traffic and customer presence at the proposed convenience store than that experiences at the Domino's location.

Should Planning Commission choose to approve the project, staff suggests imposing a condition limiting the hours of operation to 6:00 a.m. to 11:00 p.m. for the fuel dispensers and 6:00 a.m. to 9:00 p.m. for the convenience store. These hours are generally consistent with hours specified in the City's Service Station Design Criteria, having a 1-hour earlier opening time for the convenience store than recommended in the guidelines.

Staff originally suggested 6:00 a.m. to 9:00 p.m. for all uses to be consistent with the opening hour specified in the Service Station Design Criteria (6:00 a.m.) and closing hours restriction for most of the nearby commercial uses (9:00 p.m.). However, staff believes allowing the fueling portion of the operation to operate in accordance with the Service Station Design Criteria is appropriate (6:00 a.m. to 11:00 p.m.).

If Planning Commission approves the request, staff recommends imposing the hour limitations suggested above. It is staff's position that limiting the hours of the convenience store and fueling operation will minimize disturbance to the neighbors resulting from the specified activities. Staff believes the suggested hours are consistent with the intent of the Service Stations Criteria, as well as hours of operation for the two commercial developments in the area.

Driveways

Ingress and egress to and from the site would be via two driveway entrances, one on Moorpark Road and a second on Avenida de Las Flores. The driveway on Moorpark Road is a 40' wide driveway that is shared with the medical office building. The driveway on Avenida de Las Flores is a 35' wide driveway near the intersection of Avenida de Las Flores and Calle Jazmin. There is an abandoned driveway on Calle Jazmin.

The Public Works Department has reviewed the driveway locations and concluded that the designs are compliant with the applicable Code requirements. However, staff conducted further evaluation of the vehicular movements in the area and is now suggesting a condition prohibiting left turns out of the station onto Avenida de las Flores.

The condition prohibiting the left onto Avenida de las Flores is due to several factors: 1) the proximity of the driveway to the northbound right turns onto Avenida de las Flores from Moorpark Road; 2) limited sight distance of traffic turning onto Avenida de las Flores from Moorpark Road, which will be further impacted by development of the property; 3) the conflict with westbound traffic on Avenida de las Flores as vehicles exit left from the station onto Avenida de las Flores and; 4) the conflict with vehicles stacking in the left turn lane on Avenida de las Flores. Staff believes that this limitation does not create a circulation problem for visitors since U-Turns are permissible at the northbound left at Moorpark Road and Avenida de las Flores.

The applicant does not agree with this limitation since the previous service station had unrestricted vehicular movements at this location. The applicant has further indicated that if the city imposes this as a condition then they will want the driveway onto Calle Jazmin in order to allow vehicles cycle out of the property to make a left onto Avenida de las Flores.

Staff is opposed to using the driveway on Calle Jazmin since it feeds in and out of the residential neighborhood and is close to the curve. Additionally, the proposed privacy wall extends across the driveway location and would be eliminated in this area to accommodate retention and use of the driveway. Staff recommends that the two driveways be the only driveways to and from the site, and that the driveway on Avenida de las Flores be restricted to right turn in and right turn out only.

Signs

Any proposed sign will be required to meet the Thousand Oaks Municipal Code, Architectural Design Review Guidelines for Commercial Projects (Resolution 2005-011), as well as the Department of Weights and Measures requirements pertaining to display of fuel prices and sign locations.

Products Sold or Provided in Convenience Store

City policy as stated in the Service Station Design Criteria allows product sales as an ancillary component of a service station. The type of products sold are limited to those intended for the convenience of the motoring public. Generally, as a matter of practice, the city restricts items to snacks, auto-related products, health needs, and non-alcoholic beverages. As a matter of practice, a condition is imposed that explicitly states the intent of the allowable products and further clarifies by listing items that may or may not be sold on the premises. In cases where the applicant specifically states certain merchandise will not be provided, staff includes that as an excluded item since it is typically part of the consideration in approval of a project. In the previous application, the applicant stated there would not be any tobacco or vaping products sold, and that was clarified by condition.

In this case, the applicant is specifically requesting tobacco sales. There are no Federal, State, or local codes or policies that prohibit the sale of tobacco products on the site or within a certain proximity of the school site. That being the case, staff cannot recommend a condition prohibiting the sale of tobacco products. The Service Station Design Criteria explicitly allow the on-site sale of cigarettes.

However, since the application is a Special Use Permit, the Commission has the right impose any project specific condition deemed necessary to warrant approval of the project.

Should the Planning Commission choose to approve the request, staff suggests the following condition. It's important to note that, as written, the condition does not prohibit the sale of tobacco products.

Limitation of Items Sold in Store – The items sold in the sales area of the building shall be limited to goods which are accessory to the needs of motorists and shall not include alcoholic beverages, tobacco, and foods which are prepared on the premises except coffee. Items which may be allowed for sale are limited to the following:

Non-Alcoholic Beverages

Bottled and fountain drinks (e.g. soda, juices, water, milk, coffee, etc.).

Snacks

Assorted pre-packaged snack foods (e.g. candy, gum, cookies, chips, pre-packaged ice cream, pre-packaged sandwiches, pre-packaged burritos, etc.).

Motorist Needs

Auto related goods (e.g. oil, radiator coolant, wiper blades, etc.), tobacco products, newspapers, magazines, etc.

Health Needs

Small packages of aspirin, bandages, etc.

Alcoholic Beverages

Sale of alcoholic beverages is prohibited.

Vaping Products

Sale of vaping products is prohibited.

Police Department Review

The Police Department has reviewed this application and, with inclusion of conditions, does not object to the proposed use. As submitted, the sale of alcoholic beverages is not proposed with this application, which is consistent with the City's past practice regarding service stations. In addition, the applicant's security measures in terms of security lights and cameras comply with Police Department standards.

Staff Communication with Applicant

Since the last meeting, staff has been in communication with the applicant and advised them that staff's recommendation remains unchanged. Staff has shared that the hours of operation, from 5:00 a.m. to 2:00 a.m. create the same noise related concerns as discussed with the 24-hour operation. Staff advised the applicant that the metal roofing is an additional reason staff will not support the design. Staff also communicated that the setback reduction at the residential street is also a design concern.

The applicant submitted one letter addressed to the Planning Commission (Attachment #7), an article by the Center for Disease Control and Prevention (Attachments #8), a concept rendering of a convenience store without the service station (Attachment #9), which the applicant refers to as a by-right use, a cover letter and two LA Times articles, one in regard to a Beverly Hills ban on tobacco products and another that discusses a Federal Court decision mandating that private property shall not be taken for public use (Attachment #10), and a portion of the Service Stations Design Criteria that states that cigarettes may be sold as part of a service station operation (Attachment #11).

To clarify the by-right issue, a retail use, such as a convenience store, is a use allowed within the C-1 zone with a Development Permit. It is important to note that through the Development Permit process, setbacks, building height, landscaping, parking, circulation, ingress/egress, hours of operation, delivery hours, interior or exterior seating, and architectural design can all be considered as part of the review process. Since there will be least one setback waiver to accommodate any building on this property, Planning Commission review will be required, even for a project proposed under a Development Permit.

Community Outreach

In addition to the community outreach conducted by the applicant on October 11, 2018 and December 21, 2018 the applicant sought to host a community outreach meeting to receive additional feedback on June 28, 2019.

For the June 28, 2019 meeting, the applicant sent notices of to all property owners within 500' of the project location. The 500' radius is the same radius the City provided for the subject application. A total of 64 property owners were included in that notification. Previous community meetings conducted by the applicant included notification to property owners within 300', which captured 30 property owners. Unfortunately, the flyer for the meeting posted an incorrect

meeting location (290 Conejo Ridge Avenue) instead of the location at the Community Center at Thousand Oaks High School (2525 North Moorpark Road). The applicant followed-up by mailing a notice of a new meeting date of July 2, 2019.

Public Correspondence

Staff has received 6 letters or emails regarding the current request, all of which are against the project (Attachment #12).

Special Use Permit

As previously mentioned and discussed in the attached staff report (Attachment #5), a Special Use Permit is required for service stations in the C-1 zone. The TOMC establishes prescribed findings that must be made a Special Use Permit, all of which must be made in order to approve the permit. These findings are listed below.

1. The project is consistent with the Thousand Oaks General Plan and any applicable specific plan or redevelopment plan;
2. The project complies with all applicable laws, regulations and policies, including the Thousand Oaks Municipal Code;
3. The project will not be detrimental to the public health, safety or general welfare;
4. The project has been reviewed in conformance with the provisions of the California Environmental Quality Act; and
5. The proposed use at the proposed location will be compatible with land uses in the vicinity.

Summary of Staff Concerns

Staff has the following concerns related to the proposed design and operation of the facility:

1. Hours of Operation

The 21-hour operation (5:00 a.m. to 2:00 a.m.) is: 1) inconsistent with the intent of the Service Station Design Criteria recommended hours of operation and; 2) will create noise that is not typical of the noise levels within a residential area during late night hours.

2. Roof Design

The two adjacent commercial developments, commercial plaza to the north and medical office to the south, have concrete tile roofing materials. The adjacent single-family homes have composition shingles or tile roofing materials. The City's architectural design guidelines identify metal roofing as an acceptable material as long as long as it is compatible to adjacent uses. In this case, introducing a metal roof in this limited commercial environment would detract from orderly and attractive design since the project would not materially relate to the development in the area.

3. Proximity to Residential

The proposed service station and convenience store operation is not compatible with the single-family residential uses nearby. Many homes are located directly across an adjacent street, with 2 residences located about 70 feet from the site. The proposed business operation will have frequent vehicle trips with vehicles entering or leaving this station through residential streets during various time of the day and night.

Adverse impacts to these residents will also result from extended operating hours, outdoor commercial activities that include fueling of vehicles, and fuel and merchandise truck deliveries. Other potential negative spillover impacts include noise from vehicle engines, car radios, and alarms at the station.

4. Proximity to other Sensitive Uses

The site is across the intersection from an existing high school. The property at 2220 North Moorpark Road, located to the north and across the street from the site, has passive business use limitations, intended to prevent congregating on the property. This was in response to issues associated with a similar auto-oriented use (drive-thru dairy/convenience store) resulting in congregating on the property, adversely impacting neighboring properties. Staff has the same concerns with the subject request.

CONCLUSION:

Staff has determined that the proposed use is not suitable for this location based on the criteria established in the City's Service Station Design Criteria, development standards for the C-1 zone, and impacts on sensitive uses in the area. Staff therefore recommends that the Planning Commission deny SUP 2019-70299, based on the findings listed in attached resolution (Attachment 4a).

If the Planning Commission, however, opts to support the proposed project, the Commission will need to establish findings justifying its approval, the waiver of the Municipal Code standards, Service Station Design Criteria, and the Commercial Architectural Design Guidelines. For this situation, Staff has crafted suggested conditions as described in Attachment #4b, which reflects staff's position as described in this report.

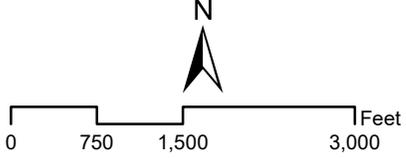
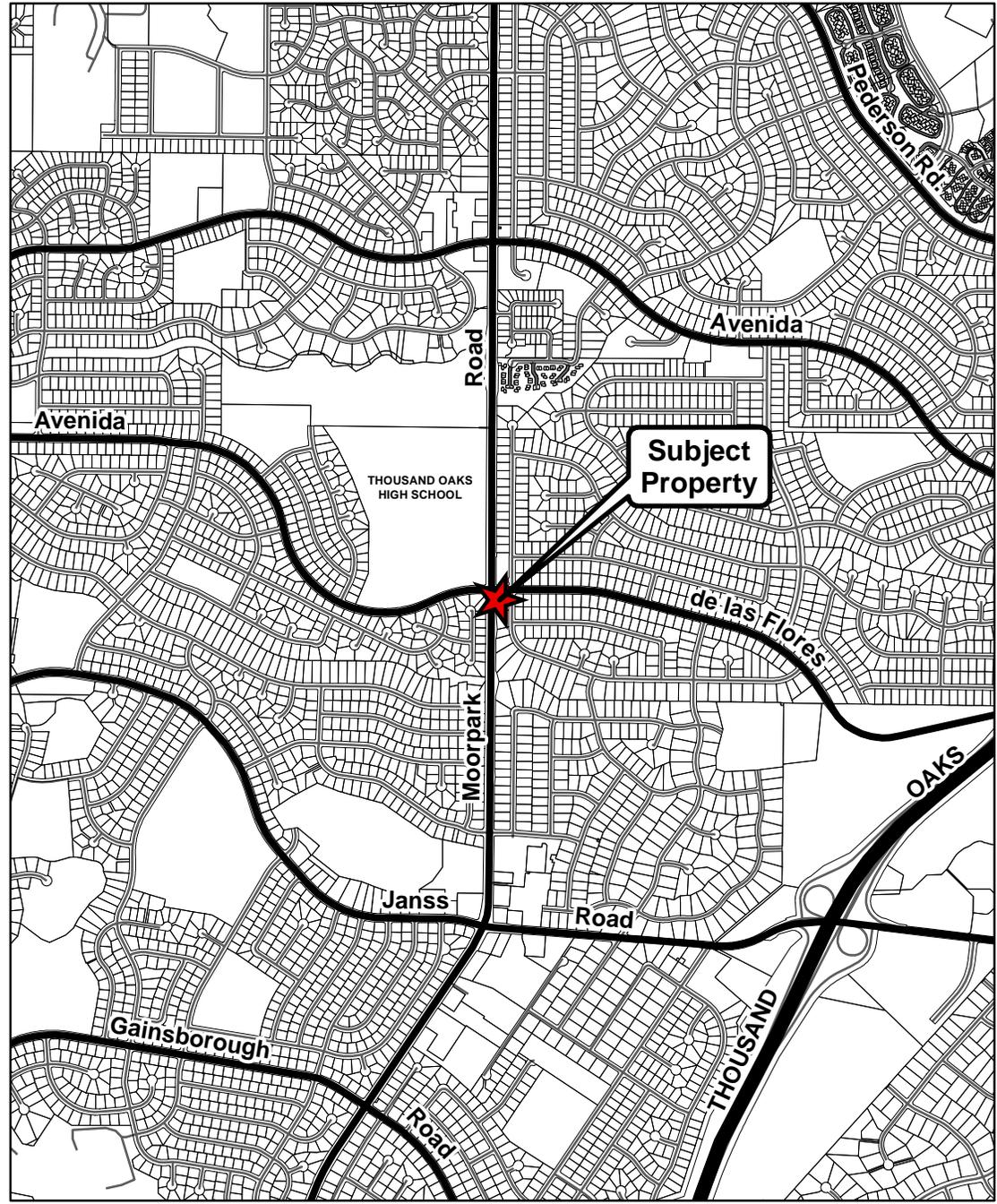
Based on communications with staff, the applicant does not agree to a condition prohibiting left turns from the site onto Avenida de las Flores or to a change in roofing material.

Prepared by: Stephen Kearns, Planning Division Manager

Attachments:

- #1 – Vicinity Map
- #2 – Location Map
- #3 – Aerial Photo
- #4a – Resolution for Denial of SUP 2019-70299
- #4b – Resolution of Approval of SUP 2019-70299
- #5 – Planning Commission Staff Report of April 1, 2019
- #6 – Lot Size Calculation from Applicant's Engineer
- #7 – Letters from Applicant to Planning Commission
- #8 – Smoking and Tobacco Use Article from Applicant
- #9 – Concept Rendering of Convenience Store Without Service
- #10 – Federal Court Decision Regarding Taking of Private Property;
Beverly Hills Article
- #11 – Service Station Guideline Listing Tobacco as a Permitted Product
- #12 – Correspondence Against Project Station
- #13 – Project Plan Set

SUP 2019-70299
Megdal Thousand Oaks, LLC
Vicinity Map

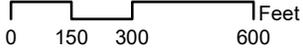
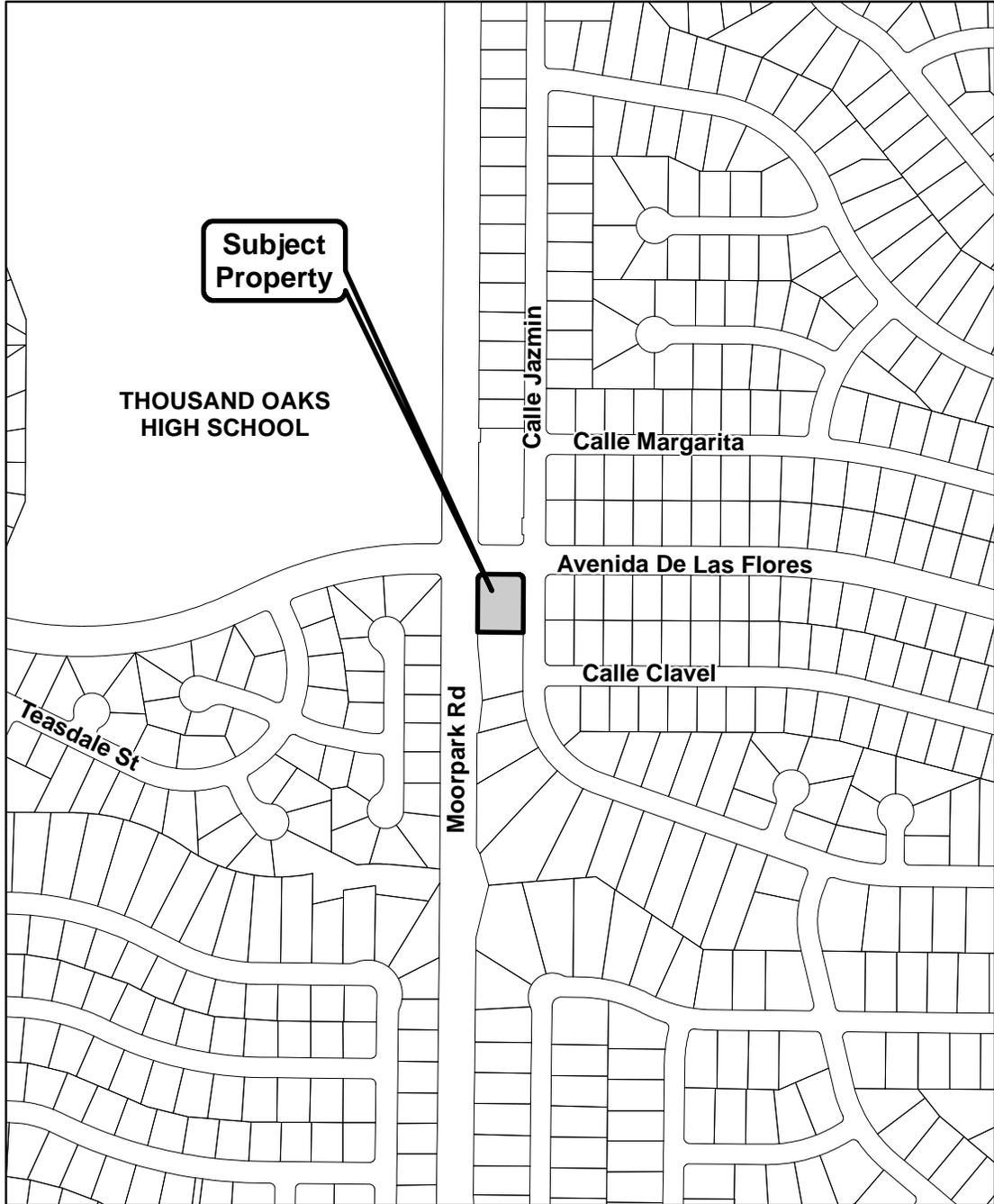


City of Thousand Oaks
Community Development Department

July 8, 2019

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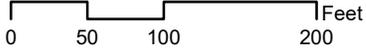
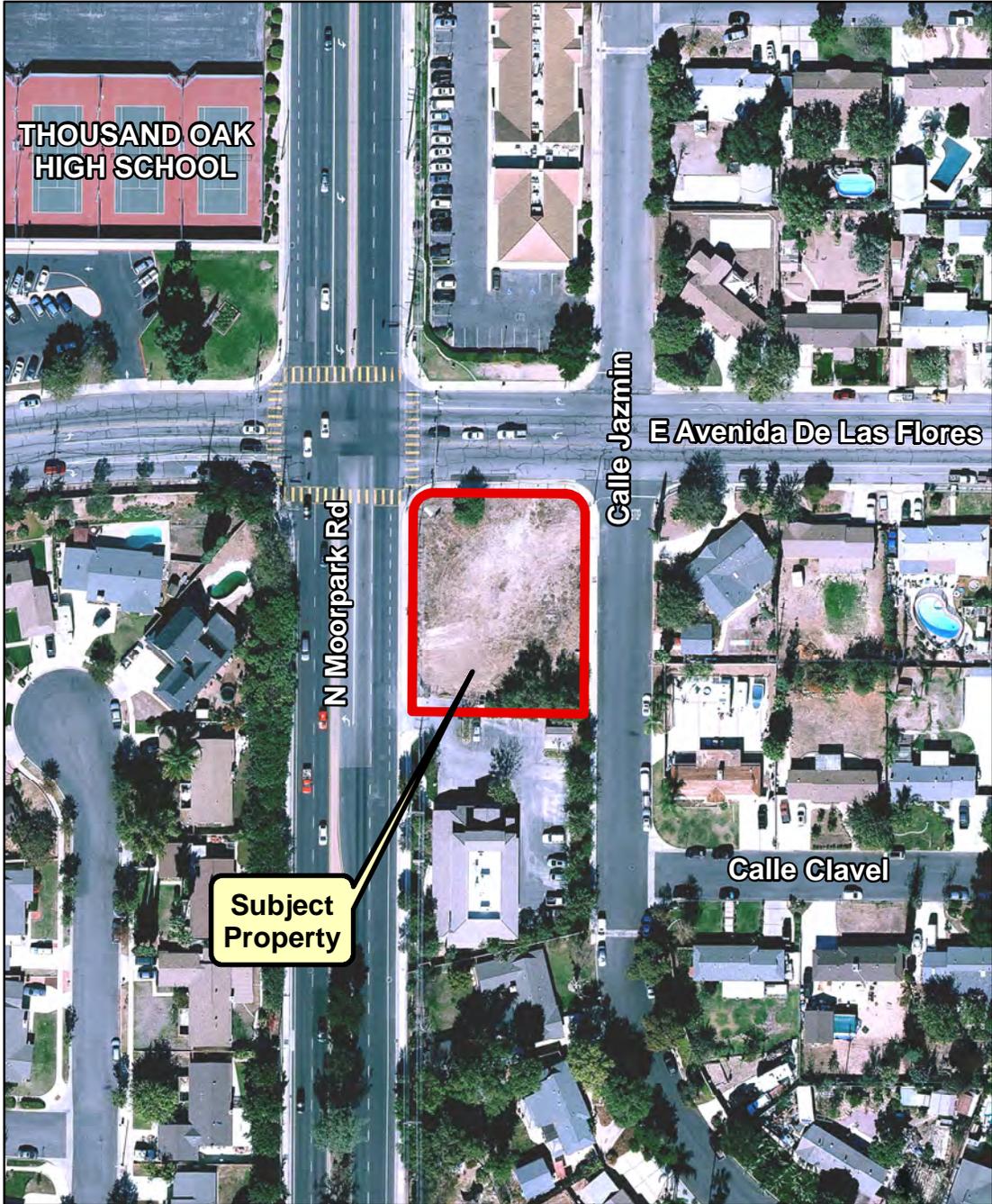
SUP 2019-70299
Megdal Thousand Oaks, LLC
Location Map



City of Thousand Oaks
Community Development Department

July 8, 2019

SUP 2019-70299
Megdal Thousand Oaks, LLC
Aerial Map



City of Thousand Oaks
Community Development Department
July 8, 2019

**CITY OF THOUSAND OAKS
PLANNING COMMISSION**

RESOLUTION

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF THOUSAND OAKS DENYING A
SPECIAL USE PERMIT FOR THE USE OF CERTAIN
PROPERTY WITHIN SAID CITY**

Application No. SUP 2019-70299

Applicant: Megdal Thousand Oaks, LLC

Location: 2198 N. Moorpark Road

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

WHEREAS, the applicant has filed with this Commission a petition requesting a Special Use Permit under the provisions of the City of Thousand Oaks Municipal Code to allow the construction of a new 21-hour convenience store with gas pumps and an overhead canopy located on the southwest corner of N. Moorpark Road and Avenida de las Flores more commonly known as 2198 N. Moorpark Road; and

WHEREAS, the Planning Commission, upon giving the required notice, did, on the 8th day of July 2019, conducted a duly-advertised public hearing as prescribed by law to consider said application; and

WHEREAS, at the July 8, 2019 Planning Commission public hearing, oral and written evidence, including a staff report, were presented and received, and arguments were heard from all interested parties appearing in the matter; and

WHEREAS, after considering all the evidence and information provided, the Planning Commission voted to deny said application based on the findings of set forth as follows:

1. The project does not comply with all applicable laws, regulations and policies, including the Thousand Oaks Municipal Code for the following reasons:
 - A setback deviation near residential is necessary to accommodate the proposed convenience store building, and

- The 21-hour use is inconsistent with the Service Station Design Criteria (Resolution 72-337) which recommends limited hours of operation for stations within 200 feet of residential property. The subject site is 60' from a single-family residential property.
2. The project will be detrimental to the public health, safety or general welfare because of the proposed 21-hour operation and proximity to residential dwellings. The hours of operation will create adverse impacts resulting from outdoor commercial activities such as noise from fueling vehicles and truck deliveries, and potential light pollution which conflicts with the sensitive uses nearby. Additionally, the 21-hour operation will create related noise from patrons and employees that is not compatible with the nearby the residential area.
 3. The proposed convenience store, with its close proximity to a high school, will attract students to the site, thereby creating site conflicts and potential safety issues due to the potential volume of pedestrians and vehicles visiting the site at the same time.

NOW, THEREFORE, BE IT RESOLVED that said application for a Special Use Permit is denied, without prejudice.

