

**TO:** Planning Commission

**FROM:** Kelvin Parker, Community Development Director

**DATE:** June 17, 2024

**SUBJECT:** **The Drop Yard**  
**Development Permit DP-2023-70021 Major Modification**  
**Special Use Permit SUP-2023-70018 Minor Modification**  
**Protected Tree Permit PTP-2024-70020**

**APPLICANT(s):** Pavel Getov, Studio Antares Inc.  
Derek Reynolds, Truck Stop Holdings, LLC

**LOCATION:** 880 South Westlake Boulevard (APN: 6930130315)

**REQUEST:**

To allow a Minor Modification to a Special Use Permit and a Major Modification to a Development Permit for the removal of 86 parking spaces to create an outdoor venue with two bars (constructed from modified cargo shipping containers), a stage, portable restrooms, three food trucks, with a total of 2,980 square feet (sq. ft.) of accessory structures. The request also includes the sale and consumption of beer, wine, and distilled spirits with food service and outdoor live entertainment to be located within, the northwest portion of the existing Hyatt Regency Westlake hotel parking lot, immediately adjacent to the U.S. 101 southbound on-ramp off Westlake Boulevard. The proposed operation hours are Monday and Tuesday 11 AM -11 PM (private events only); Wednesday and Thursday 4 PM – 11 PM Friday 11 AM – 11 PM, and Saturday and Sunday 9 AM - 11 PM. The property is zoned C-4 Regional Shopping Center Zone (See Attachments 1, 2 and 3).

**RECOMMENDATION:**

That the Planning Commission adopt Resolution (Attachment #4) based on the findings and subject to the conditions contained therein to:

1. Find that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Class 1 Section 15301 Existing Facilities, and Class 3 Section 15303 New Construction or Conversion of Small Structures; and

2. Approve a Development Permit (DP-2023-70021) to allow the elimination of 86 parking spaces for the development of an outdoor venue; and
3. Approve a Special Use Permit (SUP-2023-70018) to allow the sale and consumption of alcohol and live entertainment within operational hours; and
4. Approve a Protected Tree Permit (PTP-2024-70020) to allow the pruning of two oak trees (*Quercus lobata*) at the entrance of the project site.

**PLANNING COMMISSION REVIEW:**

Section 9-4.2105 of the Thousand Oaks Municipal Code (TOMC) requires the Planning Commission review for requests involving food service establishments with dancing or live entertainment in the C-4 Zoning District.

Staff has included findings and draft conditions of approval, that ensure compliance with these findings in the attached Resolution (Attachment #4).

**BACKGROUND:**

The Westlake Plaza Center is located to the southeast of the intersection of Westlake Boulevard and the U.S. 101 Freeway. The Center consists of the Hyatt Regency Westlake Hotel and a commercial complex consisting of office space and a restaurant. The original entitlement from 1981 (Development Permit No. 80-487) included the development of the office complex and a 264-room hotel with a maximum of five stories in height. The approval included an alternative parking lot use agreement allowing shared use of parking spaces. Several modifications to the existing entitlement have been approved since 1981.

A Special Use permit was issued in 1983 (SUP-1983-533) to allow the on-site sale and consumption of alcoholic beverages as an incidental use in connection with the operation of the Regency Westlake Hotel. One additional Special Use Permit was approved in 1984 (SUP-1984-562) to allow the installation of two oversized traffic directional signs and a freeway-oriented building identification sign for the hotel.

### Project Site and Setting

The project site is located on the north portion of the parcel (APN: 6930130315) and separated from the Hyatt Hotel by Village Glen (road). The designated site includes 41,500 sq. ft. of the 10.63-acre parcel (Parcel 1 L.D.485, Book 5, Page 57 of Parcel Maps). Currently the area is developed as a parking lot with 86 parking spaces. There are two protected oak trees located at the entrance of the site as well as a utility and sewer easement. The proposed project site and current parking lot is below the elevation of the perimeters of the property. The basin area is a natural visual buffer from the adjacent Westlake Boulevard and southbound U.S. 101 entrance ramp (Attachment #5).

### PROJECT DESCRIPTION:

The proposal involves a Major Modification to a Development Permit for the removal of 86 parking spaces to create an outdoor venue with two bars, a stage, portable restrooms, and space for three food trucks to park during operational hours. Additional temporary structures include pop-up tents for vendor stations and outdoor games such as cornhole and ping pong. The two bars are to be constructed from modified shipping containers and will serve light food, beer, and wine. The portable restroom trailers include ADA accessibility. The stage is to be repurposed from a truck bed which is on wheels and can be moved off-site if needed. This portable structure is included in the Development Permit as a request for one (1) Waiver of the TOMC to allow for an 81' setback distance from the centerline of the U.S. 101 southbound on-ramp as otherwise required to be 100' by TOMC Section 9-4.1504 (d).

