

Domino's Pizza - 2220 N Moorpark Rd Ste 104, Thousand Oaks, CA 91360

Monday-Sunday: 11:00AM – 1:00AM;

Friday-Saturday: 11:00AM – 2:00AM

Planning Commission Conclusions:

Modification 1

NO. 1 was approved on December 5, 1988 to extend the operating hours for Domino's only beyond those established by the original permit on a six (6) month trial basis. The hours were extended from 8:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 9:00 p.m. Sunday to 11:00 a.m. to 12:00 a.m. seven (7) days a week. Other restrictions were also imposed by the City to prevent potential impacts to the neighboring residential area including restricting the operation to phone order deliveries, prohibiting walk- in trade, and limiting the sale to whole pizzas with no sale of individual slices. Also, electronic controlled games were prohibited.

Modification 2

Modification NO. 2 to the development permit was the required six month review of the extended operating hours for Domino's. The review found that there were no complaints filed from the surrounding neighborhood over this time period concerning the extended operating hours. Therefore, the extended hours were approved and will expire upon termination of the pizza bakery use.

Modification 3

Modification NO. 3 was approved by the Planning Commission on October 21, 1991 to further extend the operating hours of the pizza bakery to 11:00 a.m. to 1:00 a.m. Sunday through Thursday, and 11:00 a.m. to 2:00 a.m. Friday and Saturday and to allow customer carry- out services during these same hours. The permit maintained the restriction of take out only, with the prohibition of tables and chairs. The Commission granted the extension of operating hours with the finding that sufficient evidence was provided to indicate that the extended hours for take- out services would not adversely impact the surrounding neighborhood, including the high school.

Modification 4

Modification No. 4, approved in September, 1992, conducted the six (6) month review required by Modification No. 3. Staff again found that there were no complaints filed from the surrounding neighborhood or evidence of nuisance problems over this review period concerning the extended hours and customer carry- out services.

Modification 5

Modification No. 5, approved by the Planning Commission and City Council in 1995, expanded the uses allowed by the deed restriction on the property. The modification request was filed by a new owner of the center. The basis for the request was that the owner was having trouble finding tenants for the center with the restrictions on uses established by the deed restriction.



M E M O R A N D U M

*City of Thousand Oaks • Thousand Oaks, California
Community Development Department*

TO: Planning Commission

FROM: Community Department Development

SUBJECT: DP 87-608 Major Modification No. 6

APPLICANT: David Lidgi

DATE ACCEPTED
AS COMPLETE: May 11, 1999

PLANNER: Jonathon Shepherd, Senior Planner

REQUEST

A Major Modification has been filed to modify the existing covenant and deed restriction to allow additional uses within an existing commercial shopping center, located on the northeast corner of Avenida de las Flores and Moorpark Road.

RECOMMENDATION

It is the recommendation of the Community Development Department that DP 87-608 Major Modification No. 6 be approved, in part subject to the attached conditions and based upon the following findings:

1. The requested additional permitted uses 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.

ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act, as Class 5 (minor alterations in land use limitations) The request for a modification in the existing deed restriction to allow additional uses at this center is a minor change to the existing conditions under which the center operates and does not introduce any potential environmental effects.

PROJECT HISTORY

On November 1, 1966 the subject property was rezoned from R-1-10 (Single Family Residential) to CPD (Commercial Planned Development), an old classification inherited from Ventura County when the City incorporated. All CPD zoning was later converted by a blanket City-wide zone change to either C-1(Neighborhood Shopping Center) or C-3 (Community Shopping Center), and the subject property was reclassified C-1. In conjunction with this zone change, a deed restriction, mutually agreed to by the City and the then property owner, was recorded that limited the commercial use of the property to a drive-thru dairy business (Giacapuzzi Dairy) or similar food dispensing activity. A drive-thru dairy was approved and subsequently constructed on site in 1967.

By 1985, the drive-thru dairy had closed down and the property was sold. On April 15, 1985 DP 85-551, a request for a commercial office/retail structure on the property, was denied by the Commission based on findings of insufficient parking, lack of adequate setback from Calle Jazmin, various design departures from the City's architectural design guidelines, and non-compliance with the deed restriction which, as noted above, limits the use of the site to a dairy or similar type of activity. In conjunction with the denial of this application, the Commission initiated Zone Change 85-555 to allow a review of the appropriate zone for the property.

Z 85-555 was approved by the City Council in November 1986 changing the zone classification from C-1 to C-2 (Highway and Arterial Commercial). This was a more appropriate classification than C-1, considering the small size of the property. However, the C-2 zone allows a fairly broad range of commercial uses, and the Council was concerned about the potential compatibility with the area.

As part of the Council's action therefore, a deed restriction was required limiting the allowed uses on the property to certain specific identified uses considering the site's physical configuration, and the location and proximity to adjacent residences and Thousand Oaks High School. It was determined that these particular uses would be sensitive to the adjacent residential area and high school. A copy of the original deed restriction is attached for the Commission's information.

This deed restriction was required in part due to concerns and prior problems of students loitering at the drive-thru dairy. The applicant at that time agreed to the deed restriction and it was recorded on November 5, 1986.

DP 87-806 was approved by the Planning Commission on June 22, 1987 for the construction of the commercial center currently located on site. Condition "I-3" of the resolution approving the project cites the use limitations contained in the deed restriction.

There have been five (5) modifications to the permit. The first four (4) modifications involve the Domino's Pizza facility. The fifth modification allowed the deed restriction to be expanded to allow additional uses. The modifications are pertinent to this current modification request, since they deal with requests impacting the deed restriction.

Through submittal of information from the owner of the Domino's franchise and her attorney, Staff determined that the operation was more similar to a bakery than a restaurant, as it was a take out facility only, and therefore was a permitted use under the deed restriction. Modification No. 1 was approved on December 5, 1988 to extend the operating hours for Domino's only beyond those established by the original permit on a six (6) month trial basis. The hours were extended from 8:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 9:00 p.m. Sunday to 11:00 a.m. to 12:00 a.m. seven (7) days a week. Other restrictions were also imposed by the City to prevent potential impacts to the neighboring residential area including restricting the operation to phone order deliveries, prohibiting walk-in trade, and limiting the sale to whole pizzas with no sale of individual slices. Also, electronic controlled games were prohibited.

Modification No. 2 to the development permit was the required six month review of the extended operating hours for Domino's. The review found that there were no complaints filed from the surrounding neighborhood over this time period concerning the extended operating hours. Therefore, the extended hours were approved and will expire upon termination of the pizza bakery use.

Modification No. 3 was approved by the Planning Commission on October 21, 1991 to further extend the operating hours of the pizza bakery to 11:00 a.m. to 1:00 a.m. Sunday through Thursday, and 11:00 a.m. to 2:00 a.m. Friday and Saturday and to allow customer carry-out services during these same hours. The permit maintained the restriction of take out only, with the prohibition of tables and chairs. The Commission granted the extension of operating hours with the finding that sufficient evidence was provided to indicate that the extended hours for take-out services would not adversely impact the surrounding neighborhood, including the high school. A

six (6) month review was also required with this approval.

Modification No. 4, approved in September, 1992, conducted the six (6) month review required by Modification No. 3. Staff again found that there were no complaints filed from the surrounding neighborhood or evidence of nuisance problems over this review period concerning the extended hours and customer carry-out services. Therefore, the extended hours were approved and will expire upon termination of the specific use.

Modification No. 5, approved by the Planning Commission and City Council in 1995, expanded the uses allowed by the deed restriction on the property. The modification request was filed by a new owner of the center. The basis for the request was that the owner was having trouble finding tenants for the center with the restrictions on uses established by the deed restriction.

ANALYSIS

Under the deed restriction and Modification No.5, the following uses are now permitted in the center:

- Antique stores
- Art studios
- Automotive parts - sales only
- Banks and similar businesses
- Bakeries
- Barber shops
- Beauty shops
- Book stores
- Copy shops
- Dressmaking shops
- Dry cleaners/laundry outlets
- Dry goods and notions stores
- Electrical appliance repair stores
- 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
Photography sales
Plumbing shops
Radio and television retail sales and repair stores
Stationary stores
Shoe repair shops
Tailor shops
Taxidermists
Telephone exchanges with no outdoor storage
Wearing apparel stores

Recently the subject property was sold to a new owner. The new owner contacted staff in April to see if a pet grooming salon would be allowed in the center. Although pet grooming salons are not specifically listed as permitted uses in any of the commercial zones, they have historically been allowed in zones that allow "bird and pet shops," as a similar type of use. Although "bird and pet shops" are listed uses in the C-2 Zone, they were not included in the original uses listed in the deed restriction. In Modification No. 5, the applicant did request that "bird and pet shops" be added to the permitted list of uses of the deed restriction. However, when it approved Modification No. 5, the Planning Commission rejected this specific use, as there was concern of potential neighborhood noise impacts with animals left on site overnight.

In reviewing the current request in Modification No. 6, Staff believes that a pet grooming salon would not be detrimental to the surrounding neighborhood and would meet the intent of the deed restriction because pet grooming salons do not typically board animals overnight. In addition, the parking requirements for these facilities is the same as for other commercial uses and sufficient parking is provided on site. Therefore, staff supports the request to expand the deed restriction to include pet grooming salons as a permitted use for the center.

In addition to the pet grooming salon, the applicant is requesting that the following additional uses be included with the permitted uses:

Cyclery
Signs
Beauty supply
Floor and wall covering
Juice store
Restaurant - take out only

Staff has reviewed the requested additional uses and has determined that the "cyclery", "beauty supply", and "floor and wall covering" uses would meet the intent of the deed restriction and would not impose a detriment to the surrounding residential neighborhood.

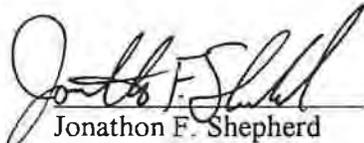
Staff has a concern with the requested "sign" use, as the C-2 zone allows limited manufacture of products that are an integral part of the retail business. A typical sign manufacturing business would not be consistent with the deed restriction due to potential noise impacts to the neighborhood. The applicant has advised staff that his intent was to allow a shop that would sell pre-made signs or add special lettering to signs, not a full scale sign manufacturing business. With a restriction to prevent manufacturing and fabrication of the signs on-site, it is staff's position that this use would meet the intent of the deed restriction as the restriction would prevent potential noise impacts to the neighboring residential neighborhood.

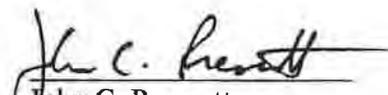
Staff has a greater concern with the "juice store" and the "take-out restaurant" proposals. These proposed uses have the potential to attract students from across the street, in conflict with the establishment of the deed restriction. Although Domino's Pizza is located in the center, there are restrictions in place, including selling individual slices of pizza, that have prevented conflicts from arising that would impact the residential neighborhood. Staff has not received any complaints about Domino's operation at this center. Similar restrictions would be difficult to impose on take-out only restaurants and juice stores in order to prevent potential loitering of students in the center, that may have a detrimental impact to the residential neighborhood.

In light of these concerns, staff recommends that the modification to DP 86-608 be approved in part only to allow the deed restriction to be expanded to include only pet grooming salons, cyclery stores, sign shops restricting the manufacturing and fabrication of signs on-site, beauty supply and floor and wall covering stores, and not be expanded to permit juice stores and take-out only restaurants.

Prepared by,

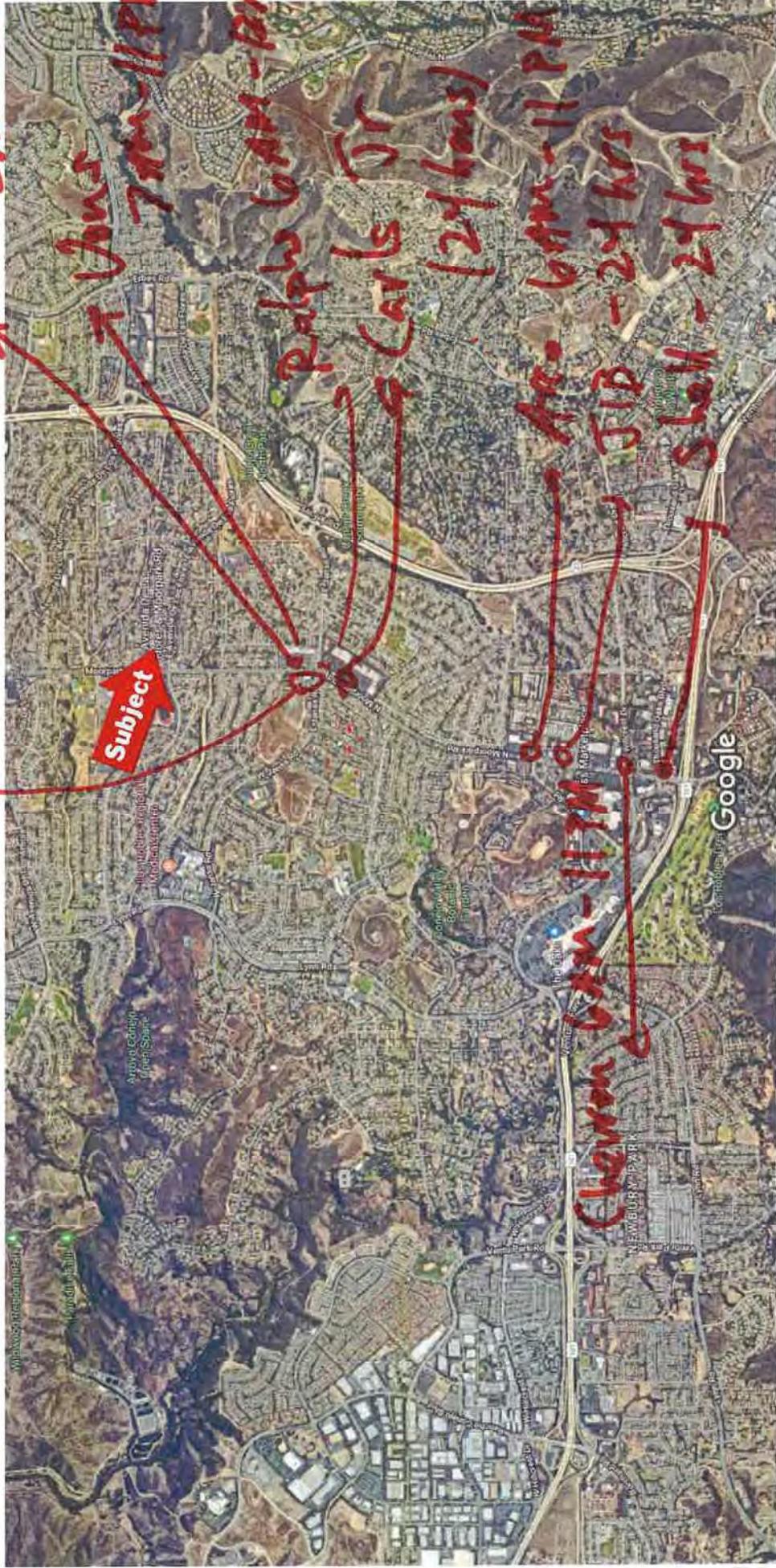
Submitted by,


Jonathon F. Shepherd
Senior Planner


John C. Prescott
Division Manager

USA Gas (24 hrs)