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 8th day of July, 2019, by the following vote:

AYES	COMMISSIONERS
NOES	COMMISSIONERS
ABSENT	COMMISSIONERS
ABSTAIN	COMMISSIONERS

Sharon McMahon, Chair
 Planning Commission

Kelvin Parker, Secretary
 Planning Commission

CITY OF THOUSAND OAKS
PLANNING COMMISSION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF THOUSAND
OAKS APPROVING A SPECIAL USE PERMIT
FOR THE USE OF CERTAIN PROPERTY
WITHIN SAID CITY

Application No. SUP 2019-70299

Applicant: Megdal Thousand Oaks, LLC.

Location: Southwest corner of N. Moorpark Road and
Avenida de las Flores (2198 N. Moorpark Road)

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

WHEREAS, the applicant has filed with this Commission a
petition requesting a Special Use Permit under the provisions of the City of
Thousand Oaks Municipal Code to allow the construction of a new service
station, overhead canopy, and convenience store, located on the southwest
corner of N. Moorpark Road and Avenida de las Flores more commonly
known as 2198 N. Moorpark Road; and

WHEREAS, at the July 8, 2019 Planning Commission public
hearing, oral and written evidence, including a staff report, were presented
and received, and arguments were heard from all interested parties
appearing in the matter; and

WHEREAS, the findings of the Planning Commission
supporting approval of said application are as follows:

1. Insert Planning Commission Findings

NOW, THEREFORE, BE IT RESOLVED that said application for
a Special Use Permit is approved, subject to conformance with the conditions
set forth and attached hereto and made a part hereof. 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 a Certificate of Occupancy is
issued. The violation of any of the conditions of said Special Use Permit shall

be grounds for revocation of said Special Use Permit 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 8th day of July, 2019, by the following vote:

AYES	COMMISSIONERS
NOES	COMMISSIONERS
ABSENT	COMMISSIONERS
ABSTAIN	COMMISSIONERS

Sharon McMahon, Chair
Planning Commission

Kelvin Parker, Secretary
Planning Commission

GENERAL

1. **Land and Application** – The Special Use Permit is granted for the land described in the application and any attachment thereto and as indicated on the submitted site plan as shown in the Project Plan Set, dated April 10, 2019.
2. **Scope of Permit Approval** – The Special Use Permit is granted to allow the installation of underground fuel storage tanks, 3 fuel dispensing islands, each with one fuel dispenser, a freestanding fuel pump canopy, and a 21-hour convenience store building, all of which shall be constructed substantially as shown on exhibits labeled as Project Plan Set, dated April 10, 2019, except as otherwise indicated herein.
3. **Approval Period/Use Inauguration** – The Special Use Permit is granted for a three (3) year period of time ending July 8, 2022, at which time said permit shall expire unless the use authorized herein has been inaugurated in accordance with Section 9-4.2812(c) of the Thousand Oaks Municipal Code (TOMC). The applicant may request time extensions of this period as permissible by Section 9-4.2812(e) of the TOMC by filing a Minor Modification application prior to the expiration date.
4. **Resolution No. 95-20 (Standard Conditions) Compliance** – The Special Use Permit shall comply with all applicable standard conditions for commercial and residential development as included in Resolution No. 95-20, unless otherwise modified herein.
5. **Compliance with Service Station Design Criteria** – The project shall comply with Resolution No. 72-337, Service Station Design Criteria, unless otherwise modified herein.
6. **Condition Compliance** – All development on the subject property shall be constructed and thereafter maintained in accordance with the conditions of this permit.
7. **Utility Lines** – All new utility service lines shall be installed underground.
8. **Final Plans** – Prior to the issuance of a building permit, final site, grading, floor, elevation and roof plans shall be submitted for the review and approval of the Community Development Department incorporating any design changes and other requirements as conditioned herein.
9. **Required Survey for Breeding Birds** – If project activities (i.e. demolition, grading, construction, landscaping, tree encroachment, pruning and/or removal, etc.) occur between February 1st and September

1st, a breeding bird survey is required to be conducted and active nests shall be avoided with a minimum buffer distance as determined by a qualified biological monitor. In order to prevent disturbance of any active nests, a 300-foot radius for raptors and 100-foot radius for other bird species is required until all juveniles have fledged, or the nest is abandoned.

10. **Regulatory Agency Approval** – The requirements of all applicable regulatory agencies shall be met, and approval obtained prior to issuance of an occupancy permit. Copies of all required licenses shall be submitted to the Community Development Department.
11. **Emergency Exit/Service Doors** – All exterior emergency exit and service doors shall be operated from the inside with appropriate approved hardware and shall be alarmed. Any access from the exterior shall be limited to key activated hardware locks only. All such doors shall be painted or treated a color to match the adjacent exterior finish of the building. Design and location of all doors shall be subject to review and approval by the Community Development Department and the Police Department. All such doors shall comply with the disability access requirements as addressed herein.
12. **Preconstruction Meeting** – Prior to issuance of demolition and grading permits, the applicant shall coordinate with the Community Development and Public Works Departments, a preconstruction meeting at the job site to review field conditions, project conditions, methods and procedures, individual and City department responsibilities associated with the project. Members attending this meeting shall include but not be limited to City department representatives, owner or designated project coordinator, architect, project consultants, general contractor and other representatives associated with the project. The meeting shall be arranged no sooner than one (1) week prior to commencement of work.
13. **Dedications/Reservations/Fees and Public Improvements** – With respect to fees, dedications, reservations and construction of public improvements as required by the project development conditions, the applicant is advised pursuant to Government Code Section 66020, that a ninety (90) day protest period has commenced upon approval of the proposed development conditions by the City.
14. **Revocation** – Any verified complaint of excessive levels of noise, disturbance to neighboring properties, or violation of conditions, shall constitute grounds for initiation of proceedings to consider revocation of this and/or implement further restrictions, including but not limited to, restrictions on the hours of operation, addition of on-site security, or other implementation necessary to eliminate the issue.

15. **Indemnification** – The applicant shall defend, indemnify, and hold harmless the City, its agents, officials, and employees from any claim, action, or proceeding against the City or its agents, officials or employees that is brought to attack, set aside, void, or annul an approval of the City issued as related to the project for which the applicant is applying. The City shall promptly notify the applicant of any such claim, action, or proceeding and the City shall cooperate in the defense.

ACKNOWLEDGEMENT

16. **Unauthorized Changes** – The applicant acknowledges that the exterior treatment, location of structures and architectural features of the development are of special concern to, and regulated by, the City of Thousand Oaks, which has established criteria and standards concerning development within the City. Any substantial change, modification, or alteration to the architectural design, or in the exterior treatment of any building and structure, including building colors, materials, changes in walkways, doorway, window locations, or in the parking, landscaping and other related features, must first be approved by the City of Thousand Oaks prior to performing the work. Unauthorized change(s) or failure to comply with the conditions of this permit may require future corrective work and result in a City Code violation and appropriate action.
17. **Signed Acceptance of Conditions** – A signed Acceptance of Conditions affidavit shall be executed by the applicant and property owner, or his duly authorized representative, and shall be returned to the Planning Division of the Community Development Department prior to the issuance of a grading and building permit.

OPERATING HOURS

18. **Hours of Operation** – The operation of operation shall be as follows:

Convenience Store – 6:00 a.m. to 9:00 p.m, daily.

*Fuel Service – 6:00 a.m. to 11:00 p.m., daily.

*Attendant may be on-site providing customer service through transaction window, no entry in to convenience store.

GRADING

19. **Existing Chain-link Fencing** – The existing chain-link fencing shall be completely removed from the site upon completion of construction activities. Said fencing may be used as security fencing during construction activities.

20. **Phasing** – The project shall be graded and constructed in a single phase.
21. **Project Grading** – All gradients within the parking lot shall comply with the provisions of Section 9-4.2405(a) of the Thousand Oaks Municipal Code. All parking lot areas shall have a maximum gradient slope of 2.5% and parking spaces shall have a maximum cross-slope of 2%. All driveways including exterior and interior shall have a slope no greater than 7%. Prior to the issuance of a grading permit, a detailed grading, paving and drainage plan shall be submitted for the review and approval of the Community Development Department.
22. **Exporting/Importing Earth Materials** - Any exporting or importing of earth material and debris shall be authorized by permit issued by the Public Works Department. The builder shall comply with an approved identified haul route to and from the project and shall coordinate the hauling of this material with the Public Works and Community Development Departments to minimize traffic disruptions and disturbances to the project area. The exporting and importing of any earth materials to new sites within the jurisdiction of the City of Thousand Oaks shall be subject to the review and approval by the Planning Commission unless such sites have previously been approved for development with an active entitlement, and said grading is in accordance with Public Works Department approved plan for the project.
23. **Backflow Device** – Any proposed backflow device shall be screened from public view, subject to review and approval by the Community Development and Public Works Departments.
24. **Certified As-Built Grading** – Prior to issuance of a building permit, a rough grading completion certification on the City standard form shall be prepared and signed by the applicant's Civil Engineering consultant and submitted to the Public Works Department. Said certificate shall state that the graded pad design and pad elevations are consistent with the pad elevation and grading details shown on the grading plan, as shown in the Project Plan Set, dated April 10, 2019.
25. **APCD Permit** – If needed, an APCD Authority to Construct Permit shall be obtained by the applicant prior to beginning any grading on-site. Verification shall also be provided to the City.
26. **Rodent Control** – The applicant shall submit a rodent control plan to the Community Development Department prior to the issuance of any building permit, which shall include measures to protect adjacent and nearby properties from any rodent displacement during the project demolition and construction activities.

27. **Final Detailed Grading, Paving and Drainage Plan Submittal** – Prior to issuance of a grading permit, a final detailed grading, paving and drainage plan demonstrating compliance with all imposed conditions of this Development Permit shall be submitted for review and approval by the Community Development and Public Works Departments.

INCLUSIONARY HOUSING IN-LIEU FEE

28. **Inclusionary Housing In-Lieu Fee** – At the time of issuance of a building permit for each respective unit, the applicant shall pay the required Inclusionary Housing In-Lieu Fee pursuant to Section 9-10.302(b) and Section 9-10.306 of the Thousand Oaks Municipal Code.

ARCHITECTURAL DESIGN

29. **Architectural Design Guidelines for Commercial Projects (Resolution No. 2005-011)** – All provision of the City’s Architectural Design Guidelines for Commercial Projects (Resolution No. 2005-011) shall be applicable to this project. Prior to issuance of a building permit, final architectural drawings shall be submitted for review and approval by the Community Development Department with all building designs coordinated on all elevations with regard to color, materials and architectural form and detailing to achieve design harmony and continuity, providing complimentary architectural relief and detail to all sides of the buildings.
30. **Roofing Materials** – The convenience store roofing shall consist of a comparable material and color as the concrete slate or concrete “S”-tile utilized on the medical office building adjacent to the south or the commercial shopping center at 2220 N. Moorpark Road.
31. **Building Height** – Building height shall be limited to the height dimensions depicted on the conceptual elevations as shown in the Project Plan Set, dated April 10, 2019.
32. **Exterior Building Colors/Materials** – The project shall be constructed with the following conceptual colors and materials as depicted on the, Plan Set, dated April 10, 2019. Prior to the issuance of a grading permit, a final color and materials sample board, including, but not limited to, specific materials and paint manufacturer colors, shall be submitted for the review and approval by the Community Development Department. The applicant shall indicate the type of stucco finish on the revised plans and materials and colors sample board.

- Roof: See condition number 31
- Stucco Walls: Painted Stucco – Benjamin Moore – Hazelwood – B.M. 1005.
- Entry: Painted Stucco – Benjamin Moore – French White – B.M. 1093.
- Stone Veneer: Dressed Stone - El Dorado Stone – Rustic Ledge – Clearwater
- Canopy: Posts painted to match Benjamin Moore 1078 (Tan)
Trellis work painted to match Benjamin Moore 1143 (Painted Sand)
33. **Roof-Mounted Mechanical Equipment** – All roof-mounted mechanical equipment including air conditioning, roof fans, and any other similar equipment shall be completely screened from view by the building parapet extensions, screen walls or by ground-mounting within an equipment enclosure which shall match the exterior colors and materials of the building. Roof screening treatment shall be designed in a manner that is integrated with the building design. Prior to issuance of a building permit, final detailed cross-section drawings, studies, equipment manufacturer’s specifications and specific exhibits and roof equipment locations shall be submitted for the review and approval of the Community Development Department.
34. **Flat Roof Areas** – Flat roof areas and parapet walls exposed to view from surrounding areas shall be color-coded to blend with the exterior wall finishes, subject to the review and approval of the Community Development Department.
35. **Exterior Service Window** – Any proposed service/customer service transaction window, shall first be reviewed and approved by the Community Development Department prior to installation.
36. **Trash Enclosures** – The proposed trash enclosures shall consist of decorative masonry walls or complementary materials matching the building’s exterior with metal gates set in metal frames and shall be protected with a solid overhang roof structure subject to review by the Community Development Department. Trash enclosure areas shall be designed in accordance with the City’s adopted trash area design criteria. Prior to the issuance of a building permit, the final design and locations for trash enclosure areas shall be submitted for review and approval by the Community Development and Public Works Departments.

BUILDING HEIGHTS/NUMBER OF STORIES

37. **Front, Side, and Rear Yard Setbacks** – All structural and landscape setback requirements from property line shall be provided as depicted on the site plan as shown in the Project Plan Set, dated April 10, 2019, as follows:

Convenience Store

Front: 138' from Centerline of Avenida de las Flores (100' from centerline of street required)

Rear: 0' provided (0' required)

Left (West): 40' provided (100' from centerline of street required*)

Right (East): 100' provided (100' from centerline of street required)

Canopy

Front: 58' provided (100' from centerline of street required*)

Rear: 76 provided (0' required)

Left (West): 100' provided (100' from centerline of street required)

Right (East): 80' provided (100' from centerline of street required*)

Pump Islands

Front: 25' provided (20' from p/l required)

Rear: Not Applicable

Left (West): 72' provided (20' from p/l required)

Right (East) 35' provided (20' from p/l required)

* Waiver authorized by Planning Commission

PARKING AND CIRCULATION

38. **Required On-site Parking** – On-site parking shall be provided as shown on-site and floor plans as indicated in the Project Plan Set, dated April 10, 2019, 10 required parking spaces and 10 parking spaces provided.

Unless otherwise authorized by the Community Development Department of the City of Thousand Oaks, no required parking may be used for any commercial operation, including EV charging stations.

39. **Driveway Access** – The site shall be served by driveway access off Avenida de las Flores and Moorpark road. Both driveways shall be designed in accordance with the standards required by the City's Public Works Department. There shall be not driveway access off Calle Jazmin to the site.
40. **Parking Striping** – All parking spaces shall be identified with double four inch (4") wide stripes at sixteen inches (16") on center as specified in Section 9-4.2404(a)(2) of the Thousand Oaks Municipal Code.
41. **Standard Parking Space Dimensions** – All standard size parking stalls shall provide minimum dimensions of nine feet wide and twenty feet deep (9' x 20').
42. **Parking Restriction** – No parking space shall be utilized for overnight storage of vehicles.

DISABLED ACCESS

43. **Title 24 Compliance** – All requirements of California Uniform Building Code, Title 24, California Code of Regulations, shall be met. A set of plans, at a scale not less than one inch equal to ten feet (1"=10') shall be submitted to the Department of Community Development displaying all exterior physically disabled accessibility requirements, including point elevations and details. Prior to the issuance of building permits, the accessibility requirements for the exterior shall be approved by the Building Division for disabled access compliance.
44. **Implementation of Disabled Access Guidelines** – The applicant shall comply with the intent of City Council Resolution No. 98-29 in the design and construction of accessibility to buildings.
45. **Path of Travel** – The path of travel from the accessible parking spaces to the buildings entrances shall meet the current standards of the California Uniform Building Code.
46. **Interior Design Approval** – The accessibility requirements for the interior of the proposed buildings will be reviewed when construction documents are submitted for plan check to the Building Division.

WALLS AND FENCES

47. **Construction/Security Fencing** – Prior to the issuance of a grading/building permit, the applicant shall install a temporary five foot (5') high chain-link fence around the project boundary. Said fencing shall be provided for purposes of maintaining security, as well as containing trash and debris on-site. The fence shall remain in place during all phases of construction and shall be maintained until no longer needed for trash and debris control as determined by the Community Development Department. The applicant shall be responsible for pick-up of trash and debris on a weekly basis primarily during building construction operations.
48. **Easterly Site Wall** – The proposed site/privacy wall along the Calle Jazmin frontage shall be constructed of decorative materials and shall not exceed 6' in exposed height. The Community Development Department shall review and approve the material/color prior to construction.

LIGHTING

49. **Site Illumination** – Site illumination within the project shall be designed in a manner that is uniform in design and appearance. Parking area illumination shall be designed in accordance with the City's parking lot standards as identified in the City's Building and Security Ordinance No. 1395-NS. Review and approval of such lighting shall be processed under a separate permit. Special design features within these fixtures shall include flat lens and shielding devices to avoid an over-intensification of illumination, to direct the illumination in a downward direction (full cut-off) and to eliminate any spillover of light into adjacent properties and public streets. Under-canopy lighting shall be designed to conceal the light source from public perspectives. All pole lighting utilized shall not exceed 14' in height and shall be provided with concrete pedestals finished to complement the earth-tone colors of the buildings. The use of wall-pac fixtures for site illumination is prohibited.
50. **Architectural Security Lighting** – Use of projecting bracket lighting for purposes of site illumination including wall-pac type fixtures at building entrance doors and outdoor areas shall not be permitted. Such illumination shall be provided by decorative light fixtures, recessed in a downward direction from projecting canopies, recessed doorways and window openings. The use of such lighting shall be designed to create a uniform illumination generally in a downward direction and not create illumination hot spots or glare on adjacent or nearby surfaces.

51. **Photometric/Light Fixture Catalogues and Specifications** – Prior to the issuance of any electrical and building permits for the parking lot lighting, a photometric analysis prepared by a registered Electrical Engineer and accompanied by light fixture catalogues, brochures and specifications shall be submitted for review and approval by Building and Planning Divisions of the Community Development Department, as well as review by the Police Department. The use of low-pressure sodium illumination is prohibited.
52. **Exterior Decorative Lighting** – All exterior lighting shall be processed under a separate permit. Use of architectural decorative bracket and landscaping lighting may be provided to enhance the landscaping and architectural design of the project. No roof or wall lighting shall be permitted except as otherwise needed to comply with building security requirements. The design and location of such fixtures shall be subject to review and approval by the Community Development Department.
53. **Roof Illumination** – No roof illumination shall be permitted except as otherwise needed to comply with building security requirements.

LANDSCAPING

54. **Final Landscape Plans** – The submitted preliminary landscape plan is approved in concept only. Prior to the issuance of a grading and building permit, final construction landscape and irrigation plans reflecting compliance with all imposed conditions of project entitlements shall be submitted under separate permit for review and approval by the Community Development Department through a Landscape Plan Check application. Any landscape and irrigation improvements shall be designed and installed in accordance with the City's Guidelines and Standards for Landscape Planting and Irrigation Plans (Resolution No. 2007-116).
55. **Resolution No. 93-74** – All landscape standards and guidelines of Resolution No. 93-74 requiring the preparation of planting and irrigation plans shall apply to this permit approval.
56. **Landscaping Material Selection** – All new landscaping treatment shall consist of combinations of minimum fifteen (15) gallon, twenty-four-inch (24"), thirty-six-inch (36") and forty-eight-inch (48") box size deciduous and evergreen trees as well as five (5) and fifteen (15) gallon shrubs. Larger size trees may be required to complement the building's facades. The type of landscaping material shall be selected in a manner that blends with existing landscaping treatment in the area. The specific size, number and species of plant materials used shall be included on the landscape plans subject to review and approval by the Community Development Department.

SIGNS

57. **Signage** – Any proposed sign shall comply with the requirements of the City’s Sign Ordinance Section 9-4.2305(b). The size, design, color and location of any proposed signs as well as address numbers shall be processed under separate sign permit applications, subject to the review and approval by the Community Development Department. The on-building sign depicted on the submitted elevation plans is not approved.
58. **Monument/Price Signs** – The project may be identified by one (1) non-illuminated or illuminated, low-profile monument sign. The sign area for each sign shall not exceed thirty-two (32) square feet. The overall monument feature shall not exceed six (6’) feet in height or eight (8’) feet in length. The design of the monument sign(s) shall complement the architecture of the buildings by using similar colors and materials to achieve a coordinated project appearance. Said sign shall be located within a landscaped planter area. Any price sign shall comply with the Department of Weights and Measures requirements in addition to the City of Thousand Oaks Municipal Code.

RESTRICTIONS

59. **Hours of Construction/Construction Parking** – Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction activities shall be permitted on Sunday or holidays. There shall be no congregation of construction workers or construction related vehicles in the vicinity of the project site or warming up of construction equipment prior to the permitted work hours. Construction worker parking shall be contained to the project site, unless otherwise authorized by the Community Development and Public Works Departments.
60. **Limitation of Items Sold in Store** – The items sold in the sales area of the building shall be limited to goods which are accessory to the needs of motorists and shall not include alcoholic beverages, tobacco, and foods which are prepared on the premises except coffee. Items which may be allowed for sale are limited to the following:

Non-Alcoholic Beverages

Bottled and fountain drinks (e.g. soda, juices, water, milk, coffee, etc.).

Snacks

Assorted pre-packaged snack foods (e.g. candy, gum, cookies, chips, pre-packaged ice cream, pre-packaged sandwiches, pre packaged burritos, etc.).

Motorist Needs

Auto related goods (e.g. oil, radiator coolant, wiper blades, etc.), tobacco products, newspapers, magazines, etc.

Health Needs

Small packages of aspirin, bandages, etc.

61. **Alcoholic Beverages** – Sale of alcoholic beverages is prohibited.
62. **Vaping Products** – Sale of vaping products is prohibited.
63. **Video/Arcade Games** – The installation of video games shall be prohibited.
64. **Seating/Table Areas** – There shall be no indoor or outdoor seating or tables provided.
65. **Storefront Window Display Area** – Window signs shall be limited to 25% of the window area.
66. **Delivery Hours** – Deliveries for the commercial uses shall be limited to the hours of 7:00 A.M. to 7:00 P.M., seven days a week. Should any verified complaint of a nuisance occur as a result of delivery hours and/or operations, the City may add or modify a project condition to change the delivery hours and/or operation to mitigate the nuisance.
67. **Truck Deliveries** – Delivery vehicle engines shall be turned off during loading/unloading activities.

CITY/COUNTY/AGENCY FEES

68. **Police, Fire Department, Ventura County Watershed Protection District, Conejo Recreation and Park District and Conejo Valley Unified School District Fees** – All required fees and any other fees identified in the Standard Conditions, Resolution No. 95-20, shall be paid prior to the issuance of any building permits. Notification in writing by these agencies confirming payment shall be submitted to the Community Development Department.

GENERAL

69. **Plan Format** – All plans submitted to the Public Works Department shall be on 24 inch by 36-inch sheet size, using city standard title block and as-built/record plans submitted as part of the closure and acceptance of the project shall be on 4 mil Mylar.
70. **Base Topography Map** – The grading plan for this project must be prepared utilizing topography which has been plotted by photogrammetric methods or survey data compiled no longer than two years prior to the date of submittal of the grading plan and must be on current City datum. The name of the firm which prepared the topography and the date(s) on which the data was compiled or obtained must be shown on the plan. Topography must be presented in 1" = 40' or larger (closer) scale and must extend a minimum of 100 feet outside the limits of the property proposed for development. Any deviation from this condition must be approved by the City Engineer.
71. **County Environmental Health Soils Containment Letter** – The applicant shall provide the Department a copy of the Ventura County Health containment letter regarding the soils remediation pursuant to the abandonment of the previous gasoline service station use.
72. **Trash Hauler Approval** – Prior to issuance of a trash enclosure building permit, the applicant shall provide a letter from the trash hauler serving the project indicating they have reviewed the project plans and that the enclosure size, location and orientation as shown are acceptable to their company for purposes of trash and recyclables pick up.
73. **Mandatory Organics Recycling** – The applicant/owner is hereby notified that California State law requires businesses, schools, hospitals, restaurants, government buildings and other commercial properties to begin separating and recycling their organic waste (food waste, yard waste, food-soiled paper). Effective January 2017, businesses generating 4+ cubic yards per week of organic waste shall implement the above-stated separation requirements. Effective January 2019, businesses generating 4+ cubic yards per week of combined trash and organics waste shall implement the above-stated separation requirements.
74. **Construction Debris Recycling Plan** – Prior to the issuance of a grading/building permit, the applicant shall submit a Construction and Demolition (C&D) Debris Recycling Plan to the Department for review and approval. The applicant must divert a minimum sixty-five percent (65%) of all C&D waste materials generated from the project. The C&D Debris Recycling Plan shall indicate the proposed means of disposition of all C&D

waste materials, including but not limited to, asphalt, concrete, wood, drywall, brush and vegetation, landscaping materials, lights, piping, concrete block, metal, and the like, which will be recycled, reused, salvaged, and /or delivered to a landfill. The Recycling Plan must also include estimated weights of the materials, list of proposed recycling/disposal facilities, and authorized hauling companies to be used. For a list of authorized waste haulers and/or to complete and submit a C&D Debris Recycling Plan go to ThousandOaks.WasteTracking.com.

75. **Title Report** – A copy of the applicant’s preliminary title report for the subject property, dated within 1 year of the entitlement application, shall be submitted to the Public Works Department for review prior to grading plan-check or the issuance of any Building or Grading Permits.
76. **Inspection Hours** – The applicant is advised that City Hall is closed on alternating Fridays, and as such, inspection services are not available on those particular dates. The applicant shall schedule any and all grading, stormwater, encroachment, paving and utility work requiring City inspection accordingly. A schedule of City Hall hours may be obtained from City Hall or at the City’s website www.toaks.org.

WATER AND WASTEWATER

77. **Water Service** – In order to obtain water service, the applicant shall pay for the Cost of the Water Meter Deposit plus the City’s Water Plant Investment Fee, at the rates in effect at the time of payment, prior to issuance of a building permit. Additional fees for special facilities zones and fire flow surcharges may also apply. The applicant shall also pay the established change order fee for updating the plans for this new lateral.
78. **Location of Water Meter Boxes** – Water meter boxes may not be located within driveways. It is the responsibility of the applicant and his engineer to properly coordinate and locate all water service lateral locations such that there is a single, unbroken/unrepaired service line between the main in the street and the meter box to each residence or building. In the event the configuration of the proposed building is revised and the meter box is then situated in a driveway, the applicant shall abandon the existing service by excavating the service at the main, closing the corporation stop, severing the service lateral approximately 12 inches beyond the corporation stop, folding and crimping this remaining portion of the service lateral and soldering the crimped pipe together. The remainder of the lateral may be abandoned in place, but the meter box must be removed, and the area returned to a condition acceptable to the water purveyor. If service laterals are relocated, the applicant’s engineer shall process a change order and pay any applicable charges for said change order.

