

THOUSAND OAKS CITY COUNCIL



Supplemental Information Packet

**Agenda Related Items - Meeting of March 26, 2024
Supplemental Packet Date: March 21, 2024**

5:00 p.m.

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed, typically a minimum of two—one available on the Thursday preceding the City Council meeting and the second on Tuesday at the meeting. The Supplemental Packet is available for public inspection on the City's website at toaks.org/agendas or by contacting the City Clerk Dept at (805) 449-2151 during normal business hours [main location pursuant to the Brown Act, G.C. 54957.5(2)].

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**THE FOLLOWING 12
PAGES ARE RELATED TO
ITEM 10.A.**

From: Deanna Phenicie <DPhenicie@jacksontidus.law>
Sent: Friday, March 1, 2024 2:56 PM
To: Kelvin Parker <KParker@toaks.org>; Laura Maguire <LMaguire@toaks.org>
Cc: Tracy Noonan <TNoonan@toaks.org>; Scott Kolwitz <SKolwitz@toaks.org>; Mark Sellers <MSellers@jacksontidus.law>
Subject: City of Thousand Oaks - Cancer Treatment Center

You don't often get email from dphenicie@jacksontidus.law. [Learn why this is important](#)

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Dear Honorable Planning Commissioners and City Council Members,

Attached hereto please find a copy of today's correspondence in the above-referenced matter. Please note a hard copy will follow via U.S. mail.

Deanna C Phenicie
Legal Secretary
dphenicie@jacksontidus.law
D: 949.851.7616
C: 949.285.3035

**Jackson Tidus**
A LAW CORPORATION
Irvine, CA 92614
O: 949.752.8585
F: 949.752.0597
www.jacksontidus.law
[Click here to share files larger than 25 MB](#)



**** Please note effective March 1, 2024, Jackson Tidus' new address will be 2030 Main Street, Suite 1500, Irvine CA 92614. Our office phone numbers will remain the same ****

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Jackson Tidus is a recognized Partner in ABA-EPA's Law Office Climate Challenge



March 1, 2024

Direct Dial: 805.418.1914
Email: msellers@jacksontidus.law
Reply to: Westlake Village Office
File No: 10312.128235

VIA E-MAIL & U.S. MAIL
[kpark@toaks.org and lmaguire@toaks.org]

Planning Commission and City Council
Care of: Kelvin Parker
Director of the Department of Community Development
City of Thousand Oaks
2100 Thousand Oaks Boulevard
Thousand Oaks, CA 91362

Re: REQUEST FOR REJECTION OF GENERAL PLAN AMENDMENT AND ZONING APPLICATIONS FOR HOSPITAL PARKING LOT SITE FOR AN INCOMPATIBLE RESIDENTIAL USE THAT IS CONNECTED TO GENERAL PLAN AMENDMENT LU 2022-70587 AND THE RELATED PROPOSED CANCER TREATMENT CENTER PROJECT.

PLANNING COMMISSION HEARING DATE - MARCH 11, 2024.

Dear Honorable Planning Commissioners and City Council Members:

We ask that you provide the Planning Commission and City Council with a copy of this letter. This law firm represents the Rolling Oaks Property Owners Association, which has serious concerns about the improper application of a proposed zoning trade just to allow a suggested significant intrusion of new commercial uses south of Rolling Oaks Drive into their existing Rolling Oaks residential neighborhood. That significant intrusion involves HCA's proposed new, massive 2 story 58,000 sq. ft., commercial cancer treatment center, along with a sea of asphalt to accommodate 233 parking spaces, on the 4.87 acres at 400 East Rolling Oaks Drive, a neighborhood with many single family detached residences. The zoning trade proposes a new residential use of small isolated 2.145 acre medical center/hospital parking lot site at 355 West Janss Road.

City staff has indicated the 400 East Rolling Oaks Drive site could generate 9 dwelling units (GP Designation of "Very Low Residential"), so staff is claiming, without any site plans or residential project application or market feasibility study, this small 2.145 acre hospital parking lot site could be zoned to allow 9 dwelling units to be developed on that site, alleging be a "no net loss" of dwelling units. We are informed 400 East Rolling

Irvine Office
2030 Main Street, 12th Floor
Irvine, California 92614
t 949.752.8585 f 949.752.0597

Westlake Village Office
2815 Townsgate Road, Suite 200
Westlake Village, California 91361
t 805.230.0023 f 805.230.0087

www.jacksontidus.law

Planning Commission and City Council
Care of: Kelvin Parker
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Oaks Drive site was never marketed to potential housing developers a use that wouldn't require a zoning trade or re-zoning from Rural Exclusive (R-E).