McDonald's
5 AM - 2 AM



7-Eleven 24 hrs

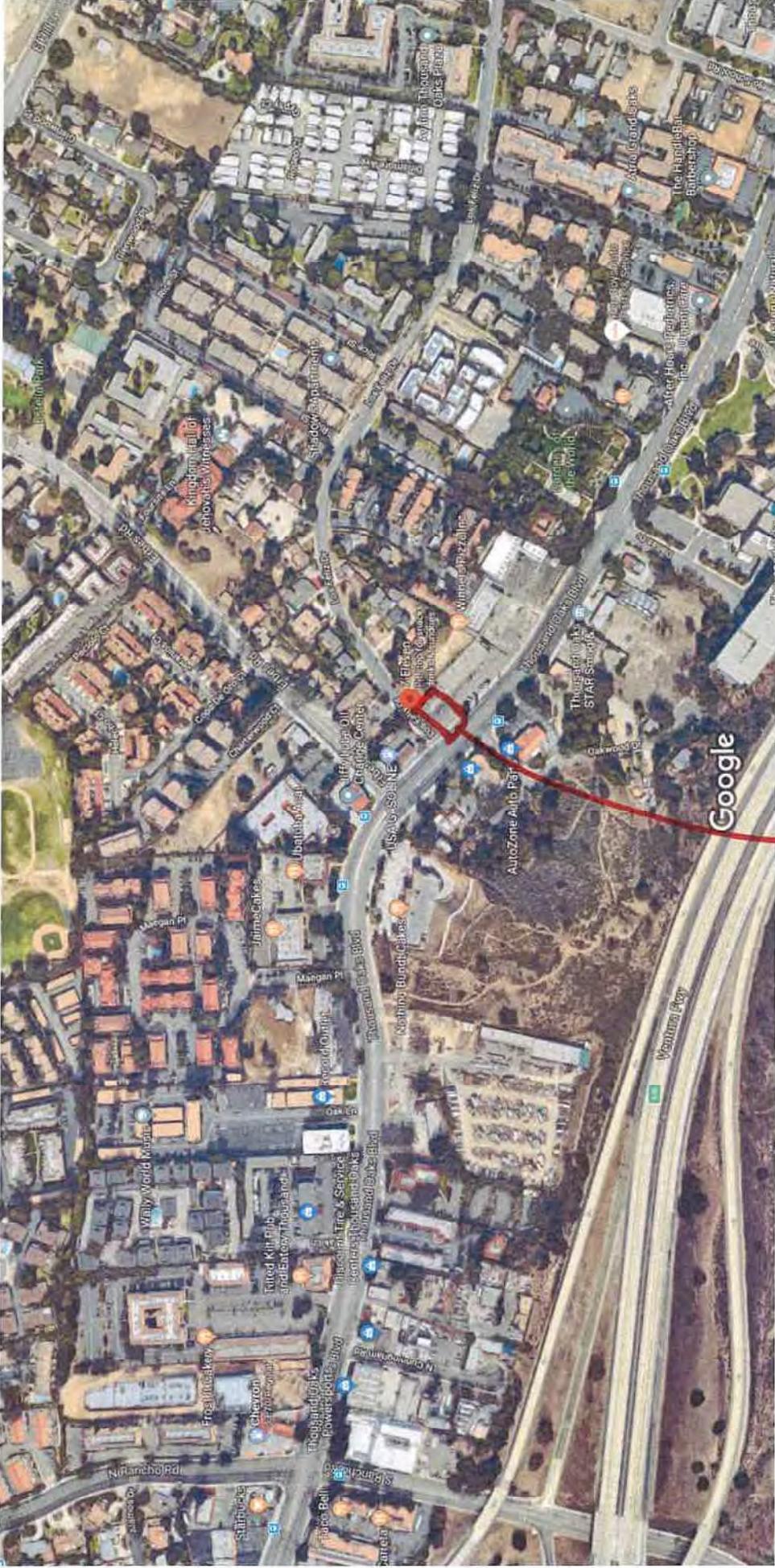


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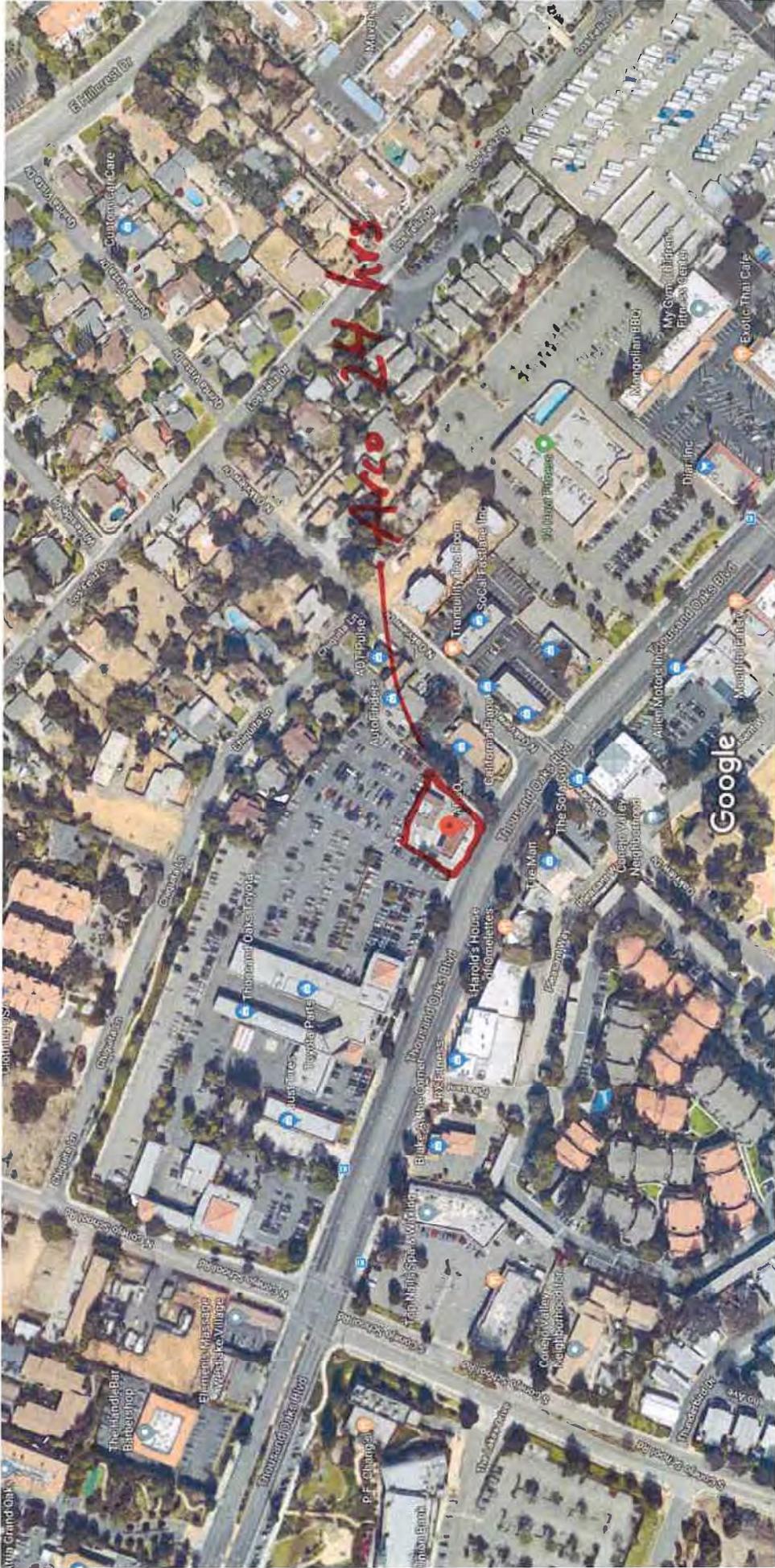
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Imagery ©2019 Google, Map data ©2019 Google 200 ft

7-Eleven (+ Beer/Wine)
24 hrs



**TITLE 9. PLANNING AND ZONING / CHAPTER 4. ZONING / Article 12.
Neighborhood Shopping Center Zones (C-1)***

Article 12. Neighborhood Shopping Center Zones (C-1)*

* *The title of Article 12, formerly entitled "Neighborhood Commercial Zones," amended by Section I, Ordinance No. 173-NS, effective November 5, 1970.*

**TITLE 9. PLANNING AND ZONING / CHAPTER 4. ZONING / Article 12.
Neighborhood Shopping Center Zones (C-1)* / Sec. 9-4.1200. Purpose (C-1).**

Sec. 9-4.1200. Purpose (C-1).

The C-1 or Neighborhood Shopping Center Zone 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 using modern site planning techniques. 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. Such centers are required to fit into the residential pattern of development and not create either architectural or traffic conflicts.

(§ II, Ord. 173-NS, eff. November 5, 1970)

**TITLE 9. PLANNING AND ZONING / CHAPTER 4. ZONING / Article 12.
Neighborhood Shopping Center Zones (C-1)* / Sec. 9-4.1201. Uses requiring development permits (C-1).**

Sec. 9-4.1201. Uses requiring development permits (C-1).

The following uses only shall be permitted in Neighborhood Shopping Center (C-1) Zones, subject to the requirements and conditions of a development permit granted in the manner provided in Article 28 of this chapter:

(a) Agricultural uses subject to the following conditions and limitations:

(1) Land within C-1 Zones may be used for growing agricultural crops and uses accessory thereto, but no poultry or animals shall be raised or kept in such zones except as are otherwise permitted by the provisions of this article;

The City of Thousand Oaks, CA Municipal Code

- (b) Antique stores;
- (c) Art studios;
- (d) Bakeries which do not employ more than five (5) persons in the permitted manufacturing, processing, or treating of the products involved;
- (e) Banks and similar businesses;
- (f) Barbershops;
- (g) Beauty shops;
- (h) Bird and pet shops;
- (i) Bookstores;
- (j) Religious facilities;
- (k) Clubs and lodges, private;
- (l) Confectionery stores;
- (m) Delicatessens;
- (n) Dressmaking shops which do not employ more than five (5) persons in the permitted manufacturing, processing, or treating of the products involved;
- (o) Drugstores;
- (p) Dry goods and notions stores;
- (q) Dwelling units above stores if the ground floor is devoted entirely to retail stores or businesses permitted in C-1 Zones, such dwelling units to be occupied only by the proprietors of the stores or businesses;
- (r) Electrical appliance repair stores;
- (s) Floriculture and horticulture of all types;
- (t) Florist shops;
- (u) Fruit and vegetable stores;
- (v) Furniture stores;
- (w) Grocery stores and small variety stores, but not major department or discount stores;

The City of Thousand Oaks, CA Municipal Code

- (x) Hardware stores;
- (y) Interior decorating establishments;
- (z) Jewelry stores;
- (aa) Laundry and dry cleaning establishments which do not employ more than five (5) persons in the permitted manufacturing, processing, or treating of the products involved;
- (ab) Liquor stores;
- (ac) Meat markets;
- (ad) Medical laboratories;
- (ae) Millinery shops which do not employ more than five (5) persons in the permitted manufacturing, processing, or treating of the products involved;
- (af) Music and dancing schools;
- (ag) Garden centers;
- (ah) Offices, business;
- (ai) Offices, professional, excluding veterinary;
- (aj) Radio and television retail sales and repair stores;
- (ak) Restaurants and cafes which do not serve alcoholic beverages such as liquor, spirits, wine, or beer, which beverage contains greater than one-half of one (0.5%) percent of alcohol by volume;
- (al) Retail stores which do not involve any kind of manufacturing, processing, or treating of products other than that which is clearly incidental to the retail business conducted on the premises;
- (am) Shoe repair shops;
- (an) Signs only as set forth in Article 23 of this chapter;
- (ao) Repealed;
- (ap) Stationery stores;
- (aq) Tailor shops;
- (ar) Telephone exchanges with no outside storage;

The City of Thousand Oaks, CA Municipal Code

(as) Variety stores;

(at) Wearing apparel stores;

(au) Water supply. The provisions of this article shall not be construed to prohibit the drilling of water wells for the production of water on any lot or parcel of land in the C-1 Zone if water from such wells is used only upon the lot or parcel upon which the well is located;

(av) Uses and structures which are incidental or accessory to any of the uses permitted in the C-1 Zone;

(aw) The Community Development Director may authorize a temporary carnival, fair, rodeo, gymkhana, and any other similar temporary recreational and amusement type enterprise whenever the duration of the enterprise is for not more than seven (7) consecutive days within any sixty (60) day period of time. At the time of authorization, the Community Development Director may impose conditions regarding the hours of operation, access, parking, fencing, and surface treatment to inhibit dust emanation;

(ax) Repealed;

(ay) Resource collection receptacles;

(az) Branch libraries operated by a public agency; and

(ba) Outdoor barbecues, when conducted on a regular or recurring basis at a specific location in conjunction with a permitted and related commercial operation (e.g., meat markets, restaurants);

(bb) Wireless communications facility;

(bc) Martial arts studios (e.g., karate, judo and similar self-defense schools).

(§ 8128, T.O.O.C., as amended by § 1, Ord. 55, § 7, Ord. 86, § 13, Ord. 95, § 3, Ord. 126, § 1, Ord. 211, § III, Ord. 173-NS, eff. August 19, 1971, § I, Ord. 563-NS, eff. March 18, 1976, § II, Ord. 661-NS, eff. January 12, 1978, § 2, Ord. 980-NS, eff. November 3, 1987, § 2, Ord. 1025-NS, eff. May 16, 1989, § 1, Ord. 1113-NS, eff. August 8, 1991, § 20, Ord. 1178-NS, eff. April 27, 1993, § 6, Ord. 1187-NS, eff. October 5, 1993, § 3, Ord. 1292-NS, eff. August 28, 1997, § 1, Ord. 1304-NS, eff. October 23, 1997, § 1, Ord. 1323-NS, eff. June 25, 1998, § 8, Ord. 1379-NS, eff. August 9, 2001, § 22, Ord. 1392-NS, eff. June 7, 2002, and § 2, Ord. 1485-NS, eff. October 11, 2007)

TITLE 9. PLANNING AND ZONING / CHAPTER 4. ZONING / Article 12.
Neighborhood Shopping Center Zones (C-1)* / Sec. 9-4.1202. Uses requiring special use permits (C-1).

The City of Thousand Oaks, CA Municipal Code

Sec. 9-4.1202. Uses requiring special use permits (C-1).

The following uses shall be permitted only if a special use permit is obtained in the manner set forth in Article 28 of this chapter:

- (a) Automobile service stations;
- (b) Natural resources, development of, including the necessary structures and appurtenances incidental thereto;
- (c) Veterinary offices provided such establishments shall be in a completely enclosed building and shall not board animals;
- (d) Notwithstanding any other provision to the contrary, any business wholly or incidentally engaged in the on-premises sale of alcoholic beverages;
- (e) Day nurseries;
- (f) Commercial recreational facilities limited to tennis, handball/racquetball, and tennis courts;
- (g) Junior department stores;
- (h) Trade and training schools;
- (i) Gymnasiums, health studios, exercise rooms, aerobics studios and similar-type uses;
- (j) Restaurants and cafes which serve alcoholic beverages, such as liquor, spirits, wine, or beer, which beverage contains greater than one-half of one (0.5%) percent of alcohol by volume;
- (k) Restaurants and cafes which have as an accessory use dancing or live entertainment;
- (l) Nightclubs and dancing establishments;
- (m) Live entertainment; and
- (n) A Special Use Permit may be granted for any property included within the Protected Ridgeline Overlay Zone to have certain PR Overlay development standards modified as may be deemed appropriate by the City Council upon recommendation of the Planning Commission. The criteria for the approval of this permit are those set forth in Section 9-4.3502(c) of this chapter.

The City of Thousand Oaks, CA Municipal Code

Ord. 163-NS, eff. August 27, 1970, § IV, Ord. 173-NS, eff. November 5, 1970, § XVIII, Ord. 220-NS, eff. August 19, 1971, § IX, Ord. 312-NS, eff. November 2, 1972, § I, Ord. 557-NS, eff. February 19, 1976, § II, Ord. 563-NS, eff. March 18, 1976, § III, Ord. 661-NS, eff. January 12, 1978, § I, Ord. 871-NS, eff. October 2, 1984, § 7, Ord. 1187-NS, eff. October 5, 1993, § 10, Ord. 1273-NS, eff. January 8, 1997, § 1, Ord. 1393-NS, eff. June 7, 2002, § 11, Ord. 1555-NS, eff. May 13, 2011)

**TITLE 9. PLANNING AND ZONING / CHAPTER 4. ZONING / Article 12.
Neighborhood Shopping Center Zones (C-1)* / Sec. 9-4.1203. Development permits:
Conditions and limitations (C-1).**

Sec. 9-4.1203. Development permits: Conditions and limitations (C-1).

Unless otherwise stated in the development permit, such permit shall be subject to all the following conditions and limitations;

(a) The open storage of materials and equipment shall be permitted only when incidental to the permitted use of an office, store, or other building located on the front portion of the same lot provided, however, such storage area shall be approved and shown on the plot plan.

(b) Buildings and other structures shall not occupy more than twenty-five (25%) percent of the area for which the development permit is issued. The remaining area shall be used for automobile parking and circulation and shall be completely improved, surfaced, and marked for such purpose.

(c) Whenever the parking and circulation area abuts property in an R Zone, there shall be erected along the property line abutting the R Zone a solid fence or wall six (6') feet in height, or an evergreen hedge shall be planted and maintained at a height of six (6') feet.

(d) No structure shall be located less than one hundred (100') feet from the center line of any public road, street, or highway or less than within ten (10') feet of any boundary line of abutting R property except when the structure height exceeds twenty-five (25') feet, it shall be located not less than twenty (20') feet from any such boundary line.

(e) Structure heights within the C-1 Zone shall be as set forth in Section 9-4.2501 of Article 25 of this chapter.

(f) Ingress and egress roads leading onto a limited access highway shall be located at intervals not less than six hundred (600') feet apart. Ingress and egress roads leading onto any other public road, street, or highway shall be located at intervals not less than three hundred (300') feet apart, except when such road, street, or highway is designed as a service road for any adjacent commercial area, the ingress and egress roads shall be located at intervals not less than

The City of Thousand Oaks, CA Municipal Code

one hundred (100') feet apart.

- (g) Frontage or interior service roads shall be provided to serve such C-1 area.
- (h) Whenever the parking or circulation area abuts a public street and the property across such street is zoned for residential uses, there shall be provided along the C-1 area property lines adjacent to the street except within the approved exit and entrance ways a planting strip one and one-half (1-1/2') feet wide within which plantings shall be maintained at a minimum height of two and one-half (2-1/2') feet; provided, however, where sight distance may be impaired, the Community Development Director may permit a lesser height requirement. Appropriate wheel blocks shall be installed along the parking area sides of the planting strip.
- (i) Trees, approved as to number and type by the Landscape Supervisor, shall be planted in the parkway area between the curbs and sidewalks.
- (j) Every lot created on or after September 5, 1969, shall have a minimum street frontage of one hundred (100') feet and a minimum lot area of twenty thousand (20,000) square feet; provided, however, any lot having frontage on a limited or controlled access highway shall have a minimum street frontage of six hundred (600') feet unless:
 - (1) All access rights to such limited or controlled access highway have been dedicated to, and accepted by, the City subject to such driveways or common driveways as permitted in such acceptance of access rights dedication; or
 - (2) A special use permit for an automobile service station, including access thereto has been approved by the City.
- (k) Every lot created on or after September 5, 1969, shall have a depth at least equal to the required street frontage of such lot (except the required frontage along limited or controlled access highways) and a depth not more than three (3) times the amount of the actual street frontage of such lot.
- (l) Each neighborhood commercial shopping center site shall consist of a minimum of four (4) acres and up to a maximum of ten (10) acres. After a development permit for the center has been approved by the City, individual lots may be created so long as they comply with the provisions of subsections (j) or (k) of this section.
- (m) The applicant shall submit a construction sequence for the land covered by the permit showing the order in which particular structures and facilities will be constructed, and, upon approval of the sequence, the applicant shall not deviate from such sequence without written approval by the Community Development Director.

