

MINUTES
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
Wednesday, March 8, 2017
6:00 P.M.

The City Council meeting was called to order at 6:00 p.m. by Mayor Weber.

The Pledge of Allegiance was led by Cub Scout Pack 227

Present were: Mayor Denis Weber, Mayor Pro Tem William D. Koehler, Councilmember Illece Buckley Weber, Councilmember Linda Northrup, and Councilmember Harry Schwarz.

Also Present were: City Manager Greg Ramirez, City Attorney Candice K. Lee, Assistant City Manager Nathan Hamburger, Deputy City Manager Louis Celaya, Administrative Aide J.T. Treichler, Planning Director Doug Hooper, Assistant Planning Director Allison Cook, Oak Tree Consultant Greg Ainsworth, Environmental Consultant Joe Power, Director of Public Works/City Engineer Ramiro Adeva, Traffic Engineer Carlie Campuzano, Administrative Analyst Brian Woodworth, Building Official Amir Hamidzadeh, Director of Community Services Amy Brink, Director of Finance Christy Pinuelas, and City Clerk Kimberly M. Rodrigues.

REPORT OF CLOSED SESSION

No Closed Session was held.

APPROVAL OF AGENDA

ACTION: Councilmember Schwarz moved to approve the Agenda, as presented. Mayor Pro Tem Koehler seconded. The motion carried 5-0, by the following voice vote:

AYES: Mayor Weber, Mayor Pro Tem Koehler, and Councilmembers Buckley Weber, Northrup, and Schwarz.

NOES: None.

ABSENT: None.

PRESENTATIONS

There were no presentations.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS

There were no reports.

PUBLIC COMMENTS

There were no public speakers.

CONSENT CALENDAR

There were no public speakers.

ACTION: Mayor Pro Tem Koehler moved to approve Consent Calendar Item Nos. 1-4, as presented. Councilmember Northrup seconded. The motion carried 5-0, by the following voice vote:

AYES: Mayor Weber, Mayor Pro Tem Koehler, and Councilmembers Buckley Weber, Northrup, and Schwarz.

NOES: None.

ABSENT: None.

1. Approve Minutes of the Regular City Council Meeting of February 22, 2017
2. Approve Demand Warrant Register No. 763
3. Approve First Amendment to Agreement for Consultant Services, with Parsons Transportation Group, Inc., for Engineering Services Related to the U. S. 101/Palo Comado Canyon Road (at Chesebro) Interchange Project
4. Adopt **Ordinance No. 17-426**; AN ORDINANCE OF THE CITY OF AGOURA HILLS, CALIFORNIA, REAUTHORIZING AND READOPTING THE CITY'S PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (PEG) ACCESS SUPPORT FEE

PUBLIC HEARING / APPEAL

5. Conduct a Public Hearing to Consider the Appeal of the Agoura Hills Planning Commission's Approval of the Cornerstone Mixed-Use Project (Agoura Village Development Permit Case No. 07-ADVP-002 and Tentative Parcel Map No. 70559), with Consideration of Adoption of: **Resolution No. 17-1837**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION; MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED ON THE SOUTHEAST

CORNER OF AGOURA ROAD/CORNELL ROAD (CASE NOS. 07-ADVP-002 AND TPM 70559); **Resolution No. 17-1838**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING AN AGOURA VILLAGE DEVELOPMENT PERMIT (CASE NO. 07-ADVP-002) FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED AT THE SOUTHEAST CORNER OF CORNELL ROAD AND AGOURA ROAD, INCLUDING A CONDITIONAL USE PERMIT AND AN OAK TREE PERMIT; and, **Resolution No. 17-1839**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 70559 FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED AT THE SOUTHEAST CORNER OF AGOURA ROAD AND CORNELL ROAD; Upholding the Decision of the Planning Commission and Approving the Development of a Mixed-Use Project, at the Southeast Corner of Agoura Road and Cornell Road, Consisting of 35 Residential Apartment Units and 68,918 Square Feet of Retail, Restaurant and Office Space, and the Subdivision of the Property into Two Parcels, and Adoption of an Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Pursuant to the California Environmental Quality Act (Snowdy Dodson, California Native Plant Society, Appellant; Doron Gelfand, Applicant)

Mayor Weber opened the Public Hearing at 6:07 p.m.