This zoning trade is based on SB 330 or the "no net loss" provisions of Gov. Code sec. 66300(b)(1)(A) that requires "with respect to land where housing is an allowable use" like 400 East Rolling Oaks Drive, a city shall not change the general plan land use designation or zoning of a parcel or parcels of property that would "individually or cumulatively reduce the site's residential development capacity." Under subsection "(i)(1)" this section does not prohibit an affected county or an affected city . . . from changing a land use designation or zoning ordinance to a less intensive use, or reducing the intensity of land use, if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity. . . "concurrently" means the action is approved at the same meeting of the legislative body."

The law includes the phrase "to ensure that there is no net loss in residential capacity." However, nothing in this HCA's land use trade proposal ensures or guarantees a likely future use of the medical office/hospital parking lot for any residential development. As that change does not make any land use sense or any economic sense, and such seems to be in conflict with the medical office's and hospital's commercial operations and goals. The following are just some of the people who have stated for the record already that the 2 acre parking lot property on this important regional medical campus will never be developed for housing.

- 1: Natalie Mussi CEO of Los Robles Hospital ("LRH") representing HCA on 07/08/22 in a printed interview with Becca Whitnall of the "Acorn" newspaper.
- 2: Justine Kendal, City Planner of T.O., in a Virtual meeting on 05/08/23.
- 3: Matt Cove COO of LRH representing HCA on 04/27/23 in a meeting at LRH and in response the question: "Hypothetically, if a developer were to make a bona fide offer to purchase the 355 Janss Road lot to build housing, would HCA allow it?" In reply, a gentleman identified as from LRH smiled, shook his head no and said something on the order of "No, of course not."

In addition, even the California state Housing Community Development agency interprets this code (because of additions added through SB 166) to require realistic replacement sites. That agency's memorandum on the "no net loss" code says:

“Be available to be developed in the planning period. For non-vacant sites, this means that the existing use is not an impediment to additional residential development.” (See page 3 of the attached memo).

Clearly development of the Janss Road site to residential project would be an “impediment” to its existing use of a parking lot to support the hospital and other medical buildings. The common sense conclusion that “no residential development will be allowed” on the small 2 acre property, located adjacent to an vital, multi-million dollar, regional hospital and medical office campus.¹ The circumstances here indicate that the “no net loss” situation will simply not happen. The practical residential development requirements and competing medical and parking demands all indicate there will be a total loss of nearly 5 acres currently zoned as residential in Thousand Oaks. In addition, we are unaware of any formal parking demand study that says the LRH campus is over parked and this 2.145 acre area is not needed for parking.

Based on this reality, this trade is merely a sham and a potential violation Gov. Code sec. 66300. Even worse is the intrusion of new commercial uses south of Rolling Oaks Drive into an existing quiet residential neighborhood, for a large medical facility with a site entrance on Los Padres Drive, and with over 2,000 vehicle daily trips that will be heading into this residential neighborhood, such a zone change is poor planning. Many Rolling Oaks Property Owners Association residents feel living next to such commercial operations affects the value of their homes and the peace and quiet of living in a residential neighborhood. The proposed two new use changes will only upset two neighborhoods.

The City is merely speculating and hoping for some possible future interest in a residential development of this small site, therefore, this trade is not consistent with the legislative intent of Government Code section 66300, adopted as part of SB 330 in 2019, as part of the program intended to facilitate or stimulate the production of affordable housing in California. §12:28. Public policies and legislation fostering housing, Cal. Comm. Int. Dev. L. & Prac. (2023 ed.). One is to “apply reason, practicality, and common sense to the language” in a Code section. “If possible, the words should be interpreted to make them workable and reasonable . . . in accord with common sense and justice, and avoid an absurd result.” *Halbert’s Lumber, Inc. v. Lucky Stores, Inc.* (1992) 6 Cal.App.4th 1233, 1239. There is no reason, practicality, and common sense application of section 66300 that justify this zoning trade.