79. **Fire Water Service** – If required by the Fire Department to install fire sprinkler systems, the applicant shall install a new separate fire water service line to the building, along with associated double detector check valve to protect the domestic water supply. Applicant is encouraged to contact the County of Ventura’s Environmental Health Division for details pertaining to the selection, installation and testing of the double detector check valve assembly.
80. **Fire-Flow Verification** – The applicant shall pay the Department a fee for calculation and verification of the existing water system to deliver required fire flows. In the event the fire flow, as determined by the Ventura County Fire Protection District, cannot be met utilizing the existing system, the applicant shall design and install new water main(s) of sufficient size and length, as determined by the Department, to provide said fire flow. A completed copy of the above-mentioned fire flow calculation must be provided to the Department before, or at the same time as, the submittal of the first plan check for the water system. Plans will not be checked or processed unless these calculations, along with a copy of the plan showing locations for proposed fire hydrants approved by the Fire Department, are submitted.
81. **Cross Connection Device** – The applicant shall design and construct new backflow connection devices for the project’s irrigation water as well as fire sprinkler systems. Prior to the issuance of clearance for occupancy by the Department, all cross-connection control devices must be inspected and approved by the Cross-Connection Control Specialist of the County of Ventura, telephone 805.654.2436 (MC 10-2.600). Full right of access and entry to the cross-connection device shall be granted to the Public Works Department.
82. **Usefulness of Existing Water Laterals** – Where there are existing water laterals serving the subject property and it is the desire of the applicant to reuse these laterals as part of the proposed project, the applicant must demonstrate to the satisfaction of the Department that the lateral(s) are in acceptable condition (no broken pipe, no root intrusion, etc.). These laterals must be made of copper; all poly services must be abandoned at the main under Department inspection and the meter boxes removed.
83. **Procedure for Determination of Wastewater Fees** – Prior to issuance of a building permit for this project, applicant shall submit a plumbing plan and a listing of proposed fixture units for the subject project to the Public Works Department for determination of a "preliminary" wastewater connection fee estimate. The plan and listing will be reviewed for apparent correctness only and the applicant shall pay the wastewater connection fee based on this "preliminary" estimate at the time a building permit is issued. The final fee amount to be paid by the applicant will be

based on the actual numbers and types of plumbing fixture units installed as determined by City staff from a field count made of the project building(s) before certificate of occupancy is granted. Any difference between the actual/field verified fixture unit count and the total amount paid will be reimbursed to the applicant. If additional connection fees are due, these shall be paid by the applicant to the City upon request. Any existing fixture units for which fees have been previously paid on the parcel will act as a credit against the amount to be paid.

84. **Usefulness of Existing Wastewater Laterals** – Where there is an existing wastewater lateral(s) serving the subject property and it is the desire of the applicant to reuse these laterals as part of the proposed project, the applicant must demonstrate to the satisfaction of the Department that the lateral(s) are in acceptable condition (no broken pipe, no root intrusion, etc.). This can best be done by utilization of a television video from a point on the subject property to the main, or by excavating the lateral at the property line and making a visual inspection of the lateral. Other methods may be utilized but are subject to Department approval. If the lateral is acceptable to the Department, it may be reused; where it is not acceptable, a replacement lateral must be constructed or the existing lateral renovated (such as by use of pipe bursting technology). Laterals that are not appropriate for re-use must be abandoned at the main under Department inspection.

DEVELOPMENT ENGINEERING

85. **Encroachment Permit** – Where any construction occurs within public right-of-way, an encroachment permit shall be obtained, plan-check and inspection fees paid, an approved traffic control submitted, and bond/security posted (if required) prior to initiating construction of any improvements.
86. **Public Improvement Bond, Dedication, Guarantee** – Developer shall furnish to the City, a sufficient bond to guarantee the faithful performance and payment of labor and materials for all public improvements required to be constructed under this entitlement. The public improvements shall be offered to the City for public use and accepted by the City Engineer upon satisfactory completion.

Said improvements shall be guaranteed by the Developer after acceptance by the City Engineer for a period of one year, during which time said improvements shall continue to have security in place with the City of at least ten percent of the original posted bond during the guarantee period. At the conclusion of the one-year guarantee, City shall re-inspect said public improvements and Developer shall without delay, repair, replace or reconstruct any defective work or materials to the satisfaction of the City Engineer and at no cost to the City.

- At any time during the actual construction or during the guarantee period, the Developer fails or refuses to complete said work, surety agrees to take over and complete the work and the improvements which were guaranteed. If the guarantee posted is any other form than a paper bond from a surety company, City may make demand on such guarantee and complete said work to the satisfaction of the City Engineer and at no cost to the City.
87. **No Known Easement Conflicts** – The Department has reviewed available map records and has determined there are known existing easements on the property. The applicant is encouraged to confirm these findings by reviewing the subject property’s title report prior to starting the proposed construction.
88. **Noise Abatement Prior to Commencement of Working Hours** – On grading and construction projects where residential units are located within 100 feet of the boundaries of the proposed work, the contractor may not start up any vehicles or any gas or diesel powered equipment prior to the start of approved working hours, cause any other construction related noise, or allow employees or subcontractors to keep their vehicles running while parked.
89. **Grading Permit and Soils Certification** – The applicant shall prepare and submit final grading plans, improvement plans, erosion control plans, BMP improvement plans, geotechnical soils reports, supporting hydrology and hydraulic calculation reports, title report, and other items as required by the City Engineer in order to obtain a grading permit in accordance with the requirements of the City’s Grading Ordinance. Applicant shall also prepare and submit detailed erosion control plans for both phases of land development; the pre-grading / site stabilization phase, as well as the post grading / building construction phase. The grading and improvement plans submitted to the City for plan-check shall at a minimum indicate all topography, proposed improvements, drainage features, water/wastewater connections and laterals, existing easements, interface with adjacent properties, storm drain and drainage systems, and street improvements. All submittals shall include the completed public and private improvement cost estimate worksheets, the required plan-check and inspection fees, and the posting of the required grading bond prior to the start of any construction. After the grading is complete, the applicant shall submit a building pad compaction report and a rough grading certificate from the soils engineer prior to issuance of a building permit. Grading bonds shall be exonerated after satisfactory completion of the project punch-list items, which are generated after the applicant’s engineer provides a submittal of the final Record (as-built) Drawings.

90. **On-site Run-off** – On-site storm water shall be intercepted within the project boundaries in approved pick-up structures, treated and retained and/or conveyed to the nearest public street or existing storm drain system to the maximum extent practicable, as approved by the City Engineer (M.C. 7-3.09 and 7-3.21). Applicant shall design and construct required drainage improvements on the adjacent property’s landscaped area to intercept and discharge storm water in a manner acceptable to the City and adjacent property owner. Existing landscaping and irrigation shall be restored to the satisfaction of the City and the adjacent property owner.
91. **On-Site Drainage Design** – Project design shall use the City of Thousand Oaks “Master Plan of Drainage” (2007) for the purpose of establishing on-site storm flows. The project lies within subarea 787D of said Master Plan, with $Q_{10} = 1.8$ cfs/acre and $Q_{100} = 3.13$ cfs/acre. The CFS-per-acre unit discharge in the Master Plan shall be used when preparing the Q_{10} (developed) discharge flows and for the detention calculations up through Q_{100} .
92. **Permission for Off-site Construction** – Prior to the issuance of a grading permit, written permission for all proposed off-site construction, along with any required easement from the owner(s) of the affected property, shall be submitted to the City Engineer.
93. **On-site Drainage Capture for MS4 Projects** – It is generally necessary to capture and treat all surface drainage on the site. In accordance with Ventura County Technical Guidance Manual (TGM) for Stormwater Quality Control Measures (2011), a maximum of 5% of the site is permitted to discharge without full capture. Such Effective Impervious Areas (EIA’s) that escape capture and retention shall be treated using source-control Best Management Practices (BMP’s) and good-housekeeping measures. Maintenance specifications shall be incorporated into the on-site stormwater Maintenance Plan (refer to NPDES conditions).
94. **On-Site Drainage** – Project design and engineering plans shall show drainage flows to street and/or yard drains and elevations.
95. **Drainage Study** – The applicant’s engineer shall prepare a hydraulic/hydrology analysis for the project. The study shall include, but is not limited to addressing offsite tributary flows, retention/detention, inlet hydraulics and storm drains and appurtenances intended to convey and treat project storm discharges. The focus of the study is to ensure the existing conveyances possess sufficient capacity to pass the Q_{10} (developed) and to demonstrate that no new flooding will occur adjacent to or upon the property during a Q_{100} event as a result of development. The study shall be subject to the review and approval of the City Engineer prior to grading permit issuance.

96. **On-site Ribbon Gutters** – The City prohibits the use of ribbon gutters and encourages the use of graded parking lots with perimeter curb and gutter to convey flow away from pedestrian pathways. Parking lot and drive drainage shall conform to this standard. The use of ribbon gutters will only be considered under special circumstances as determined by the Public Works and Community Development Directors (MC 9-4.2405).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

97. **NPDES Permit Compliance** – Development shall be undertaken in accordance with conditions and requirements of the Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS004002. The project shall employ NPDES best management practices in accordance with the latest applicable version of the Countywide Stormwater Program “Technical Guidance Manual” and the California Stormwater Quality Association (CASQA) “BMP Handbooks” and/or other approved reference documents cited in Permit No. CAS004002 (M.C. 7-8.302).
98. **MS4 Stormwater Retention Requirements** – The project meets the thresholds requiring stormwater treatment and site retention specified in the Ventura County NPDES Municipal Stormwater Permit (MS4) and 2011 Technical Guidance Manual (TGM). The project shall design, construct and maintain treatment and retentive catchments that will capture, treat and retain all rainfall runoff from disturbed and directly-connected impervious areas affected by the project. The design shall function for the first three-quarter-inch (3/4”) of all rainfall events, including drawdown and elimination of the captured runoff within 72-hours of the rainfall event. Drawdown may typically be achieved via groundwater recharge/percolation or vegetative irrigation/ evapotranspiration. Treatment of the site’s pollutants of concern is preferably addressed through vegetative contact and other natural biological processes. Further details and design requirements are available at www.vcstormwater.org.
99. **BMP Sizing Requirements** – Prior to issuance of a grading/paving permit, the project’s engineer shall prepare analyses to demonstrate that the proposed Best Management Practices (BMP’s) for stormwater treatment will mitigate pollutants of concern. The analyses shall include calculations demonstrating that the selected BMP’s must satisfy one of the following sizing criteria:

Treat the storm flow equivalent to ten percent (10%) of the 50-year peak flow; or

Treat the volume of annual runoff (based upon the unit storage water quality volume) to achieve 80 percent or more volume treatment by the method recommended in the “*California Stormwater Best Management Practices Handbook – Industrial / Commercial (1993)*” and the “*Ventura Countywide Stormwater Quality Management Program Technical Guidance Manual for Stormwater Quality Control Measures (2002)*.”

100. **Site Erosion / Pollutant Runoff Control** – The applicant shall design and install all required erosion control measures to prevent the migration of soil, pollution or debris onto the public right-of-way or storm drains during the construction and grading operations. Said erosion control plans shall be in accordance with the California Stormwater Quality Association, Stormwater Best Management Practice Handbook for Construction (latest edition) and submitted to the Department for review and approval prior to issuance of any paving, grading or encroachment permits. All erosion control measures shall be subject to modification by the Department, as field conditions warrant.
101. **Trash/Recycling Areas** – The applicant shall provide an adequately sized and properly placed trash enclosure space in order to house a minimum of one (1) trash bin, one (1) organics bin, and one (1) recycling bin, measuring a minimum of 9’4” deep x 21’4” long, and shall have a 9’0” interior soffit clearance, in a suitable area of the project site. Trash enclosures and/or recycling area(s) shall be covered and shall be designed in accordance with the City’s latest Refuse Enclosure Space Requirements. Receptacles for trash and recyclables shall be available within each enclosure. All litter/waste material shall be kept in leak proof containers. Area(s) shall be paved with impermeable material and include zero-slope upon interior slabs. No other area shall drain onto these areas. The trash enclosure and/or recycling area(s) shall not drain to the storm drain system nor the sanitary sewer, shall not have a hose-bib or other water supply, and all cleaning shall be performed using dry cleanup methods. The trash enclosures and their placement shall be designed to accommodate the above considerations, as well as access requirements of the City’s waste hauler. Compactor units that are self-contained and watertight may remain exposed to rainfall provided the surrounding area is frequently inspected and cleaned.
102. **Spill Cleanup** - The facility shall have a spill cleanup plan. The fuel dispensing areas shall be dry swept routinely. Dispensing equipment must be inspected routinely for proper functioning and leak prevention.
103. **Properly Designed Fueling Area** - In view of the potential for fueling areas to contribute oil, grease, solvents, battery acid, coolant and gasoline to the storm water conveyance system, the following design requirements shall be incorporated into the Fuel Dispensing area design:

- Covered with an overhanging roof or canopy;
- Paved with Portland cement concrete (no asphalt);
- Have two (2%) percent - four (4%) percent slope to prevent ponding and separated by grade break to prevent run-on of storm water;
- Canopy shall extend 6.5 feet from the corner of each fuel dispenser or nozzle-operating distance plus one foot, whichever is more.

Applicant is advised to contact the County Environmental Health Department and Air Pollution Control District regarding any necessary design features or permitting considerations applicable to this project.

104. **Deed Restriction Regarding Best Management Practices (BMPs)** – Prior to issuance of occupancy, the applicant/owner shall record a Stormwater Covenant and Deed Restriction, requiring all property owners and their successors in interest to assume all duties and responsibilities for ongoing maintenance of all onsite permanent stormwater BMP's, including, but not limited to, maintenance of all Best Management Practice and any and all equipment which is required for implementation of Best Management Practices. Contained within the Covenant and Deed Restriction must be a description of the BMP's that are being provided as part of the project, a description of the inspection and maintenance requirements and procedures, and a site map indicating the location of the BMP's to be maintained. The draft language and contents included in the Covenant and Deed Restriction shall be submitted to the City Attorney's Office and Public Works Department for review and approval prior to issuance of building/paving/grading permits (MC 7-8.401(c)).

TRAFFIC

105. **Traffic Mitigation Fees** – The applicant acknowledges that the subject development will impact traffic and agrees to provide for the mitigation by depositing with the City of Thousand Oaks the appropriate non-refundable fees in cash no later than prior to the issuance of building permits.
106. **Site Design** – Fueling island shall be designed to provide a minimum of 18 feet of distance between the first obstruction (bollard or pole, etc.) located in northern most fuel pump area and the raised curb adjacent to the planter.
107. **Bicycle Racks** – Prior to issuance of building permit, a bicycle racks shall be installed to accommodate a total of at least 2 bicycles. The rack shall be provided near building entrance of the in a manner acceptable to the City Engineer.

108. **Right-in/right-out Driveway** – The performance of “right-in/right-out” restriction technique has been found to improve the safety at adjacent roadway especially when the driveway is too close to the functional area of the intersection. The driveway intersecting at Avenida de las Flores shall be reconstructed, signed and striped to provide a right-in/right-out access onto Avenida de las Flores and include a minimum 3-inch concrete triangular median as part of the driveway design to control vehicular movements. The applicant shall submit a design concept for review and approval by the City Engineer.

109. **Fire Department Clearance** – The applicant shall obtain VCFD Form #126 "Requirements for Construction" prior to obtaining a building permit for any new structures or additions to existing structures.
110. **Fire Flow** – The minimum fire flow required shall be determined as specified by the current adopted edition of the Fire Code and the applicable Water Manual for the jurisdiction (whichever is more restrictive).
111. **Fire Sprinklers** – All structures shall be provided with an automatic fire sprinkler system in accordance with current VCFPD Ordinance at time of building permit application.
112. **Fire Alarm/Sprinkler Monitoring Plans** – Plans for any fire alarm system or sprinkler monitoring system shall be submitted, with payment for plan-check, to the Fire District for review and approval prior to installation.
113. **Fire Code Permits** – Applicant and/or tenant shall obtain all applicable International Fire Code (IFC) permits prior to occupancy or use of any system or item requiring an IFC permit.
114. **Fire Extinguishers** – Fire extinguishers shall be installed in accordance with the IFC. The placement of extinguishers shall be subject to review by the Fire District.
115. **Trash Dumpster Locations** – Commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within 5 feet of openings, combustible walls, or combustible roof eave lines unless protected by approved automatic fire sprinklers.
116. **Address Numbers (Commercial, Industrial, Multi-family buildings)** – Building address numbers, a minimum of ten inches (10") high, shall be installed prior to occupancy, shall be of contrasting color to the background, and shall be readily visible at night. Brass or gold-plated numbers shall not be used. Where structures are set back more than 150 feet from the street, larger numbers will be required so that they are distinguishable from the street. In the event a structure(s) is not visible from the street, the address numbers shall be posted adjacent to the driveway entrance on an elevated post. Individual unit numbers shall be a minimum of 4 inches in height and shall be posted at the front and rear entrance to each unit. Additional address directional signs may be required at common building entrances and stairways.

117. **Door Security Hardware** – Exterior double doors shall have an astragal constructed of steel or aluminum a minimum of 0.125” thick, which will cover the opening between the doors. The attachment of the astragal shall comply with all applicable provisions of the Fire Code. Exterior, outward opening single doors shall have the appropriate type of latch guard installed to prevent the violation of the latch and strike. The latch guard shall be a minimum of 0.125” thick and extend a minimum of six inches above and below the door latch or deadbolt. Doors utilizing rim and cylinder locks shall have heavy-duty cylinder guards installed. All outward opening exterior doors shall have hinges equipped with non-removable hinge pins or a mechanical interlock (set screws) to prevent removal of the door from the outside by removing the hinge pins.
118. **Lighting** – Weather and breakage resistant covers shall protect all exterior lighting. Exterior lighting fixtures will be fully enclosed to minimize tampering and breakage. After hours exterior lighting shall provide sufficient illumination to allow viewing of the exterior of the buildings and parking areas. Interior after hours lighting is also highly recommended. The use of metal halide fixtures or Light-Emitting Diode (LED) is preferred over high-pressure sodium fixtures, since metal halide and LEDs provide superior illumination and color rendition. Lighting will also include illumination in the area of the sound wall bordering Calle Jazmin.
- A lighting plan must be submitted to the Thousand Oaks Police Department for review and is subject to change prior to Police Department approval.**
119. **Landscaping** – Landscaping shall not cover, nor partially cover any exterior door or window. Landscaping, including trees, will not be placed directly under any overhead lighting that could cause loss of light at ground level. All landscaping will be kept trimmed in order to provide an unobstructed view of the parking areas and building from adjacent streets. The standard CPTED (Crime Prevention Through Environmental Design) landscaping rules of “two foot/six foot” shall apply to the property (No shrubbery shall be higher than 2 feet and the lower tree canopy shall not grow below 6 feet). This will reduce concealment areas and keep the area well-lit during darkness hours. Hostile or thorny vegetation should also be used to limit property cross-over and discourage sleeping or resting in the area.
120. **Address Identifiers** – The tenant will display the name of their business and address on main entrances and service doors.

121. **Utility Rooms and Enclosures** – All exterior utility rooms and enclosures containing electrical and telephone equipment shall be kept locked at all times.
122. **Trash Enclosures** – Exterior trash enclosures shall be kept closed and locked during non-business hours to discourage, loitering, illegal dumping and theft. Trash enclosures shall be constructed to have outside visibility to reduce the possibility of camping or sleeping in the area.
123. **Video Surveillance System** – Will be required for a 360-degree view outside the structures and around the parking facility. The CCTV system will also include the area of the sound wall bordering Calle Jazmin (Both sides). The surveillance system will be HD quality, have night vision capabilities and be able to retain video data for no less than 30 days.
124. **Window/Advertisement** – No more than 10-20% blocking of the exterior windows facing the parking area with advertisement. This is done in order to maintain a clear view of the interior business from the street and surrounding areas.
125. **Roof Access** – Roof access must be secured with locking doors or any other mechanism to restrict access for non-public areas
126. **Other Security Concerns** – The business will correct any safety or security concern upon written notice by the Thousand Oaks Police Department.



ATTACHMENT #5
(To 7/8/2019 PC Staff Report)
Community Development Department
STAFF REPORT

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

TO: Planning Commission

FROM: Kelvin Parker, Deputy Community Development Director

DATE: April 1, 2019

SUBJECT: **Application to Allow Construction of a Service Station and Convenience Store (7-Eleven) Open 24-hours Daily (SUP 2018-70220); Applicant: Megdal Thousand Oaks, LLC.**

REQUEST:

To allow installation of fuel pumps, underground fuel storage tanks, landscaping, and for construction of a freestanding canopy and convenience store with 24-hour operation daily located at 2198 N. Moorpark Road (Attachment #s 1,2, and 3).

RECOMMENDATION:

That the Planning Commission deny Special Use Permit 2018-70220, based on the findings contained in the attached resolution (Attachment #4).

ENVIRONMENTAL REVIEW:

The project was analyzed for conformance with the California Environmental Quality Act (CEQA). It has been determined that the proposed project qualifies as a Class 32 Exemption (In-fill Development)) of the CEQA guidelines because of the following reasons: The project is consistent with the applicable general plan designation; it occurs within city limits on a site that is less than 5 acres; the project site has no value as habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effect relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

BACKGROUND:

The subject property is located at 2198 N. Moorpark Road and is situated on a peninsula, bound by 3 streets; Moorpark Road to the west, Avenida de las Flores to the north, and Calle Jazmin to the east. The site is currently vacant but was formerly the site of a service station that was constructed in 1970. The service

station was the sole use of the site and was demolished in 2005. The site has been vacant since then.

In 2009, a vapor extraction system was installed to perform soil remediation to remove contaminants resulting from the underground storage tanks. In 2014, the property owner received certification that all remedial action was completed as required by the County of Ventura (Attachment #5).

Project Summary

The project involves installation of new underground fuel storage tanks, 3 fuel dispenser islands, each with one dispenser unit with two hoses, landscaping, and for construction of a freestanding canopy above the fueling area, a 24-hour convenience store, and a trash enclosure.

Past Actions

In 1967, a Zone Change (ZTO 1483) and Planned Development (PD 623) were approved to change the property zoning from R-1 (Single-Family Residential) to C-O (Commercial Office) and to allow construction of a real estate office, which was never built.

In 1968, City Council approved Zone Change (Z 1968-13) and Special Use Permit (SUP 1968-66) applications to change the zoning from C-O (Commercial Office) to C-1 (Neighborhood Shopping Center) and allow construction of a service station with a service building of 1,435 sq. ft. for automotive repair. A condition of the SUP restricted the operating hours from 6:00 a.m. to 11:00 p.m., seven days a week, to minimize any disturbance to nearby single-family homes.

This item was originally scheduled for the October 22, 2018 Planning Commission meeting. On October 18, 2018, the applicant requested a continuance of the hearing to a date uncertain, in order to provide additional community outreach.

Zoning

The site is zoned C-1, which is a Neighborhood Shopping Center zoning designation. A service station use may be allowed in the C-1 zone with a Special Use Permit per Section of 9-4.2105 of the Municipal Code, subject to approval by the Planning Commission.

Special Use Permit

As previously stated, service stations may be permitted in the C-1 zone subject to approval by the Planning Commission through consideration of a Special Use Permit application. A Special Use Permit is a type of entitlement used to evaluate certain business operations or property usage that may or may not be appropriate for certain locations. A key function of the Special Use Permit process is to ensure compatibility with adjacent areas to avoid any adverse impact resulting from activities on the site.

In review of any Special Use Permit, Section 9-4.2803 of the TOMC establishes prescribed findings that must be made for this type of Special Use Permit. All 5 findings listed below, must be made in order to approve the permit.

1. The project is consistent with the Thousand Oaks General Plan and any applicable specific plan or redevelopment plan;
2. The project complies with all applicable laws, regulations and policies, including the Thousand Oaks Municipal Code;
3. The project will not be detrimental to the public health, safety or general welfare;
4. The project has been reviewed in conformance with the provisions of the California Environmental Quality Act; and
5. The proposed use at the proposed location will be compatible with land uses in the vicinity.

Surrounding Land Uses

Existing uses adjacent to and near the site include single-family homes to the west across Moorpark Road, to the east across Calle Jazmin, and to the northeast across the intersection of Avenida de las Flores and Calle Jazmin. A medical office building adjacent to the south; a commercial plaza to the north across Avenida de Las Flores; and Thousand Oaks High School is to the northwest across the intersection of Moorpark Road and Avenida de las Flores.

Lot Size

The site contains 2 lots (Attachment #6), totaling 19,943 s.f. in size. This lot area is based on the applicant's originally submitted plans and the assessed area for

the two lots combined, as recorded with the County Assessor's Office (Attachment #7).

On March 26, 2019 the applicant submitted a site plan with a revised lot size number of 20,079.5 s.f. (Attachment #8). An email from the applicant states this revised number was calculated by Westland Civil Engineers by measuring the boundary lines on the site plan. The email did not provide any data or site survey used to support this new lot size (Attachment #9).

Staff reviewed the lot dimensions as recorded on the approved tract map (Tract 1048, lots 1 and 2 – Attachment #6) and performed an area calculation using dimensions from the tract map, which resulted in a combined lot size of 19,931 s.f. in area (Attachment #10). Since the County Assessor's recorded lot size of 19,943 s.f. closely matches staff's area measurement, staff has no compelling reason or evidence to rely the applicant's new lot size number.

Service Station Design Criteria

A service station has several prominent elements that are different than most commercial developments, including but not limited to, its dependence on vehicular traffic, distinctive physical appearance, unenclosed nature of activities, extended hours of operation and storage of combustible materials. In order to accommodate these facilities, City Council adopted Service Station Design Criteria Resolutions. A first version was adopted in 1967 (Resolution 67-133), with revised versions adopted in 1969 (Resolution 69-338), 1970 (Resolution 70-31), and again in 1972 (Resolution 72-337) (Attachment #11).