City Attorney Lee made the following announcement: *"Yes, Mr. Mayor, I'd like to provide a summary for the framework of the proceedings for this evening to assist the Council and give the public an idea of what to expect this evening. So, first off, I'd like to point out that the Council will hold a de novo public hearing on the Cornerstone project. In the City of Agoura Hills, all of the Planning Commission decisions that are appealed to the Council are heard de novo and a de novo land use hearing is a completely new hearing which allows the City Council to take a fresh look at the project and is not limited to the issues raised in the appeal application. This allows the Council to look at the project as a whole and all the components and make a decision on the project as a whole. The Council need not give particular weight or deference to the Planning Commission decision. It certainly may consider what the Planning Commission thought about the project, but, again, the Council's not bound to follow the Planning Commission's decision. Next, I'd like to summarize the order of the proceedings for the hearing this evening. First, the Mayor has already opened the Public Hearing, thank you. Next, we will have a staff report after which will be City Council questions to staff and at this time the Council should avoid commenting on the project, avoid providing opinions on the project, it should really just be questions of staff on the project. After that, we will have Council disclosure of ex parte communications. Because this is a quasi-judicial hearing, if Councilmembers have received relevant information about the project outside the public hearing context, they should publicly announce the information that they learned during the public hearing and before testimony begins. Next we will move to the Applicant's presentation, which will be 15 minutes. Then the Appellant's presentation, which will also be 15 minutes. That will be followed by the public comment portion of the public hearing. Each speaker will be allotted three minutes to provide their comments, after which, Council can ask questions of anyone in the public. We will then follow that with the Appellant's rebuttal, which will be five minutes and we will end with the Applicant's rebuttal, which will also be five minutes.*

Then we will turn to last call for Council questions. Council must conclude all questions before we close the public hearing and before we go into deliberation. Then, the Mayor will close the public hearing and then the Council will enter the deliberations phase of the proceedings this evening. And, that concludes my comments and my summary, Mr. Mayor”.

Following presentation of the staff report and a question and answer period of staff, Mayor Weber deferred to City Attorney Lee regarding ex parte communications.

City Attorney Lee announced this was the time for the City Councilmembers to disclose any ex parte communications with the public, the Applicant, and the Appellant.

- Councilmember Northrup disclosed that she had a meeting prior to the hearing with staff and also had a meeting with Mr. Rosenheim, on behalf of the applicant, and he presented material that was in the public record. She noted that she did ask about pedestrian access, clarifications about the grading on the project, and building size, and that was primarily what was discussed. She also had a meeting with Joan Yacovone and the Hess' and they presented material that is substantially the same as has been presented in the written comments which were circulated to the Council.
- Mayor Pro Tem Koehler disclosed that in late January, at the request of Mr. Rosenheim, met with him and was provided, on a laptop computer, renderings of the project that are the same that has been provided as part of the staff report to the Council. He noted he had several questions regarding the shared parking, grading, and water quality, and that he took no documents from that other than what was in the staff report. He also met with Mr. Hooper on two occasions for questions he had regarding the staff report and some of the findings on various reports.
- Councilmember Buckley Weber disclosed that she met with Mr. Rosenheim in late December, prior to the Planning Commission meeting, and saw the same renderings on his computer that are a part of the record and they talked about, very generally, the Cornerstone project, about landscaping, about pedestrian orientation, and that was, basically, it. She reported that she had not had any meetings with anybody that she recalled and that the meeting scheduled with Colleen Holmes and the Hess' and several other people, was canceled. She reported that she had received emails from many members of the public and either referred them or forwarded their emails on to the City to be in the record or they, themselves, have forwarded them to be in the record and, as far as she can recall, they are all here. There was one bit of information that was not in the record, a very recent editorial by Sean Anderson, who she currently serves with on the Santa Monica Mountains Conservancy, that was in the Ventura County Star, and he noted the fact that 35 million people per year visit the national recreation area, which covers about 153 acres, indicating she did not know whether or not that would have any influence on her, but she wanted to disclose that fact in case anybody wants to dispute that.