Creating an incompatible residential zone on such a small isolated hospital parking lot site seems to be improper “spot zoning” out of character and totally

¹ The HOA residents feel there is no need, no wait list for care, and 7 other comprehensive cancer centers within 10 miles of LRH.

Planning Commission and City Council
Care of: Kelvin Parker
March 1, 2024
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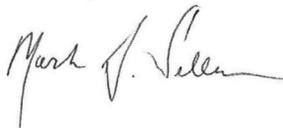
incompatible with all of the surrounding commercial medical offices, emergency vehicle routes and siren noises, air conditioning noise generators, and the hospital's long hours and institutional uses. This parking lot is also northeast of the corner of two very busy and noisy roads, Janss and Lynn Roads. Such an isolated residential allowance may be the type of a discriminatory, unreasonable and non-uniformed special privilege zoning that is disfavored in California.

“Thus, a zoning ordinance is void as to an island of a single lot zoned for residential purposes but completely surrounded by public or commercial uses where no rational reason exists for such a classification.” §25:68. Requisites and validity—Uniformity and nondiscrimination, 8 McQuillin Mun. Corp. (3d ed.)

The City should be concerned about the loss of parking for this large important regional hospital and medical complex. How the loss of this parking adversely impacts the residential neighborhoods to the east of the hospital should be addressed. We are unaware of any outreach to the residences around the Janss site location. Shouldn't those residences also have a voice since they will be affected?

This housing transfer option is not realistic or meaningful application and 9 units are never going to be actually developed. Therefore, the Gov. Code sec. 66300 site trade is a sham and pointless, and it will only encourage housing advocates or groups to challenge that illogical application of sec. 66300, exposing the City to possible litigation. Meeting most project objectives and consistent with the Alternative 2 in the EIR, this cancer treatment center should be proposed for and designed to fit on this hospital parking lot site. The goal of CEQA is not to promote the least costly project alternative for the entitlement applicant.

Sincerely,



Mark G. Sellers

MGS:dp

cc: Rolling Oaks POA
Laura Maguire, City Clerk for disbursement to City Council
Tracy Noonan, City Attorney
Scott Kolwitz, Senior Planner

1625375.2

To: Mayor Al Adam
cc: City Council Members: Kevin McNamee, Bob Engle, David Newman, Mikey Taylor
From: Lynda and Gil Kessler
Date:
Subject: Los Robles Health System Proposed Comprehensive Cancer Center

Members of the Thousand City Council:

My wife Lynda and I are writing this letter in support of the very much needed proposed Comprehensive Cancer Center in the Thousand Oaks Community.

Eighteen years ago after routine mammogram a small cancer cell was found in her left breast. Because it was small and did not spread to the lymph nodes it was suggested she would only need radiation for her treatment.

Lynda's best friend son was chief of staff at Cedars and he called us and recommended we come there for consultation and treatment. He set us up with appointments with a Oncologist, Oncological Surgeon, and a Radiologist. After a full day of meetings we were set up up with a treatment plan.

The Oncologist was suspicious of the cell and sent it to a special lab in San Francisco to be analyzed. The pathology report came back diagnosed Her2NU Positive therefore requiring extensive Chemo Therapy.

The treatment plan was for six months, the first six week were extremely difficult with long days of Chemo and the following week with blood testing. The following weeks were shorter Chemo treatments and blood testing and additional tests during the off weeks.

We live in Thousand Oaks and the drive without traffic is almost an hour, however we always encountered some traffic delays both ways. After Chemo Lynda never felt well and the drive home was very unpleasant and caused her stress and anxiety until we arrived home. I personally was uncomfortable seeing her in that state.

After Chemo the Cedar's Radiologist recommended a local Radiologist for Radiation treatment as it was a five day treatment for seven weeks, which spared us the long trip back to LA.

Following Radiation Lynda was put on Herceptin which required a trip to Cedars every three weeks for a year. After that we went back ever three months and then every six months and now once a year as she is now cancer free.

The treatment Lynda received at Cedar's Comprehensive Cancer Center was excellent. The Her2NU Positive Cancer cell is a rapid growing cell and if she did the original recommended radiation treatment she probably would have passed away. The physicalities and medical team at Cedar's Cancer Center honestly saved her life.