(§ 8128.2, T.O.O.C., as amended by § 3, Ord. 126, § 1, Ord. 105-NS, eff. September 5, § IV, Ord. 173-NS, eff. November 5, 1970, and § VI, Ord. 495-NS, eff. October 10, 1974)

**TITLE 9. PLANNING AND ZONING / CHAPTER 4. ZONING / Article 12.
Neighborhood Shopping Center Zones (C-1)* / Sec. 9-4.1204. Development permits:
Issuance (C-1).**

Sec. 9-4.1204. Development permits: Issuance (C-1).

(§ 8128.8, T.O.O.C., as amended by § 3, Ord. 126 § 5, Ord. 142-NS, eff. March 26, 1970, and § VII, Ord. 162-NS, eff. August 27, 1970; repealed by § 21, Ord. 1178-NS, eff. April 27, 1993)

**TITLE 9. PLANNING AND ZONING / CHAPTER 4. ZONING / Article 12.
Neighborhood Shopping Center Zones (C-1)* / Sec. 9-4.1205. Nonresidential buildings in
redevelopment areas.**

Sec. 9-4.1205. Nonresidential buildings in redevelopment areas.

The conditions and limitations set forth in this article and in Article 28 may be waived or modified for nonresidential buildings or structures in approved redevelopment project areas as set forth in Section 9-4.2702.5.

(§ 3, Ord. 887-NS, eff. April 9, 1985)

**TITLE 9. PLANNING AND ZONING / CHAPTER 4. ZONING / Article 13. Highway
and Arterial Business Zones (C-2)***

Article 13. Highway and Arterial Business Zones (C-2)*

* *The title of Article 13, formerly entitled "General Commercial Zones," amended by Section V, Ordinance No. 173-NS, effective November 5, 1970.*

**TITLE 9. PLANNING AND ZONING / CHAPTER 4. ZONING / Article 13. Highway
and Arterial Business Zones (C-2)* / Sec. 9-4.1300. Purpose (C-2).**

Sec. 9-4.1300. Purpose (C-2).

The C-2 or Highway and Arterial Business Zone is intended for establishments offering accommodations, supplies, or services, especially to motorists, and for specialized automotive and related sales and service establishments which serve persons coming to them from large

Stephen Kearns

From: Don Waite <[REDACTED]>
Sent: Wednesday, April 3, 2019 4:50 PM
To: Mohammad Fatemi
Cc: 'Neal Scribner'; 'Taylor Megdal'; Bradley Bussell; Stephen Kearns
Subject: RE: Megdal - Moorpark - 7-Eleven project
Attachments: 2198_Moorpark_Topo Survey.pdf

Mohammad, Thanks for your information. I am relying on the survey performed by M&G Civil Engineering and Land Surveying.

They found existing monuments that, in my professional opinion depict a true and accurate boundary survey of the project and stated area of 20,042.99 sq ft

However, we did an independent area calculation to confirm the area. Don

DONALD G. WAITE

Westland Civil, Inc.

101 HODENCAMP ROAD, SUITE 216,
 THOUSAND OAKS, CA 91360.

From: Mohammad Fatemi [mailto:MFatemi@toaks.org]
Sent: Wednesday, April 03, 2019 3:37 PM
To: Don Waite <[REDACTED]>
Cc: 'Neal Scribner' <[REDACTED]>; 'Taylor Megdal' <[REDACTED]>; Bradley Bussell <BBussell@toaks.org>; Stephen Kearns <SKearns@toaks.org>
Subject: RE: Megdal - Moorpark - 7-Eleven project

Don, we cannot either confirm the accuracy of your calculations or perform a calculation evaluation at this time. To do any of that we need official submittal with supporting data including property survey and full closure calculations. But I do trust that as a professional Land Surveyor/Engineer you would not issue bogus information.

Thank you

Mohammad Fatemi, PE, MBA

Engineering Services Division Manager

Public Works Department

805.449.2392 | toaks.org/publicworks



From: Don Waite <[REDACTED]>
Sent: Tuesday, April 2, 2019 12:03 PM
To: Mohammad Fatemi <MFatemi@toaks.org>
Cc: 'Neal Scribner' <[REDACTED]>; 'Taylor Megdal' <[REDACTED]>
Subject: Megdal - Moorpark - 7-Eleven project

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May 9th, 2019

Honorable Chairwoman and Members of the Planning Commission
City of Thousand Oaks
2100 Thousand Oaks Blvd.
Thousand Oaks, CA 91362

Re: SUP 2018-70220

Dear Chairwoman and Commissioners,

In furtherance of compromise and a productive civic relationship, the corporate office of 7-Eleven wishes me to convey the following thoughts, facts and concessions they are enthusiastically willing to make in order to open their first store in Thousand Oaks in thirty years.

Currently, as we all know, 2198 N. Moorpark Road is an empty corner generating insignificant property tax on the raw land. It is a dark, gloomy space at night that attracts homeless and certainly doesn't enhance the neighborhood. We have presented our proposal to invest \$4,000,000 transforming this empty lot into a Beverly Hills-quality convenience market with a gas station, working collaboratively throughout the process with Dr. Bergman of Thousand Oaks High School, Officer Damian Alvarez of the Thousand Oaks Police Department, the Conejo Valley Schoolboard, the Planning Commission, your Planning & Development staff, local residents, and all stakeholders displaying a constructive community interest.

Our sensitivity to your health and safety concerns resulted in our decision to proactively deed restrict beer & wine sales, voluntarily forgoing 21-23% of projected sales for this location. Should we be forced to lose tobacco sales, 7-Eleven would not be able to justify the loss of nearly 50% of projected annual revenues, and the project would no longer be viable.

The store is calculated to net Thousand Oaks approximately \$300,000 annually in sales tax, which would be a loss to the community as a whole.

In an effort to best frame tobacco, the last remaining issue, we've done research (please see attached) that indicates the real challenge comes, not from cigarettes, cigars, or chewing tobacco, but from e-cigarettes (vaping), which according to the Federal Government, is "the most commonly used form of tobacco among youth in the United States," *and which 7-Eleven has agreed to deed restrict at this location.*

We share the Planning Commission's commitment and public policy goals of working to deter tobacco use, hopefully eliminating it altogether. We

wholeheartedly believe the location, security measure, and operational safe-guard deterrents built into the project advance this same public policy goal:

- As of April 8, 2019, California has raised the legal age to purchase tobacco products from 18 to 21. This guarantees that even high school seniors will not be able to purchase these products.
- Practically speaking, this location will be the last place a student would attempt to pass a fake ID. Many adults, school faculty, and parents alike will be shopping at this same location, so students are unlikely to risk an embarrassing peer detection buying them at this location.
- According to 7-Eleven studies, students more often attempt to make a tobacco purchase from a convenience store far away from campus and more likely from a non-brand, non-corporate chain with fewer security measures and less stringent policies.
- 7-Eleven stocks cigarette and tobacco items behind the register, so shoplifting by under-age customers is virtually impossible.
- 7-Eleven employs a point-of-sale (POS) register that scans an age-limited product SKU, and stops the transaction to wait for the follow-up scan of an ID.
- The entire transaction, even those preceding it, is suspended until a verified driver's license, state identification code, or passport is inputted.
- The scan eliminates the effectiveness of fake IDs. Pursuant to 7-Eleven guidelines, when presented with a fake ID that fails the scan, the store confiscates the ID and reports it to the local jurisdiction. The proposed cameras will feed directly into the T.O.P.D.'s system, so the evidence will be real-time and unequivocal.
- 7-Eleven franchise owners and their employees are all trained to catch subtle distinctions between the customer and their ID pictures including comparing hairline, jaw structure, ears, and other subtle visual evidence. 7-Eleven training manuals also contain this information.
- 7-Eleven employs a secret shopper program to self-regulate and test the effectiveness of the existing programs.
- A secret shopper is tasked with visiting each store at least once a month.
- In addition to performing other tests, secret shoppers seek to purchase age-restricted merchandise to check for guideline compliance.
- Failure of the secret shopper program can lead to franchisee suspension.
- All store purchases will be monitored with real-time footage captured both by 7-Eleven regional security and, in this case, Thousand Oaks PD as well.

In the spirit of continued compromise, 7-Eleven will agree to deed-restrict the property for all cannabis-related products.

Moreover, the Developer will contribute \$5,000 to fund an anti-vaping advertising campaign encompassing the areas of Thousand Oaks High School, Westlake High School, and California Lutheran University.

To continue our close collaboration with T.O.H.S, the Developer will also upgrade the existing bus stop at the corner of Moorpark and Avenida de la Flores. This bus stop is utilized by many of the high school students and lacks proper seating and a shaded structure.

And we are open to other suggestions.

Most of us are parents, and we were all kids ourselves. We understand peer pressure and the temptations that accompany growing up. But we've discovered it's impossible to monitor morality and the ethics of decision-making, which are the province of family and other institutions. Even if tobacco sales aren't available at this 7-Eleven, the retail shopping center across the street from our corner can legally lease space to a stand-alone vape store, tobacco shop, or convenience market that sells both, and those operators are sure to have less advanced technology, systems, and training protocol to operate them responsibly.

I fear the scenario where we can't achieve a mutually beneficial compromise on this submission. 7-Eleven has already directed me to prepare the attached by-right development, which replaces the gas-station with a grass lawn and code compliant seating for twenty (five tables with four seats each). To offset the lost gas sales, 7-Eleven will reorient the store towards a restaurant, sit-down experience to drive additional sales of food and snacks. Ironically, the gas station which was the central safe-guard to prevent open space for "hang-outs" and student pick-ups will be excluded all-together. Additionally, this by-right development won't have any merchandizing (vape, tobacco, etc....) limitations and can operate 24-hours a day. From an aesthetic standpoint, the original construction budget will be cut in half, so we will forego the trellises, all the stonework on the façade and demising walls, and most of the mature trees and lush perimeter landscaping.

I don't want to go down this path any more than you do. It exacerbates all the concerns I have heard over the last two years and designed around; however, ultimately, I am just a middle-man between 7-Eleven and the Community, so my hands are tied if we can't achieve a reasonable compromise with our current submission. I vow to continue to work with the Planning Commission and 7-Eleven to strike the appropriate balance and bring a beautiful, safe, and complementary project worthy of this prominent vacant corner.

Sincerely,

Taylor Megdal

Megdal & Associates
252 S Beverly Drive
Beverly Hills, CA 90212
Phone: (310) 277-0456

Dear Honorable Commissioners,

Thank you for your time, studied analysis, and careful deliberation at our Planning Commission Hearing on Monday, April 1st. Our entire team really appreciated the fair, balanced, and objective perspective you applied to our presentation and Special Use Permit (SUP) request. It is unfortunate our SUP was denied after two years of extensive consensus building. However, we understand this is a unique project site and we appreciate your acknowledgement of our efforts, respect, and balanced tone throughout the Planning Commission Hearing.

Moving forward, I vow to remain a committed broker between 7-Eleven and the City of Thousand Oaks. I'm currently working with 7-Eleven leadership to accept the proposed deed restrictions and agree to further concessions despite their need to generate sufficient revenues and profits to justify the \$4 million-dollar construction budget this uniquely beautiful gas-station requires.

I look forward to taking up the Commission's gracious offer to come before the Planning Commission again soon. With continued collaboration and compromise, I'm confident we can agree on a project worthy of all our pride and this gateway location into your wonderful community.

Sincerely,

Taylor Megdal

Taylor Megdal

Elliot Megdal & Associates

Phone: (310) 277-0456

Smoking & Tobacco Use

Youth use of tobacco products in any form is unsafe.

If cigarette smoking continues at the current rate among youth in this country, 5.6 million of today's Americans younger than 18 will die early from a smoking-related illness. That's about 1 of every 13 Americans aged 17 years or younger who are alive today.¹

Background

Preventing tobacco product use among youth is critical to ending the tobacco epidemic in the United States.

- Tobacco product use is started and established primarily during adolescence.^{1,2}
 - Nearly 9 out of 10 cigarette smokers first try cigarette smoking by age 18, and 98% first try smoking by age 26.¹
 - Each day in the U.S. about 2,000 youth under 18 years of age smoke their first cigarette and more than 300 youth under 18 years of age become daily cigarette smokers.^{3,4}
- Flavorings in tobacco products can make them more appealing to youth.⁵
 - In 2014, 73% of high school students and 56% of middle school students who used tobacco products in the past 30 days reported using a flavored tobacco product during that time.
- Recent increases in the use of e-cigarettes is driving increases in tobacco product use among youth.^{6,7}
 - The number of middle and high school students using e-cigarettes rose from 2.1 million in 2017 to 3.6 million in 2018—a difference of about 1.5 million youth.

On This Page

Background

Estimates of Current Tobacco Use Among Youth

Factors Associated With Youth Tobacco Product Use

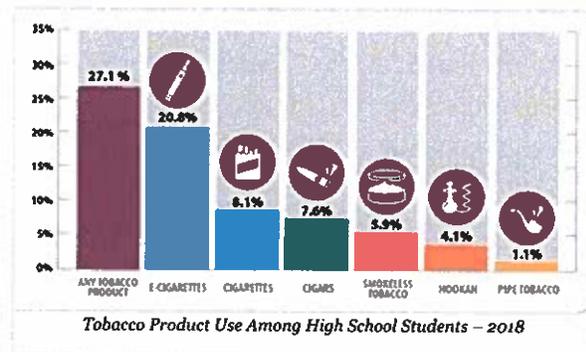
Reducing Youth Tobacco Product Use

References

Estimates of Current Tobacco Use Among Youth

Electronic cigarettes (E-cigarettes)

- Current (past 30 day) use of e-cigarettes went up among middle and high school students from 2011 to 2018.^{6,9}
 - Nearly 1 of every 20 middle school students (4.9%) reported in 2018 that they used electronic cigarettes in the past 30 days—an increase from 0.6% in 2011.
 - Nearly 1 of every 5 high school students (20.8%) reported in 2018 that they used electronic cigarettes in the past 30 days—an increase from 1.5% in 2011.



Cigarettes

- From 2011 to 2018, current (past 30 day) cigarette smoking went down among middle and high school students.^{6,9}
 - Nearly 1 of every 50 middle school students (1.8%) reported in 2018 that they smoked cigarettes in the past 30 days—a decrease from 4.3% in 2011.
 - About 2 of every 25 high school students (8.1%) reported in 2018 that they smoked cigarettes in the past 30 days—a decrease from 15.8% in 2011.

Cigars

- From 2011 to 2018, current use of cigars went down among middle school students and high school students.^{6,8}
 - Nearly 1 of every 50 middle school students (1.6%) reported in 2018 that they had used cigars in the past 30 days—a decrease from 3.5% in 2011.
 - Nearly 4 of every 50 high school students (7.6%) reported in 2018 that they had used cigars in the past 30 days—a decrease from 11.6% in 2011.

Smokeless Tobacco

- From 2011 to 2018, current use of smokeless tobacco went down among middle and high school students.⁶
 - Nearly 2 of every 100 middle school students (1.8%) reported in 2018 that they had used smokeless tobacco in the past 30 days—a decrease from 2.7% in 2011.
 - Nearly 6 of every 100 high school students (5.9%) reported in 2018 that they had used smokeless tobacco in the past 30 days—a decrease from 7.9% in 2011.

Hookah

- From 2011 to 2018, current use of hookahs did not change in a meaningful way among middle school students and high school students.^{6,8}
 - About 1 of every 100 middle school students (1.2%) reported in 2018 that they had used hookah in the past 30 days. The rate was 1.0% in 2011.
 - About 4 of every 100 high school students (4.1%) reported in 2018 that they had used hookah in the past 30 days. The rate was 4.1% in 2011.

All Tobacco Product Use

- In 2018, about 7 of every 100 middle school students (7.2%) and about 27 of every 100 high school students (27.1%) reported current use of a tobacco product.⁶
- In 2013, nearly 18 of every 100 middle school students (17.7%) and nearly half (46.0%) of high school students said they had ever tried a tobacco product.¹⁰



Many young people use two or more tobacco products.³

- In 2018, about 2 of every 100 middle school students (2.4%) and about 11 of every 100 high school students (11.3%) reported current use of two or more tobacco products in the past 30 days.⁶
- In 2013, about 9 of every 100 middle school students (9.4%) and about 31 of every 100 high school students (31.4%) said they had ever tried two or more tobacco products.¹⁰

Youth who use multiple tobacco products are at higher risk for developing nicotine dependence and might be more likely to continue using tobacco into adulthood.¹¹

Tobacco Use* Among High School Students in 2018⁶

Tobacco Product	Overall	Girls	Boys
Any tobacco product [†]	27.1%	24.9%	29.1%
Electronic cigarettes	20.8%	18.8%	22.6%
Cigarettes	8.1%	7.3%	8.8%
Cigars	7.6%	6.0%	9.0%
Smokeless tobacco	5.9%	3.3%	8.4%
Hookahs	4.1%	4.1%	4.0%
Pipe tobacco	1.1%	0.8%	1.4%

Tobacco Use* Among Middle School Students in 2018⁶

Tobacco Product	Overall	Girls	Boys
Any tobacco product [†]	7.2%	6.3%	8.0%
Electronic cigarettes	4.9%	4.8%	5.1%
Cigarettes	1.8%	1.5%	2.1%
Cigars	1.6%	1.6%	1.7%
Smokeless tobacco	1.8%	0.9%	2.7%
Hookahs	1.2%	1.0%	1.5%
Pipe tobacco	0.3%	0.4%	0.3%

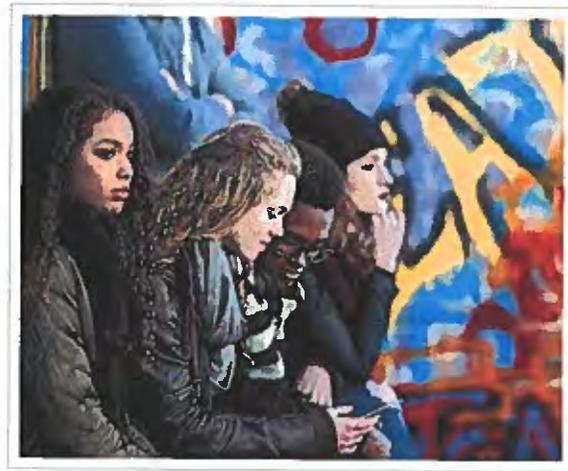
Notes:

[†]"Current use" is determined by respondents indicating that they have used a tobacco product on at least 1 day during the past 30 days. Any tobacco product includes cigarettes, cigars, smokeless tobacco (including chewing tobacco, snuff, dip, snus, and dissolvable tobacco), tobacco pipes, bidis, hookah, and electronic cigarettes.