- Mayor Weber disclosed that he also met with Mr. Rosenheim, with the same laptop that was discussed, and they spoke about parking, some of the grading, and it was short and there was no commitment on his part; it was just an information gathering event. He also had many conversations with Mr. Hooper regarding some questions he had, but that was the extent of his outreach.

Councilmember Buckley Weber clarified that Mayor Pro Tem Koehler had pointed out there were 150,000 acres, not 153, and mentioned that she had met with every member of staff, on several occasions, but did not think those were ex parte communications.

The following person(s) spoke on behalf of the Applicant:

Brad Rosenheim, Agoura Hills

Following a question and answer period with the Applicant, Mayor Weber invited the Appellant to provide their presentation.

The following person(s) spoke on behalf of the Appellant:

Snowdy Dodson, representing California Native Plant Society
Julie Clark De Blasio, representing California Native Plant Society

Following a question and answer period of the Appellant, Mayor Weber opened the floor for Public Comments.

The following person(s) submitted documents after the distribution of the Agenda Packet and prior to the City Council Meeting. Copies were distributed to the City Council, Applicant, Appellant, City website, and made available at the public counter:

Written correspondence (letters) received:

*Brad Rosenheim, representing the Applicant
Robert Gennet, Cornell (opposed)
Barbara Handler, Agoura (opposed)
Margaret Krpan, Westlake Village (opposed)
Heather Neely, representing Southern California Edison
Fran Pavley, Agoura Hills (opposed)
Arthur Ruppin, Ringwood, New Jersey (in favor)
Chet Yabitsu, Agoura (opposed)*

Written correspondence (emails) received in favor of the project:

*Adam Haverstock, representing the Greater Conejo Valley Chamber of Commerce
Kevin Kowalczyk*

Written correspondence (emails) received in opposition to the project:

Antonette
Roberta & Chris Allen, Agoura Hills
Gwyn Allman
Ritesh Bhayani, Agoura Hills
Michelle Black, Hermosa Beach, representing Chatten-Brown & Carstens
Celeste Bocian, Agoura Hills
Christopher Burdett
David Burnett, Agoura Hills
Jennifer Campbell
Theresa Chaides, Calabasas
Nick Colangelo
Gerald Cobb
Dayle Dalton
Karla Dancy, Agoura Hills
Maxcy Dancy, Agoura Hills
Melissa DeGraw (two submissions)
Teresa Earle, Agoura Hills
Mary Ehrin, Agoura Hills
Marjorie Fagan, Agoura
Micki Feinstein, Agoura Hills
Don Fly, Agoura
Ana Geluso
Gary Gerber
Rae Greulich, Cornell
Hope Hendricks
Pat Henkel, Malibou Lake (two submissions)
Colleen Holmes, Agoura Hills (two submissions)
Annette Hughes, Agoura Hills
Walter Jacobson, Agoura Hills (two submissions)
Karen and Jack
Kim Latorie, President, representing Las Virgenes Homeowners Federation
Eva Larson, Agoura Hills
Steve Littlejohn, Agoura Hills
Carlos Lluch, Agoura Hills
Cristina Lopez, Agoura
Reema Makheta, Agoura Hills
David Matis
M. Mckindley
Amy Swanton Mills (two submissions)
Lyndsey Milton, Agoura Hills
Cyrena Nouzille, Agoura Hills
Debbie Pattiz, Agoura Hills
Risa Potters, Agoura Hills
Richard Quist
Brian Read, Agoura Hills
Diane Read, Agoura Hills
Kathy Rinker