I appeal to the City Council to approve the building of the very important Comprehensive Cancer Center in our community. I would never want a current or future Cancer patient have to go through what Lynda and I did so many years ago.

Thank you in advance for your positive consideration.

Lynda and Gil Kessler



FW: City of Thousand Oaks 2022-70732-DP Public Hearing Notice for 3/26/2024 City Council Meeting

From: A Huffine <2asocal@gmail.com>
Sent: Tuesday, March 12, 2024 6:36 PM
To: Lori Goor <LGoor@toaks.org>
Subject: Re: City of Thousand Oaks 2022-70732-DP Public Hearing Notice for 3/26/2024 City Council Meeting

Thanks, we sure hope this doesn't make a mess out of our neighborhood and detract from its current value.

Sure seems interesting, that due to this swap, the Young Set area will be completely modified; however the HCA site though being Residential stays a commercial parking lot; how is this so?

On Tue, Mar 12, 2024 at 5:33 PM Lori Goor <LGoor@toaks.org> wrote:

Hi,

You had expressed interest in the subject project. Attached please find the Public Hearing Notice for the March 26, 2024 City Council Meeting.

Thank You,

Lori Goor
Senior Recording Secretary
Community Development Department
[City of Thousand Oaks](http://www.toaks.org)
(805) 449-2312



For information on services available at City Hall, visit www.toaks.org/cdd

*New User Fees go into effect July 1, 2023. Applications submitted **with minimum application requirements** by June 30, 2023, will be subject to current fees. Applications invoiced on or after July 1, 2023, will be subject to new fees. Click [HERE](#) to view.*

From: Monica Murrietta <mmurrietta@cancersupportvvsb.org>
Sent: Monday, March 18, 2024 1:46 PM
To: Lori Goor <LGoor@toaks.org>
Cc: Commans Amy <Amy.Commans@hcahealthcare.com>
Subject: Comprehensive Cancer Center - Letter of Support

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Hello Ms. Goor: We respectfully send this letter to Mayor Adam and City Councilmembers McNamee, Engler, Newman and Taylor in support of the Los Robles/HCA Comprehensive Cancer Center. Thank you for your time, Monica

Monica Murrietta, Executive Director
Cancer Support Community Valley/Ventura/Santa Barbara
4195 E. Thousand Oaks Blvd., Suite 107
Westlake Village, CA 91362
Ofc: 805.379.4777 ext. 237
Cell: 805.701.8150
mmurrietta@cancersupportvvsb.org



From: Karen Martin <takeodogg@aol.com>
Sent: Monday, March 18, 2024 4:45 PM
To: City Clerk's Office <cityclerk@toaks.org>
Subject: HCA cancer center

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I have lived across the street from Los Robles for 30+ years. In 2005, I levied for mitigation for traffic noise and speed at that time and again with the helipad enlargement that allowed Black Hawk helicopter landings in a residential area.

In 2005 when the noise levels were found to be over acceptable limits (73.4 dB)

TABLE 4
Project Contribution to Roadway Noise Levels

Receptor Location	Existing (1)	Existing + Cumulative (2)	Existing + Cumulative + Project (3)	Project Increase (3-2)	Cumulative Increase (3-1)
Lynn Rd. between Camino Manzanas & Janss	73.4	74.5	74.7	+0.2	+1.3
Lynn Rd. between Janss & Sidlee	72.7	74.0	74.0	+0.0	+1.3
Lynn Rd. between Sidlee & Flores	72.9	74.1	74.2	+0.1	+1.3
Moorpark Rd. between Arboles & Flores	70.5	71.0	71.0	+0.0	+0.5
Moorpark Rd. between Flores & Janss	71.3	72.0	72.0	+0.0	+0.7
Moorpark Rd. between Janss & Hillcrest	71.5	72.2	72.3	+0.1	+0.8
Janss Rd. between Moorpark	67.0	68.0	68.0	+0.0	+0.4

I was told houses couldn't be built in our area now but the noise we dealt with daily was "grandfathered" and that the hospital was an entitlement project for the good of everyone.