Factors Associated With Youth Tobacco Product Use

Factors associated with youth tobacco product use include the following:

- Social and physical environments^{4,11}
 - The way mass media show tobacco product use as a normal activity can make young people want to try these products.
 - Youth are more likely to use tobacco products if they see people their age using these products.
 - High school athletes are more likely to use smokeless tobacco than those of the same age who are not athletes.¹²
 - Young people may be more likely to use tobacco products if a parent uses these products.
- Biological and genetic factors^{1,2,13}
 - There is evidence that youth may be sensitive to nicotine and that teens can feel dependent on nicotine sooner than adults.
 - Genetic factors may make quitting smoking harder for young people.
 - A mother's smoking during pregnancy may increase the likelihood that her children will become regular smokers.
- Mental health: There is a strong relationship between youth smoking and depression, anxiety, and stress.^{2,12}
- Personal views: When young people expect positive things from smoking, such as coping with stress better or losing weight, they are more likely to smoke.^{2,13}
- Other influences that affect youth tobacco use include:^{2,11,13}
 - Lower socioeconomic status, including lower income or education
 - Not knowing how to say "no" to tobacco product use
 - Lack of support or involvement from parents
 - Accessibility, availability, and price of tobacco products
 - Doing poorly in school
 - Low self-image or self-esteem
 - Seeing tobacco product advertising in stores, on television, the Internet, in movies, or in magazines and newspapers



Reducing Youth Tobacco Product Use

National, state, and local program activities have been shown to reduce and prevent youth tobacco product use when implemented together. These activities include:

- Higher costs for tobacco products (for example, through increased taxes)^{2,11,14}
- Prohibiting smoking in indoor areas of workplaces and public places^{2,11,14}
- Raising the minimum age of sale for tobacco products to 21 years¹⁵
- TV and radio commercials, posters, and other media messages aimed at kids and teens in order to counter tobacco product ads^{2,11,14}
- Community programs and school and college policies that encourage tobacco-free places and lifestyles^{2,11,14}
- Community programs that lower tobacco advertising, promotions, and help make tobacco products less easily available^{2,11,14}

Some social and environmental factors are related to lower smoking levels among youth. Among these are:²

- Being part of a religious group or tradition
- Racial/ethnic pride and strong racial identity
- Higher academic achievement

It is important to keep working to prevent and reduce the use of all forms of tobacco product use among youth.

References

1. U.S. Department of Health and Human Services. [The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 [accessed 2019 Feb 28].
2. U.S. Department of Health and Human Services. [Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012 [accessed 2019 Feb 28].
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6. Centers for Disease Control and Prevention. [Vital Signs: Tobacco Product Use Among Middle and High School Students—United States, 2011–2018](#). Morbidity and Mortality Weekly Report, 2019;68(06) [accessed 2019 Feb 28].
7. Centers for Disease Control and Prevention. [Tobacco Use Among Middle and High School Students—United States, 2011–2017](#). Morbidity and Mortality Weekly Report, 2018;67(22):629–33 [accessed 2019 Feb 28].
8. Centers for Disease Control and Prevention. [Tobacco Product Use Among Middle and High School Students—United States, 2011 and 2012](#). Morbidity and Mortality Weekly Report, 2013;62(45):893–7 [accessed 2019 Feb 28].
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10. Centers for Disease Control and Prevention. [Tobacco Use Among Middle and High School Students—United States, 2013](#). Morbidity and Mortality Weekly Report, 2014;63(45):1021–6 [accessed 2019 Feb 28].
11. U.S. Department of Health and Human Services. [Reducing Tobacco Use: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2000 [accessed 2019 Feb 28].
12. Centers for Disease Control and Prevention. [Combustible and Smokeless Tobacco Use Among High School Athletes—United States, 2001–2013](#). Morbidity and Mortality Weekly Report, 2015;64(34):935–9 [accessed 2019 Feb 28].
13. Centers for Disease Control and Prevention. [E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016 [accessed 2019 Feb 28].
14. Centers for Disease Control and Prevention. [Best Practices for Comprehensive Tobacco Control Programs—2014](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 [accessed 2019 Feb 28].
15. King BA, Jama AO, Marynak KL, Promoff GR. [Attitudes Toward Raising the Minimum Age of Sale for Tobacco Among U.S. Adults](#) [\[http://dx.doi.org/10.1016/j.amepre.2015.05.012\]](http://dx.doi.org/10.1016/j.amepre.2015.05.012). American Journal of Preventive Medicine 2015-49(4):583–8 [accessed 2019 Feb 28].

For Further Information

Centers for Disease Control and Prevention
 National Center for Chronic Disease Prevention and Health Promotion
 Office on Smoking and Health
 E-mail: tobaccoinfo@cdc.gov
 Phone: 1-800-CDC-INFO

Media Inquiries: Contact CDC's Office on Smoking and Health press line at 770-488-5493.

Fact Sheets

[Adult Data](#)

[Economics](#)

[Cessation](#)

[Fast Facts](#)

Health Effects

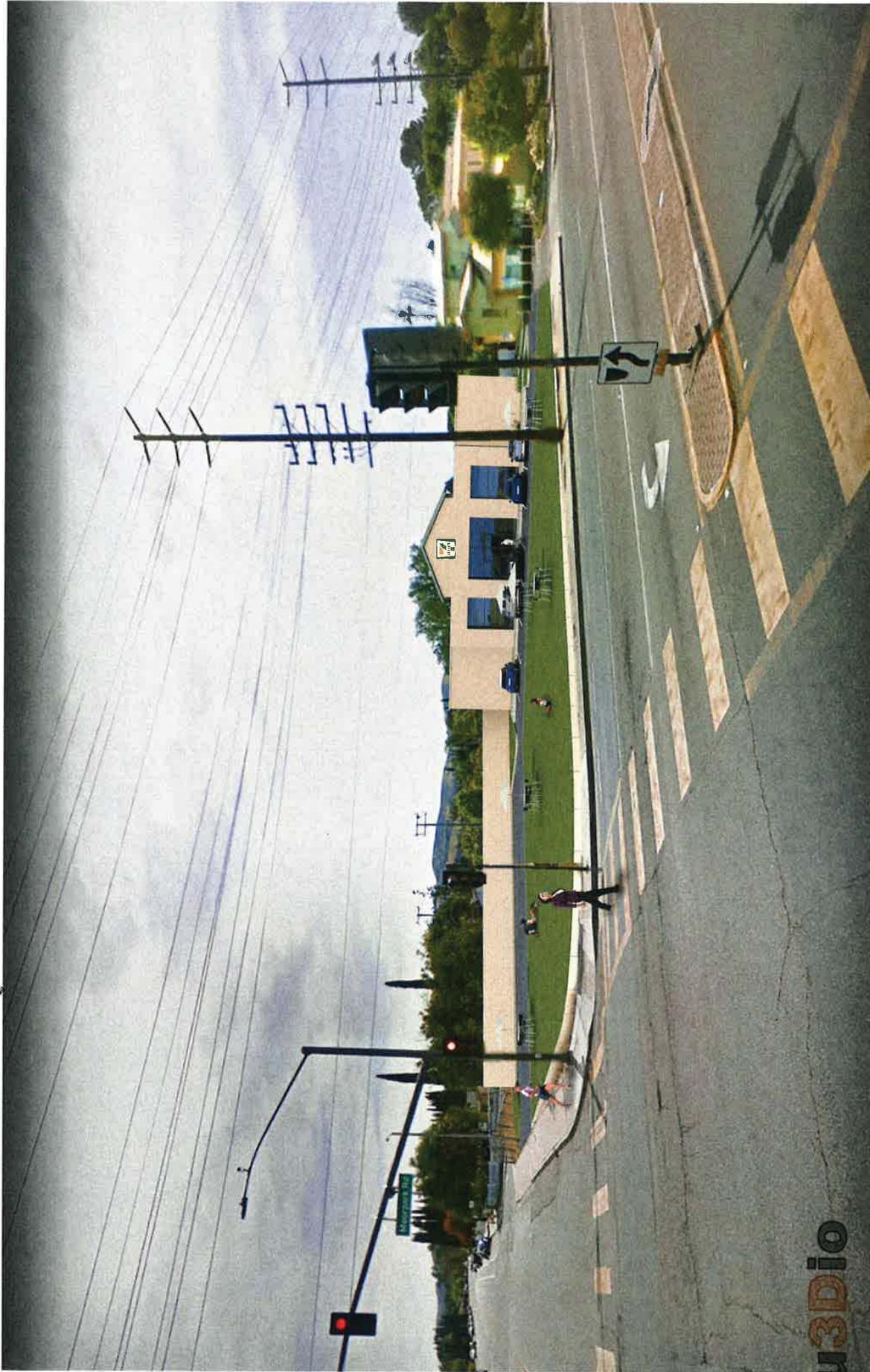
Secondhand Smoke

Smokeless Tobacco

Tobacco Marketing and Products

Youth Tobacco Use

Page last reviewed: February 28, 2019



u3Dio



7-ELEVEN CONVENIENCE STORE

NEAL SCRIBNER ARCHITECTURE

**ATTACHMENT #10
(To 7/8/2019 PC Staff Report)**

Planning Commission,

I am attaching two LA Times articles for your consideration. One involves the recent ban of all cigarette sales by the Beverly Hills City Council. The second is a brand-new Supreme Court of the United States ruling, which is a landmark decision by all accounts.

The cigarette ban, which is the first of its kind in the United States, prohibits the sale of all cigarette products in the City borders. It carves out hotels and legally permitted cigar lounges, but categorically prohibits sales everywhere else. This is the proper and legal path to enact what you are trying to impose on 7-Eleven. Citizens and Planning Commissioners alike should lobby their City Council to pass this law or some derivation thereof. However, with all due respect, it's not proper for a Planning Commission to legislate themselves and ban cigarette sales on its own. I sympathize with your motivation and support your public policy intentions. Nevertheless, Planning Commissions interpret the law and code and City Council's pass them.

This point is exacerbated by the very language of the service station SUP code under consideration, which allows cigarette sales as part of the gas-station SUP. "Sale of soft drinks, candy and cigarettes sold, via dispenser, to be located in a designated area" "shall additionally be permitted." Where gas-station sales are deemed to be appropriate and approvable, the code automatically permits those stations to sell cigarettes. The same issue would arise if the Planning Commission sought to ban soft drinks or candy for obesity concerns since they too necessarily follow the independent analysis of the appropriateness of gas sales. Technically, the code even allows all these uses to be done in vending machines outside as well as in an "enclosed service building." Historically (and perhaps still today), this make sense given that motorists pumping gas typically use the idle time to grab their smokes or a refreshment.

The Planning Commission desires to prohibit the sale of a category of merchandise, which is specifically enumerated as vesting along with the SUP. Such action may be defensible to vape products, which aren't specifically contemplated and blessed by the code itself. In such case, the public welfare and "analysis of retail uses deemed incidental to the function of the service station" under Article IV of the code (subsection F.) seems entirely appropriate. However, after a finding of appropriateness of gas sales at a location, to restrict sales specifically directed to flow from such a designation, by the specific language of the code itself, would be to amend the code. However adamantly opposed to a right prescribed by a code or law, the Planning Commission is sworn to uphold them and not recreate them.

This discussion is timely given the two-day old landmark decision that came down from the Supreme Court of the United States. This is a Seminole case that is going to cause greater Federal court oversight of Planning Commission decisions. It was brought specifically to address Planning Commission (and even City Councils) from taking property rights through the entitlement process. Where a use or property right exists (aka convenience market sales and the right to sell all legal products therein), it cannot be arbitrarily or capriciously taken without an underlying law to support it. Multiple legislative solutions abound, but none of them are present in our scenario.

- (1) The code could be amended to not marry a cigarette sale right to automatically follow automatically the granting of a service station SUP. This seems like the easiest legislative course of immediate result to our application.
- (2) More broadly, the City Council can also pass laws prohibiting cigarette sales around sensitive uses. This legislation has significant precedent within recent cannabis codes where there are specified radius prohibitions that need to be honored around public parks, schools, and even places of worship.
- (3) To follow the lead of Beverly Hills and ban them outright City wide. This should be the end-goal, but probably isn't immediately actionable. This ban is sure to be litigated by vested cigarette

sale operators who will be forced to pull them from their shelves. It is probably destined to be a US Supreme Court case itself and the City of Thousand Oaks would probably be wise to see how this litigation pans out.

To be clear, I don't intend on suing anyone regardless of the outcome. However, I think this conversation is helpful to think about the proper parameters of our second hearing on July 8th.

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POLITICS

Supreme Court bolsters rights for developers and property owners in California and elsewhere

By **DAVID G. SAVAGE**
JUN 21, 2019 | WASHINGTON



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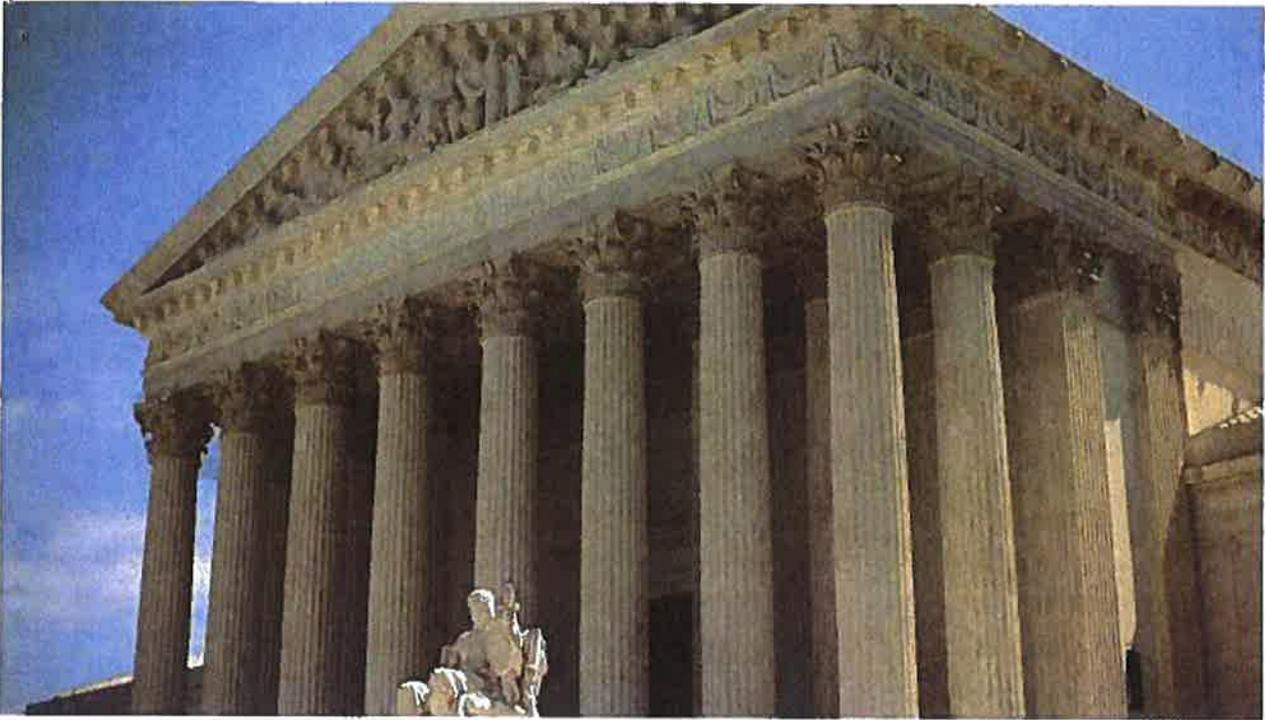
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The high court said property rights stand on the same footing as other rights protected by the Constitution. (Pablo Martinez Monsivais / Associated Press)

The Supreme Court's conservative majority gave a major boost to property rights Friday, ruling that developers and landowners may go directly to federal court and seek compensation for a "taking" of their property.

The 5-4 decision overturned a 1985 precedent that said property owners may not sue in federal court if their development plans were blocked until they had sought and been denied compensation from local officials or a state agency. This process often stretched over many years, effectively blocking a development, according to its critics.