A Minor Modification to a Special Use Permit is requested to allow the sale and consumption of alcohol and live music at the venue. A Type 41 alcohol license has been applied for with the California Department of Alcoholic Beverage Control. Both the music and alcohol sales will be limited to operational hours as described below in this Staff Report.

Additionally, this proposal includes a Protected Tree Permit for the pruning of two oak trees (*Quercus lobata*) located at the entrance of the proposed site. Tree No. 1 is 50' in height and 41" in diameter. Tree No. 2 is 45' in height and 38" in diameter. Both trees have a health rating of B and are to be pruned and protected as recommended by the Arborist Report (Attachment #7) and the recommended Conditions of Approval (Attachment #4).

*Hours of Operations & Private Events*

The maximum capacity for the “Drop Yard” project site is 995. The expected number of employees (provided by the Hyatt) is estimated to be twelve. This does not include the employees for the food trucks which are estimated to be two per truck. Additionally, pop-up shops will include approximately two employees per tent. The hours and operation for the outdoor bar and food venue are shown in Table 1 below.

Table 1 – Operational Hours

Monday	11:00 AM to 11:00 PM (private events only)
Tuesday	11:00 AM to 11:00 PM (private events only)
Wednesday	4:00 PM to 11:00 PM
Thursday	4:00 PM to 11:00 PM
Friday	11:00 AM to 11:00 PM
Saturday	9:00 AM to 11:00 PM
Sunday	9:00 AM to 11:00 PM

*Retail – Outdoor Dining*

The outdoor venue includes bench-style tables throughout the venue with approximately 90 tables with seating. The two bars will provide light food in addition to the three food trucks that will be available during business hours. The food trucks will rotate on a seasonal basis and will arrive an hour before business opens and exit within an hour after closing. Beer, wine, and distilled spirits (no hard alcohol) will be served only during business hours. There is potential for up to 5 pop-up tents with retail shops. The stations will be provided by the vendors themselves. They will arrive and set up the stations one hour before opening and will clean up and collect the stations within an hour after business closing time.

The Drop Yard venue is designed to be both family and pet friendly. The project includes a fenced area for alcohol consumption and outdoor games to create community interaction with familiar pastimes such as cornhole and ping-pong. Similar outdoor venues are in Imperial Beach “Mike Hess Brewing”, San Francisco “Spark Social”, and in Paso Robles “The Backyard”.

### Landscaping

No new landscaping is proposed with this project and most of the existing landscape and trees are intended to be preserved. In addition to the two protected oak trees that will remain, there are 16 London plane trees (*Platanus acerifolia*) and 11 Carrotwood trees (*Cupaniopsis anacardioides*) onsite. It should be noted that two of the Carrotwood trees are proposed to be removed for the project and nine of the 11 trees appear to be in bad health from excessive pruning. The applicants plan to preserve the trees if their health upturns or re-plant the same species (or similar) if their condition further declines. (Attachment #7).

### Lighting

Minimal lighting is proposed with this project to include new outdoor string lights, wall attached light fixtures, and stage lights as depicted in the Lighting Plan (Attachment #5). Wall lighting will be shielded and recessed in a downward direction and decorative lighting is to be of low intensity.

### Vehicular Access and Parking

As discussed above in this Staff Report, the project site is part of a legal parcel that contains the Hyatt Regency Westlake Hotel. The Hotel has another project that was submitted in 2023 (currently on hold) for an expansion of the hotel that proposes the elimination of 51 parking spaces. Due to this other proposal, the applicants were directed by Staff to prepare a Parking Study that evaluated both the project before you, as well as a future expansion project for the Hyatt Hotel. With the Drop Yard project proposal including the request for the removal of 86 parking spaces, the total loss of spaces could potentially be 137 spaces if both projects are approved as submitted. The Parking Assessment dated November 28, 2023, and prepared by Linscott, Law and Greenspan Engineers (Attachment #6) evaluated the loss of parking spaces from both projects that would be reduced to 381 parking spaces.

Looking at only the project site and the Thousand Oaks Municipal Code requirements for parking, this would be a potential deficiency of 971 spaces for the overall parking requirement of 1,352 spaces, with 272 of those spaces required for the Drop Project. However, there is a recorded shared parking agreement with easement rights to use the existing office space parking just east of the Project Site with 1,059 surface parking spaces.