Resolution 72-337 is the current policy criteria used for evaluating new or modified service stations. The intent of the guidelines is to ensure any service station is compatible with adjacent property uses, maintains appropriate development standards, and ensures that the use will not be detrimental to public interest, such as adverse traffic, noise, light or architectural impacts. The guidelines also establish specific criteria for development, including setbacks, building design, signage, products sold at the station, and hours of operation.

The subject site was approved for a service station in 1968 and was evaluated in accordance with the service station design criteria contained in City Council Resolution 67-133. A key distinguishing criterion contained in the 1972 version that was not in the 1967 standards, is a requirement for service stations to be located on properties that are between 20,000 s.f. and 40,000 s.f. in size.

The subject site contains 2 legal lots totaling 19,943 s.f. in area. If the project is approved with this lot size, the applicant will be required to merge these two lots, or demonstrate the lots have been legally merged into one lot.

There are 28 service stations in the city, with 8 located on lots less than 20,000 s.f., all of which were in existence or approved prior to 1972. The subject site formerly had a service station that was approved before a minimum lot size was required.

The service station that previously occupied the site was demolished in December of 2005, and the site has been vacant since. Any service station that exists on a lot that is less than 20,000 s.f. in area is now considered legal nonconforming and may continue operation. However, if the nonconforming use is discontinued for a period of 90 days, such as in this case, it loses its legal nonconforming status and any new development or use of the property would be required to conform to current requirements, including meeting the minimum lot size, unless otherwise waived by the Planning Commission.

EVALUATION:

Zoning Consistency

Section 9-4.1200 of the Thousand Oaks Municipal Code (TOMC), states that the C-1 zoning category is intended for planned neighborhood shopping centers where the land and compatible retail stores and associated facilities are designed and developed together as an integrated unit.

Development Permit applications are required to consider certain uses that are listed as an allowed use in the C-1 zone and meet the above criteria, whereas certain other uses, such as service stations, may be allowed with an approved Special Use Permit.

The C-1 zoning designation also specifies that the primary tenant will usually be a supermarket or drugstore, and the center will serve only the convenience needs, such as food, drugs, hardware, and personal services, of a residential area. The zoning, as with the Service Station Design Criteria, requires compatibility with the residential pattern of development and should not create either architectural or traffic conflicts.

Staff has concern that the proposed service station and convenience store operation is not compatible with sensitive uses nearby. Many homes are located directly across the streets, with 2 residences located about 70 feet from the site.

The proposed business operation will have frequent vehicle trips with vehicles entering or leaving this station through residential streets during various time of the day and night.

Adverse impacts to these residents will also result from extended operating hours, outdoor commercial activities that include fueling of vehicles, fuel and merchandise truck deliveries, and potential light impacts to the residential neighbors resulting from light fixtures located within the service station canopy. Other potential negative spillover impacts include noise from vehicle engines, car radios, and alarms at the station. Additionally, the proposed convenience store, with its close proximity to a high school, will attract school children to the site thereby creating safety issues and site conflicts due to the potential volume of pedestrians and vehicles visiting the site at the same time.

The unique structural appearance of the proposed development, having a large, illuminated canopy structure over the pump islands, various outdoor fueling related equipment, and standing-seam metal roofing are not architecturally compatible with nearby commercial and residential development.

Use Restrictions for the Neighboring Commercial Center at 2220 N. Moorpark Road

Before the existing shopping center north of the subject parcel was constructed, the site was previously a drive-thru dairy. This dairy business had a history of students congregating on the property and also had a trash problem, both of which created a nuisance for neighbors and customers.

In 1985, City Council approved a zone change for the property from Commercial Office (C-O) to Highway and Arterial Commercial (C-2), and imposed specific use restrictions on the site, through recordation of a deed restriction, intended to prevent students from congregating on the property and restricting the center to low-intensity business operations that would not adversely affect the nearby homes.

In 1987, City Council approved construction of the existing shopping center. As a condition of approval, City Council imposed business use limitations specified in the zone change and deed restriction. Subsequently, additional business uses were approved by condition number 6 of DP 87-608 (minor) Modification 6 in 1999 (Attachment #12).

Products Sold or Provided in Convenience Store

It is City policy, in accordance with the Service Station Guidelines, that the products sold in the store shall be items intended for the convenience of the motoring public. It has been City Council policy to allow convenience stores as part of a service station operation, with restrictions on the types of products sold on-site, including prohibiting alcohol sales. The applicant has indicated that they will not sell alcoholic beverages or tobacco/vaping products. Should Planning Commission elect to approve the project, staff suggests imposing the following condition:

Limitation of Items Sold in Store – The items sold in the sales area of the building shall be limited to goods which are accessory to the needs of motorists and shall not include alcoholic beverages, tobacco, and foods which are prepared on the premises except coffee. Items which may be allowed for sale are limited to the following:

Non-Alcoholic Beverages

Bottled and fountain drinks (e.g. soda, juices, water, milk, coffee, etc.).

Snacks

Assorted pre-packaged snack foods (e.g. candy, gum, cookies, chips, pre-packaged ice cream, pre-packaged sandwiches, pre-packaged burritos, etc.).

Motorist Needs

Auto related goods (e.g. oil, radiator coolant, wiper blades, etc.), tobacco products, newspapers, magazines, etc.

Health Needs

Small packages of aspirin, bandages, etc.

Alcoholic Beverages – Sale of alcoholic beverages is prohibited.

Tobacco/Vaping Products – Sale of tobacco or vaping products is prohibited.

24-Hour Operation

The applicant has requested that the use be open 24 hours a day, seven days a week. The Service Station Guidelines state that business hours may be limited to avoid disturbance to nearby residential areas, and provides for a business

hour limitation of 6:00 a.m to 11:00 p.m. for a service station located within 200' of a residential property.

The commercial shopping center to the north (2220 N. Moorpark Road) was approved with business hours limiting the center to the hours of 8:00 a.m. to 9:00 p.m. The medical office building to the south, 2166 N. Moorpark Road, is required to close by 9:00 p.m. as part of its approval. The limitation on the hours minimizes noise impacts to the nearby residential homes.

Staff has concern that the 24-hour operation will create noise that is not typical of the noise levels within the residential area during late night and early morning hours.

Should Planning Commission choose to approve the project, staff suggests imposing a condition limiting the hours of operation to 6:00 a.m. to 9:00 p.m. These hours are within the opening hour specified in the Service Station Design Criteria, with closing hours consistent with the limitation imposed on the nearby commercial developments.

Parking

The parking requirements for combined service station and convenience store is calculated at one parking space for each 250 sq. ft. of building area dedicated to the retail use. The convenience store building is 2,455 sq. ft. and 10 parking spaces are required. The project provides 10 parking spaces on site.

Building Setbacks

This property has three street frontages and is in close proximity of many single-family homes. As discussed earlier, Staff has concerns regarding traffic, noise, and light impacts as well as architectural compatibility to the nearby sensitive uses. The combination of these factors makes lot area, standard building setbacks, hours of operation and mitigation of use impacts to the surrounding area critical components to the evaluation.

For structure setbacks, the guidelines require that buildings conform to the required setbacks in the zone. The C-1 zone requires a minimum 100 feet setback from the centerline of any public street, unless waived by the Planning Commission. The proposed convenience store building meets the 100' setback requirements from Moorpark Road and Avenida de las Flores. But it does not comply with the setback requirement because it is only 40' away from the centerline of Calle Jazmin. The canopy structure over the pump islands meets

the ten feet setback requirement from the street property lines as stated in the Service Station Guidelines.

It's important to note that due to the unique lot configuration and C-1 requirement that structures be situated 100' from the centerline of each street, setback waivers would be required for most development proposals for this site. Therefore, Planning Commission review will be required for most requests.

Table 1 below summarizes compliance or noncompliance with setback and height requirements.

Table 1: Canopy and Building Setback and Height Compliance Summary

Property Line	Required		Provided		Complies	
	Canopy	Building	Canopy	Building	Canopy	Building
<i>Front</i>	10'	100' from centerline of street	58'	138'	Yes	Yes
<i>Rear</i>	0'	0'	76'	0'	Yes	Yes
<i>Right Side</i>	10'	100' from centerline of street*	80'	100'	Yes	Yes
<i>Left Side</i>	10'	100' from centerline of street*	100'	40'	Yes	No*
<i>Building Height</i>	35'	35'	17'	29'	Yes	Yes

* Section 9-4.1203 and 9-4-2504 requires all structures to be located 100' from centerline of any public street, road, or highway, unless otherwise stated in the Development Permit or waived by the Planning Commission.

Table 2 below demonstrates compliance or noncompliance with other applicable development standards.

Table 2: Other Development Standard Compliance Summary

Standard	Requirement	Provided	Complies
<i>Structure Coverage</i>	Max. 25% of Lot	21%	Yes
<i>Landscaping</i>	Min. 5% of net area	21%	Yes
<i>Parking</i>	Min. 10 spaces	10 spaces	Yes
<i>Lot Size</i>	Between 20,000 and 40,000 s.f.	19,166 s.f.	No
<i>Number of Pump Islands</i>	Max. of 3	3	Yes
<i>Number of Dispensers per</i>	Max. of 4	1	Yes

Access

Access to the site would be via two (2) driveway entrances, one on Moorpark Road and a second on Avenida de Las Flores. The access on Moorpark Road is a 40' wide driveway shared with the medical office building. The access on Avenida de Las Flores is a 35' wide driveway adjacent to the intersection of Avenida de Las Flores and Calle Jazmin. The Public Works Department has reviewed the access and concluded that it meets the applicable Code requirements. There is an existing curb cut (driveway) on Calle Jazmin and one on Moorpark Road, near the intersection. These driveways will not be used.

Building Design

The tallest portion of the proposed building height is 29' and the pump island canopy has a height of 17'. Materials for the building include metal roof, stucco walls, stone veneer, and metal canopy. The Service Station Guidelines require the architectural theme to integrate with adjacent developments and the surrounding residential area. The building is incorporating gable and flat roof elements that provide horizontal and vertical interest. The front of the building is primarily ledgestone with stucco finishes. The east wall, oriented toward the residential area (Calle Jazmin), utilizes the ledgestone. With the exception of the metal roofing, the design complies with the intent of the City's Architectural Design Guidelines.

The two adjacent commercial developments, commercial plaza to the north and medical office to the south, have concrete tile roofing materials. The adjacent single-family homes have predominately composition shingle roofing materials. The City's architectural design guidelines identify metal roofing as an acceptable material as long as it is compatible to adjacent uses. In this case, introducing a metal roof in this limited commercial environment would detract from orderly and attractive design since the project would not materially relate to the development in the area.

If the Planning Commission elects to approve the project, staff recommends requiring that the roofing material is changed to a concrete tile that is compatible with the existing commercial buildings to the north and south.

Signs

Any proposed sign will be required to meet the Thousand Oaks Municipal Code as well as the Department of Weights and Measures requirements pertaining to fuel price signs.

Police Department Review

The Police Department has reviewed this application and, with inclusion of conditions, does not object to the proposed use. As submitted, the sale of alcoholic beverages is not proposed with this application, which is consistent with the City's past practice regarding service stations. In addition, the applicant's security measures in terms of security lights and cameras comply with the Police Department standards.

Staff Communication with Applicant

Staff had initially began communication via email correspondence with the applicant's team in June, 2017, at which time the applicant expressed interest in constructing a gas station and convenience store or a drive-thru Starbucks on the site.

At that time, staff advised the applicant that there are sensitive uses in the area, including a high school, and had concerns with the proposal and would likely not support the request. Staff further explained that the shopping center to the north at 2220 N. Moorpark Road has use limitations for the development, which would exclude a Starbucks or convenience store. Allowing a convenience store on the subject site would create an inequity between the properties.

On March 8, 2018, staff conducted a pre-application meeting with the applicant to provide formal feedback on the project concept. At that meeting, staff again express concern of the project, including the 24-hour business operation.

On October 22, 2018, a Planning Commission public hearing was scheduled to consider the item. The applicant was advised that staff would not be supporting the request. The applicant requested a continuance to provide additional outreach.

On November 28, 2018, staff met with the applicant's team and again expressed concern with the project and advised the applicant to perform additional community outreach.

On March 21, 2019, staff discussed the project with the applicant's attorney, Mark Sellers, and explained that staff will be recommending denial of the request to the Planning Commission.

On March 25, 2019, staff met with the applicant, Mr. Megdal, and restated staff's recommendation.

Community Outreach

On October 11, 2018, the applicant hosted a community outreach meeting at 290 Conejo Ridge Avenue (Stantec Offices) to receive comments on the proposed convenience store and service station. Mailed invitations were sent to property owners within 300 feet of the proposed development site. According to the applicant there were 19 people in attendance.

On December 21, 2018, the applicant conducted a second community outreach meeting at the Thousand Oaks Community Center located at 2525 N. Moorpark Road. Notices were mailed to property owners within 300 feet of the proposed development site. According to an email from the applicant, there were 7 people in attendance.

Public Correspondence

Attached is correspondence relating to the proposed project (Attachment #13). At the time the staff report was prepared, there was a total of 81 letters and emails with 64 opposed, 11 partially for if changes to operation were incorporated and there is a limitation on product sales, including prohibition on sale of alcohol or tobacco, and 6 in favor. One letter of support was submitted by the Principal of Thousand Oaks High School. According to this letter, the applicant advised

the principal that the city was in support of the use, but not the 24-hour operation. As mentioned above, staff has not been in support of the project and has communicated this position to the applicant.

A letter was also submitted by the Board of the Conejo Valley Unified School District, which does not formalize position regarding the project, but expresses concerns and items they would request the Planning Commission or City Council Consider (Attachment #14).

Summary of Staff Concerns

Staff has the following concerns related to the proposed design and operation of the facility:

1. 24-hour Operation

Staff has concern that the 24-hour operation will create noise that is not typical of the ambient noise levels within the residential area during late night hours.

2. Waivers

Service stations are required to be located on parcels that are between 20,000 s.f. and 40,000 s.f. in size. The subject lot is 19,943 s.f. There are also several setback waivers required.

3. Roof Design

The two adjacent commercial developments, commercial plaza to the north and medical office to the south, have concrete tile roofing materials. The adjacent single-family homes have composition shingles or tile roofing materials. The City's architectural design guidelines identify metal roofing as an acceptable material as long as long as it is compatible to adjacent uses. In this case, introducing a metal roof in this limited commercial environment would detract from orderly and attractive design since the project would not materially relate to the development in the area.

4. Proximity to Residential

Staff has concern that the proposed service station and convenience store operation is not compatible with the passive single-family residential uses nearby. Many homes are located directly across the streets, with 2

residences located about 70 feet from the site. The proposed business operation will have frequent vehicle trips with vehicles entering or leaving this station through residential streets during various time of the day.

Adverse impacts to these residents will also result from extended operating hours, outdoor commercial activities that include fueling of vehicles, fuel and merchandise truck deliveries, and potential light impacts to the residential neighbors resulting from light fixtures located within the service station canopy. Other potential negative spillover impacts include noise from vehicle engines, car radios, and alarms at the station. Additionally, the proposed accessory convenience store, with its proximity to sensitive uses, is inconsistent with the established pattern compatible uses at this intersection.

5. Proximity to Other Sensitive Uses

The site is kitty corner from the existing high school. The property at 2220 N. Moorpark Road, located to the north and across the street from the site, has passive business use limitations, intended to prevent congregating on the property. This was in response to issues associated with a similar auto-oriented use (drive-thru dairy/convenience store) resulting in congregating on the property, adversely impacting neighboring properties. Staff has the same concerns with the subject request.

CONCLUSION:

Staff has determined that the proposed use is not suitable for this location based on the criteria established in the City's Service Station Guidelines and development standards for the C-1 zone. Staff therefore recommends that the Planning Commission adopt the resolution denying SUP 2018-70220 based on the findings listed in the attached resolution.

If the Planning Commission decides to support and approve the proposed project, the Commission will need to establish findings justifying its approval, the waiver of the Municipal Code Standards, Service Station Design Criteria, and the Commercial Architectural Design Guidelines. For this situation, Staff has crafted suggested conditions which have been shared with the applicant. These draft conditions were specific to the request as proposed and do not include any condition recommended by staff in this report. Staff will modify these conditions as directed by the Planning Commission, should the Commission approve the request.

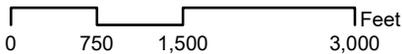
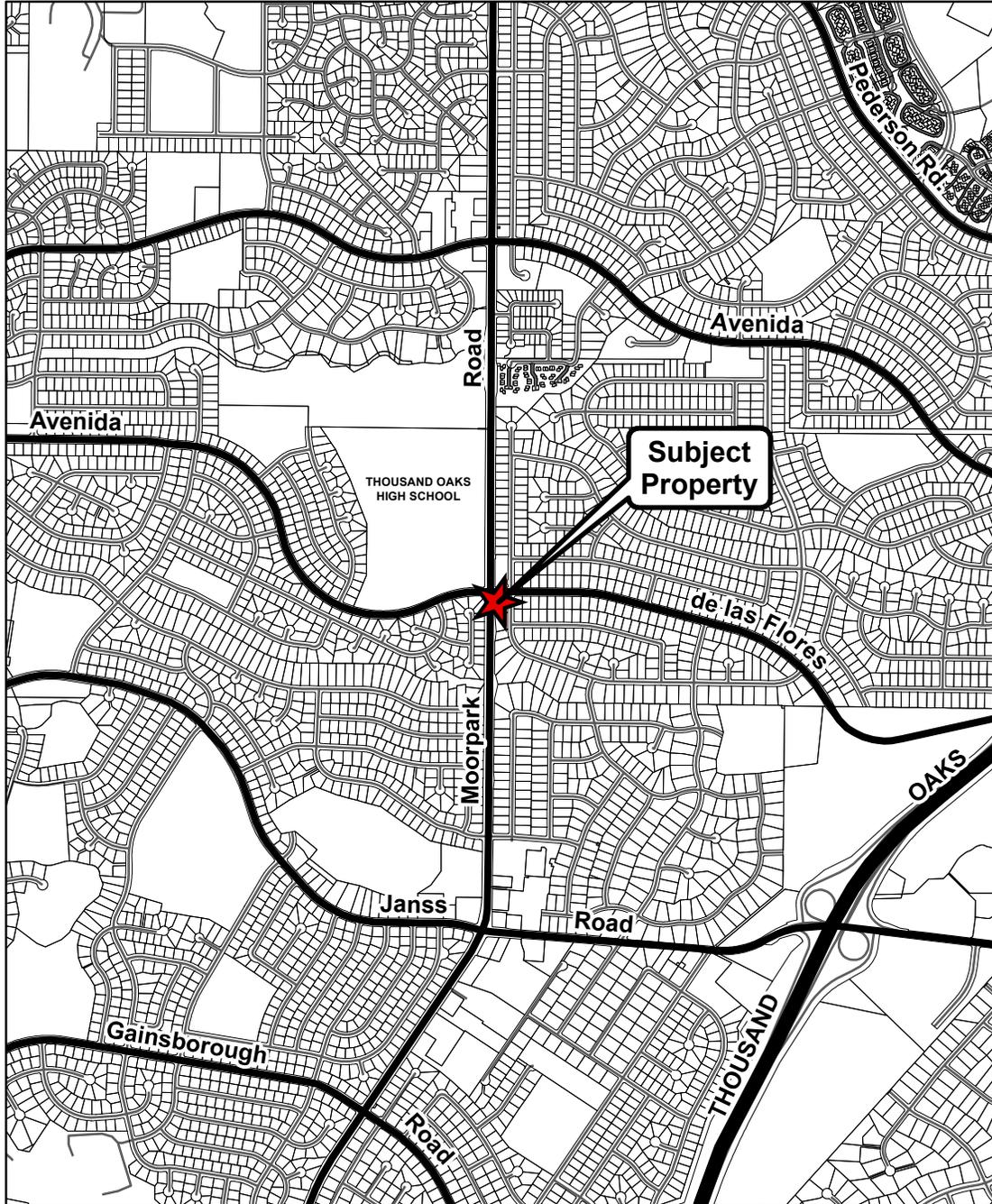
If requested by the Commission, Staff will discuss the pertinent conditions with the Commission. The applicant will have to agree to all conditions before a motion for approval can be considered.

Prepared by: Stephen Kearns, Planning Division Manager

Attachments:

- #1 – Vicinity Map
- #2 – Location Map
- #3 – Aerial Photo
- #4 – Resolution for Denial of SUP 2018-70220
- #5 – Site Remediation Certification
- #6 – Portion of Recorded Tract Map with Lot Dimensions
- #7 – Assessor's Office Lot Size – Property Characteristics
- #8 – Lot Size Exhibit Submitted by Applicant
- #9 – Email from Applicant Describing Revised Lot Size Calculation
- #10 – Staff's Lot Size Calculation Based on Tract Map Dimensions
- #11 – Service Station Guidelines (CC Resolution No. 72-337)
- #12 – Use Limitations for Center at 2220 N. Moorpark Road
(PC Resolution No. 33-99)
- #13 – Correspondence
- #14 – Letter from Conejo Valley Unified School District Board
- #15 – Project Plan Set, Landscaping Plan, Grading, Renderings

SUP 2018-70220
Megdal Thousand Oaks, LLC
Vicinity Map

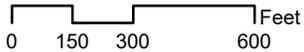
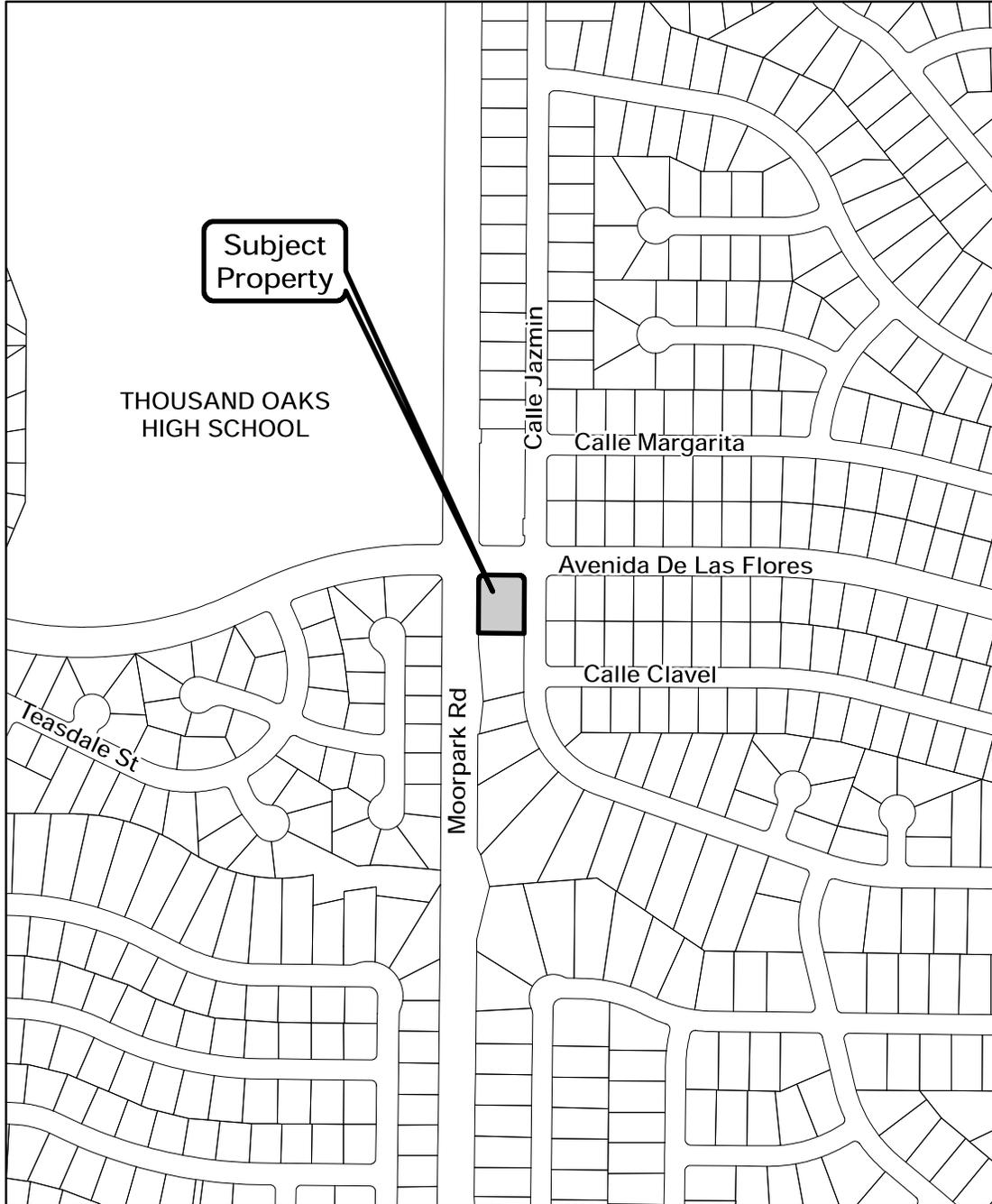


City of Thousand Oaks
Community Development Department

April 1, 2019

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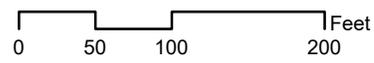
SUP 2018-70220
Megdal Thousand Oaks, LLC
Location Map



City of Thousand Oaks
Community Development Department

April 1, 2019

SUP 2018-70220
Megdal Thousand Oaks, LLC
Aerial Map



City of Thousand Oaks
Community Development Department
April 1, 2019

CITY OF THOUSAND OAKS

PLANNING COMMISSION

RESOLUTION NO. XX-2019

A RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF THOUSAND
OAKS APPROVING A SPECIAL USE PERMIT
FOR THE USE OF CERTAIN PROPERTY
WITHIN SAID CITY

Application No. SUP 2018-70220
Applicant: Megdal Thousand Oaks, LLC.
Location: Southwest corner of N. Moorpark Road and Avenida de las Flores (2198 N. Moorpark Road)

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

WHEREAS, the applicant has filed with this Commission a petition requesting a Special Use Permit under the provisions of the City of Thousand Oaks Municipal Code to allow the construction of a new 24-hour convenience store with gas pumps and an overhead canopy; located on the southwest corner of N. Moorpark Road and Avenida de las Flores more commonly known as 2198 N. Moorpark Road; and

WHEREAS, at the April 1, 2019 Planning Commission public hearing, oral and written evidence, including a staff report, were presented and received, and arguments were heard from all interested parties appearing in the matter; and

WHEREAS, the findings of the Planning Commission supporting approval of said application are as follows:

1. Findings

NOW, THEREFORE, BE IT RESOLVED that said application for a Special Use Permit is approved, subject to conformance with the conditions set forth and attached hereto and made a part hereof. 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 a Certificate of Occupancy is issued. The violation of any of the conditions of said Special Use Permit shall be grounds for revocation of said Special Use Permit 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 1st day of April, 2019, by the following vote:

AYES	COMMISSIONERS
NOES	COMMISSIONERS
ABSENT	COMMISSIONERS
ABSTAIN	COMMISSIONERS

Sharon McMahon, Chair
Planning Commission

Kelvin Parker, Secretary
Planning Commission

cdd:420:82/Resolution-PC 2/pz (FILE ID: SUP 2018-70220)

CONDITIONS FOR SUP 2018-70220 – MEGDAL THOUSAND OAKS, LLC.