Joanne Suwara, Calabasas
Jess Thomas, Agoura
Amy Torres, Agoura Hills
Joanne Ventresca, Agoura Hills
Ken Vreeke, Agoura Hills
Kim Vreeke, Agoura Hills
Janet Wall, representing the Conejo Oak Tree Advocates
Roger West
Mary Wiesbrock, Agoura Hills, representing Save Open Space/Santa Monica Mountains (three submissions)
Rhonda Zucker, Agoura Hills

The following person(s) submitted documents prior to the City Council meeting. Copies were placed at the dais for City Council consideration:

Jere and Fred Berkley, Agoura (submitted letter)
Carole Buresh (submitted email)
Dan Cooper, Oak Park (submitted email)
Snowy Dodson, representing the California Native Plant Society (submitted email)
Ken and Barbara Handler, Agoura (submitted letter)
Jeremy Littman, Agoura (submitted email)
Martha S. Vaughan, Agoura (submitted email)

The following person(s) submitted a Speaker's Card in favor of the project:

Fred Haim, Agoura Hills

The following person(s) submitted written comments in opposition to the project:

Melissa DeGraw, Oak Park
Steve Littlejohn, Agoura
Joanne Ventresca, Agoura Hills

The following person(s) spoke in favor of the project:

Adam Haverstock, representing the Greater Conejo Valley Chamber of Commerce
Lance Gams, Agoura Hills
Ellen Gams, Agoura Hills
Don Dusablon, Agoura Hills
David Krygier
Sue Lepisto, Agoura Hills

The following person(s) spoke in opposition to the project:

Eva Larson, Agoura Hills
Paul Scrivano, Agoura Hills
Mary Wiesbrock, Agoura Hills, representing Save Open Space *(submitted written correspondence)*

Louise Rishoff, Agoura Hills, spoke on behalf of former Mayor Fran Pavley,
(*submitted written correspondence*)
Emilie Helfand, Agoura (*submitted written correspondence*)
Mollie Helfand, Agoura (*submitted written correspondence*)
Chet Yabitsu, Cornell, representing the Cornell Preservation Organization
Joan Yabitsu, Agoura
Samuel Unger, Agoura Hills
Jess Thomas, Agoura, representing the Old Agoura Homeowners Association
Phil Ramuno, Agoura Hills
Dr. Meril S. Platzer, Agoura Hills
Rae Greulich, Cornell
Patricia Hess, Cornell (*submitted photographs*)
Joan Yacovone, Agoura Hills
Barbara Handler
Pat MacGregor, Agoura Hills
Ed Corridori, Agoura Hills
Jeremy Littman, Agoura
Larry Brown, Agoura Hills
Chester King, Topanga

The City Council recessed at 9:03 p.m. for a break and reconvened at 9:14 p.m.

The following person(s) spoke in favor of the project:

David Hilliard, Los Angeles, representing Symphony Development
Gary Collett, Thousand Oaks
Jerry Levy, Encino

The following person(s) spoke in opposition to the project:

George Colman, Agoura Hills
Taryn Braband, Malibou Lake
Jack Koenig, Agoura Hills
Dan Cooper, Oak Park
John Suwara, Calabasas, representing The Calabasas Coalition (*submitted written correspondence*)
Alyse Lazar, Thousand Oaks, representing Save Open Space (*submitted written correspondence*)
Paul Edelman, Malibu, representing Santa Monica Mountains Conservancy
(*submitted written correspondence*)
Janet Wall, Thousand Oaks, representing Conejo Oak Tree Advocates
Colleen Holmes, Agoura (*submitted written correspondence*)
Rose Topliss, Agoura Hills
Devlin Gandy, Agoura
Celeste Bocian, Agoura Hills
Mary Ann Rush, Agoura Hills
Melissa Marks, Malibou Lake

There being no further public testimony, Mayor Weber invited the Appellant to present their rebuttal.

Rebuttal on behalf of the Appellant:

Snowdy Dodson, representing California Native Plant Society

Following a question and answer period between the City Council and the Appellant, Mayor Weber invited the Applicant to provide their rebuttal.