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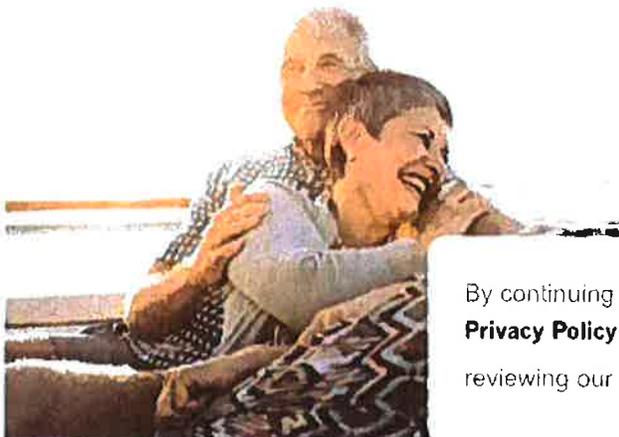
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The decision is likely to have its greatest impact in California, even though it began with a Pennsylvania woman's complaint that people were walking across her property to visit a burial site.

California has especially strict regulations for development in its cities and along the coast, and property owners have repeatedly claimed these regulations and other zoning rules have the effect of "taking" their property.

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Led by Chief Justice John G. Roberts Jr., the high court said property rights stand on the same footing as other rights protected by the Constitution. He pointed to the 5th Amendment, which says “private property [shall not] be taken for public use, without just compensation.”

Giving property owners a right to sue in federal court is a crucial step to “restoring taking claims to the full-fledged constitutional status the framers envisioned when they included the clause among the other protections in the Bill of Rights,” Roberts said in Knick vs. Township of Scott, Pa.

The decision is “one of most important property-rights cases in over 30 years,” said Los Angeles attorney Paul Beard II.

“For years, federal ‘takings’ plaintiffs have effectively and inexplicably been denied access to the federal courts,” Beard said. “As of today, the federal courthouse doors are open. We should see a steady stream of new claims against laws and regulations that deprive or significantly impair an individual’s or business’ property interests.”

Among other things, the decision could give property owners greater power to challenge local bans against fracking to extract oil and gas, he said.

Lawyers for the Pacific Legal Foundation, who represented Rose Knick, the Pennsylvania woman, called it a “landmark victory for property rights.”

“This decision is a very long time coming for Rose and other property owners who have had federal courtroom doors slammed shut in their faces whenever they seek compensation for a governmental taking of their private property,” said attorney Dave Breemer. “The court’s decision sends a message that constitutionally based property rights deserve federal protection just like other rights.”

Justice Brett M. Kavanaugh cast the deciding vote. The case was first argued on Oct. 3, when Kavanaugh’s name was announced a week later, and the court later announced its decision in January, presumably because

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The majority also included Justices Clarence Thomas, Samuel A. Alito Jr. and Neil M. Gorsuch.

In dissent, Justice Elena Kagan faulted the court for overturning a long-standing precedent. She said the ruling will “channel a mass of quintessentially local cases involving complex state-law issues into federal courts.”

She said the 1985 case, Williamson County vs. Hamilton Bank, arose when a local planning commission rejected a property owner’s development plan. She said the high court was right then to rule that a constitutional violation arose only when the owner was denied “just compensation” by the government.

“Today’s decision overthrows the court’s long-settled view of the takings clause. ... Under the cover of overruling only a single decision, [it] smashes a hundred-plus years of legal rulings to smithereens,” she wrote. The ruling “makes federal courts a principal player in local and state land-use disputes.”

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She closed with a warning of what’s ahead. She noted that last month, the court had overturned another long-standing precedent, prompting Justice Stephen G. Breyer “to wonder which cases the court will overrule next.”

“Well, that didn’t take long,”

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Joining her dissent were Jus
Breyer.

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Terry Sachs, a Philadelphia lawyer who defended Scott Township near Scranton, said she was disappointed by the ruling but still hoped to prevail.

“For hundreds of years, it has been the law in Pennsylvania and many other states that cemetery property is different — that a person or corporation who acquires land on which grave sites have been consecrated may not simply pave them over or forbid bereaved family from visiting,” Sachs said. “We are confident that no court — federal or state — would find it unconstitutional to hold the plaintiff to these responsibilities.”



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David G. Savage



David G. Savage has covered the Supreme Court and legal issues for the Los Angeles Times in the Washington bureau since 1986. He has covered the Senate confirmation hearings for all of the current justices. In addition to writing about the court’s work, he has written on the legal battles that have raged in Washington. He joined The Times in 1981 and was an education writer on the Metro staff for five years. He has degrees from the University of North Carolina at Chapel Hill and Northwestern University.

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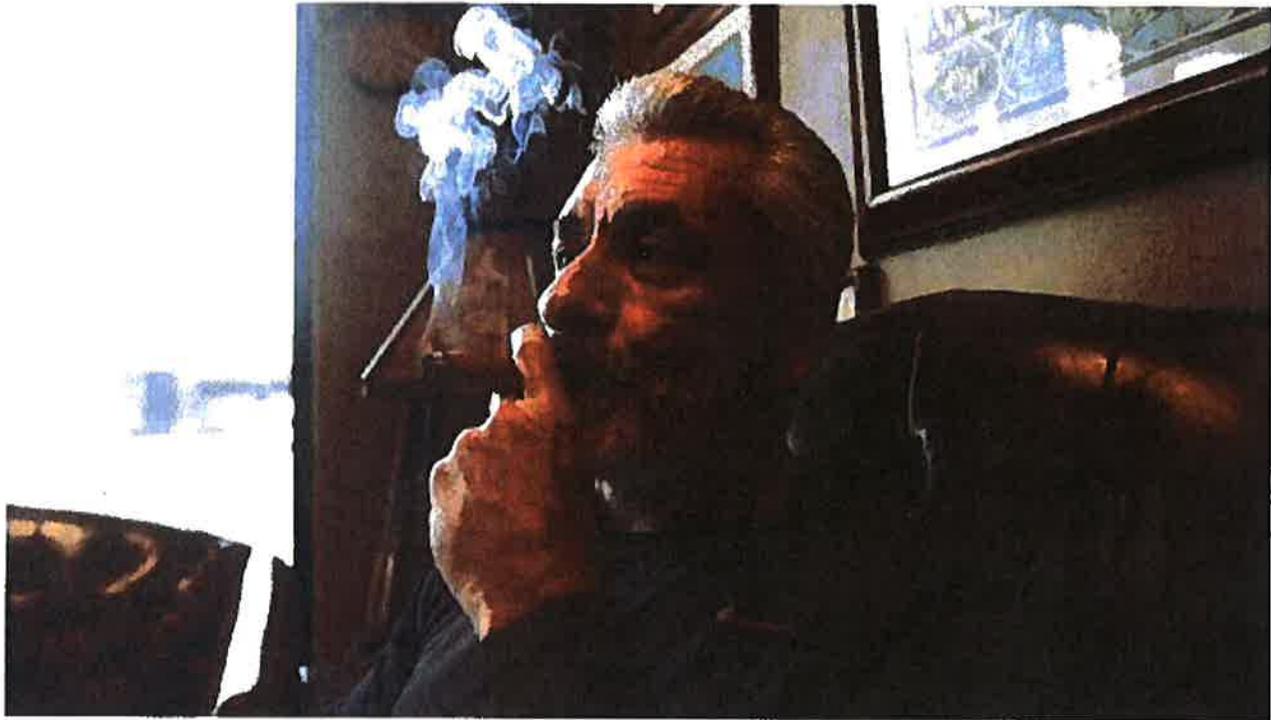
L.A. NOW LOCAL

Beverly Hills becomes the first U.S. city to end most tobacco sales

By SONJA SHARP
JUN 05, 2019 | 2:15 PM



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Rigo Fernandez in his Buena Vista Cigar Club in Beverly Hills. Only the city's three recognized cigar lounges will be allowed to continue to sell tobacco products under a new law. (Mario Tama / Getty Images)

Beverly Hills has passed what experts say is the most restrictive tobacco ban in the nation, barring the sale of virtually all nicotine products and setting the stage for similar laws in other cities.

“They’ve set the bar pretty high for us and any city to follow,” said Mayor Pro Tem Richard Montgomery of Manhattan Beach, which is studying its own ban. “We’re encouraged by our colleagues in Beverly Hills taking this courageous step forward.”

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The ban, which takes effect in 2021, drew headlines for its extreme stringency, as well as for carve-outs to allow cigar lounges to continue to ply their trade in the tony enclave.

Under the final version of the ordinance, approved Tuesday night by the Beverly Hills City Council, gas stations and convenience stores will be forbidden to sell cigarettes, chewing tobacco and e-cigarettes, while hotels will retain the right to sell them — but only through room service.

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"We've been watching with bated breath," said Chris Bostic, policy director at Action Smoking and Health and an early adviser on the rule. "I think that [City Council members] were fully aware when they were voting that they were making history."

That's because where Beverly Hills leads, others have followed, experts said.

"Other communities have wanted to do this in the past, but have backed off because the tobacco industry organized major opposition," said Ruth Malone, a tobacco policy expert at UC San Francisco. "The FDA can't ban cigarettes. The only ones who can do it are state and local jurisdictions."

It is already illegal to smoke almost everywhere in Beverly Hills, including in apartment buildings, in parks and while standing on the sidewalk. The city was the first municipality to ban smoking in restaurants in 1987 and has spent decades tightening limits around tobacco.

Tuesday's ban once again puts it at the vanguard.

"Beverly Hills is more aggressive than almost any other city around, so they're leading the way," said Dr. Richard Shemin, chairman of cardiac surgery at UCLA, who was among hundreds who fought for the cigar club exception. "In the end they took a very responsible approach to it and tried to find the right balance."

After months of debate, the City Council passed the first reading of the ordinance unanimously on May 21. The second sailed through in similarly understated fashion.

"Yesterday I think they were so excited that all their T's had been crossed that they just voted it in and everybody clapped and that was it," said Bostic, who watched the meeting remotely.

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California has long been at the forefront of tobacco regulation and already has one of the lowest rates of smoking in the country, second only to Utah. But recent years have seen a renewed appetite for restrictions.

“There has been a groundswell in California where restricting flavored tobacco is catching on,” said Phillip Gardiner, co-chair of the African American Tobacco Control Leadership Council. In both Beverly Hills and Manhattan Beach, such flavor bans immediately preceded the push to ban all sales of tobacco.

But, like many California municipalities that have passed them, Manhattan Beach exempted mentholated products from its recent flavored-tobacco restrictions.

“Part of the opposition’s argument is this is a ‘black cigarette’ and by targeting it you’re discriminating against black people,” Gardiner said. “But let’s be fair, it’s the tobacco industry that pushed these down our throats.”

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For some, he said, a total ban may be easier to pass.

“It’s a fast moving front,” said Malone, the UCSF researcher. “We haven’t seen this kind of energy on tobacco for quite a while.”

Bostic said he expects to see the rule challenged by tobacco companies, but that Beverly Hills “is on such solid ground” that other municipalities are likely to follow.

“In certain places, we’ve driven politically, we can think about Bostic said. “For a long time two years folks have tried to

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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

From: Steven Boychuck [REDACTED]
Sent: Sunday, June 2, 2019 2:09 PM
To: Stephen Kearns; Andrew Powers; Rob McCoy; Al Adam; claudia [REDACTED]; Bob Engler; Ed Jones; Community Development Department; Kelvin Parker; Tracy Noonan; Cyndi Rodriguez
Subject: 7-11 hearing on July 8th, SUP 2018-070220(?)...

Hello,

As a resident of Ventura County for 52 years, and specifically Thousand Oaks for 16 years (Wildwood area for eight years), I am very concerned about the proposal to build a 21-hour (basically 24-hours) convenience store and gas station at this intersection, directly across from Thousand Oaks High School, and we will vigorously oppose it, along with thousands of my fellow residents of this great family-friendly city. Since it got rejected at 24-hours, now they think they can make it a 21-hour convenience store from 5am to 2am. We are not going to stand for these games!

There are gas stations with mini-markets along Moorpark Road at both Arboles and Janss, that can service customers, along with other businesses that operate during normal business hours. There once was a gas station at this site, that has been closed for several years. It was never a high volume station, which led to its demise. I know this as I have worked at all three Chevron stations in the area back in the mid 1980's and 1990's, (when they were actual "service" stations) when they were owned by Robert Brothers. That would be the old Wildwood Chevron at Arboles and Keats, the station at Olson and Moorpark, and Arboles and Plantas. I know for a fact this was a low volume station at Moorpark and Flores.

The only way a gas station can survive at this corner is to have a mini-market that sells highly profitable items such as; alcoholic beverages, tobacco products, and junk food. Why would the city leaders even consider the sale of these items directly across from our high school? As a comparison, some cities in Ventura County do not even allow ice cream sales from vendors within several hundred feet of a school, but it will be ok to sell alcoholic beverages, tobacco products, and junk food? Good grief! If they do not sell these items, a convenience store will never survive. So, if they start-up without those sales, they will eventually apply for a minor-mod of their SUP, to allow those sales. This makes no sense.

This corner is better suited for possibly a doctors office with multiple doctors (Family Practice or Specialist), or maybe even a 24-hour Urgent Care. Maybe a small healthy alternative fast food restaurant that closes by 11pm? These choices would benefit the students at the high school and the surrounding neighborhoods. We would rather see this as vacant land, than to build a problematic convenience store and gas station. Building a 7-11 would also reduce the property values in the immediate neighborhood, and bring visual blight to the area.

This concern has sparked several threads on NextDoor.com, and will carry on as long as this project remains on the books. One thread has over 400 responses! There is an online petition that has 997 people against this project from moving forward in any form. <https://www.thepetitionsite.com/758/655/381/to-not-allow-the-construction-of-a-24-hour-7-eleven-gas-station-on-moorpark-rd-amp-flores/>

I just drove by the 7-11 just east of Moorpark Road at Wilbur, and saw three subjects loitering, drinking beer and smoking cigarettes on the east side (Pennsfield Place) of the building. Does the SUP for this 7-11 allow that? No it does not! So, where is the enforcement of the SUP? Enforcement does not happen, even if it is written into the SUP, especially at night! The store employees and the franchisee could care less! This is exactly the problem that these projects create. I drove back by 30-minutes later and same concerns, loitering, drinking and smoking. Again, the store clerk could care less, and same thing for the franchisee. These people came in and bought items from the store (profit), and now think they can loiter and enjoy them on site.

While 7-11 will say how great of a corporate neighbor they will be in the beginning, their franchisee will just be flat out lazy, and not care about the neighborhood or the visual blight they are creating, as long as they are making money, and living far away in their multi-million dollar homes.

Those of us opposed to this project will not stand for it. There were several items the Planning Commission rejected this project for last time. It cannot and should not ever be allowed. If the Planning Commission ever approves this project, it will be appealed to the City Council. That is a guarantee. It needs to stop at the council. The citizens do not want this, and we voted in the council members, who in turn have appointed the Planning Commissioners. If any Planning Commissioner votes to approve this project, their council member who appointed them is in severe jeopardy at the next election cycle.

In closing, we do not want/need Moorpark Road and Thousand Oaks Blvd. to look like the main streets do in the San Fernando Valley.

The "valley" is a dirty, congested, mess!

This is not the "valley", and we do not want it to look like the "valley".

This is why we do not live in the "valley", period!

Sincerely yours,

Steven Boychuck
704 Wildcreek Circle
Thousand Oaks, CA 91360



From: John Mcloughlin <[REDACTED]>
Sent: Tuesday, May 7, 2019 10:54 PM
To: Stephen Kearns
Subject: 711 Gas Station Application Moorpark Road

I write opposing this application for the exact same reasons it was already denied. Please keep me updated on this case via email so I and many other residents within the vicinity can have the opportunity to raise our concerns at the planning meetings. This time they want from hours 5am to 2am. I am hoping we can still use the petition that we submitted before. My concerns are as before, crime, noise, traffic, trash, bus stop blind spot, vagrants, alcohol, cigarettes, vapes and the main target for business is the kids from TO High School

Kind Regards

John Mcloughlin.

Century 21 Hilltop CA / La Rosa Realty FL
[REDACTED]

CA Real Estate License # [REDACTED]
FL Real Estate License # [REDACTED]
FL Home Inspector License # [REDACTED]
Certified ASHI Home Inspector License # [REDACTED]
CA Certified Mold Inspector License # [REDACTED]

Sent from my iPhone

From: Steve Nicholson <[REDACTED]>
Sent: Tuesday, May 7, 2019 9:54 AM
To: Stephen Kearns
Subject: Megdal 7-11

Hi Steve,

Did Megdal get the survey stamped, will the City be recognizing the past surveys?

Did Megdal commit to no tobacco, vape and alcohol?

The hours of Dominoes is only delivery after 11. In speaking with dominoes, they have had issues past 11 PM with one person breaking the front glass pounding on the window. The employee commented that the people trying to get in after 11pm are shady..

No other business is open past 11, it is my opinion this business (if allowed) should have to operate as the other business. We do have a nice residential area, it would be nice to preserve the residential aspect.

Is the gas element of the plan need a variance?

Of course I remain against this plan. Changing to a 21 hour operation is no different than what was proposed before. The applicant is a 7-11, why not require 7-11 as hours of operation. They should not be given any special hours.

Lastly, does the City still **not** recommend this plan?

Thank you,
Steve [REDACTED]

Steve Nicholson
Special Asset Manager

Velocity Commercial Capital
30699 Russell Ranch Rd, Ste. 295
Westlake Village, CA 91362
[REDACTED]
[REDACTED]

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From: Amy Wilson <[REDACTED]>
Sent: Tuesday, April 23, 2019 11:06 AM
To: Stephen Kearns
Subject: Re: 7-11 Still on Agenda?

The owner isn't going to do that. How did they do it back in the 1980's when they rezoned the property across the street?

Also, did Megdal address the cigarette issue in his new application?