COMMUNITY DEVELOPMENT DEPARTMENT

GENERAL

1. **Land and Application** – The Special Use Permit is granted for the land described in the application and any attachment thereto and as indicated on the submitted site plan as shown in the Project Plan Set (1) dated August 22, 2018.
2. **Scope of Permit Approval** – The Special Use Permit is granted to allow the installation of underground fuel storage tanks, 3 fuel dispensing islands, each with one fuel dispenser, a freestanding fuel pump canopy, and a 24-hour convenience store building, all of which shall be constructed substantially as shown on exhibits labeled as Project Plan Set (1) dated August 22, 2018, except as otherwise indicated herein.
3. **Approval Period/Use Inauguration** – The Special Use Permit is granted for a three (3) year period of time ending April 1, 2022, at which time said permit shall expire unless the use authorized herein has been inaugurated in accordance with Section 9-4.2812(c) of the Thousand Oaks Municipal Code (TOMC). The applicant may request time extensions of this period as permissible by Section 9-4.2812(e) of the TOMC by filing a Minor Modification application prior to the expiration date.
4. **Resolution No. 95-20 (Standard Conditions) Compliance** – The Special Use Permit shall comply with all applicable standard conditions for commercial and residential development as included in Resolution No. 95-20, unless otherwise modified herein.
5. **Compliance with Service Station Design Criteria** – The project shall comply with Resolution No. 72-337, Service Station Design Criteria.
6. **Condition Compliance** – All development on the subject property shall be constructed and thereafter maintained in accordance with the conditions of this permit.
7. **Utility Lines** – All new utility service lines shall be installed underground.
8. **Final Plans** – Prior to the issuance of a building permit, final site, grading, floor, elevation and roof plans shall be submitted for the review and approval of the Community Development Department incorporating any design changes and other requirements as conditioned herein.
9. **Required Survey for Breeding Birds** – If project activities (i.e. demolition, grading, construction, landscaping, tree encroachment, pruning and/or removal, etc.) occur between February 1st and September 1st, a breeding

CONDITIONS FOR SUP 2018-70220 – MEGDAL THOUSAND OAKS, LLC.

bird survey is required to be conducted and active nests shall be avoided with a minimum buffer distance as determined by a qualified biological monitor. In order to prevent disturbance of any active nests, a 300-foot radius for raptors and 100-foot radius for other bird species is required until all juveniles have fledged, or the nest is abandoned.

10. **Regulatory Agency Approval** – The requirements of all applicable regulatory agencies shall be met and approval obtained prior to issuance of an occupancy permit. Copies of all required licenses shall be submitted to the Community Development Department.
11. **Emergency Exit/Service Doors** – All exterior emergency exit and service doors shall be operated from the inside with appropriate approved hardware and shall be alarmed. Any access from the exterior shall be limited to key activated hardware locks only. All such doors shall be painted or treated a color to match the adjacent exterior finish of the building. Design and location of all doors shall be subject to review and approval by the Community Development Department and the Police Department. All such doors shall comply with the disability access requirements as addressed herein.
12. **Preconstruction Meeting** – Prior to issuance of demolition and grading permits, the applicant shall coordinate with the Community Development and Public Works Departments, a preconstruction meeting at the job site to review field conditions, project conditions, methods and procedures, individual and City department responsibilities associated with the project. Members attending this meeting shall include but not be limited to City department representatives, owner or designated project coordinator, architect, project consultants, general contractor and other representatives associated with the project. The meeting shall be arranged no sooner than one (1) week prior to commencement of work.
13. **Dedications/Reservations/Fees and Public Improvements** – With respect to fees, dedications, reservations and construction of public improvements as required by the project development conditions, the applicant is advised pursuant to Government Code Section 66020, that a ninety (90) day protest period has commenced upon approval of the proposed development conditions by the City.
14. **Revocation** – Any verified complaint of excessive levels of noise, disturbance to neighboring properties, or violation of conditions, shall constitute grounds for initiation of proceedings to consider revocation of this and/or implement further restrictions, including but not limited to, restrictions on the hours of operation, addition of on-site security, or other implementation necessary to eliminate the issue.

CONDITIONS FOR SUP 2018-70220 – MEGDAL THOUSAND OAKS, LLC.

15. **Indemnification** – The applicant shall defend, indemnify, and hold harmless the City, its agents, officials, and employees from any claim, action, or proceeding against the City or its agents, officials or employees that is brought to attack, set aside, void, or annul an approval of the City issued as related to the project for which the applicant is applying. The City shall promptly notify the applicant of any such claim, action, or proceeding and the City shall cooperate in the defense.

ACKNOWLEDGEMENT

16. **Unauthorized Changes** – The applicant acknowledges that the exterior treatment, location of structures and architectural features of the development are of special concern to, and regulated by, the City of Thousand Oaks, which has established criteria and standards concerning development within the City. Any substantial change, modification, or alteration to the architectural design, or in the exterior treatment of any building and structure, including building colors, materials, changes in walkways, doorway, window locations, or in the parking, landscaping and other related features, must first be approved by the City of Thousand Oaks prior to performing the work. Unauthorized change(s) or failure to comply with the conditions of this permit may require future corrective work and result in a City Code violation and appropriate action.
17. **Signed Acceptance of Conditions** – A signed Acceptance of Conditions affidavit shall be executed by the applicant and property owner, or his duly authorized representative, and shall be returned to the Planning Division of the Community Development Department prior to the issuance of a grading and building permit.

OPERATING HOURS

18. **Hours of Operation** – The operation of the service station and convenience mart is approved for twenty-four (24) hours a day, seven (7) days a week.

GRADING

19. **Existing Chain-link Fencing** – The existing chain-link fencing shall be completely removed from the site upon completion of construction activities. Said fencing may be used as security fencing during construction activities.
20. **Phasing** – The project shall be graded and constructed in a single phase.
21. **Project Grading** – All gradients within the parking lot shall comply with the provisions of Section 9-4.2405(a) of the Thousand Oaks Municipal Code. All parking lot areas shall have a maximum gradient slope of 2.5% and parking spaces shall have a maximum cross-slope of 2%. All driveways

CONDITIONS FOR SUP 2018-70220 – MEGDAL THOUSAND OAKS, LLC.

including exterior and interior shall have a slope no greater than 7%. Prior to the issuance of a grading permit, a detailed grading, paving and drainage plan shall be submitted for the review and approval of the Community Development Department.

22. **Exporting/Importing Earth Materials** - Any exporting or importing of earth material and debris shall be authorized by permit issued by the Public Works Department. The builder shall comply with an approved identified haul route to and from the project and shall coordinate the hauling of this material with the Public Works and Community Development Departments to minimize traffic disruptions and disturbances to the project area. The exporting and importing of any earth materials to new sites within the jurisdiction of the City of Thousand Oaks shall be subject to the review and approval by the Planning Commission unless such sites have previously been approved for development with an active entitlement, and said grading is in accordance with Public Works Department approved plan for the project.
23. **Backflow Device** – Any proposed backflow device shall be screened from public view, subject to review and approval by the Community Development and Public Works Departments.
24. **Certified As-Built Grading** – Prior to issuance of a building permit, a rough grading completion certification on the City standard form shall be prepared and signed by the applicant’s Civil Engineering consultant and submitted to the Public Works Department. Said certificate shall state that the graded pad design and pad elevations are consistent with the pad elevation and grading details shown on the grading plan, as shown in the Project Plan Set (3) dated June 19, 2018.
25. **APCD Permit** – If needed, an APCD Authority to Construct Permit shall be obtained by the applicant prior to beginning any grading on-site. Verification shall also be provided to the City.
26. **Rodent Control** – The applicant shall submit a rodent control plan to the Community Development Department prior to the issuance of any building permit, which shall include measures to protect adjacent and nearby properties from any rodent displacement during the project demolition and construction activities.
27. **Final Detailed Grading, Paving and Drainage Plan Submittal** – Prior to issuance of a grading permit, a final detailed grading, paving and drainage plan demonstrating compliance with all imposed conditions of this Development Permit shall be submitted for review and approval by the Community Development and Public Works Departments.

INCLUSIONARY HOUSING IN-LIEU FEE

28. **Inclusionary Housing In-Lieu Fee** – At the time of issuance of a building permit for each respective unit, the applicant shall pay the required Inclusionary Housing In-Lieu Fee pursuant to Section 9-10.302(b) and Section 9-10.306 of the Thousand Oaks Municipal Code.

ARCHITECTURAL DESIGN

29. **Architectural Design Guidelines for Commercial Projects (Resolution No. 2005-011)** – All provision of the City’s Architectural Design Guidelines for Commercial Projects (Resolution No. 2005-011) shall be applicable to this project. Prior to issuance of a building permit, final architectural drawings shall be submitted for review and approval by the Community Development Department with all building designs coordinated on all elevations with regard to color, materials and architectural form and detailing to achieve design harmony and continuity, providing complimentary architectural relief and detail to all sides of the buildings.
30. **Building Wall Treatment** – The easterly building wall of the convenience store visible from Calle Jazmin shall incorporate architectural treatment to create a visually interesting appearance as viewed from the residential homes, including but not limited to incorporating a wall band and/or decorative finish materials, such as the stone proposed for the front of the building.
31. **Roofing Materials** – The convenience store roofing shall consist of concrete slate for concrete “S”-tile and shall be a comparable color to the concrete roofing utilized on the commercial office building adjacent to the south or the commercial shopping center at 2220 N. Moorpark Road.
32. **Building Height** – Building height shall be limited to the height dimensions depicted on the conceptual elevations as shown in the Project Plan Set (1) dated August 22, 2018.
33. **Exterior Building Colors/Materials** – The project shall be constructed with the following conceptual colors and materials as depicted on the, Plan Set (1) dated August 22, 2018. Prior to the issuance of a grading permit, a final color and materials sample board, including, but not limited to, specific materials and paint manufacturer colors, shall be submitted for the review and approval by the Community Development Department. The applicant shall indicate the type of stucco finish on the revised plans and materials and colors sample board.

CONDITIONS FOR SUP 2018-70220 – MEGDAL THOUSAND OAKS, LLC.

- Roof: See condition number 31
- Stucco Walls: Painted Stucco – Benjamin Moore - Hazlewood – B.M. 1005.
- Entry: Painted Stucco – Benjamin Moore – French White – B.M. 1093.
- Stone Veneer: Dressed Stone - El Dorado Stone – Rustic Ledge - Clearwater
- Canopy: Posts painted to match Benjamin Moore 1078 (Tan)
Trellis work painted to match Benjamin Moore 1143 (Painted Sand)

34. **Roof-Mounted Mechanical Equipment** – All roof-mounted mechanical equipment including air conditioning, roof fans, and any other similar equipment shall be completely screened from view by the building parapet extensions, screen walls or by ground-mounting within an equipment enclosure which shall match the exterior colors and materials of the building. Roof screening treatment shall be designed in a manner that is integrated with the building design. Prior to issuance of a building permit, final detailed cross-section drawings, studies, equipment manufacturer’s specifications and specific exhibits and roof equipment locations shall be submitted for the review and approval of the Community Development Department.
35. **Flat Roof Areas** – Flat roof areas and parapet walls exposed to view from surrounding areas shall be color-coded to blend with the exterior wall finishes, subject to the review and approval of the Community Development Department.
36. **Trash Enclosures** – The proposed trash enclosures shall consist of decorative masonry walls or complementary materials matching the building’s exterior with metal gates set in metal frames and shall be protected with a solid overhang roof structure subject to review by the Community Development Department. Trash enclosure areas shall be designed in accordance with the City’s adopted trash area design criteria. Prior to the issuance of a building permit, the final design and locations for trash enclosure areas shall be submitted for review and approval by the Community Development and Public Works Departments.

BUILDING HEIGHTS/NUMBER OF STORIES

37. **Front, Side, and Rear Yard Setbacks** – All structural and landscape setback requirements from property line shall be provided as depicted on

CONDITIONS FOR SUP 2018-70220 – MEGDAL THOUSAND OAKS, LLC.

the site plan as shown in the Project Plan Set (1) dated August 22, 2018, as follows:

Convenience Store

Front: 138' from Centerline of Avenida de las Flores (100' from centerline of street required)

Rear: 0' provided (0' required)

Left (West): 40' provided (100' from centerline of street required*)

Right (East): 100' provided (100' from centerline of street required)

Canopy

Front: 58' provided (100' from centerline of street required*)

Rear: 76 provided (0' required)

Left (West): 100' provided (100' from centerline of street required)

Right (East): 80' provided (100' from centerline of street required*)

Pump Islands

Front: 25' provided (20' from p/l required)

Rear: Not Applicable

Left (West): 72' provided (20' from p/l required)

Right (East) 35' provided (20' from p/l required)

* Waiver authorized by Planning Commission

PARKING AND CIRCULATION

38. **Required On-site Parking** – On-site parking shall be provided as shown on-site and floor plans as indicated in the Project Plan Set (1) dated August 22, 2019, 10 required parking spaces and 10 parking spaces provided. Unless otherwise authorized by the Community Development Department of the City of Thousand Oaks, no required parking may be used for any commercial operation, including EV charging stations.

39. **Driveway Access** – The site shall be served by driveway access off Avenida de las Flores and Moorpark road. Both driveways shall be

CONDITIONS FOR SUP 2018-70220 – MEGDAL THOUSAND OAKS, LLC.

designed in accordance with the standards required by the City's Public Works Department. There shall be not driveway access off Calle Jazmin to the site.

40. **Parking Striping** – All parking spaces shall be identified with double four inch (4") wide stripes at sixteen inches (16") on center as specified in Section 9-4.2404(a)(2) of the Thousand Oaks Municipal Code.
41. **Standard Parking Space Dimensions** – All standard size parking stalls shall provide minimum dimensions of nine feet wide and twenty feet deep (9' x 20').
42. **Parking Restriction** – No parking space shall be utilized for overnight storage of vehicles.

DISABLED ACCESS

43. **Title 24 Compliance** – All requirements of California Uniform Building Code, Title 24, California Code of Regulations, shall be met. A set of plans, at a scale not less than one inch equal to ten feet (1"=10') shall be submitted to the Department of Community Development displaying all exterior physically disabled accessibility requirements, including point elevations and details. Prior to the issuance of building permits, the accessibility requirements for the exterior shall be approved by the Building Division for disabled access compliance.
44. **Implementation of Disabled Access Guidelines** – The applicant shall comply with the intent of City Council Resolution No. 98-29 in the design and construction of accessibility to buildings.
45. **Path of Travel** – The path of travel from the accessible parking spaces to the buildings entrances shall meet the current standards of the California Uniform Building Code.
46. **Interior Design Approval** – The accessibility requirements for the interior of the proposed buildings will be reviewed when construction documents are submitted for plan check to the Building Division.

WALLS AND FENCES

47. **Construction/Security Fencing** – Prior to the issuance of a grading/building permit, the applicant shall install a temporary five foot (5') high chain-link fence around the project boundary. Said fencing shall be provided for purposes of maintaining security, as well as containing trash and debris on-site. The fence shall remain in place during all phases of construction and shall be maintained until no longer needed for trash and

CONDITIONS FOR SUP 2018-70220 – MEGDAL THOUSAND OAKS, LLC.

debris control as determined by the Community Development Department. The applicant shall be responsible for pick-up of trash and debris on a weekly basis primarily during building construction operations.

48. **Easterly Site Wall** – The proposed site/privacy wall along the Calle Jazmin frontage shall be constructed of decorative materials and shall not exceed 6’ in exposed height. The Community Development Department shall review and approve the material/color prior to construction.

LIGHTING

49. **Site Illumination** – Site illumination within the project shall be designed in a manner that is uniform in design and appearance. Parking area illumination shall be designed in accordance with the City’s parking lot standards as identified in the City’s Building and Security Ordinance No. 1395-NS. Review and approval of such lighting shall be processed under a separate permit. Special design features within these fixtures shall include flat lens and shielding devices to avoid an over-intensification of illumination, to direct the illumination in a downward direction (full cut-off) and to eliminate any spillover of light into adjacent properties and public streets. Under-canopy lighting shall be designed to conceal the light source from public perspectives. All pole lighting utilized shall not exceed 14’ in height and shall be provided with concrete pedestals finished to complement the earthtone colors of the buildings. The use of wall-pac fixtures for site illumination is prohibited.
50. **Architectural Security Lighting** – Use of projecting bracket lighting for purposes of site illumination including wall-pac type fixtures at building entrance doors and outdoor areas shall not be permitted. Such illumination shall be provided by decorative light fixtures, recessed in a downward direction from projecting canopies, recessed doorways and window openings. The use of such lighting shall be designed to create a uniform illumination generally in a downward direction and not create illumination hot spots or glare on adjacent or nearby surfaces.
51. **Photometric/Light Fixture Catalogues and Specifications** – Prior to the issuance of any electrical and building permits for the parking lot lighting, a photometric analysis prepared by a registered Electrical Engineer and accompanied by light fixture catalogues, brochures and specifications shall be submitted for review and approval by Building and Planning Divisions of the Community Development Department, as well as review by the Police Department. The use of low-pressure sodium illumination is prohibited.
52. **Exterior Decorative Lighting** – All exterior lighting shall be processed under a separate permit. Use of architectural decorative bracket and landscaping lighting may be provided to enhance the landscaping and

CONDITIONS FOR SUP 2018-70220 – MEGDAL THOUSAND OAKS, LLC.

architectural design of the project. No roof or wall lighting shall be permitted except as otherwise needed to comply with building security requirements. The design and location of such fixtures shall be subject to review and approval by the Community Development Department.

53. **Roof Illumination** – No roof illumination shall be permitted except as otherwise needed to comply with building security requirements.

LANDSCAPING

54. **Final Landscape Plans** – The submitted preliminary landscape plan is approved in concept only. Prior to the issuance of a grading and building permit, final construction landscape and irrigation plans reflecting compliance with all imposed conditions of project entitlements shall be submitted under separate permit for review and approval by the Community Development Department through a Landscape Plan Check application. Any landscape and irrigation improvements shall be designed and installed in accordance with the City’s Guidelines and Standards for Landscape Planting and Irrigation Plans (Resolution No. 2007-116).

55. **Resolution No. 93-74** – All landscape standards and guidelines of Resolution No. 93-74 requiring the preparation of planting and irrigation plans shall apply to this permit approval.

56. **Landscaping Material Selection** – All new landscaping treatment shall consist of combinations of minimum fifteen (15) gallon, twenty-four-inch (24"), thirty-six-inch (36") and forty-eight-inch (48") box size deciduous and evergreen trees as well as five (5) and fifteen (15) gallon shrubs. Larger size trees may be required to complement the building’s facades. The type of landscaping material shall be selected in a manner that blends with existing landscaping treatment in the area. The specific size, number and species of plant materials used shall be included on the landscape plans subject to review and approval by the Community Development Department.

SIGNS

57. **Signage** – Any proposed sign shall comply with the requirements of the City’s Sign Ordinance Section 9-4.2305(b). The size, design, color and location of any proposed signs as well as address numbers shall be processed under separate sign permit applications, subject to the review and approval by the Community Development Department.

58. **Monument/Price Signs** – The project may be identified by one (1) non-illuminated or illuminated, low-profile monument sign. The sign area for each sign shall not exceed thirty-two (32) square feet. The overall

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monument feature shall not exceed six (6') feet in height or eight (8') feet in length. The design of the monument sign(s) shall complement the architecture of the buildings by using similar colors and materials to achieve a coordinated project appearance. Said sign shall be located within a landscaped planter area. Any price sign shall comply with the Department of Weights and Measures requirements in addition to the City of Thousand Oaks Municipal Code.

RESTRICTIONS

59. **Hours of Construction/Construction Parking** – Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction activities shall be permitted on Sunday or holidays. There shall be no congregation of construction workers or construction related vehicles in the vicinity of the project site or warming up of construction equipment prior to the permitted work hours. Construction worker parking shall be contained to the project site, unless otherwise authorized by the Community Development and Public Works Departments.

60. **Limitation of Items Sold in Store** – The items sold in the sales area of the building shall be limited to goods which are accessory to the needs of motorists and shall not include alcoholic beverages, tobacco, and foods which are prepared on the premises except coffee. In addition, the installation of video games shall be prohibited. Items which may be allowed for sale are limited to the following:

Non-Alcoholic Beverages

Bottled and fountain drinks (e.g. soda, juices, water, milk, coffee, etc.).

Snacks

Assorted pre-packaged snack foods (e.g. candy, gum, cookies, chips, pre-packaged ice cream, pre-packaged sandwiches, pre packaged burritos, etc.).

Motorist Needs

Auto related goods (e.g. oil, radiator coolant, wiper blades, etc.), tobacco products, newspapers, magazines, etc.

Health Needs

Small packages of aspirin, bandages, etc.

61. **Alcoholic Beverages** – Sale of alcoholic beverages is prohibited.

62. **Tobacco/Vaping Products** – Sale of tobacco or vaping products is prohibited.

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- 63. **Outdoor Seating/Table** – There shall be no outdoor seating or tables provided.
- 64. **Storefront Window Display Area** – Window signs shall be limited to 25% of the window area.
- 65. **Delivery Hours** – Deliveries for the commercial uses shall be limited to the hours of 7:00 A.M. to 7:00 P.M., seven days a week. Should any verified complaint of a nuisance occur as a result of delivery hours and/or operations, the City may add or modify a project condition to change the delivery hours and/or operation to mitigate the nuisance.
- 66. **Truck Deliveries** – Delivery vehicle engines shall be turned off during loading/unloading activities.

CITY/COUNTY/AGENCY FEES

- 67. **Police, Fire Department, Ventura County Watershed Protection District, Conejo Recreation and Park District and Conejo Valley Unified School District Fees** – All required fees and any other fees identified in the Standard Conditions, Resolution No. 95-20, shall be paid prior to the issuance of any building permits. Notification in writing by these agencies confirming payment shall be submitted to the Community Development Department.

PUBLIC WORKS DEPARTMENT

GENERAL

- 68. **Plan Format** – All plans submitted to the Public Works Department shall be on 24 inch by 36-inch sheet size, using city standard title block and as-built/record plans submitted as part of the closure and acceptance of the project shall be on 4 mil Mylar.
- 69. **Base Topography Map** – The grading plan for this project must be prepared utilizing topography which has been plotted by photogrammetric methods or survey data compiled no longer than two years prior to the date of submittal of the grading plan, and must be on current City datum. The name of the firm which prepared the topography and the date(s) on which the data was compiled or obtained must be shown on the plan. Topography must be presented in 1" = 40' or larger (closer) scale and must extend a minimum of 100 feet outside the limits of the property proposed for development. Any deviation from this condition must be approved by the City Engineer.

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70. **County Environmental Health Soils Containment Letter** – The applicant shall provide the Department a copy of the Ventura County Health containment letter regarding the soils remediation pursuant to the abandonment of the previous gasoline service station use.
71. **Trash Hauler Approval** – Prior to issuance of a trash enclosure building permit, the applicant shall provide a letter from the trash hauler serving the project indicating they have reviewed the project plans and that the enclosure size, location and orientation as shown are acceptable to their company for purposes of trash and recyclables pick up.
72. **Mandatory Organics Recycling** – The applicant/owner is hereby notified that California State law requires businesses, schools, hospitals, restaurants, government buildings and other commercial properties to begin separating and recycling their organic waste (food waste, yard waste, food-soiled paper). Effective January 2017, businesses generating 4+ cubic yards per week of organic waste shall implement the above-stated separation requirements. Effective January 2019, businesses generating 4+ cubic yards per week of combined trash and organics waste shall implement the above-stated separation requirements.
73. **Construction Debris Recycling Plan** – Prior to the issuance of a grading/building permit, the applicant shall submit a Construction and Demolition (C&D) Debris Recycling Plan to the Department for review and approval. The applicant must divert a minimum sixty-five percent (65%) of all C&D waste materials generated from the project. The C&D Debris Recycling Plan shall indicate the proposed means of disposition of all C&D waste materials, including but not limited to, asphalt, concrete, wood, drywall, brush and vegetation, landscaping materials, lights, piping, concrete block, metal, and the like, which will be recycled, reused, salvaged, and /or delivered to a landfill. The Recycling Plan must also include estimated weights of the materials, list of proposed recycling/disposal facilities, and authorized hauling companies to be used. For a list of authorized waste haulers and/or to complete and submit a C&D Debris Recycling Plan go to ThousandOaks.WasteTracking.com.
74. **Title Report** – A copy of the applicant's preliminary title report for the subject property, dated within 1 year of the entitlement application, shall be submitted to the Public Works Department for review prior to grading plan-check or the issuance of any Building or Grading Permits.
75. **Inspection Hours** – The applicant is advised that City Hall is closed on alternating Fridays, and as such, inspection services are not available on those particular dates. The applicant shall schedule any and all grading, stormwater, encroachment, paving and utility work requiring City inspection

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accordingly. A schedule of City Hall hours may be obtained from City Hall or at the City's website www.toaks.org.

