

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS DENYING THE APPEAL OF A PLANNING COMMISSION DECISION OF SUP 2019-70299 LOCATED AT 2198 NORTH MOORPARK ROAD (APPLICANT/APPELLANT: MEGDAL THOUSAND OAKS, LLC)

WHEREAS, on July 8, 2019, the Planning Commission denied SUP 2019-70299, a request to construct a service station and convenience store located at 2198 North Moorpark Road; and

WHEREAS, on July 18, 2019, Megdal Thousand Oaks, LLC (“appellant”) appealed the Commission’s decision to City Council, requesting that City Council overturn the decision of the Planning Commission to deny the request to construct a service station and convenience store, thereby approving the project; and,

WHEREAS, upon notice duly given, a public hearing on the appeal was held by the City Council of the City of Thousand Oaks on September 10, 2019, at which time the appellant was present and testified, and evidence, both oral and written, including but not limited to City Staff Reports, were presented and received, and testimony was heard from all interested parties appearing in the matter; and,

WHEREAS, the City Council has evaluated the information and finds that the proposed project at the proposed location with its proximity to sensitive uses is not compatible with the area; and

WHEREAS, a resolution is required to formalize City Council action pursuant to Section 9-4.2808 of the Thousand Oaks Municipal Code and this Resolution is adopted for that purpose and reflects the action of a majority of the members of the City Council in rendering a decision on this matter following the regular meeting of September 10, 2019.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Thousand Oaks, that the appeal of the Planning Commission decision is denied for SUP 2019-70299 as set forth in Planning Commission Resolution No. 10-2019 PC subject to the conditions imposed therein. The Planning Commission decision is upheld based on the following findings:

1. The project does not comply with all applicable laws, regulations and policies, including the Thousand Oaks Municipal Code for the following reasons:

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

PASSED AND ADOPTED this 10th day of September, 2019.

Robert McCoy, Mayor
City of Thousand Oaks, California

ATTEST:

Cynthia M. Rodriguez, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:

Andrew P. Powers, City Manager

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TO ALLOW FOR INSERTION OF CERTIFICATION
BY CITY CLERK