On Tue, Apr 23, 2019, 10:57 AM Stephen Kearns <SKearns@toaks.org> wrote:

Hi Amy,

Rezoning would need the property owner's authorization to change from C-1 to another zone. We would support rezoning to C-O (Commercial Office) but cannot proactively change it.

Sincerely,

Steve

From: Amy Wilson <[REDACTED]>
Sent: Tuesday, April 23, 2019 8:57 AM
To: Stephen Kearns <SKearns@toaks.org>
Subject: Re: 7-11 Still on Agenda?

Thanks Steve. So if we wanted to tackle getting it rezoned, is that something a City Council member would need to sponsor? Is that who we should be talking to?

On Tue, Apr 23, 2019 at 7:41 AM Stephen Kearns <SKearns@toaks.org> wrote:

Good Morning Ms. Wilson,

Mr. Megdal has submitted a new application. This is not an appeal, however the concept is the same, except the request is for the hours of 5:00 a.m. to 2:00 a.m. instead of 24 hours as before. This is not scheduled for a hearing at this time. Notices will be mailed and the sign updated once a hearing date is selected.

Sincerely,

Steve

From: Amy Wilson <[REDACTED]>
Sent: Friday, April 19, 2019 10:03 AM
To: Stephen Kearns <SKearns@toaks.org>
Subject: Re: 7-11 Still on Agenda?

Hi Steve,

A neighbor told me the signs were updated yesterday. I am out of town and haven't personally seen them. Can you update me as to what is going on? Megdal has decided to appeal? Who do we follow-up with to get the lot rezoned to match up with the surrounding businesses?

Sorry for all the questions on a Friday.

Thanks,

Amy Wilson

On Fri, Mar 29, 2019, 10:18 AM Stephen Kearns <SKearns@toaks.org> wrote:

Good Morning Ms. Wilson,

Yes, the item is still scheduled for Monday night. The meeting opens at 6:00 p.m. with the Public Hearing soon after.

Thanks,

Steve

From: Amy Wilson <[REDACTED]>
Sent: Friday, March 29, 2019 10:03 AM
To: Stephen Kearns <SKearns@toaks.org>
Subject: 7-11 Still on Agenda?

Hi Steve,

I live at 566 Calle Jazmin and just wanted to double check that the 7-11 vote is still on the agenda for Monday's meeting at this point.

Let me know.

Thanks,

Amy Wilson
[REDACTED]

From: Erika Nicholson <[REDACTED]>
Sent: Tuesday, May 7, 2019 3:34 PM
To: Stephen Kearns
Subject: 7/11 N. Moorpark Rd.

Dear Mr Kearns,

Well, the neighbors in the immediate vicinity of the proposed 7-11 project are still not going to be in favor of a convenience store/gas station that is open from 5 am - 2 am for all of the same reasons that have been expressed previously. I don't understand how closing up for 3 hours really makes any difference whatsoever.

I was at the previous development committee meeting and I know that someone, I can't remember who, mentioned that the Dominos pizza located at the strip mall across Las Flores was open until 2am and this is how Mr. Megdal has apparently come up with his closing hour of 2am. This in fact is not accurate. I have done a survey of all the businesses' hours at that shopping center and Dominos actually closes for carry out business at 11 pm. After 11pm their doors are locked (for their employees' safety I was told) and they continue to make deliveries until 1am, 12 am on Sunday. All of the other businesses keep very regular hours including the pharmacy which is open Mon -Fri 9:30am - 6pm and has been broken into multiple times. The dry cleaners are open Mon -Fri 7-7 and Sat 8-5 closed Sunday.

I have a few questions concerning the new proposal. Has the developer acquired additional land to meet the minimum square footage requirement for the building? Have tobacco, vape, and alcohol products been taken off the table?

We are still a quiet single family neighborhood. If you look at where the other 7-11s in Thousand Oaks and elsewhere are located they are all in areas that are surrounded by other commercial property. One on Thousand Oaks Blvd as you know located on our main commercial street. Also one located at Wilbur and S. Moorpark Rd. completely surrounded by busy commercial shopping centers with AAA and other office to the rear. No single family homes are anywhere near either of those 7-11s and neither of those has a gas station attached.

Our neighbors and I are committed to fight this project in order to maintain our neighborhood's character, safety, and home values. We would like you to please keep in mind that we are the ones who will have to live daily with the impact of how this property is developed.

Thank you for your consideration. Your department has been very responsive and helpful to our concerns.

Erika Nicholson
586 Calle Jazmin

Sent from my iPad

June 6, 2019

City of Thousand Oaks Planning Commission
2100 E. Thousand Oaks Blvd.
Thousand oaks, CA 91362

Dear Planning Commission Members,

Since I cannot attend the July 8th meeting for the 7-Eleven proposal, caddy corner from TOHS, I am writing to urge you to DENY the application. The same concerns for the original proposal apply to the revised one and a plan without a gas station: traffic, vagrants, impact on an already congested intersection.

I live close to this site. Please do not approve the Megdal & Associates proposal.

Sincerely,



Carol Tackaberry

From: susan sloat [REDACTED]
Sent: Tuesday, July 2, 2019 11:23 AM
To: Stephen Kearns <SKearns@toaks.org>
Subject: 7-Eleven SUP 2019-70299

Mr. Kearns,

In regards to the below mentioned application-

Megdal & Associates 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. LOCATION: 2198 North Moorpark Road.

I was at the previous public hearing at the City and additional meetings Mr. Megdal has held.

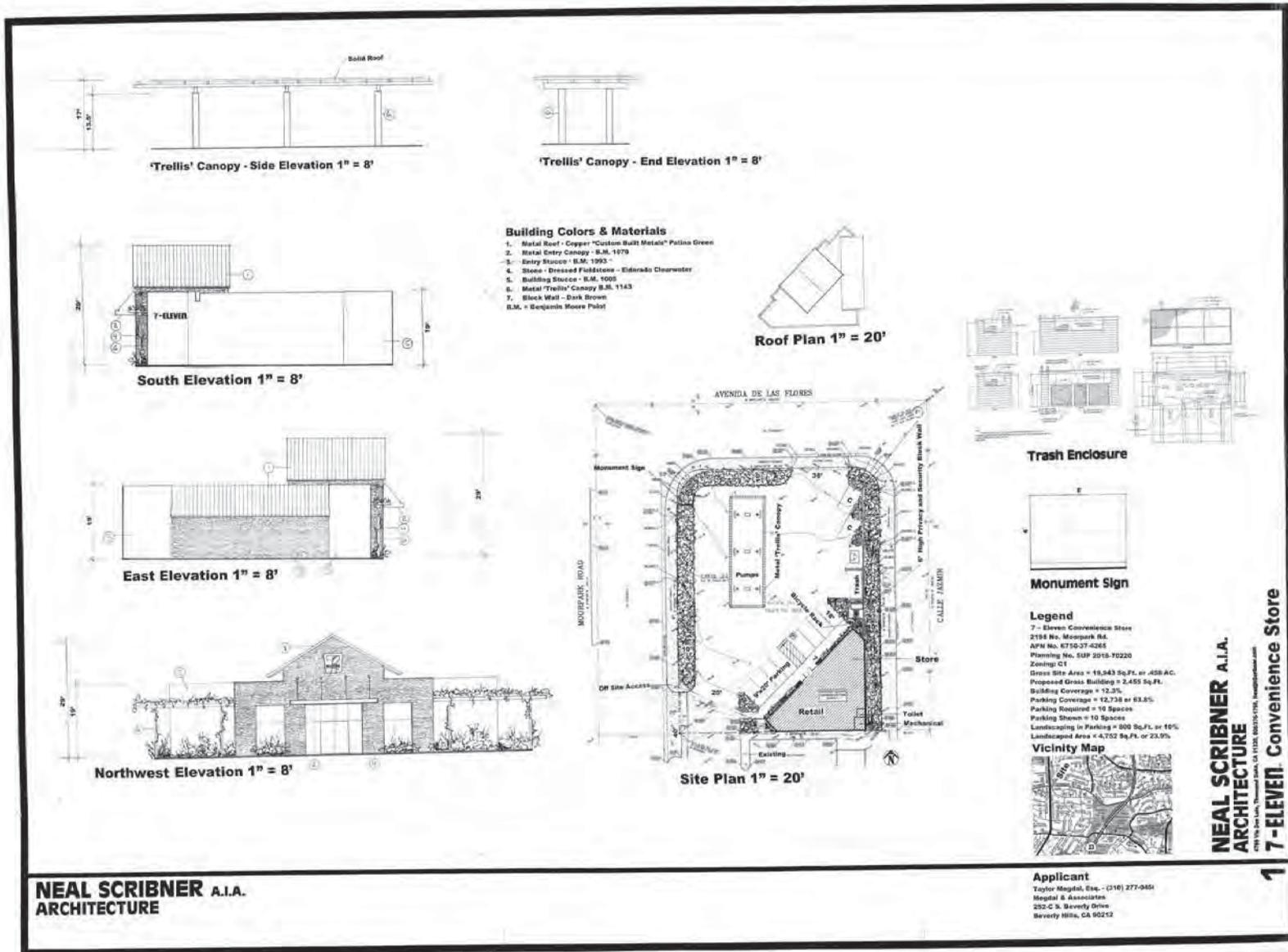
Mr. Megdal has been going around our neighborhood and holding meetings trying to "bully" people into the fact that if he doesn't get the gas station he will proceed with just the 7- Eleven with park benches and it will be open 24 hours. I can not personally attest to this as we have not been at these although he is holding another meeting tonight and we will be attending this one!

I was under the impression that High School's biggest concern was to NOT have a place for student's to sit/ Loiter. In addition I was also under the impression this being a residential neighborhood 24 hours is not an option?

If you can please offer any advise as to how we can petition to get the zoning changed for this lot? It would be greatly appreciated. We understand the at the people who own the lot have been sitting on it for years to get it cleaned up and would like to start making money, we do have to be concerned for the traffic and safety of our students.

Thanks for you time and any advise you can offer again is greatly appreciated!

Susan Sloat
[REDACTED]



NEAL SCRIBNER A.I.A.
ARCHITECTURE

LANDMARK DESIGN

Landscape Architecture

1014 S. WESTLAKE BLVD. SUITE 14
 WESTLAKE VILLAGE, CA 91361
 Ph 818.532.7330
 LICENSE NUMBER 2962
 WWW.LANDMARKDESIGN.COM

STAMP



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CLIENT

TAYLOR MEGDAL
 252-C S. BEVERLY DRIVE
 BEVERLY HILLS, CA 91212

PROJECT

7-11
 2198 N. MOORPARK RD.
 THOUSAND OAKS, CA 91360

PROJECT NUMBER

01021

DATE

03/14/19

REVISIONS

.....

DRAWN AP CHECKED CR

SHEET TITLE

LANDSCAPE
 CONCEPT
 PLAN

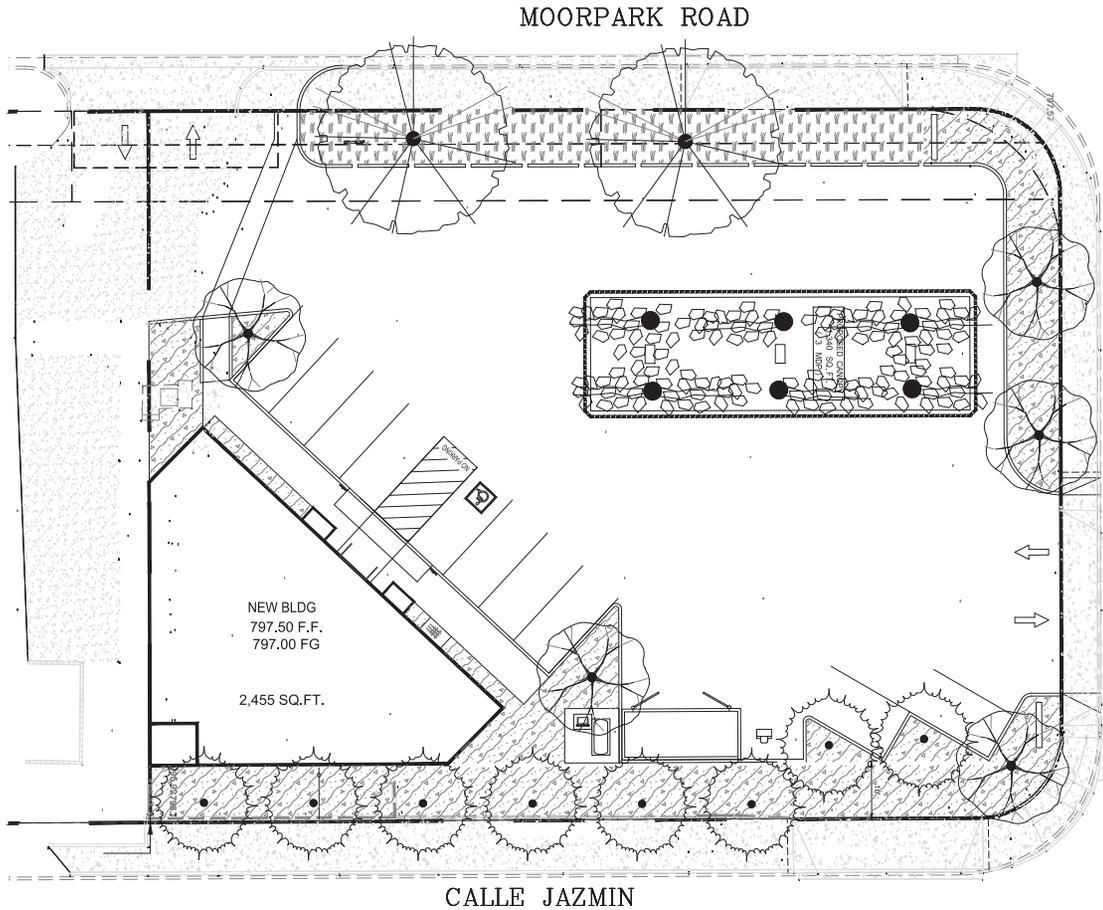
SCALE

1"=10'-0"



SHEET NUMBER

L-1

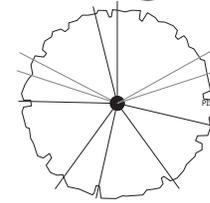


PLANT SCHEDULE

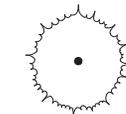
TREES	BOTANICAL NAME / COMMON NAME	CONT	QTY
-------	------------------------------	------	-----



LAGERSTROEMIA INDICA 'MUSKOGEE' / MUSKOGEE CRAPE MYRTLE	24"BOX	5
---	--------	---



PISTACIA CHINENSIS / CHINESE PISTACHE	24"BOX	2
---------------------------------------	--------	---



PODOCARPUS GRACILIOR / FERN PINE	24"BOX	8
----------------------------------	--------	---

VINE/ESPALIER

BOTANICAL NAME / COMMON NAME	SIZE	QTY
------------------------------	------	-----



IPOMOEA LACUNATA / BLOOD RED TRUMPET VINE	15 GAL	4
---	--------	---

GROUND COVERS

BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
------------------------------	------	---------	-----

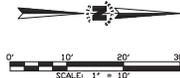


DROUGHT TOLERANT LANDSCAPE	NONE		3,023 SF
----------------------------	------	--	----------



VEGETATED BIOSWALE	NONE		1,051 SF
--------------------	------	--	----------

MOORPARK ROAD



VICINITY MAP

LEGAL DESCRIPTION:
 THE LAND REFERRED TO IN THIS SURVEY IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF NORTHA, AND IS DESCRIBED AS FOLLOWS:
 TRACT NO. 1044, PARK OAKS UNIT NO. 3, AS PER MAP RECORDED IN BOOK 25 PAGE 68 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
 APN 675-0-374-265

BASIS OF BEARINGS:
 THE BEARING NORTH 89° 51' 00" EAST, ON THE CENTERLINE OF AVENIDA DE LAS FLORES AS SHOWN ON TRACT NO. 1044, PARK OAKS UNIT NO. 3, IN THE CITY OF THOUSAND OAKS COUNTY OF NORTHA, AS PER MAP RECORDED IN BOOK 25 PAGE 68 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

BENCHMARK:
 2" DIAMETER BRASS DISK STAMPED "42-1 RM 1 1988" ON TOP OF CONCRETE CURB, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF MOORPARK ROAD WITH AVENIDA DE LAS FLORES, 11 FEET WESTERLY FROM A CURB RETAIN.

LAND AREA:
 CONTAINING AN AREA OF 20,424.89 SQ. FT., OR 0.48 ACRES, MORE OR LESS.