WATER AND WASTEWATER

76. **Water Service** – In order to obtain water service, the applicant shall pay for the Cost of the Water Meter Deposit plus the City's Water Plant Investment Fee, at the rates in effect at the time of payment, prior to issuance of a building permit. Additional fees for special facilities zones and fire flow surcharges may also apply. The applicant shall also pay the established change order fee for updating the plans for this new lateral.
77. **Location of Water Meter Boxes** – Water meter boxes may not be located within driveways. It is the responsibility of the applicant and his engineer to properly coordinate and locate all water service lateral locations such that there is a single, unbroken/unrepaired service line between the main in the street and the meter box to each residence or building. In the event the configuration of the proposed building is revised and the meter box is then situated in a driveway, the applicant shall abandon the existing service by excavating the service at the main, closing the corporation stop, severing the service lateral approximately 12 inches beyond the corporation stop, folding and crimping this remaining portion of the service lateral and soldering the crimped pipe together. The remainder of the lateral may be abandoned in place, but the meter box must be removed and the area returned to a condition acceptable to the water purveyor. If service laterals are relocated, the applicant's engineer shall process a change order and pay any applicable charges for said change order.
78. **Fire Water Service** – If required by the Fire Department to install fire sprinkler systems, the applicant shall install a new separate fire water service line to the building, along with associated double detector check valve to protect the domestic water supply. Applicant is encouraged to contact the County of Ventura's Environmental Health Division for details pertaining to the selection, installation and testing of the double detector check valve assembly.
79. **Fire-Flow Verification** – The applicant shall pay the Department a fee for calculation and verification of the existing water system to deliver required fire flows. In the event the fire flow, as determined by the Ventura County Fire Protection District, cannot be met utilizing the existing system, the applicant shall design and install new water main(s) of sufficient size and length, as determined by the Department, to provide said fire flow. A completed copy of the above-mentioned fire flow calculation must be provided to the Department before, or at the same time as, the submittal of the first plan check for the water system. Plans will not be checked or processed unless these calculations, along with a copy of the plan showing

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locations for proposed fire hydrants approved by the Fire Department, are submitted.

80. **Cross Connection Device** – The applicant shall design and construct new backflow connection devices for the project's irrigation water as well as fire sprinkler systems. Prior to the issuance of clearance for occupancy by the Department, all cross-connection control devices must be inspected and approved by the Cross-Connection Control Specialist of the County of Ventura, telephone 805.654.2436 (MC 10-2.600). Full right of access and entry to the cross-connection device shall be granted to the Public Works Department.
81. **Usefulness of Existing Water Laterals** – Where there are existing water laterals serving the subject property and it is the desire of the applicant to reuse these laterals as part of the proposed project, the applicant must demonstrate to the satisfaction of the Department that the lateral(s) are in acceptable condition (no broken pipe, no root intrusion, etc.). These laterals must be made of copper; all poly services must be abandoned at the main under Department inspection and the meter boxes removed.
82. **Procedure for Determination of Wastewater Fees** – Prior to issuance of a building permit for this project, applicant shall submit a plumbing plan and a listing of proposed fixture units for the subject project to the Public Works Department for determination of a "preliminary" wastewater connection fee estimate. The plan and listing will be reviewed for apparent correctness only and the applicant shall pay the wastewater connection fee based on this "preliminary" estimate at the time a building permit is issued. The final fee amount to be paid by the applicant will be based on the actual numbers and types of plumbing fixture units installed as determined by City staff from a field count made of the project building(s) before certificate of occupancy is granted. Any difference between the actual/field verified fixture unit count and the total amount paid will be reimbursed to the applicant. If additional connection fees are due, these shall be paid by the applicant to the City upon request. Any existing fixture units for which fees have been previously paid on the parcel will act as a credit against the amount to be paid.
83. **Usefulness of Existing Wastewater Laterals** – Where there is an existing wastewater lateral(s) serving the subject property and it is the desire of the applicant to reuse these laterals as part of the proposed project, the applicant must demonstrate to the satisfaction of the Department that the lateral(s) are in acceptable condition (no broken pipe, no root intrusion, etc.). This can best be done by utilization of a television video from a point on the subject property to the main, or by excavating the lateral at the property line and making a visual inspection of the lateral. Other methods may be utilized but are subject to Department approval. If the lateral is acceptable to the Department, it may be reused; where it is not acceptable,

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a replacement lateral must be constructed or the existing lateral renovated (such as by use of pipe bursting technology). Laterals that are not appropriate for re-use must be abandoned at the main under Department inspection.

DEVELOPMENT ENGINEERING

- 84. **Encroachment Permit** – Where any construction occurs within public right-of-way, an encroachment permit shall be obtained, plan-check and inspection fees paid, an approved traffic control submitted, and bond/security posted (if required) prior to initiating construction of any improvements.

- 85. **Public Improvement Bond, Dedication, Guarantee** – Developer shall furnish to the City, a sufficient bond to guarantee the faithful performance and payment of labor and materials for all public improvements required to be constructed under this entitlement. The public improvements shall be offered to the City for public use and accepted by the City Engineer upon satisfactory completion.

Said improvements shall be guaranteed by the Developer after acceptance by the City Engineer for a period of one year, during which time said improvements shall continue to have security in place with the City of at least ten percent of the original posted bond during the guarantee period. At the conclusion of the one-year guarantee, City shall re-inspect said public improvements and Developer shall without delay, repair, replace or reconstruct any defective work or materials to the satisfaction of the City Engineer and at no cost to the City.

At any time during the actual construction or during the guarantee period, the Developer fails or refuses to complete said work, surety agrees to take over and complete the work and the improvements which were guaranteed. If the guarantee posted is any other form than a paper bond from a surety company, City may make demand on such guarantee and complete said work to the satisfaction of the City Engineer and at no cost to the City.

- 86. **No Known Easement Conflicts** – The Department has reviewed available map records and has determined there are known existing easements on the property. The applicant is encouraged to confirm these findings by reviewing the subject property’s title report prior to starting the proposed construction.

- 87. **Noise Abatement Prior to Commencement of Working Hours** – On grading and construction projects where residential units are located within 100 feet of the boundaries of the proposed work, the contractor may not start up any vehicles or any gas or diesel-powered equipment prior to the start of approved working hours, cause any other construction related noise,

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or allow employees or subcontractors to keep their vehicles running while parked.

88. **Grading Permit and Soils Certification** – The applicant shall prepare and submit final grading plans, improvement plans, erosion control plans, BMP improvement plans, geotechnical soils reports, supporting hydrology and hydraulic calculation reports, title report, and other items as required by the City Engineer in order to obtain a grading permit in accordance with the requirements of the City’s Grading Ordinance. Applicant shall also prepare and submit detailed erosion control plans for both phases of land development; the pre-grading / site stabilization phase, as well as the post grading / building construction phase. The grading and improvement plans submitted to the City for plancheck shall at a minimum indicate all topography, proposed improvements, drainage features, water/wastewater connections and laterals, existing easements, interface with adjacent properties, storm drain and drainage systems, and street improvements. All submittals shall include the completed public and private improvement cost estimate worksheets, the required plancheck and inspection fees, and the posting of the required grading bond prior to the start of any construction. After the grading is complete, the applicant shall submit a building pad compaction report and a rough grading certificate from the soils engineer prior to issuance of a building permit. Grading bonds shall be exonerated after satisfactory completion of the project punchlist items, which are generated after the applicant’s engineer provides a submittal of the final Record (as-built) Drawings.
89. **On-site Run-off** – On-site storm water shall be intercepted within the project boundaries in approved pick-up structures, treated and retained and/or conveyed to the nearest public street or existing storm drain system to the maximum extent practicable, as approved by the City Engineer (M.C. 7-3.09 and 7-3.21).
90. **On-Site Drainage Design** - Project design shall use the City of Thousand Oaks “Master Plan of Drainage” (2007) for the purpose of establishing on-site storm flows. The project lies within subarea 787D of said Master Plan, with $Q_{10} = 1.8$ cfs/acre and $Q_{100} = 3.13$ cfs/acre. The CFS-per-acre unit discharge in the Master Plan shall be used when preparing the Q_{10} (developed) discharge flows and for the detention calculations up through Q_{100} .
91. **On-site Drainage Capture for MS4 Projects** – It is generally necessary to capture and treat all surface drainage on the site. In accordance with Ventura County Technical Guidance Manual (TGM) for Stormwater Quality Control Measures (2011), a maximum of 5% of the site is permitted to discharge without full capture. Such Effective Impervious Areas (EIA’s) that escape capture and retention shall be treated using source-control Best

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Management Practices (BMP's) and good-housekeeping measures. Maintenance specifications shall be incorporated into the on-site stormwater Maintenance Plan (refer to NPDES conditions).

92. **On-Site Drainage** – Project design and engineering plans shall show drainage flows to street and/or yard drains and elevations.
93. **Drainage Study** – The applicant's engineer shall prepare a hydraulic/hydrology analysis for the project. The study shall include, but is not limited to addressing offsite tributary flows, retention/detention, inlet hydraulics and storm drains and appurtenances intended to convey and treat project storm discharges. The focus of the study is to ensure the existing conveyances possess sufficient capacity to pass the Q_{10} (developed) and to demonstrate that no new flooding will occur adjacent to or upon the property during a Q_{100} event as a result of development. The study shall be subject to the review and approval of the City Engineer prior to grading permit issuance.
94. **On-site Ribbon Gutters** – The City prohibits the use of ribbon gutters and encourages the use of graded parking lots with perimeter curb and gutter to convey flow away from pedestrian pathways. Parking lot and drive drainage shall conform to this standard. The use of ribbon gutters will only be considered under special circumstances as determined by the Public Works and Community Development Directors (MC 9-4.2405).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

95. **NPDES Permit Compliance** – Development shall be undertaken in accordance with conditions and requirements of the Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS004002. The project shall employ NPDES best management practices in accordance with the latest applicable version of the Countywide Stormwater Program "Technical Guidance Manual" and the California Stormwater Quality Association (CASQA) "BMP Handbooks" and/or other approved reference documents cited in Permit No. CAS004002 (M.C. 7-8.302).
96. **MS4 Stormwater Retention Requirements** – The project meets the thresholds requiring stormwater treatment and site retention specified in the Ventura County NPDES Municipal Stormwater Permit (MS4) and 2011 Technical Guidance Manual (TGM). The project shall design, construct and maintain treatment and retentive catchments that will capture, treat and retain all rainfall runoff from disturbed and directly-connected impervious areas affected by the project. The design shall function for the first three-quarter-inch (3/4") of all rainfall events, including drawdown and elimination of the captured runoff within 72-hours of the rainfall event. Drawdown may typically be achieved via groundwater recharge/percolation or vegetative

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irrigation/ evapotranspiration. Treatment of the site’s pollutants of concern is preferably addressed through vegetative contact and other natural biological processes. Further details and design requirements are available at www.vcstormwater.org.

97. **BMP Sizing Requirements** – Prior to issuance of a grading/paving permit, the project’s engineer shall prepare analyses to demonstrate that the proposed Best Management Practices (BMP’s) for stormwater treatment will mitigate pollutants of concern. The analyses shall include calculations demonstrating that the selected BMP’s must satisfy one of the following sizing criteria:

Treat the storm flow equivalent to ten percent (10%) of the 50-year peak flow; or

Treat the volume of annual runoff (based upon the unit storage water quality volume) to achieve 80 percent or more volume treatment by the method recommended in the “*California Stormwater Best Management Practices Handbook – Industrial / Commercial (1993)*” and the “*Ventura Countywide Stormwater Quality Management Program Technical Guidance Manual for Stormwater Quality Control Measures (2002)*.”

98. **Site Erosion / Pollutant Runoff Control** – The applicant shall design and install all required erosion control measures to prevent the migration of soil, pollution or debris onto the public right-of-way or storm drains during the construction and grading operations. Said erosion control plans shall be in accordance with the California Stormwater Quality Association, Stormwater Best Management Practice Handbook for Construction (latest edition), and submitted to the Department for review and approval prior to issuance of any paving, grading or encroachment permits. All erosion control measures shall be subject to modification by the Department, as field conditions warrant.

99. **Trash/Recycling Areas** – The applicant shall provide an adequately sized and properly placed trash enclosure space in order to house a minimum of one (1) trash bin, one (1) organics bin, and one (1) recycling bin, measuring a minimum of 9’4” deep x 21’4” long, and shall have a 9’0” interior soffit clearance, in a suitable area of the project site. Trash enclosures and/or recycling area(s) shall be covered and shall be designed in accordance with the City’s latest Refuse Enclosure Space Requirements. Receptacles for trash and recyclables shall be available within each enclosure. All litter/waste material shall be kept in leak proof containers. Area(s) shall be paved with impermeable material and include zero-slope upon interior slabs. No other area shall drain onto these areas. The trash enclosure and/or recycling area(s) shall not drain to the storm drain system nor the sanitary sewer, shall not have a hose-bib or other water supply, and all cleaning shall be performed using dry cleanup methods. The trash

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enclosures and their placement shall be designed to accommodate the above considerations, as well as access requirements of the City's waste hauler. Compactor units that are self-contained and watertight may remain exposed to rainfall provided the surrounding area is frequently inspected and cleaned.

100. **Spill Cleanup** - The facility shall have a spill cleanup plan. The fuel dispensing areas shall be dry swept routinely. Dispensing equipment must be inspected routinely for proper functioning and leak prevention.
101. **Properly Designed Fueling Area** - In view of the potential for fueling areas to contribute oil, grease, solvents, battery acid, coolant and gasoline to the storm water conveyance system, the following design requirements shall be incorporated into the Fuel Dispensing area design:
 - Covered with an overhanging roof or canopy;
 - Paved with Portland cement concrete (no asphalt);
 - Have two (2%) percent - four (4%) percent slope to prevent ponding and separated by grade break to prevent run-on of storm water;
 - Canopy shall extend 6.5 feet from the corner of each fuel dispenser or nozzle-operating distance plus one foot, whichever is more.

Applicant is advised to contact the County Environmental Health Department and Air Pollution Control District regarding any necessary design features or permitting considerations applicable to this project.

102. **Deed Restriction Regarding Best Management Practices (BMPs)** – Prior to issuance of occupancy, the applicant/owner shall record a Stormwater Covenant and Deed Restriction, requiring all property owners and their successors in interest to assume all duties and responsibilities for ongoing maintenance of all onsite permanent stormwater BMP's, including, but not limited to, maintenance of all Best Management Practice and any and all equipment which is required for implementation of Best Management Practices. Contained within the Covenant and Deed Restriction must be a description of the BMP's that are being provided as part of the project, a description of the inspection and maintenance requirements and procedures, and a site map indicating the location of the BMP's to be maintained. The draft language and contents included in the Covenant and Deed Restriction shall be submitted to the City Attorney's Office and Public Works Department for review and approval prior to issuance of building/paving/grading permits (MC 7-8.401(c)).

TRAFFIC

103. **Traffic Mitigation Fees** – The applicant acknowledges that the subject development will impact traffic and agrees to provide for the mitigation by

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depositing with the City of Thousand Oaks the appropriate non-refundable fees in cash no later than prior to the issuance of building permits.

104. **Site Design** – Fueling island shall be designed to provide a minimum of 18 feet of distance between the first obstruction (bollard or pole, etc.) located in northern most fuel pump area and the raised curb adjacent to the planter.
105. **Bicycle Racks** – Prior to issuance of building permit, a bicycle racks shall be installed to accommodate a total of at least 2 bicycles. The rack shall be provided near building entrance of the in a manner acceptable to the City Engineer.

VENTURA COUNTY FIRE DEPARTMENT

106. **Fire Department Clearance** – The applicant shall obtain VCFD Form #126 "Requirements for Construction" prior to obtaining a building permit for any new structures or additions to existing structures.
107. **Fire Flow** – The minimum fire flow required shall be determined as specified by the current adopted edition of the Fire Code and the applicable Water Manual for the jurisdiction (whichever is more restrictive).
108. **Fire Sprinklers** – All structures shall be provided with an automatic fire sprinkler system in accordance with current VCFPD Ordinance at time of building permit application.
109. **Fire Alarm/Sprinkler Monitoring Plans** – Plans for any fire alarm system or sprinkler monitoring system shall be submitted, with payment for plan-check, to the Fire District for review and approval prior to installation.
110. **Fire Code Permits** – Applicant and/or tenant shall obtain all applicable International Fire Code (IFC) permits prior to occupancy or use of any system or item requiring an IFC permit.
111. **Fire Extinguishers** – Fire extinguishers shall be installed in accordance with the IFC. The placement of extinguishers shall be subject to review by the Fire District.
112. **Trash Dumpster Locations** – Commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within 5 feet of openings, combustible walls, or combustible roof eave lines unless protected by approved automatic fire sprinklers.
113. **Address Numbers (Commercial, Industrial, Multi-family buildings)** – Building address numbers, a minimum of ten inches (10") high, shall be installed prior to occupancy, shall be of contrasting color to the background, and shall be readily visible at night. Brass or gold-plated numbers shall not

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be used. Where structures are set back more than 150 feet from the street, larger numbers will be required so that they are distinguishable from the street. In the event a structure(s) is not visible from the street, the address numbers shall be posted adjacent to the driveway entrance on an elevated post. Individual unit numbers shall be a minimum of 4 inches in height and shall be posted at the front and rear entrance to each unit. Additional address directional signs may be required at common building entrances and stairways.

POLICE DEPARTMENT

114. **Door Security Hardware** – Exterior double doors shall have an astragal constructed of steel or aluminum a minimum of 0.125” thick, which will cover the opening between the doors. The attachment of the astragal shall comply with all applicable provisions of the Fire Code. Exterior, outward opening single doors shall have the appropriate type of latch guard installed to prevent the violation of the latch and strike. The latch guard shall be a minimum of 0.125” thick and extend a minimum of six inches above and below the door latch or deadbolt. Doors utilizing rim and cylinder locks shall have heavy-duty cylinder guards installed. All outward opening exterior doors shall have hinges equipped with non-removable hinge pins or a mechanical interlock (set screws) to prevent removal of the door from the outside by removing the hinge pins.

115. **Lighting** – Weather and breakage resistant covers shall protect all exterior lighting. Exterior lighting fixtures will be fully enclosed to minimize tampering and breakage. After hours exterior lighting shall provide sufficient illumination to allow viewing of the exterior of the buildings and parking areas. Interior after hours lighting is also highly recommended. The use of metal halide fixtures or Light-Emitting Diode (LED) is preferred over high-pressure sodium fixtures, since metal halide and LEDs provide superior illumination and color rendition. Lighting will also include illumination in the area of the sound wall bordering Calle Jazmin.

A lighting plan must be submitted to the Thousand Oaks Police Department for review and is subject to change prior to Police Department approval.

116. **Landscaping** – Landscaping shall not cover, nor partially cover any exterior door or window. Landscaping, including trees, will not be placed directly under any overhead lighting that could cause loss of light at ground level. All landscaping will be kept trimmed in order to provide an unobstructed view of the parking areas and building from adjacent streets. The standard CPTED (Crime Prevention Through Environmental Design) landscaping rules of “two foot/six foot” shall apply to the property (No shrubbery shall be higher than 2 feet and the lower tree canopy shall not grow below 6 feet).

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This will reduce concealment areas and keep the area well-lit during darkness hours. Hostile or thorny vegetation should also be used to limit property cross-over and discourage sleeping or resting in the area.

117. **Address Identifiers** – The tenant will display the name of their business and address on main entrances and service doors.
118. **Utility Rooms and Enclosures** – All exterior utility rooms and enclosures containing electrical and telephone equipment shall be kept locked at all times.
119. **Trash Enclosures** – Exterior trash enclosures shall be kept closed and locked during non-business hours to discourage, loitering, illegal dumping and theft. Trash enclosures shall be constructed to have outside visibility to reduce the possibility of camping or sleeping in the area.
120. **Video Surveillance System** – Will be required for a 360-degree view outside the structures and around the parking facility. The CCTV system will also include the area of the sound wall bordering Calle Jazmin (Both sides). The surveillance system will be HD quality, have night vision capabilities and be able to retain video data for no less than 30 days.
121. **Window/Advertisement** – No more than 10-20% blocking of the exterior windows facing the parking area with advertisement. This is done in order to maintain a clear view of the interior business from the street and surrounding areas.
122. **Roof Access** – Roof access must be secured with locking doors or any other mechanism to restrict access for non-public areas
123. **Other Security Concerns** – The business will correct any safety or security concern upon written notice by the Thousand Oaks Police Department.

REMEDIAL ACTION COMPLETION CERTIFICATION

March 31, 2014

File #02006

Mr. Nick Puig
ExxonMobil Oil Corporation
981 West Arrow Highway #473
San Dimas, CA 91773

Via email: nick.puig@exxonmobil.com

FORMER EXXONMOBIL STATION 18-LD3, 2198 MOORPARK ROAD, THOUSAND OAKS, CALIFORNIA

This letter confirms the completion of a site investigation and corrective action for the underground storage tank(s) formerly located at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground storage tank(s) are greatly appreciated.

Based on information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your underground storage tank(s) site is in compliance with the requirements of the Health and Safety Code (HSC) subdivisions (a) and (b) of Section 25296.10 and with corrective action regulations adopted pursuant to HSC Section 25299.3 and that no further action related to the petroleum release(s) at the site is required.

Please note that claims for reimbursement of corrective action costs submitted to the Underground Storage Tank Cleanup Fund that are more than 365 days (one year) after the date of this letter or issuance or activation of the Fund's Letter of Commitment, whichever occurs later, will not be reimbursed unless one of the following exceptions applies:

- Claims are submitted pursuant to HSC Section 25299.57, subdivision (k) (reopened UST case); or
- Submission within the timeframe was beyond the claimant's reasonable control, ongoing work is required for closure that will result in the submission of claims beyond that time period, or that under the circumstances of the case, it would be unreasonable or inequitable to impose the 365-day time period.

This notice is issued pursuant to HSC subdivisions (g) and (i) of Section 25296.10.

If you have any questions, please contact Gina Teresa at 805-662-6510 or at Gina.Teresa@ventura.org.



William C. Stratton, Director
Environmental Health Division
Resource Management Agency

Enclosure: Case Closure Summary Form

- c: Mr. Andy Nelson, Cardno ERI (via email)
Ms. Marianne Towersey, Property Owner (via email)
Mr. Alvin Cox, Property Owner ✓
Ms. Elizabeth Peterson, First American Trust/Emison Trust

Case Closure Summary

Leaking Underground Fuel Storage Tank Program

I. Agency Information

Date: 3/17/2014

Agency name: Ventura County Environmental Health	Address: 800 South Victoria Avenue
City/State/ZIP: Ventura, CA 93009-1730	Phone: 805-662-6510
Responsible staff person: Gina L. Teresa	Title: Environmental Health Specialist

II. Case Information

Site facility name: Former ExxonMobil Station 18LD3				
Site facility address: 2198 North Moorpark Road, Thousand Oaks, CA				
RB LUSTIS Case No: N/A		Local Case No: C02006		LOP Case No: C02006
URF filing date: 4/23/2002		SWEEPS No: n/a		
Responsible Parties		Address		Phone Numbers
Attn: Nick Puig ExxonMobil Environmental Services Company 981 West Arrow Highway #473, San Dimas, California 91773.				(909) 394-6116
Tank No	Size in Gal	Contents	Closed In-place/Removed	Date
1, 2, 3	8k, 8k & 10k	gasoline	Removed	9/29/04
4	1,000	waste-oil	Removed	9/29/04

III. Release and Site Characterization Information

Cause and type of release: unknown			
Site characterization complete? Yes		Date approved by oversight agency: 4/5/2013 & 12/3/2013	
Monitoring Wells installed? Yes		Number: 17	Proper screened interval? Yes
Highest GW depth below ground surface: 9.65		Lowest depth: 27.40	Flow direction: Southwest
Most sensitive current use: Empty Lot – Commercial/Unknown			
Are drinking water wells affected? No		Aquifer name: Thousand Oaks Basin	
Is surface water affected? No		Nearest/affected SW name: Waverly Channel ~ 1,500 ft. south	
Off-site beneficial use impacts (addresses/locations): None			
Report(s) on file? Yes		Where are reports filed? SWRCB GeoTracker & VCEHD Document Imaging	
Treatment and Disposal of Affected Material			
Material	Amount	Action (Treatment or Disposal w/Destination)	Date
USTs	Four	Disposed/Demolition-Simi Valley Landfill	September 2004
Hydrocarbon-containing soil	131.95 tons	Excavated/Recycled-TPS Technologies	October & November 2004
Hydrocarbons-Soil Vapor/ Groundwater	888.5 pounds/ 1,300 gallons	Recovered during remediation	2008 - 2012

Case Closure Summary

Leaking Underground Fuel Storage Tank Program

III. Release and Site Characterization Information

(Case #02006, cont.)

Maximum Documented Contaminant Concentrations - - Before and After Cleanup									
Contaminant	Soil (mg/kg)		Water (ug/L)		Contaminant	Soil (mg/kg)		Water (ug/L)	
	Before	After	Before	After		Before	After	Before	After
TPH (Gasoline)	2,210	2,210	72,300	23,200	Benzene	18.2	18.2	7,200	833
MTBE/TBA	0.899/ 36.9	0.899/ 36.9	319/ 1,410mg/L	1.9/ 1,770ug/L	Toluene	35.7	35.7	14,200	284
Ethanol/DIPE/ ETBE/TAME	ND/ND ND/ND	ND/ND ND/ND	393/2.09 9.61/17.7	ND/ND ND/ND	Ethylbenzene	94	94	3,880	668
					Xylenes	400	400	15,200	840

Comments:

ND = not detected above laboratory detection limit. NA = Not analyzed.

Summary: Reports documenting site investigations and remediation are available on the State's Geotracker website (www.geotracker.waterboards.ca.gov) and on VCEHD Document Imaging (www.vcenvhealth.org/luft/). An evaluation of current site conditions is included in the Cardno/ERI *Closure Summary Report* dated November 20, 2013.

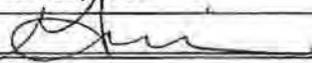
The site is no longer an active retail fuel station and no USTs are known to be located at the site. Hydrocarbon contamination in soil and groundwater has been adequately assessed. Remediation has consisted of excavation, air sparge and soil vapor extraction, Waterloo oxygen emitters and natural attenuation. No sensitive supply wells or surface waters appear to be threatened.