Now you have produced another noise study 20 years later that indicates the noise levels have dropped six decibels! Talk about alternative facts.

above the ground.

Two noise measurement locations were selected (ST5–ST6), representing existing noise-sensitive receptors in the vicinity. The measurement locations are shown in Figure 4.9-2. Noise measurement data is also included in Appendix G. As shown in Table 4.9-3, measured ambient noise levels ranged from approximately 61 dBA L_{eq} at ST4 to 67 dBA L_{eq} at ST5. The primary noise source at the measurement locations consisted of traffic from West Janss Road and North Lynn Road. Secondary noise sources included distant aircraft noise, leaves rustling, and birdsong.

Table 4.9-3. Measured Noise Levels - Janss Road Site

Receptors	Location/Address	Date	Time	L_{eq} (dBA)	L_{max} (dBA)
ST4	Adjacent to residences south of site	July 20, 2023	12:53 p.m. - 1:08 p.m.	60.6	72.7
ST5	Adjacent to residences southwest of site	July 20, 2023	1:16 p.m. - 1:31 p.m.	67.4	85.7

Source: Appendix G
Notes: L_{eq} = equivalent continuous sound level (time-averaged sound level); L_{max} = maximum sound level during the measurement interval.

Each decibel is a significant, noticeable, and exponential effect on noise levels. I have not noticed a six times decrease in traffic noise. In fact, since the “Fast and Furious” franchise, there is more of a race track feel to the noise. Speeds have increased as well as heavy truck traffic.

How is it you can use the West Janss lot for homes?

How can the planning commissioner suggest at the planning commission meeting prior to voting to pass this project on to city council for approval that The Hospital Corporation of America should build condominiums for their interns??

Is this saying the quiet part out loud?

Is there a plan to change the zoning from low density residential in the future?

The lack of believability of this one factor brings the entire project into question.

Karen Martin, Thousand Oaks

From: Martha Shapiro <mshapiro@seniorconcerns.org>

Sent: Thursday, March 21, 2024 2:25 PM

To: Lori Goor <LGoor@toaks.org>; Al Adam <AAdam@toaks.org>; David Newman <DNewman@toaks.org>; Bob Engler <BEngler@toaks.org>; Kevin McNamee <KMcNamee@toaks.org>; Mikey Taylor <MTaylor@toaks.org>

Subject: Comprehensive Cancer Center - Letter of Support

Some people who received this message don't often get email from mshapiro@seniorconcerns.org. [Learn why this is important](#)

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Good afternoon,

Please see attached my letter of support for the Los Robles' Comprehensive Cancer Center. I really appreciate your time in reading my letter and understanding why this is so important for our community.

Thank you so much,

Martha Shapiro, LCSW

Director of Programs

(Pronouns: She, Her, Hers)

401 Hodencamp Road, Thousand Oaks, CA 91360

805-497-0189 SeniorConcerns.org

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March 23rd, 2024: 36th Annual Ultimate Dining

June 2nd, 2024: 30th Anniversary Love Run

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March 21, 2024

To Whom It May Concern,

I am writing in support of the Los Robles' Comprehensive Cancer Center proposed for our community. A centralized location for all cancer treatments that is interdisciplinary, and even includes emotional support programs, a healing garden and wig fittings is a lifeline for so many.

I have personally experienced cancer and have watched multiple family members and friends go through treatments. Just earlier this year my father passed away from prostate cancer, a cancer he was first diagnosed with 26 years before his death. That means for 26 years he had different types of treatments and a roller coaster of emotions in between.

When you are sick, weak, and scared you need care close to home provided in a convenient and beautiful facility. You need to feel confident that you are receiving care based on the latest in research and methods. And you need a center designed for you, with your needs and emotions in mind.

A comprehensive cancer center in our community will save so many from the stressful drives into Los Angeles. No one should have to battle LA traffic when they are sick and trying to get to an appointment on time!

I urge you to support the Los Robles' Comprehensive Cancer Center and make sure that our community has the care we need. When the unthinkable happens, we want to know our community will support us, treat us, and care for us close to home.

Sincerely,

A handwritten signature in black ink that reads "Martha Shapiro". The signature is written in a cursive, flowing style.

Martha Shapiro, LCSW
Director of Programs
Senior Concerns

Please note these opinions are mine personally.