LEGEND:	SYMBOLS:
A.C. - ASPHALT CONCRETE	EDISON VAULT
CURB - CITY ENGINEER'S FIELD BOOK	FIRE HYDRANT
C/T/L - CENTERLINE	IRRIGATION VALVE
CONC. - CONCRETE	LIGHT POST
FT - FINISH FLOOR ELEV.	CALLEJAS WATER DISTRICT MANHOLE
FL - FLOOR LINE	PANEL
FS - FINISHED SURFACE	STREET LIGHT
HT - HEIGHT OF WALL/TORQUE	TELEPHONE VAULT
LS - LAND SURVEYOR	WATER METER
MB - MAIN BODY	TRAFFIC LIGHT
NG - NATURAL GRADE	UTILITY VALVE
RES - RESISTING CIVIL ENGINEER	WATER METER
TSB - TOP OF CURB ELEVATION	WATER VALVE
TW - TOP OF WALL ELEVATION	
TY - TYPICAL	
PR - PROPERTY LINE	
CENTER LINE	
CONCRETE BLOCK WALL	
RETAINING WALL	
BUILDING LINE	
CHAIN LINK FENCE	
797.00 - EX/COUNTOUR LINE	
798.00 - NEW GRADE	

EASEMENT TABLE

- 6" WIDE EASEMENT TO THE CITY OF THOUSAND OAKS FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES PER MAP RECORDED IN BOOK 25 PAGE 68 OF MAPS
- AN EASEMENT FOR OTHER POLE LINE, CONDUITS OR INCIDENTAL PURPOSES PER DOC. RECORDED 12-30-59 IN BOOK 1088, PAGE 170 O.R.
- AN EASEMENT FOR OTHER POLE LINE, CONDUITS OR INCIDENTAL PURPOSES PER DOC. RECORDED 2-5-59 IN BOOK 1708, PAGE 59 O.R.
- AN EXCLUSIVE RIGHT-OF-WAY AND EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF METERING STATION TO CALLEJAS MUNICIPAL WATER DISTRICT PER DOC. RECORDED 1-6-47 IN BOOK 3090, PAGE 116 O.R.
- AN EASEMENT FOR INGRESS AND EGRESS OR INCIDENTAL PURPOSES PER DOC. RECORDED 5-1-69 IN BOOK 3476, PAGE 471 O.R.
- AN EASEMENT FOR CONSTRUCTION, MAINTENANCE, REPAIR, OF ROADS PER DOC. RECORDED 6-16-69 IN BOOK 3500, PAGE 592 O.R.
- AN EASEMENT FOR INGRESS AND EGRESS OR INCIDENTAL PURPOSES PER DOC. RECORDED 3-19-71, IN BOOK 3794, PAGE 442 O.R.
- A PERMANENT EASEMENT AND RIGHT-OF-WAY FOR CONSTRUCTION AND MAINTENANCE OF METERING STATION TO CALLEJAS MUNICIPAL WATER DISTRICT PER DOC. RECORDED 12-28-69 IN BOOK 3085, PAGE 380 O.R.

PRELIMINARY

CITY OF THOUSAND OAKS
 PLANNING DEPARTMENT
FINE GRADING SITE PLAN
 7-11 MARKET
 2198 N. MOORPARK ROAD
 THOUSAND OAKS, CA 91360
 APN 675-0-374-265

REVIEWED FOR PERMIT ISSUANCE BY:
 CITY OF THOUSAND OAKS

DEVELOPMENT ENGINEER	DATE
PLANNING DIVISION	N/A
TRAFFIC ENGINEER	DATE
SILDS DIVISION - ADA COMPLIANCE	DATE
COSCA	DATE

PREPARED BY:

WESTLAND CIVIL, INC.
 CIVIL ENGINEERS PLANNING / DESIGN LAND SURVEYORS
 101 HOOKHAMP RD, SUITE 216, THOUSAND OAKS, CA 91360
 (805) 468-1500 FAX (805) 468-8158



DESIGNED BY:
 VLICI 04-20-2018

DRAWN BY:
 RDLO 04/20/2018

CHECKED BY:
 D.G.W. 04/20/2018

REV	SYMBOL	DESCRIPTION OF CHANGE	R.C.E.	DATE	P.D.E.	DATE

DIGALERT
 DIAL TOLL FREE
 1-800-422-4133
 AT LEAST TWO DAYS
 BEFORE YOU DIG
 UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA



stu3Dio



7-ELEVEN CONVENIENCE STORE

NEAL SCRIBNER ARCHITECTURE



7-ELEVEN CONVENIENCE STORE

NEAL SCRIBNER ARCHITECTURE



7-ELEVEN CONVENIENCE STORE

NEAL SCRIBNER ARCHITECTURE

THOUSAND OAKS PLANNING COMMISSION



Supplemental Information Packet

**Agenda Related Items - Meeting of July 8, 2019
Supplemental Packet Date: July 8, 2019**

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the Planning Commission after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed, typically they are distributed on the Thursday or Friday preceding the Planning Commission meeting and/or on Monday before the meeting. Supplemental Packets produced on Thursday or Friday are available for public inspection in the Community Development Department, 2100 E. Thousand Oaks Boulevard, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). All Supplemental Packets are available for public review at the Planning Commission meeting in the Andrew P. Fox City Council Chambers, 2100 E. Thousand Oaks Boulevard.

Americans with Disabilities Act (ADA):

In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the Community Development Department at (805) 449-2500. Assisted listening devices are available at this meeting. Ask Community Development staff if you desire to use this device. Upon request, the agenda and documents in this agenda packet, can be made available in appropriate alternative formats to persons with a disability. Notification at least 48 hours prior to the meeting or time when services are needed will assist City staff in assuring reasonable arrangements can be made to provide accessibility to the meeting or service.

To: Planning Commission
From: Kelvin Parker, Community Development Deputy Director 
Date: July 8, 2019
Subject: **Item 7B – SUP 2019-70299 – Megdal Thousand Oaks, LLC**

Attached is correspondence received after the report was prepared, which includes three emails against the project and three emails in favor, one signed by three individuals. Clarification to specific items contained in the staff report and Attachment #4b are below.

Staff Report and Attachment #4b clarifications:

In the “Recommendation” section the referenced attachment should be Attachment #4a rather than Attachment #4.

In the “Conclusion” section of the report the last paragraph should state “...the applicant does not agree to a condition prohibiting left turns from the site onto Avenida de las Flores, *suggested hours of operation*, or to a change in roofing material.”

Condition #2 of Attachment #4b should remove “21-hour” before convenience store since the staff recommendation limits the hours as described in condition #30 of that resolution.

Condition #32 of Attachment #4b should refer to “see condition #30” instead of #31.

Attachment: Correspondence Received after Report Prepared

Stephen Kearns

From: Jason Schlimgen [REDACTED]
Sent: Friday, July 5, 2019 3:37 PM
To: Stephen Kearns
Subject: Re: Automatic reply: Meeting on Monday night

Hi Steve - for what it is worth.

July 5, 2019

Dear Honorable Commissioners:

We are neighbors to the proposed 7-11 convenience store service station site. We are writing in response to the letter dated 3/28/19 written by Jackson Tidus, law firm representing the Applicant, Lompoc Ocean, LLC, which seeks a special use permit (SUP) to allow a 7-11 service station on the SE corner of Moorpark Road and Avenida De Las Flores. The letter states any decision regarding this project "should be based on the valid written objective standards for a C-1 site and the actual features and uses in this project".

Article 21 of the TOMC lists the various land uses permitted within the City, the specific zones in which they are permitted, the entitlement permit types and approval required. Food markets (for example, grocery store, supermarket, meat markets and other specialty types), need a development permit (DP), and automotive service stations (gas and other fuels) need a special use permit (SUP), are potential uses listed under C-1 – Neighborhood Shopping Center Zones. In the letter, the lawyer makes plain the C-1 shopping center is to serve only the "convenience needs, such as food, drugs, hardware and personal services of a residential area". What he fails to add is that C-1 zone's "primary tenant will usually be a supermarket or drugstore".

The letter also states, "this 7-11 project should not, and cannot, be treated as a popularity contest for the neighbors". The attorney states in his letter that this proposed 7-11 food market or convenience store is there to serve only the convenience needs of "this residential area". In which case, the needs of the "neighborhood residential area" should be the key factor in the decision for a project in this C-1 zone.

On 6/24/19, the City sent a letter of Notice of Public Hearing to only the owners of property located within 500 feet of the subject property. By setting parameter of 500 feet, the City has de facto established the "neighboring residential area" the proposed 7-11 is to serve. There are Vons and Ralph's (open 6 a.m.-12 a.m.), Trader Joe's, Rite-Aid and CVS (open 7 a.m.-10 p.m.), three gas stations, including USA Gas station (open 24 hours) all within 1 mile either way of the proposed site. And as evident from the petition signatures the Board was presented with opposition to this project. It seems the neighbors in this residential area do not need, or want, the proposed 7-11 convenience store.

We are told this will be a newly formatted 7-11 convenience store with a variety of items and fresh food offerings. The lawyer reiterates that the items sold in store shall be limited to goods which are accessory to the needs of motorists and for the convenience needs of the neighborhood. Items which may we allowed for sale are limited to the following items: non-alcoholic beverages (including bottled and fountain drinks), food (including wholesome food offerings), motorist and neighborhood needs (including tobacco products and lottery tickets). Except for "wholesome fresh food offerings", the list of items is consistent with the items found in convenience stores.

According to the National Association of Convenience Stores, the top 10 in-store categories ranked by sales dollars represent about 80% of all in-store sales. The following is an overview of in-store 2017 revenues from products sold in stores. This does not include the sale of fuels and various services that can generate fees (car wash, *lottery*, ATM, etc.):

- Tobacco (cigarettes and other tobacco products): 34.1% of in-store sales
- Foodservice (prepared and commissary food; hot, *cold and dispensed beverages*): 22.5%
- Packaged beverages (carbonated soft drinks, energy drinks, sports drinks, water, juices and teas): 15.8%

- Center of the store (salty, candy, packaged sweet snacks and alternative snacks): 9.9%
- Beer: 12.4% for stores selling beer – *will not be sold in this store*
- Other: 9.2%

Although tobacco products, including cigarettes, were more than a third of in-store sales dollars, they accounted for only 18.2% of gross profit dollars, NACS reported. Tobacco products such as cigarettes, cigars, and chewing tobacco are huge sellers in convenience stores. Tobacco products are known to be very addictive, so those who consume these products need to buy often and usually end up purchasing from convenience stores. When a smoker is a smoker, they want a cigarette.

The real profit for convenience stores, according to Jeff Lenard (NACS), is in packaged beverages. The includes bottled soda, sports drinks, energy drinks and the like - but not milk or beer. What's more, dispensed drinks, also known as fountain drinks, are huge sellers at convenience stores. About 40 percent store profits in a store are liquids.

The Mobile service station that used to exist on the site provided for motorist's actual needs, such as repairs, change wiper blades, air to inflate tires, check oil and gasoline. The lawyer tells us selling of gasoline is only an incidental part of this 7-11 and the basic use is a small "food market". The lawyer reminds us that if the sale of gasoline is eliminated there is no City power to condition the hours of operations or products sold in a 7-11 convenience store. Gas is a low-margin, high volume product and after subtracting expenses there isn't a lot of profit at the gas pumps. Gasoline is often just a loss leader for gas stations the real money for retailers is inside, at the refrigerator. To maximize profit for the business owner we would be introducing hazardous material into the environment, and increasing waste generated from plastic bottles, cans, paper cups, plastic cup tops, straws and cigarettes.

Our understanding after reading the zoning laws, is that a C1 zone is development that is designed to meet the needs of the neighborhood. We believe that labeling a 7-11 as a food market is disingenuous. As the figures above indicate, 7-11 customers are not patronizing the business to buy food or groceries. Our neighborhood, as we referenced above, already has three food markets and two drugstores within a one-mile radius. The needs of the neighborhood are more than being met by the existing stores. There are three 7-11 stores in the Thousand Oaks area to address the need for convenience items during the day and night. This type of business is not only unnecessary but potentially disruptive to the neighborhood in terms of the business serving late night customers and bringing noise, light pollution and potential for loitering.

While we understand and support the owner's desire for a profitable business, Thousand Oaks has always been a family friendly city. Allowing for a new business which the core source of revenue is cigarettes, soda, and processed foods, does not seem aligned with the City's reputation as a safe, family-friendly suburb. At the city council meeting, the property owner's representative stated that this 7-11 will be the "Beverly Hills" of 7-11s. Ironically, Beverly Hills does not have a 7-11 in the city limits because it doesn't fit the city's values and needs. There are three in Thousand Oaks, it seems three is enough.

Respectfully,

Jason Schlimgen and Laurie Owens

On Wed, Jul 3, 2019 at 4:17 PM Stephen Kearns <SKearns@toaks.org> wrote:

Hi Jason,

Friday is fine. Have a great holiday.

Stephen Kearns

From: Jerry vanEe <[REDACTED]>
Sent: Wednesday, July 3, 2019 8:18 AM
To: Stephen Kearns
Subject: Fw: 7/8/2019 @ 6 PM T.O. Meeting Re; 2100 T.O. Blvd. Proposed 7-11 Gas Station near High School....

----- Forwarded Message -----

From: Jerry vanEe <[REDACTED]>
To: skearns@toaks.org <skearns@toaks.org>
Cc: David Dawn <[REDACTED]> Kumar Navatap <[REDACTED]> robin.kaswick <[REDACTED]>
[REDACTED] Kai Joop <[REDACTED]> Jerry vanEe <[REDACTED]> ; Buzz
Greene <[REDACTED]> ; Carolyn G. <[REDACTED]>
Sent: Tuesday, July 2, 2019, 10:30:13 PM UTC
Subject: 7/8/2019 @ 6 PM T.O. Meeting Re; 2100 T.O. Blvd. Proposed 7-11 Gas Station near High School....

Mr. Kearns , Please inform the City Council that I am 100% opposed to this project. I believe that a park created in that location to honor the victims of last year's Borderline Shooting would be appropriate especially as that is the nearest location to this city's main high school.... We , those who live nearby the high school , already put up with the noise , trash , car accidents , many loud events and including problems caused by high school events, such as the recent half day power outage caused by an unregulated metallic balloon..... It's time our city leaders start looking out for us , if not , I WILL SUPPORT A COMPLETE RECALL OF ALL CITY OFFICIALS WHO FAIL TO ADEQUATELY represent us..... Please allow this be read at the planning commission hearing. Thank-you , Jerry van Ee , (retired Supervisor of Correctional Education Programs - CCI Tehachapi) c.c. >>> Concerned neighbors who have expressed opposition to the 7-11 in the past.....<<<

Stephen Kearns

From: Claudia Brock <[REDACTED]>
Sent: Monday, July 8, 2019 7:57 AM
To: Stephen Kearns
Subject: 7/11 Proposal

To the City of Thousand Oaks Planning Commission We live close to Thousand Oaks High School and we object to the proposed use of the property at the corner of Moorpark Rs and Ave de Las Flores by the 7/11 group. We have lived here for 45 years and although having been denied several times in the past for any store where the students can 'hang out' I have become glad for the decision of the city to protect our students. The proposed 7/11 is much worse than the produce store I proposed many years ago and for the very reasons that I was denied 7/11 should be denied.

The City has never allowed a business to occupy that area that would attract students to hang out and has also prevented others from putting their business into the spaces across the street without strict warnings of those standards. It would be very discriminatory to allow 7/11 to now do this.

We personally have a great deal to loose in our property value if this is allowed and we are opposed to any 7/11 going into that space in our neighborhood. The liquor store at Arboles and Plantes has been a blight on our neighborhood and attracts many undesirable factors here. We most certainly do not want it to get worse. This is a residential area that needs protection.

Thank you for your time,

Claudia Brock

Stephen Kearns

From: M Sanchez <[REDACTED]>
Sent: Tuesday, July 2, 2019 2:57 PM
To: Stephen Kearns
Subject: 7-11

I am a 10th grader at TOHS. A couple of my friends and I are emailing you because we need 7-Eleven. I walk a mile down during a free period to get Starbucks. If I could walk across the street and get one in 5 minutes, I can get to my studying way sooner. I also am on the tennis team and we can buy refreshments there before and after our practices and matches. Please help us kids and make sure this is built 😊

-- Martha, Brad, Erin

Stephen Kearns

From: Pamela Scott [REDACTED]
Sent: Monday, July 8, 2019 12:41 PM
To: Stephen Kearns
Subject: Fwd: SUP2018-70220. 2198 N Moorpark Rd

Hello Steve. Please include my support letter again (below) in the second hearing tonight regarding the proposed development at Moorpark Rd and Avenida De Las Flores.

Thank you very much,
Pam Scott
President
GPS Commercial Real Estate Services
[REDACTED]

Sent from my iPhone

Begin forwarded message:

From: Stephen Kearns <SKearns@toaks.org>
Date: April 1, 2019 at 6:07:56 PM GMT+2
To: Pamela Scott [REDACTED]
Subject: RE: SUP2018-70220. 2198 N Moorpark Rd

Good Morning Ms. Scott,

I will forward your email to the Planning Commission this afternoon. Thank you for taking the time to comment on the project.

Sincerely,

Steve

From: Pamela Scott [REDACTED]
Sent: Monday, April 1, 2019 9:04 AM
To: Stephen Kearns <SKearns@toaks.org>
Subject: Fwd: SUP2018-70220. 2198 N Moorpark Rd

Hello. I was wondering if you could please make sure all the commissioners see my email letter in the thread below? Prior to the hearing of course!

Kevin Kohan referred me to you.

Thank you,
Pam Scott

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: March 25, 2019 at 3:36:12 PM EDT
To: Kevin.Kohan [REDACTED]
Subject: SUP2018-70220. 2198 N Moorpark Rd

Dear Commissioners and Mr. Parker,

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 High School'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.



Stephen Kearns

From: Chris Huddleston [REDACTED]
Sent: Monday, July 8, 2019 2:37 PM
To: Sharon [REDACTED]; Kevin.Kohand [REDACTED]; dneuman [REDACTED]; nelsonbuss [REDACTED]; dlanson [REDACTED]; Stephen Kearns
Subject: Re: Proposed 7-Eleven Thousand Oaks Project - SUPPORT!

Hello All: Please see my below e-mail in support of the project being heard again tonight... My support hasn't changed from the below - in fact, the modifications have only increased my support!! Thank you.