The site meets the general and media-specific criteria of the State's Low Threat Closure Policy. An EHD HBRA (using software by Groundwater Services, Inc.) indicates residual concentrations in soil and groundwater should not present a human health threat to receptors for the exposure pathways modeled using commercial criteria. Based on this information, EHD recommends that this case be closed. All groundwater monitoring and remediation wells must be properly destroyed.

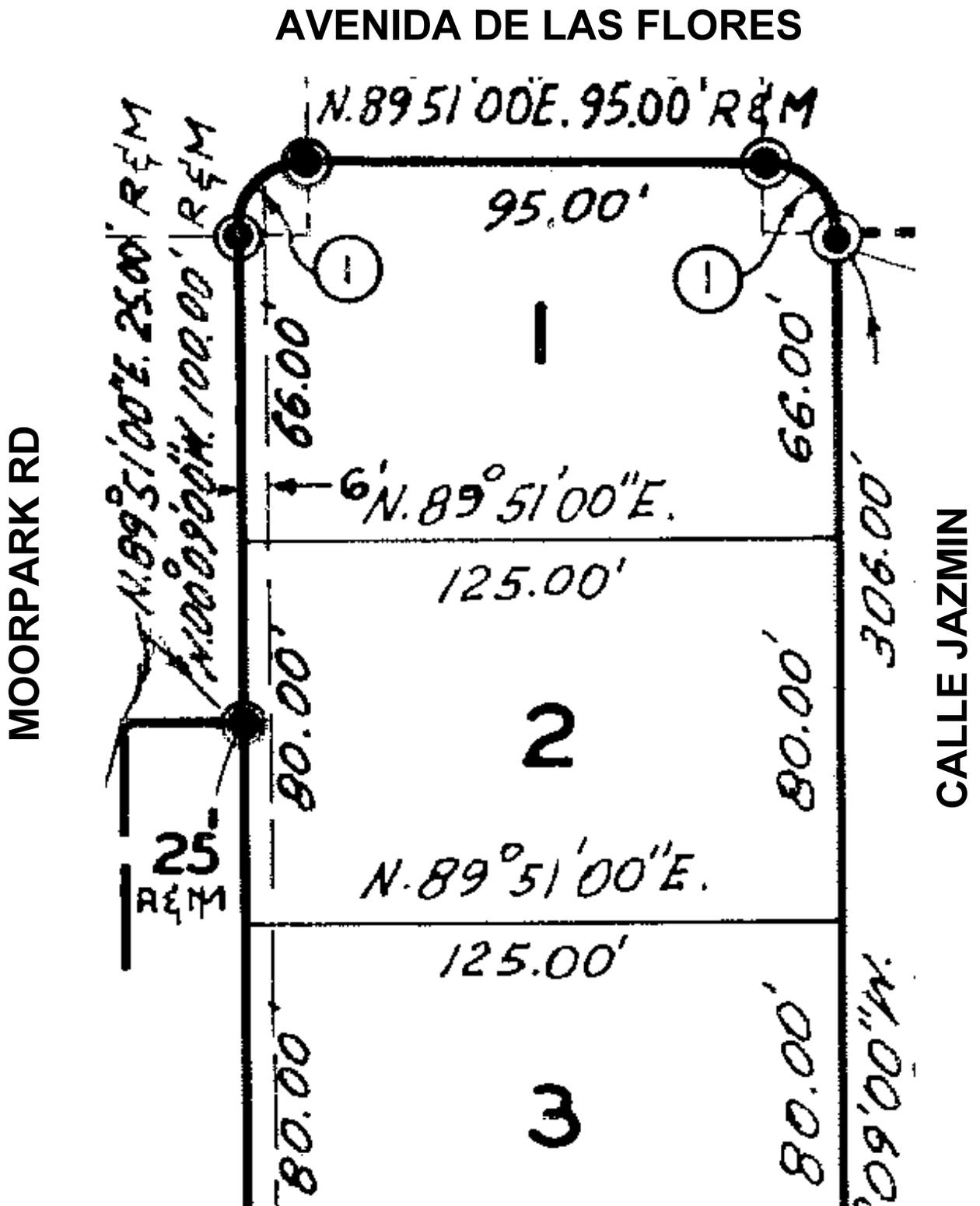
IV. Closure

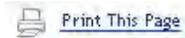
Does completed corrective action protect existing beneficial uses per the Regional Board Basin Plan? Yes		
Does completed corrective action protect potential beneficial uses per the Regional Board Basin Plan? Yes		
Do cleanup levels exceed Regional Board requirements? n/a	Identify: n/a	
Rationale for exceeding RB requirements: n/a		
Does corrective action protect public health for current land use? Yes		
Site management requirements: None		
Should corrective action be reviewed if land use changes? No		
Monitoring Wells Decommissioned: Yes	Number Decommissioned: 17	Number Retained: 0
List enforcement actions taken: None List enforcement actions rescinded: None		

VI. Local Agency Representative Data

Name: Gina L. Teresa, P.G.	Title: Environmental Health Specialist
Signature: 	Date: 3/17/2014

Portion of Tract 1048 Lot # 1 & 2 - Subject Lots





Property Characteristics & Values

Use the form below to look up property characteristics and values for any property in Ventura County. Fill out either the APN (Assessor's Parcel Number) **OR** the street address.

Alternatively, information is also available through



Search Tips

- Enter either an APN **OR** an Address
- When searching for an address, **enter as little information as possible.**
For example, if you are looking for 92993 West Calle La Sombra Street , just enter **92993** in the Street Number field and **calle** in the street name field
- You can enter in partial street numbers or names to get a list of addresses to choose from
- Use a city name to narrow down your search

APN:
10 digit Assessor's Parcel Number

Address:

Number Street Name Unit City

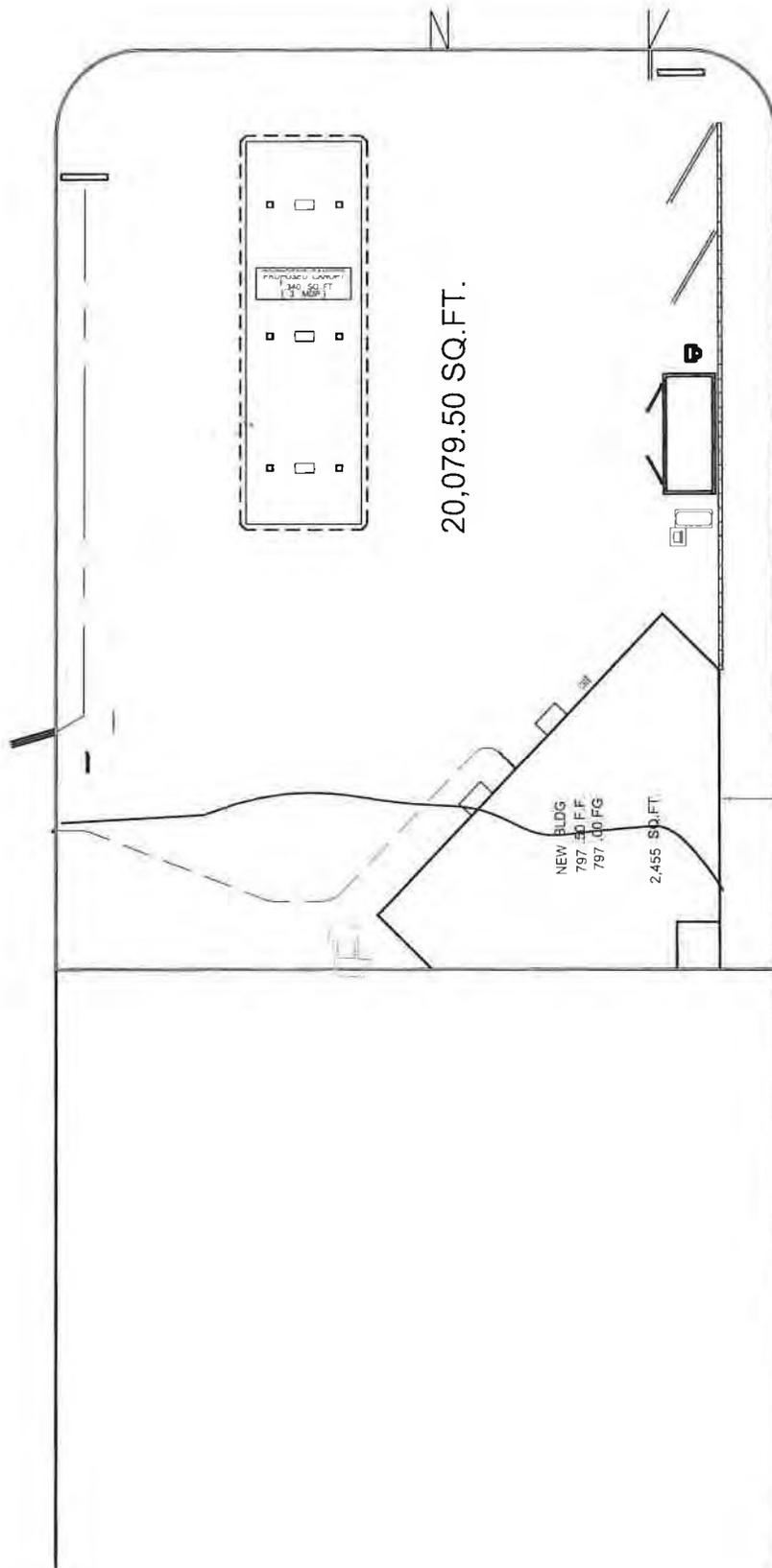
Property Identification	
Assessor Parcel Number	675-0-374-265
Property Address	2198 N Moorpark Road, Thousand Oaks (link to Google Maps)
Last Changed	03/15/2017
Values	Click to see values (link to Tax Collector's site)

Land Use & Mapping Information			
Base Year	7576*	Previous Parcel Number	Unavailable
Tract Number	Unavailable	Document Number	070036490
Block Within Tract	Unavailable	Document Date	02/22/2007
Lot Number Within Tract	Unavailable	Condo Building Number	Unavailable
Map Number	675-37	Condo Unit Number	Unavailable
Zoning	Unavailable	Non-Taxable Status	Unavailable
Assessor Property Use Description			
SERVICE STATIONS			

Property Characteristics Information			
Total Living Area (SQFT)	Unavailable	Acreage	0.45
Lot Size (SQFT)	19,943	Year Built	Unavailable

Commercial & Industrial / Multi-Residential Data			
Number of 1 Bedrooms	Unavailable	Gross SFBA	Unavailable

Lot Size Exhibit



Stephen Kearns

From: Neal Scribner <neal@nscribner.com>
Sent: Tuesday, March 26, 2019 4:50 PM
To: Stephen Kearns
Subject: Fwd: Megdal - 7/11 - calcs
Attachments: AREA CALCS PER SITE PLAN.pdf

Sent from my iPhone

Begin forwarded message:

From: "Don Waite" <don.waite@westlandcivil.com>
Date: March 26, 2019 at 2:23:36 PM PDT
To: "'Neal Scribner'" <neal@nscribner.com>
Subject: FW: Megdal - 7/11 - calcs

Hi Neal - Attached is calculation performed by Rene from Site Boundary Plan provided by Westland gross area = 20,079.50 SF

DONALD G. WAITE
Westland Civil, Inc.
101 HODENCAMP ROAD, SUITE 216,
THOUSAND OAKS, CA 91360.
Ph: (805) 495-1330 Cell: (805) 320-9059

-----Original Message-----

From: Rene de la O [<mailto:rdlo.cs@gmail.com>]
Sent: Tuesday, March 26, 2019 11:06 AM
To: Don Waite <don.waite@westlandcivil.com>
Subject: Re: Megdal - 7/11

Hi Don

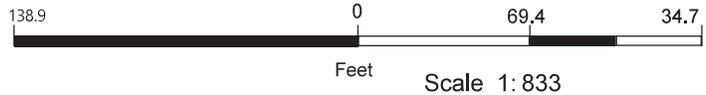
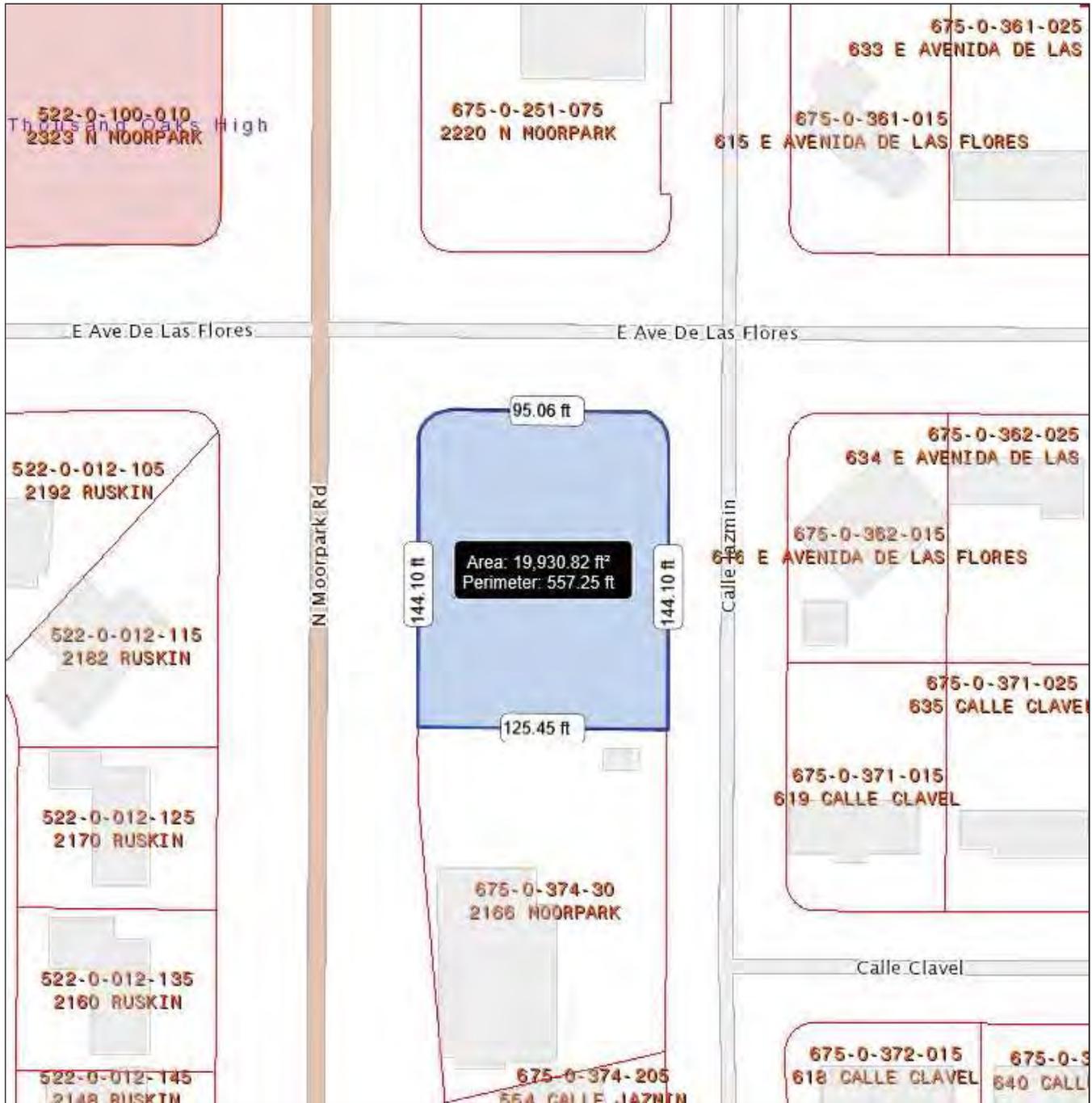
see attached PDF with area calc on 7-11 site. polyline was done around boundry lines on Site plan. gross area = 20,079.50 SF please review, Thanks

Rene'

On 3/26/19, Don Waite <don.waite@westlandcivil.com> wrote:
> Calculate the gross area of property -

Staff's Lot Size Calculations

2198 N. Moorpark Road



THIS MAP IS NOT TO BE USED FOR NAVIGATION
 This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes

Map Generated: 3/27/2019 7:58:18 AM

RESOLUTION NO. 72-337

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF THOUSAND OAKS AMENDING RESOLUTIONS 70-31,
67-133 and 69-338 ADOPTING REVISED STANDARDS
AND DESIGN CRITERIA FOR AUTOMOBILE SERVICE
STATION DEVELOPMENTS

WHEREAS, automobile service stations, because of their unique structural features and development characteristics, have been required to obtain special use permits prior to any construction; and

WHEREAS, said automobile service stations are sometimes not required to meet the standard requirements of limited access highways, commercial or industrial zones; and

WHEREAS, the Planning Commission in approving such special use permits is authorized to impose conditions:

1. To assure that the degree of compatibility of property uses which this resolution is intended to promote and preserve shall be maintained with respect to the particular use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which use is proposed to be located;
2. To assure that the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
3. To preserve the integrity and character of the zone in which the use will be located and the utility and value of property in the zone and in adjacent zones;

4. To assure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare; and

WHEREAS, all special conditions for automotive service stations should be imposed in a uniform and standardized manner;

NOW, THEREFORE, BE IT RESOLVED that Resolutions 70-31, 69-338, 67-133 are hereby amended as follows:

In reviewing and considering all special use permits for automobile service stations, the Planning Commission of the City of Thousand Oaks shall apply any appropriate conditions and the following uniform standards to the approval of special use permits for automobile service stations and accessory uses:

I. Definition:

Automobile Service Station: A service station is a facility limited to retail sales to motorists, on the premises, of any of the following: gasoline, motor oil and lubricants (or grease), motor fuels, travel aids, automobile accessories, automobile service, general repairs and maintenance but not including collision services such as body, frame or fender straightening and/or repairs or painting of automobiles; or storage for boats, trailers, rental cars, trucks or other related vehicles.

- II. Purpose and Intent: These automobile service station standards are established to allow the construction, operation and maintenance of service stations so as to be compatible with other permitted uses in the prescribed

locale. It is recognized that service stations warrant special consideration because of several prominent elements of design and operation that are unique and significant such as: Total dependence on vehicular traffic, distinctive physical appearance, unenclosed nature of activities, long hours of operation and storage of combustible materials. These standards are intended to augment some of the zoning district requirements that might otherwise create a hardship for a service station operation, and to minimize any adverse effect on neighboring uses by the application of standards for signs, screening, landscaping, parking, architectural appearance of the service buildings, the location and nature of operating activities.

III. Pre-Application Review: Each prospective applicant, assignee and/or successor shall confer with the Planning Department in connection with the preparation of a plan for a service station prior to the submittal of the plans and/or for the special use permit to the Planning Commission. The prime reason for this pre-application conference is to familiarize the prospective applicant with the current zoning requirements, interpretation and clarification before the prospective applicant incurs any substantial expenses in the preparation of the plans. Materials for the conference shall include, but not be limited to, the following items:

A. Site Plan:

A conceptual site plan shall be drawn to 1"=10'-0" and shall include all locational and descriptive dimensions, off-site parking, widths and center

lines for all right-of-ways, periphery walls, fences, property lines, driveways, location of service building, canopy areas, pump islands, method to channelize on-site traffic, existing uses and zones for the surrounding properties.

B. Architectural Features and Elevations:

A fully dimensioned elevation plan of the four sides of the service building and the canopy shall be drawn. All architectural elements shall be fully identified. Texture of materials, colors and sizes shall be identified.

IV. Supportive Materials to Substantiate the Need for a

Service Station: In order that the Planning Commission shall fully evaluate new applications for any additional service stations within the City's boundary to avoid an overconcentration of this land use; to diminish inherent danger within the service station and finally to promote economic stability, the Planning Commission finds it necessary to have supportive documentation from all applicants to justify the economic needs to grant the permit(s) within the City as well as the specific neighborhood. To fulfill this requirement, the items listed below are recommended as the basic contents of such evaluative documents; however, additional supportive data and analysis is encouraged to support all applications. The guidelines should include, but may not be limited to the following:

- A. Population composition, income levels and automobile ownership and/or registration within a two (2) mile radius of the selected site;
 - B. Traffic pattern: General origin and destination of traffic in relation to all through traffic; function and classification of all the street systems within a two (2) mile radius of the prospective locale;
 - C. Development trends with respect to residential, industrial and commercial growth;
 - D. Number of service stations within a two (2) mile radius of the prospective locale and their sphere of influence;
 - E. Anticipated gallonage sales; and
 - F. Specific retail activities, deemed incidental to the function of the service station, to be conducted simultaneously with the service station operation.
- V. Uses Permitted: An automobile service station shall be a retail place of business engaged solely in the sale of motor fuels and in supplying goods and services generally required in the operation and maintenance of automotive vehicles and fulfilling of motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement of items; lubrication services; the performance of minor automotive maintenance and repair within an enclosed building; and the supplying of other incidental customer services and products. Major automotive painting, body and fender work are prohibited. Storage and rental automobiles, trucks, trailers and boats; retail sales of

Christmas trees and/or other household merchandise deemed contrary to those itemized under the definition and purpose sections of this resolution shall be prohibited on the premises of all service stations. All service stations shall be approved by the Planning Commission under Special Use Permit application and may be permitted only in C-1, C-2, C-3, C-4, M-1 and M-2 zones.

IV. Development Standards in all cases shall be as follows:

A. Architectural Features: The architectural theme for all proposed service stations shall be appropriately articulated to befit the physical and spatial setting of individual sites, and shall be so designed to integrate with all adjacent developments as well as the general residential and commercial atmosphere surrounding the site. To achieve the desired architecture, the use of ornamental stone, bricks and other masonry on the exterior elevations of the buildings shall be encouraged, as specified by the Precise Plan of Design: Article 18, Section 9-4.1803.

B. Location: All new service stations shall be limited to intersections of primary and secondary highways, controlled or free access or combination thereof, as per the adopted Master Plan of Highways; or at intersection of such highway with a freeway on- or off-ramp. At all times, only a maximum of two (2) locations at any of the above mentioned intersections shall be considered desirable for a service station and those locations would include freeway on- and off-ramp systems.

C. Development and Operational Standards: A lot size range of twenty thousand (20,000) square feet minimum and forty thousand (40,000) maximum shall be deemed adequate to accommodate and dispense the limited services and retails permitted on each service station site.

That all service stations constructed on property which is not a separate parcel from the surrounding property will be required to apply for a land division and record a parcel map separating the parcel. This shall apply even if the adjacent property is held in common ownership.

All activities and operations shall be conducted entirely within the enclosed service building, except that the following activities and operations shall additionally be permitted outside of a building:

1. Dispensing of gasoline, oil, air and water from pump islands and sale of related automotive items and services.
2. Sale of soft drinks, candy and cigarettes sold, via dispenser, to be located in a designated area.
3. A display of not more than ten (10) tires; not more than one (1) windshield wiper display rack, and not more than one (1) closable rack per pump island for additives, and canned lubricating oils.
4. Emergency service, but not to include major automobile repairs.
5. Public Telephones may be detached from the main

building and placed on the outer perimeter on the site adjacent to a parking area and shall be so designed to be in architectural conformity with the main building with a minimum height of six (6) feet and shall be located to gain exposure to the streets and shall be accessible on a twenty-four (24) hour basis.

D. Access: Driveways may be permitted at the intersection of primary and secondary highways controlled or free access or combination thereof to insure a safe and efficient movement of traffic on and off the site from the lane of traffic on and off the site from the lane of traffic nearest the curb, only according to the following provisions:

1. One (1) integrated driveway or two separate driveways may be permitted on each street with the approval of the Public Works Department. A raised median strip, not less than one hundred and seventy-five (175) feet in length and designed in accordance with the Public Works Department's standards, shall be constructed, or the alternative cash deposit shall be posted with the Public Works Department prior to final completion or occupancy, subject to the approval of the Director of Public Works.
2. The driveway entrance to the automobile service station shall not be within forty (40) feet from the projected intersection of the curb return and shall be a minimum of five (5) feet beyond the end of the curb return, i.e., curb radius plus five (5) feet. Specific location shall be

based on the traffic volume and traffic pattern of individual streets.

3. At all intersections, wherever possible, a common driveway for both a service station and a shopping center shall be designated and provided. A separate driveway shall be located at least twenty (20) feet from a property line common to the service station when adjacent to commercially or industrially zoned property having a street centerline requirement of at least forty (40) feet.
 4. The width of driveways other than a common driveway at the sidewalk may not exceed thirty (30) feet. The width of a common driveway may not exceed thirty-six (36) feet.
 5. The centerline of a driveway shall be perpendicular to the curb line.
 6. The distance between driveways shall be at least twenty-five (25) feet.
 7. The Public Works Department may require the service station to provide one-fourth (1/4) of the cost of any future traffic signal system at the intersection when deemed appropriate by the Public Works Director.
- E. Interior Circulation: Every possible effort should be made to channelize on-site traffic to and from service areas and/or to the pump islands to insure the safety of the motorists and pedestrians. Channelization method should clearly be delineated on the plot plan. This objective may be achieved

by the use of a properly organized layout of curbs and planters. A traffic flow chart shall be provided on the plot plan delineating on-site vehicular movement to all facilities.

- F. Building Coverage: The service building, canopy and other structures may not occupy more area than is permitted in the designated zones. The remaining area may be used for landscaping, pedestrian walks, automobile parking circulation, and such other uses are provided herein and shall be improved, surfaced and marked for the appropriately designated use. Hydraulic racks and service pits shall be located within the main service building.
- G. Setbacks: A building or structure shall conform to the required setbacks in the zone in which it is proposed or as specified in Section 9-4.2503 (f) of the Thousand Oaks Municipal Code. To provide adequate landscaping, pump islands shall be located not less than twenty (20) feet from a street property line. A canopy or roof structure over a pump island may, however, encroach up to ten (10) feet from the street property lines.
- H. Pump Islands: Up to four (4) pump islands with not more than four meter cabinets per island shall be allowed for each service bay. Two (2) fuel outlet hoses for each meter cabinet may be permitted. Sufficient space shall be allowed around the pump islands to insure efficient and safe maneuverability.