Based on a parking demand analysis and a shared parking analysis, the peak parking demand at the Project Site is forecast to occur at 9:00 PM on a Saturday, when 513 spaces would be needed to satisfy peak demand. The project would only need to utilize 132 of the adjacent office's park's surface parking spaces which is 12.5% of the surplus supply. Therefore, the existing parking utilization of the Hotel, as well as the parking demand forecast related to the Drop Yard Project utilizing the shared parking agreement, the Hotel's proposed parking supply along with the surplus parking provided by easement rights would adequately accommodate the future peak parking demand.

#### *Pedestrian Access and Walkability*

Patrons of the Drop Yard can park in the existing hotel parking and enter from the southeast gates of the project site. Pedestrian entry is provided on the northeast side of the site facing the intersection crosswalk at Westlake Boulevard. Accessible parking spaces are to be installed in the closest proximity to the main southeast entry. The project site is fully accessible and includes an ADA-compliant bathroom as part of the project.

There is no grading or earth disturbance proposed with this project. Artificial turf and decomposed granite (4" in depth) are to be installed on portions of the existing parking lot. Current landscaping and planters are to be preserved and incorporated into the layout design.

Figure 1



*Consistency with the General Plan and Zoning*

The project site is designated Commercial Regional within the General Plan 2045. This designation allows for big box, large format retailers, and retail, office, commercial, and visitor-serving uses, such as hotels and motels. Most of the parcels with this designation are located along U.S. Highway 101 and are near freeway interchanges.

This project site is located within the Westlake and East End area of the City, for which the General Plan has area-specific guidance to enhance the area as a cohesive mix of employment, commercial, and hospitality uses. The project is consistent with the General Plan policies for commercial and retail areas, under Goal LU-7 for redeveloping underperforming commercial areas to support a thriving local economy.

The project site is zoned Commercial (C-4), which allows for restaurants, cafes, and other specialized food service establishments, with dancing or live entertainment. As the requested use is for an outdoor venue with specialized food service and live entertainment and is allowed with the approval of the subject applications, the project is consistent with the General Plan and zoning.

*Consistency with the Zoning*

As mentioned above in the Staff Report, the project site is located on a parcel zoned C-4. The proposed project meets all development standards, as well as the conditions and limitations for the C-4 zone as detailed in the TOMC Section 9-4.1500 excluding the setback distance for the side yard corner. A waiver is requested to allow for an 81' setback distance from the centerline of the 101 southbound on-ramp as otherwise required to be 100' by TOMC Section 9-4.1504 (d). Staff supports this Waiver as there is only one structure that does not meet the setback requirements which is the repurposed truck bed for use of a stage that can be moved easily.

*Traffic*

Staff has reviewed the project using the Institute of Transportation Engineers (ITE) Trip Generation Manual (11<sup>th</sup> edition). PM peak hour trips generated by the proposed project are estimated at 61 trips during the peak hour. City policy for requiring a Vehicle Miles Traveled (VMT) analysis is triggered when a project is expected to generate a minimum of 100 PM peak hour trips over the existing land

use. Since the proposed project is estimated to generate a net increase of 61 trips in the PM Peak hour, both a VMT analysis and TIS are not required (Attachment #8).

### **ENVIRONMENTAL REVIEW:**

The project was analyzed in conformance with the California Environmental Quality Act (CEQA). It has been determined that the proposed project is categorically exempt from the provisions of CEQA pursuant to Class 1 Categorical Exemption, Existing Facilities (Sec. 15301) and Class 3 Categorical Exemption, New Construction or Conversion of Small Structures (Sec. 15303). The proposed project consists of an outdoor eating, drinking, and entertainment establishment with accessory structures to be located in a previously disturbed area and will not have any environmental impacts.

### **PUBLIC CORRESPONDENCE**

Staff has not received public comments related to the project.

### **CONCLUSION:**

City staff has evaluated the project in terms of compatibility with the surrounding area and concludes that the proposed project will not have a detrimental impact on the surrounding area. Overall, the proposed project has been designed to meet the intent of the City's standards, codes, and policies. City staff supports the requested modification since the proposed structure is moveable and located at a lower elevation from the highway ramp. Based on the analysis and findings contained in this report, staff recommends approval of this project, subject to the conditions of approval in the attached Resolution (Attachment 4).

**PREPARED BY:** Angela Georgeff, Associate Planner

Attachments:

- Attachment #1 – Vicinity Map
- Attachment #2 – Location Map
- Attachment #3 – Aerial Photo
- Attachment #4 – Resolution
- Attachment #5 – Project Plans dated June 4, 2024
- Attachment #6 – Parking Assessment dated November 28, 2023
- Attachment #7 – Arborist Report dated April 24, 2024
- Attachment #8 – Trip Generation Analysis