Chris Huddleston

On Sat, Mar 30, 2019 at 8:33 AM Chris Huddleston [REDACTED] wrote:

Dear Commissioners,

I am looking forward to the hearing on Monday night, but wanted to write you in advance since I may not arrive in time to speak and support this project... I am a local developer and have lived in Thousand Oaks. I know this Moorpark Road site well and can remember when it was a decrepit, old Mobil station. I feel compelled to write to you to support this proposed, new 7-Eleven project. It is clear from the rendering that was on ACORN that the applicant and the retailer have gone above and beyond to deliver a uniquely beautified project that incorporates stonework and landscaping that blend in nicely with the natural environment. I have never seen a nicer fuel station or convenience store!

I can't imagine why this would development would not be better than the alternative... A vacant lot! I read some concerned parents and neighbors who would rather it stay a grassy patch with some fencing, but that is not how land rights work and it is utterly infuriating to hear as a developer. As someone who has no financial stake in the project, I have to say that I'm sure you will agree this owner is allowed to use his C-1 zoned site for a commercial development! Those folks are not allowed to deprive a landowner full use of his property just because they would rather see it go undeveloped.

While I know there needs to be some "bend" on all sides, I propose this being approved and cooler heads finding a middle ground: Why not negotiate some conditions (like not to sell beer and wine, vapes or anything that might be a detriment to the neighboring school) so all parties can claim victory?! Otherwise, I can't imagine why the commission wouldn't approve this beautification project that will surely add a tremendous amount of tax dollars to the city.

Respectfully,
Chris

Chris Huddleston





Community Development Department
MEMORANDUM

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

To: Planning Commission
From: Kelvin Parker, Community Development Deputy Director
Date: July 8, 2019
Subject: **Item 7C–RPMN 2019-70065– Alderton**

The attached correspondence was received after the packet was prepared for the subject item.

Attachment: Correspondence Received

The following is a revision to Condition No. 20 for the above referenced project:

20. Approval Period – This Residential Planned Development Minor Modification is granted for a three (3) year period of time ending on July 8, 2022 ~~July 8, 2024~~, at which time said permit approval shall expire unless the use has been inaugurated in accordance with Section 9-4.2812 (c) of the Thousand Oaks Municipal Code. The applicant may request a time extension of this period, as allowed by Section 9-4.2812. (e) of the Thousand Oaks Municipal Code, by filing a minor modification with the Community Development Department prior to the expiration date.

Stephen Barragan

From: Judy Abramson [REDACTED] on behalf of Judy Abramson
[REDACTED]
Sent: Monday, June 24, 2019 10:03 PM
To: Stephen Barragan
Subject: house at 1408 Redsail Circle

We are anxious to see the house project started at 1408 Redsail Circle. Please approve their teardown, so owners can get started on rebuilding this house and we won't have to look at this eyesoar much longer.

Thank you....

Judy Abramson
Lou Abramson
1407 Redsail Circle
Westlake Village, CA 91361

July 1, 2019

James & Robin MacDonald
3925 Freshwind Circle
Westlake Village, Ca. 91361

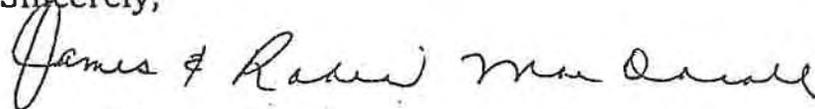
To whom it may concern,

We have been happy residents of Westlake Island for over five years and we are excited to have recently heard that another new house will soon be built in our neighborhood. We believe that the construction of new dwellings of high quality and design benefits our property's value and the rejuvenation of our community.

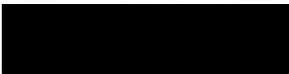
The plans that Mr. and Mrs. Alderton have shared with us for their residential construction project located at 1408 Redsail: not only meet the highest quality standards, the design looks amazing and we are enthusiastically looking forward to seeing their new home when it is finished.

Please feel free to contact us with any questions you may have.

Sincerely,



James & Robin MacDonald



June 25, 2018

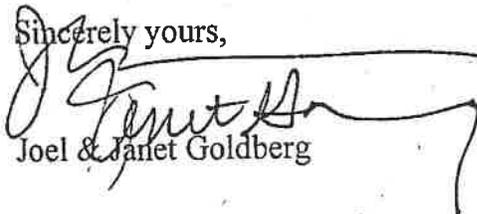
City of Thousand Oaks Planning Commission
2100 Thousand Oaks Blvd.
Thousand Oaks, CA 91362

Re: 1408 Redsail Circle, Westlake Village, CA 91361

To whom it may concern.

We live on Westlake Island at 1418 Redsail Circle, Westlake Village, CA 91361. We have had the opportunity to review the plans submitted by the Alderton's for their project at 1408 Redsail Circle. We think their future house will be a significant improvement over the existing structure. Therefore, we support approval of their project.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Joel & Janet Goldberg", with a long horizontal flourish extending to the right.

Joel & Janet Goldberg

June 27 2019

City of Thousand Oaks Planning Commission
2100 Thousand Oaks Blvd.
Thousand Oaks, CA 91362

Re: 1408 Redsail Circle, Westlake Village, CA 91361

To whom it may concern:

We live on Westlake Island at ¹³⁹¹ ~~Southward Cir~~ Westlake Village, CA 91361. We have had the opportunity to review the plans submitted by the Alderton's for their project at 1408 Redsail Circle. We support approval of the project.

Sincerely,

Dr. and Mrs C.P. Larson, Jr

Stephen Barragan

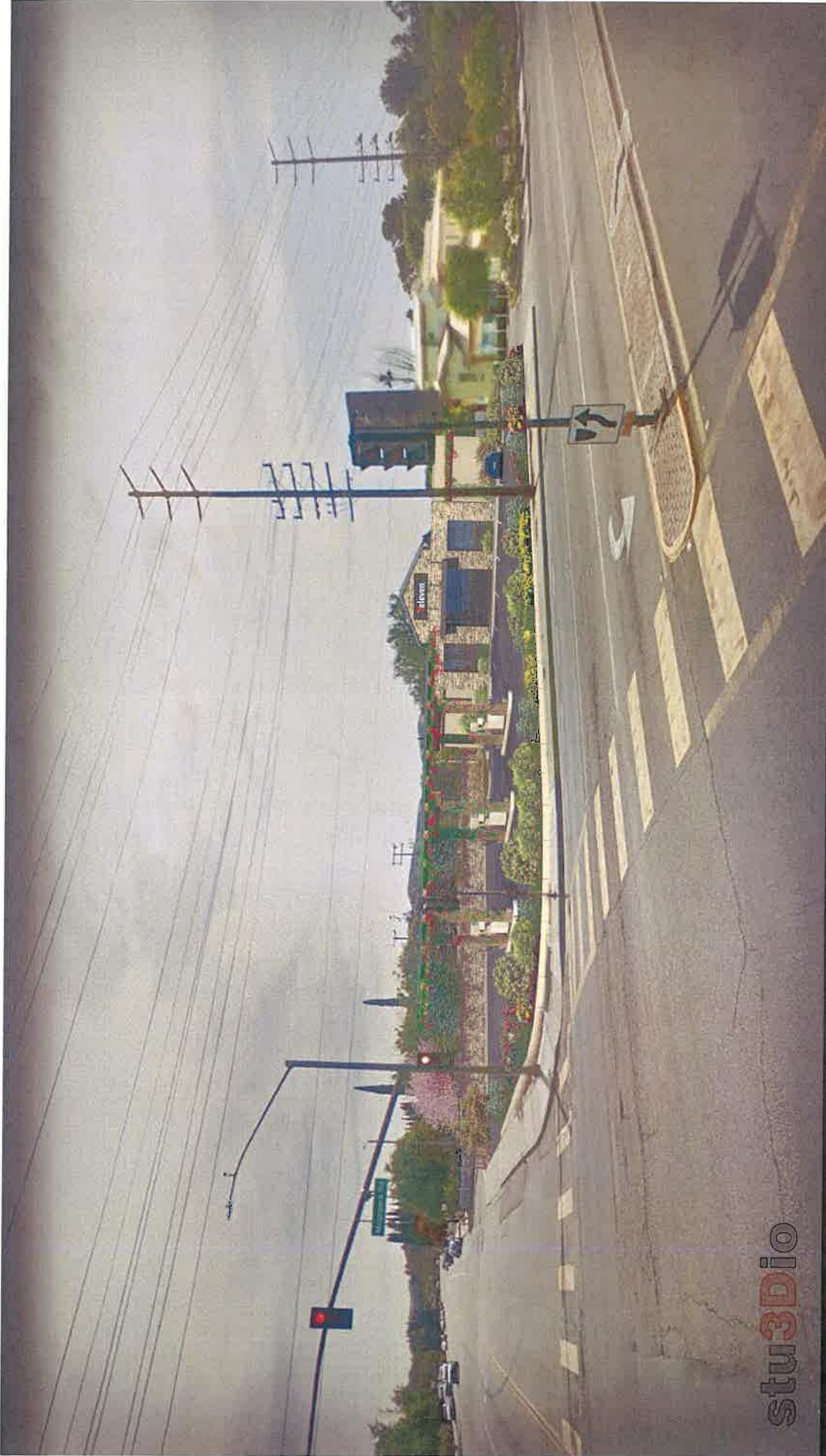
From: ahallden [REDACTED]
Sent: Wednesday, June 26, 2019 5:24 PM
To: Stephen Barragan
Subject: RPMN 2019-70065 Comments.

I received a letter regarding a request for comment on the subject zoning deviation on Westlake Island at 1408 Redsail Circle. I live on the next block and here are my comments.

- 1) Overall height deviation. The request is to allow 31 ft height from the prescribed 25 foot limit. The current Westlake Island Architectural guidelines say the limit is 28 ft. I feel a 28 ft. limit is reasonable and in conformance to the neighborhood.
- 2) Setback limit. I feel a 10 ft limit for the front yard is reasonable, if it is based on 10 ft from the sidewalk vs the curb. The side yard limit should be retained at 10 ft assuming the house is built with one side at the zero lot line. The second floor on the zero lot line should be setback 7 ft from the lot line.
- 3) The front and rear balconies are acceptable if limited to 5 ft. each
- 4) No comment on the increase area of the second floor if other constraints are met.

Yours truly, Alan L. Hallden 1356 Southwind Circle, Thousand Oaks, Ca 91361

**ITEMS RECEIVED AT THE JULY 8, 2019 PLANNING COMMISSION MEETING
RELATED TO AGENDA ITEM 7.B. SUP 2019-70299**



stu3Dio



7-ELEVEN CONVENIENCE STORE

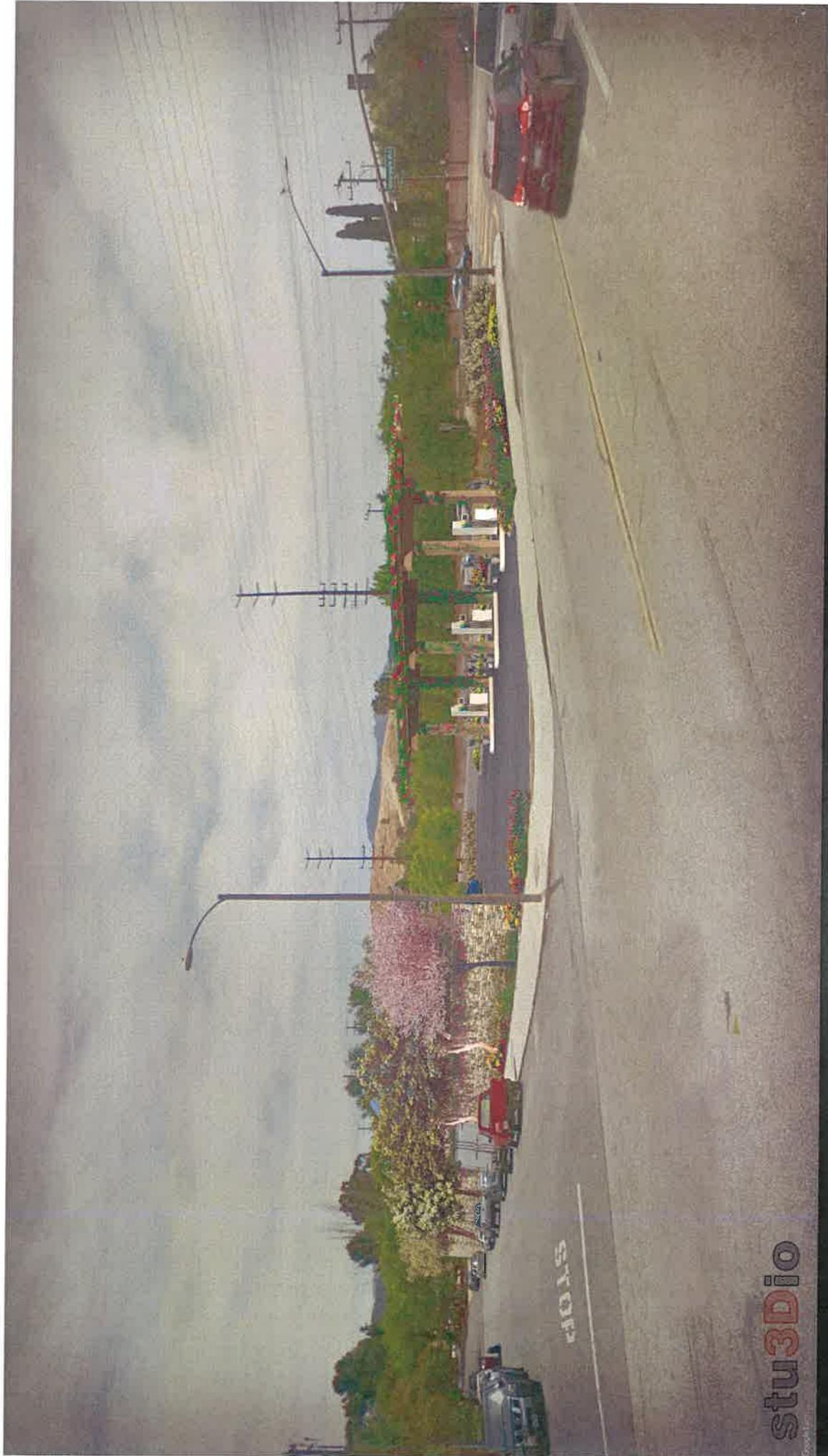
NEAL SCRIBNER ARCHITECTURE

RECEIVED AT PLANNING COMM. MTG

MEETING OF 7/8/2019

FROM: Taylor Megdal

ITEM #: 7B



stu3Dio



7-ELEVEN CONVENIENCE STORE

NEAL SCRIBNER ARCHITECTURE



stu3Dio



7-ELEVEN CONVENIENCE STORE

NEAL SCRIBNER ARCHITECTURE

view. If roof mounted equipment is unavoidable, the design of any roof structure shall screen the equipment and be an integral part of the roof design.

c. **Roof Materials.**

Criteria to consider when selecting a roofing material include: the context and size of the project, the size and shape of the roof, the slope of the roof, and surrounding roofing materials. Select materials, which enhance and complement the roof shape. Roofing materials need not be the same as on adjacent structures.

(1) **Acceptable roof materials and colors:**

- (a) Clay or concrete the roofing materials are encouraged in muted earth tone colors. (Barrel, S-shape or flat)
- (b) *Slate.
- (c) *Natural metals (with raised or standing seams) including copper.
- (d) *Glass elements.

*Metal, slate and glass roofs shall be sensitively selected, should consider adjacent properties, and be in scale with and enhance the architectural design of the project.

(2) **Unacceptable roof materials and colors:**

- (a) Wood shingles and shake roofs.
- (b) Corrugated metal.
- (c) Highly reflective surfaces (i.e., mirror glass, shiny metallic surfaces, glazed roofing tiles).
- (d) Composition/asphalt shingles.
- (e) Bright or primary colors.
- (f) Large areas of built up or membrane roofing, when exposed to public view.

RECEIVED AT PLANNING COMM. MTG
MEETING OF <u>July 8, 2017</u>
FROM: <u>Near Stribner</u>
ITEM #: <u>7B</u>

Stephen Kearns

From: Patrick Hehir
Sent: Monday, July 8, 2019 3:15 PM
To: Stephen Kearns
Subject: FW: Vote for 7-11 please

Another one. Not sure you have it already.

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

From: David Newman [REDACTED]
Sent: Monday, July 8, 2019 3:13 PM
To: Patrick Hehir <PHehir@toaks.org>; Kelvin Parker <KParker@toaks.org>
Subject: Fwd: Vote for 7-11 please

ex parte, received but unread

dn

----- Forwarded Message -----

Subject: Vote for 7-11 please
Date: Mon, 8 Jul 2019 14:52:39 -0700
From: Nick Quidwai Concerned Citz T Oaks [REDACTED]
To: PlanningCommision@toak.org, Skearns@toak.org
CC: [REDACTED]
[REDACTED]

Planners I went to the Oct 11 1918 meeting very disappointed as story sd chance to hear Irwin but no one knew what I was talking about Talked with Scribner about deed restriction regarding cigarettes etc Told me owner has too much invested waste of time Seems like employees know more about what owner will say It is a miracle; Taylor has convinced Corp close @ 2 am + No vape products Strict enforcement of ID so you cannot get better than this.

PLEASE VOTE YES WHILE YOU CAN THANKS!!

SHARON Cn you please send your phone I have you on Comestock nmbur disconnected Nick Iqbal NICK Quidwai PO Box 19204 Newbury Park CA 91319
[REDACTED]

RECEIVED AT PLANNING COMM. MTG
MEETING OF 7/8/2019
FROM: N. Quidwai
ITEM #: 7B



RECEIVED AT PLANNING COMM. MTG
MEETING OF 7/8/2019
FROM: Patricia Baughn
ITEM #: 7B