- I. Parking: Parking requirements shall be met in accordance with Section 9-4.2404 of the Thousand Oaks Municipal Code. All on-site parking spaces shall be not less than nine (9) feet by twenty (20) feet and shall be marked. No truck, trailer, boat or any other merchandise deemed prohibitable by the permitted uses section of this resolution may be parked or stored on the premises. No vehicle may be parked on the sidewalks, parkways, driveways, alleys or planting areas.
- J. Service Bays: Unless otherwise permitted by the Planning Commission, the following regulations shall apply to service bays: The entrance to the service bay shall not be open to the street but shall face the rear or interior property lines. A thirty-six (36) inch high raised planter of brick, stone, rock, or similar materials shall be installed along that portion of the service station structure which constitutes a vertical wall at the back end of the service bay entrance. The remaining height may be designed to match the overall theme and design of the facility. A pedestrian entrance in this wall may be permitted.
- K. Rest Room Screening: All rest room entrances shall be screened with not less than a five (5) foot high decorative masonry wall or with a combination of decorative masonry and landscaping conforming to the general design of the facility.
- L. Trash Area: Trash, discarded or stored objects of any type shall be stored in areas completely enclosed

on all sides in a masonry wall not less than five (5) feet high and shall contain a solid gated opening large enough to accommodate standard size commercial trash bins.

- M. Peripheral Wall: Whenever a service station abuts property in a residential zone, there shall be erected along the property line abutting the residential zone a decorative masonry wall not less than six (6) feet high. Materials, textures, colors and design of the wall and screening shall be compatible with the on-site development, the adjacent properties and the general neighborhood. However, the wall shall not exceed two and one-half (2½) feet high at a common right-of-way and property line and shall extend at such height to the setback line of the adjacent property. A wall constructed on the interior property lines shall contain tree wells or landscape planting areas not less than sixteen (16) square feet in area. When included as part of the wall, the wells or planting areas shall be spaced not less than eight (8) feet nor more than sixteen (16) feet apart. Continuous planter(s) of uneven length may satisfy this requirement if they are at least four (4) feet deep, extend at least one-third (1/3) of the length of the wall and include trees planted not more than sixteen (16) feet apart.
- N. On-Site Lighting: Lighting shall be designed, controlled and maintained so that no luminaire shall be higher than twenty (20) feet above finished grade.

All light sources, including canopy, perimeter and floor, if permitted, shall be hooded or shielded or recessed within the roof canopy so that the station shall be indirectly visible, or shall not be of such a high intensity as to cause a traffic hazard or shine directly onto adjacent properties.

O. Drainage Control: A grading and drainage plan showing existing and proposed slope elevations and drainage structures shall be submitted prior to the issuance of a building permit. Drainage shall be collected on-site and directed into a positive storm drainag system by way of two (2) foot wide concrete gutters or as approved by the Public Works Director. Drainage shall not be discharged across adjacent public or private properties or across sidewalks and driveways and shall meet all Public Works Department specifications, standards of the Regional Water Quality Control Board and all other provisions of law.

P. Utilities: All on-site and adjacent off-site public utility services shall be installed underground in accordance with Chapter 5, Article 2 of the Thousand Oaks Municipal Code. All discharges into the public sewer system shall conform to the limitations and regulations of the Utilities Department. An inspection test box, manhole or similar approved structure shall be provided in a location approved by the Utilities Director for sampling purposes.

Q. Landscaping: A detailed landscape plan, which shall meet the approval of the landscape supervisor, shall be submitted showing location, size and species of all plant materials before the issuance of the special use permit. Landscaping shall comprise a minimum of five (5) percent of the net site area unless parking spaces exceeding twenty-one (21) stalls or more are provided in which ten (10) percent landscaping shall be required, including all peripheral landscaping adjacent to interior property lines provided the paved areas are effectively broken up with planters. A ten (10) foot wide raised planter shall be provided along all street property lines and an additional four (4) foot wide raised planter shall be executed at the interior property lines, when the service station abuts and/or is an integral part of a commercial, industrial or residential development. The landscaping in these areas shall be so designed as not to obstruct necessary sight distance and traffic flow but shall offer adjacent residential, industrial and commercial properties a degree of visual and audio screening and shall be of such quality as to enhance the site, and to maintain the character and the integrity of the neighborhood. The service building, office, restrooms, parking areas, and portions of the bay areas shall be landscaped so as to achieve the efficient traffic channelization. Landscaped areas along all streets shall be limited

to a height not more than thirty (30) inches within twenty (20) feet of the point of intersection. All landscaped areas shall be enclosed within a brick or masonry planter box or concrete curb not less than six (6) inches high. All planting other than trees shall be of a variety that shall not be thorny or spiked, and shall not extend over the sidewalk. All landscaped areas shall be provided with automatic sprinkler systems. Median Islands (required in VI(C) (1) above) shall be landscaped when the Planning Commission considers such landscaping appropriate. Landscape and sprinkler plans shall be designed to the satisfaction of the Director of Public Works.

R. Trees: Trees, approved as to number and type by the City Landscape supervisor, shall be planted in the parkway areas between the curbs and sidewalks and in approved tree wells.

S. Signs: Signs shall be permitted as provided in Article 23 of the Thousand Oaks Municipal Code, which contains the following provisions:

1. One (1) freestanding monument sign and building sign shall be allowed. Maximum height of the freestanding monument sign shall not exceed 8'0" with an area not to exceed fifty (50) square feet. The sign shall be installed in a location to provide a minimum of 275 feet of sight visibility in all directions along the street frontages.

Building signs shall not exceed one (1) square foot of area for each one (1) linear

foot of the linear footage of the exterior elevation. No roof signs shall be permitted under any circumstances. Lighting source for signs shall be obscured, indirect and non-glaring.

2. Banners, pennants, flags, streamers, flashing lights, captive balloons, displays or other advertising appurtenances are not permitted.
 3. Portable, movable or temporary signs are not permitted. The Planning Director may permit two (2) changeable copy poster signs of special feature signs not exceeding twelve (12) square feet each only when permanently affixed to a building or canopy and designed as an integral part of said structures. Said signs shall provide a combined list of all credit cards, premium stamps, special services, etc. The freestanding sign may also be designed to include a list of the above mentioned items. All such signs shall be included in the computation of the total allowable freestanding sign area.
 4. Signs may be illuminated but shall not be flashing, animated or rotating.
 5. No part of a sign shall project over a public street or adjacent properties.
- T. Public Address System: No public address system or speakers may be located outside of the structure or which is audible outside.

- U. Merchandising: All new and used merchandise shall be stored and displayed within the service station building or be screened from general public view, except tires, batteries, accessories and lubrication items which are maintained in movable or enclosable cabinets shall be included in the computation of the total allowable building sign area.
- V. Parts and Equipment: No used or discarded automotive parts or equipment or permanently disabled, junked or wrecked vehicles may be located outside the service station building except within an enclosed trash storage area meeting the requirements of Item No. "L" of this resolution.
- W. Rental and Sale of Equipment: The rental of heavy equipment and, except as allowed under Section "V" above, the sale and rental of any type of merchandise not related to the motoring public is prohibited.
- X. Special Events: A special promotion program may be permitted twice each year subject to the prior approval by the Planning Director.
- Y. Hours of Operation: Often disturbing and detrimental noise is commonly produced by service stations, particularly during automotive repair operations which are often allowed in close proximity to residential areas. In the light of these nuisances, it is found mandatory to limit the hours of operation that will normally be imposed in connection with special use permits for sites in close proximity to residential areas.

The Planning Commission shall weigh the following guidelines on the merits of each individual application. If a special use permit is approved for a service station located in the commercial zones and within two-hundred (200) feet of residential property, a condition may be imposed stating that the station shall not conduct operations between the hours of 11:00 p.m. and 6:00 a.m. The conditions may further stipulate that all business activities except supply vehicles with gasoline and oil and emergency repair shall be confined to hours between 7:00 a.m. and 9:00 p.m. on weekdays and 10:00 a.m. and 8:00 p.m. on Sundays.

Z. Abatement of Nuisances: Notwithstanding any of the provisions of this chapter to the contrary, gasoline service stations are hereby declared to be a special class of land use:

1. Any change from the intended use, even though such use is permitted in the zone, shall be unlawful, and the buildings and structures which are the subject to such change shall be, and are hereby declared to be, a public nuisance
2. When the intended use of any service station is discontinued and such use is not reestablished within ninety (90) days, any special use permit or variance shall immediately become null and void, and the buildings and structures shall be, and are hereby declared to be, a public nuisance and shall be abated following notice

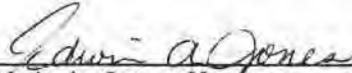
and hearing by the Commission. If, after notice and hearing as herein provided, the Commission declares that the buildings and structures are public nuisances, the burden of proof shall be upon the applicant to show that the ninety (90) day abatement requirement will cause irreparable and unnecessary hardship.

If the owner submits facts sufficient to convince the Commission that a hardship as described in this section exists, then the Commission may, at its discretion, grant one ninety (90) day continuance for abatement.

3. All special use permits for service stations issued after April 8, 1971, shall contain in bold-face type a summary of the provisions of this section.
4. In issuing a special use permit to a service station, the Commission shall require the posting of security with the City by the permittee consisting of a cash deposit, certificate of deposit or penal bond in the amount of \$5,000 to insure compliance with the provision of this section and the applicant shall sign an agreement granting the right of entry to the subject property by City personnel to enforce this section.
5. Remedies Nonexclusive: This procedure provided in this Section 9-4.3006 of the Municipal Code shall be in addition to any other remedies provided elsewhere by law.

FURTHERMORE, BE IT RESOLVED that the Planning Commission of the City of Thousand Oaks may waive or modify any of the above mentioned standards that are not required by specific provisions of the Municipal Code if the applicant for a special use permit for an automobile service station produces sufficient proof that the deletion or modification of the standards will not be injurious or detrimental to the public health, safety or welfare and said deletion or modification is necessary for the owner to make reasonable use of the property. All conditions and the above standards imposed on said special use permit may be appealed to the City Council in accordance with Section 9-4.2707 of the Municipal Code.

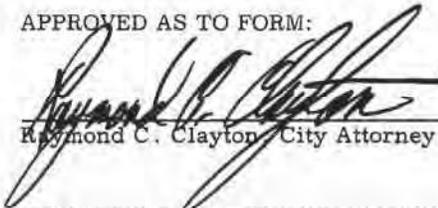
PASSED AND ADOPTED this 31st day of October, 1972.


Edwin A. Jones, Mayor
City of Thousand Oaks, California

ATTEST:


Velma S. Quinn, City Clerk
City of Thousand Oaks, California

APPROVED AS TO FORM:


Raymond C. Clayton, City Attorney

APPROVED AS TO ADMINISTRATION:


Glenn Kendall, City Manager
By: J. E. Pearce, Ass't City Manager

I, VELMA S. QUINN, DO HEREBY CERTIFY that the above and foregoing Resolution No. 72-337 was duly passed and adopted by the City Council of the City of Thousand Oaks at a regular adjourned meeting, thereof, held on the 31st day of October, 1972, by the following vote, to wit:

AYES: Grattan, Irwin, Bowen, Fiore, Jones

NOES: None

ABSENT: None


Velma S. Quinn, City Clerk
City of Thousand Oaks, California

I HEREBY FURTHER CERTIFY that said resolution was readopted at a regular meeting of the City Council of the City of Thousand Oaks on the 21st day of November, 1972, by the following vote to wit:

AYES: Grattan, Irwin, Bowen, Fiore, Jones

NOES: None

ABSENT: None


Velma S. Quinn, City Clerk
City of Thousand Oaks, California

CITY OF THOUSAND OAKS

PLANNING COMMISSION

RESOLUTION NO. 33-99 PC

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF THOUSAND OAKS APPROVING A
DEVELOPMENT PERMIT MAJOR MODIFICATION FOR
THE USE OF CERTAIN PROPERTY WITHIN SAID CITY

Application No. **DP 87-608 Major Modification No. 6**

Applicant: DAVID LIDGI

Location: Northeast corner Avenida de las Flores and Moorpark Road

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

WHEREAS, the applicant has filed with this Commission a petition requesting a
Development Permit Major Modification under the provisions of the City of Thousand Oaks
Municipal Code to modify the existing covenant and deed restriction to allow additional uses
within an existing commercial shopping center, located on certain property at the northeast
corner of Avenida de las Flores and Moorpark road; and

WHEREAS, the Planning Commission, upon giving the required notice, did, on
the 14th day of June, 1999, conduct a hearing as prescribed by law to consider said application;
and

WHEREAS, studies and investigations were made, staff reports and
recommendations were submitted, and a hearing was held by this Commission; and

WHEREAS, the findings of the Planning Commission supporting approval of said
application are as follow:

1. The requested additional permitted uses are consistent with the General Plan and all its
elements, and are listed as permitted uses within the underlying C-2 zone classification,
and are applicable to other C-2 zoned parcels.
2. The requested additional permitted uses will not adversely impact the surrounding
residential neighborhood and high school and are land use activities that comply with the
original intent and purpose of the deed restriction.
3. That, with the conditions imposed by the Commission, the granting of this modification:

- a. Will maintain the degree of compatibility of property uses that the Zoning Ordinance is intended to promote and preserve, considering the particular use on the particular site and existing or proposed uses on parcels within the zone in which the subject property is located; and
- b. Will not result in a use which may reasonably be expected to become obnoxious, dangerous, offensive or injurious to the public health, safety or welfare, by reason of the emission of noise, smoke, dust, fumes, vibrations, odor or other harmful or annoying substances; and
- c. Will preserve the integrity and character of the zone in which the use will be located and the utility and value of property in the zone and in adjacent zones; and
- d. Will not be or become detrimental to the public interest, health, safety, convenience or general welfare.

NOW, THEREFORE, BE IT RESOLVED that said application for a Development Permit Major Modification be approved subject to conformance with the conditions set forth and attached hereto and made a part hereof. Except as otherwise expressly indicated, said conditions shall be fully performed and completed or 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 shall be grounds for revocation of said Development Permit by the Planning Commission or City Council.

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Thousand Oaks at a regular meeting held on the 14th day of June 14, 1999, by the following vote:

AYES:	COMMISSIONERS	Anderson, Bruno, Farris, Glancy, and Chair Powers
NOES:	COMMISSIONERS	None
ABSENT:	COMMISSIONERS	None

John Powers
 For John Powers, Chair
 Planning Commission

Philip E. Gatch
 Philip E. Gatch, Secretary
 Planning Commission

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS FOR DP 87-608 MAJOR MODIFICATION NO. 6 - DAVID LIDGI

* Denotes condition containing specific wording for this project.

** Denotes time constraint.

(M) Denotes mitigation condition.

GENERAL

- 1.* Land and Application
The Development Permit Modification is granted for the land described in the application, and any attachments thereto, and as shown on the submitted site plan labeled Exhibit "A" dated May 11, 1999.
- 2.* Scope of Permit Approval
The Development Permit Modification is granted to amend the exiting covenant and deed restriction on the property to allow additional uses within the commercial center.
- 3.** Approval Period/Use Inauguration
The Development Permit Modification is granted for a three (3) year period of time ending **June 14, 2002** at which time said modification shall expire unless the covenant and deed restriction amendment has been recorded. Subsequent eighteen month time extensions may be considered by the Planning and Community Development Department upon the filing of a minor modification application.
- 4.* Conditions Acceptance
A signed acceptance of the conditions executed by the applicant or his duly authorized representative shall be returned to the Planning and Community Development Department prior to the recordation of the amended covenant and deed restriction.
- 5.* Other Applicable Permits
The conditions of approval for Zone Change 85-555, Development Permit 87-608 and all subsequent modifications shall apply to this permit except as modified herein.
- 6.* CC&R Amended Language
The existing Covenant and Deed Restriction recorded on November 5, 1986 as required by the City Council in conjunction with it's approval of Z 85-555 may be amended to allow additional uses within the commercial center. The allowable uses shall be amended to comprise the following (note: new uses as authorized by this Modification are underlined):

Antique stores
Art studios
Automotive parts - sales only
Banks and similar businesses
Bakeries
Barber shops
Beauty shops
Beauty supply
Book stores
Copy shops
Cyclery
Dressmaking shops
Dry cleaners/laundry outlets
Dry goods and notions stores
Electrical appliance repair stores
Floor and wall covering
Floriculture and horticulture of all types
Florist shops
Hardware stores
Ice Cream store with predominantly wholesale trade. If after six (6) months of operation there are no problems to the site and surrounding neighborhood resulting from the use, the use may be expanded to a retail store with the approval of the property owner and the Department of Community Development.
Interior decorating establishments
Jewelry stores
Lighting supplies
Mail and packaging operations
Millinery shops
Music, dancing, trade and training schools (only uses that have parking ratios of 1 space per 250 square feet due to on-site parking restrictions)
Newsstands
Offices, business
Offices, professional excluding veterinary
Pet and aquatic supply
Pet grooming salon
Photography sales
Plumbing shops
Radio and television retail sales and repair stores
Shoe repair shops
Signs (excluding manufacturing, and fabrication)
Stationary stores
Tailor shops
Taxidermists
Telephone exchanges with no outdoor storage
Wearing apparel stores

Prior to recordation of the amended Covenant and Deed Restriction, the owner shall submit the final amended documents to the Community Development Department, Planning Division, for review and approval.

8. No occupancy permit or building permit for tenant improvements shall be issued until and unless the amended deed restriction is submitted for review and approval of the Community Development Department and the City Attorney's Office and the approved amended document is recorded.

FOR PROJECT



Thousand Oaks High School
2323 Moorpark Road
Thousand Oaks, CA 91360-3198
Phone: (805)495-7491 Fax: (805)374-1165
www.conejousd.org/tohs
Eric Bergmann, Ed.D. Principal
Mark W. McLaughlin, Ed.D. Superintendent



August 9, 2018

Matt Chang, Associate Planner
City of Thousand Oaks
2100 E. Thousand Oaks Blvd.
Thousand Oaks, CA 91362
(805) 449-2317

Mr. Chang,

My name is Dr. Eric Bergman and I am the Principal of Thousand Oaks High School. Regarding the proposed 24-hour, 7-Eleven gas and convenience store proposed for the vacant lot (SUP 2018-70220) across the street from our school, the Developer has consulted my predecessor numerous times and visited me three times since I became Principal. I have really appreciated the good-faith and neighborly approach to gaining my input on the use in general, site-lay out, and most recently, the renderings and appearance.

He informed me recently that the City is recommending approval for the project but not the 24-hour operating hours. As the biggest neighbor and stakeholder on that corner, this is a real concern for us for a multitude of different reasons:

- 1.) When the lights go-off, instead of the bright, exposing light, and the safety it provides, we fear a criminal element will take advantage of the darkness.
- 2.) The 24/7 activated corner will have visible cameras and serve as a strong deterrent for criminals potentially lying in wait. We see this development as an addition to our security apparatus and crime prevention that will help ward off predators and protect my staff, students and campus.
- 3.) I have a real fear drug-deals could happen at a dark gas station and closed convenience store during late hours. The idea of pot deals or vape exchanges by my students under the disguise of darkness is inevitable and we must prevent.
- 4.) Even if my students aren't doing anything unsavory or illegal on the property during closed hours, it presents a location for loitering and hiding.

For all these reasons, by stripping the hours of operations down from 24/7, I am losing many of the benefits of this exciting addition to our neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Bergmann", with a long horizontal line extending to the right.

Dr. Eric W. Bergmann, Principal
Thousand Oaks High School
2323 N. Moor Park Road
Thousand Oaks, CA 91360



NADINE BARTLEY, PT OCS
MELINDA KLEIN, MPT
NICOLE TAPKING, DPT CSCS
ALINE HARMANDJIAN, DPT CSCS

BRAD WOO, MPT
HUNTER VAN HOUTEN, DPT OCS
ERIN ROUSE, MPT
KAREN HWANG, DPT OCS

August 17, 2018

Matt Chang, Associate Planner
City of Thousand Oaks
2100 E. Thousand Oaks Blvd.
Thousand Oaks, CA 91362

Re: Proposed 24-Hour, 7-Eleven Gas Station and Convenience Store (SUP 2018-70220)

Mr. Matt Chang,

We are the Tenants and Owner of 2166 N. Moorpark Boulevard, the office building directly adjacent to the proposed 7-Eleven, 24-hour gas and convenience store proposed for the vacant lot to our west. We have long awaited something happening there beyond a patch of grass and we support the project as-is for a number of reasons:

- The 24-hour operations would alleviate, at least some of the loitering and homeless problem we have on the back of our lot that confronts our owner and our employees. The light that is planned to point from the rear wall of the convenience store to our parking lot, will deter this activity and save us from collecting trash, vandalism (defecating several times), and homeless run-ins. Moreover, the Developer has included cameras in the rear of their store as well, which will cover our problematic parking lot area (and tie into T.O.P.D stations) to catch the perpetrators or at least collect evidence against them.
- Bartley Physical Therapy patients, in particular their senior population, will benefit from the improved, safer access from Moorpark Road. Wound Healing patients will benefit from 7-Eleven's expanded medicine and first-aid section.
- Most importantly, their site lay-out, unlike the previous Starbucks proposal, provides integration between our two sites. Their plan will allow our customers to enter the 7-Eleven driveway on Avenida del la Flores and come into our parking lot without having to use Moorpark which requires a U-turn a mile down to access our Moorpark driveway.



NADINE BARTLEY, PT OCS
MELINDA KLEIN, MPT
NICOLE TAPKING, DPT CSCS
ALINE HARMANDJIAN, DPT CSCS

BRAD WOO, MPT
HUNTER VAN HOUTEN, DPT OCS
ERIN ROUSE, MPT
KAREN HWANG, DPT OCS

The Developers have generously taken the time to show us the site-plan, renderings, and listen to our input, which we really appreciate. For their efforts and all the positive effects on our tenancy, we are happy to write this letter supporting both their use and the 24-hour operations.

Sincerely

A handwritten signature in dark ink that reads "Nadine Bartley".

Nadine Bartley PT OCS

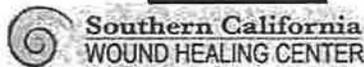
BARTLEY PHYSICAL THERAPY
2166 N. Moorpark Rd suite 200
Thousand Oaks, CA 91360
Phone: [REDACTED]

J. Thomas Millington, MD
2166 N. Moorpark Rd St #100
Thousand Oaks, CA 91360
Phone: [REDACTED]

Robert Heatherly, Owner

2166 N. Moorpark Rd.
Thousand Oaks, CA 91360

A handwritten signature in dark ink that reads "J. Thomas Millington".





Southern California WOUND HEALING CENTER

August 17, 2018

Matt Chang, Associate Planner
City of Thousand Oaks
2100 E. Thousand Oaks Blvd.
Thousand Oaks, CA 91362

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- Bartley Physical Therapy patients will benefit post-workout from the 7-Eleven refreshments and healthy food format the Developers have promised. Wound Healing patients will benefit from 7-Eleven's expanded medicine and first-aid section.
- Most importantly, their site lay-out, unlike the previous Starbucks proposal, provides integration between our two sites. Their plan will allow our customers to enter the 7-Eleven driveway on Avenida del la Flores and come into our parking lot without having to use Moorpark which requires a U-turn a mile down to access our Moorpark driveway.

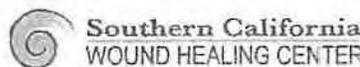
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Sincerely

Nadine Bartley PT OCS
BARTLEY PHYSICAL THERAPY
2166 N. Moorpark Rd suite 200
Thousand Oaks, CA 91360
Phone: [REDACTED]

J. Thomas Millington, MD
2166 N. Moorpark Rd St #100
Thousand Oaks, CA 91360

Robert Hatherley, Owner
2166 N. Moorpark Rd.
Thousand Oaks, CA 91360
Phone: [REDACTED]



Matt Chang

From: Ben J. DITZEL
Sent: Friday, September 7, 2018 11:14 AM
To: Matt Chang
Subject: Moorpark / Flores 7Eleven Proposal

Good day Matt,

I am writing in regards to the proposed 7Eleven and gas station on the corner lot at Moorpark Road and Flores. I want to voice my support for such a project. my wife and I moved into Thousand Oaks earlier this year and while we sincerely love the area already, we are constantly shocked at the lack of gas stations and going to fill up is a chore and there are no filling stations along any of our normal routes. Ironically we have an older base ARCO station (no am/pm) right next to our house but the concrete blockades all over the streets here make it so that it is very difficult to get to and it requires multiple awkward left turns and U-turns to access. While this proposed 7Eleven is not very near our home, I am all for some development in this area as vacant lots tend to attract crime and can be dangerous areas (holes, broken objects, etc). The same can be said for the growing number of vacant buildings near the Janss Mall. Hoping some new long term tenants will move in there. *(Looking at you, Aldi!)*

Thanks for your time, much appreciated!

Ben J. Ditzel

614 Warwick Ave. | Thousand Oaks, CA 91360 USA



COMMERCIAL REAL ESTATE

Sent Via Email to

March 25, 2019

Thousand Oaks Planning Commission
2100 Thousand Oaks Blvd.
Thousand Oaks, CA 91362
Re: SUP 2018-70220

Dear Mr. Kohan,

I'm writing in support of the 7-Eleven market and service station. I realize, as a broker on the project, I have a vested interest, but as a retail and commercial leasing and sales professional doing business in Ventura County for forty years, I have no doubt this is a good fit for the property for the following reasons:

§ 7-Eleven and the developer have made many changes to their plans to improve their typical store, addressing the concerns of the Thousand Oaks High School principal, police and neighbors, not only with design, but most importantly with security measures that address future issues that could potentially arise.

§ The property was a gas station for 40 years, so this use is not atypical along the Moorpark Blvd. corridor. We understand a handful of people have organized opposition, but respectfully ask you review the arguments on their true merits: the School District's support, the lengths the applicant's gone throughout, working with staff and stakeholders to satisfy community and public safety concerns.

§ After being receptive to every concern, the owner and applicant find themselves challenged by voices who have never been involved in this long, cumbersome and expensive process, and who, we feel, do not truly understand what we've offered, how we've accommodated, and the economic value we offer the community.

§ And finally, after meeting with a handful of neighbors who, surprisingly, expressed concern about "the homeless," we responded accordingly: where are these homeless? We're not near a freeway, we have the support of public safety, we're installing two dozen surveillance cameras, our trashcans are locked, and therefore wouldn't an attractive, well-lit public market be more a deterrent to vagrants than a dark empty lot?

We sincerely think this use is consistent with the Community Plan and a benefit for all.
Please support the use at the site.

Pamela Scott
President
GPS Commercial Real Estate Services, Inc.