Rebuttal on behalf of the Applicant:

Brad Rosenheim, Agoura Hills

Following a question and answer period between the City Council and the Applicant, Mayor Weber asked if there were any further questions.

There being no further questions, Mayor Weber closed the Public Hearing at 10:38 p.m.

The City Council began their discussion and deliberations.

The City Council recessed at 12:59 a.m., to provide the cable technician the opportunity to format and insert a new DVD to continue recording the meeting, and reconvened at 1:10 a.m.

Mayor Weber reopened the Public Hearing at 1:16 a.m. for the City Council to ask, for further clarification, questions of the Applicant. There being no further questions from the City Council, Mayor Weber closed the Public Hearing at 1:37 a.m.

Following further deliberations, Mayor Weber moved to deny the appeal and approve the draft City Council resolutions. Councilmember Schwarz seconded.

Councilmember Buckley Weber requested to include the following conditions of approval in the motion:

- Condition 63, regarding Cleveland Street, to block off the terminus of Cleveland Street to which only the City and the Fire Department have access. Failing to block off the terminus will result in impacts to the hillsides, the adjacent properties, and Los Angeles County's Significant Ecological Area (SEA);
- Condition 78, the sidewalk on the eastern side of Cornell terminate at the last building and that it curb into the building area. The rendering appears that the sidewalk ends at a location past the last building which creates an unsightly visual impact and is misleading to pedestrians.
- Noted that she did not see this in the Conditions of Approval, and requested to reconfirm that the applicant needs to comply with the Agoura Hills Municipal Code on covered trash enclosures to include a recycle bin. We know that there are impacts to our community and region when recyclables are not separated and are buried in our landfills.

- Condition 131, 137 or 142 add: There is substantial evidence of the impacts of rodenticides on wildlife. Pesticides, herbicides, and fertilizers and rodent control are important. All pesticides, herbicides, and fertilizers used at the project site shall be those designated for use near aquatic and wetland habitats and shall be applied with techniques that avoid over spraying and control application to avoid excessive concentrations. Rodenticides are prohibited.
- Condition of Approval emphasizing Agoura Hills Municipal Code Section 5342; there are substantial impacts caused by failing to maintain commercial solid waste containers. You get rodents; once the rodents are attracted to the property, there is a possible need for rodenticides created. The use of rodenticides impacts the food chain causing the demise of wildlife throughout the Santa Monica Mountains.
- Applicant work with staff towards a condition of approval on a fee simple dedication of public open space.
- If the testing shows up that there are additional rare and protracted plant species, make sure there is the same mitigation measure that is for the three plant species already identified in the Mitigation Monitoring and Reporting Program (MMRP), that those additional species would have the same type of mitigation which is on site, off site, etc.
- Add language in the MMRP that says that every attempt shall be made to mitigate the loss of Oak habitat by transplanting mature Oaks within the site and the payment of in-lieu fees must be limited and must be a last resort. Since those are not new impacts, there would not need to be a recirculation of the MMRP.

For clarification, City Attorney Lee asked Councilmember Buckley Weber to clarify whether the language listed was expressly conditions of approval for the project approvals or was she suggesting revisions to the mitigation measures and the MMRP. Councilmember Buckley Weber indicated that she would prefer that they just be conditions of approval, other than the plant species, as she wanted to make sure any new rare species that would be found in the upcoming study would be mitigated in the same manner as are set forth for the three species that are already identified. Planning Director Hooper stated that the language in the mitigation measure would sufficiently cover her intention with the new condition, however, Environmental Consultant Power suggested the following minor wording change to add: "*including, but not limited to those two species*" to Mitigation Measure CS-BIO-1. Councilmember Buckley Weber concurred. At the recommendation of City Attorney Lee, Councilmember Buckley Weber directed staff to amend the resolution for the MND to explain why recirculation is not required. City Attorney Lee further clarified that recirculation is not required if mitigation measures are replaced with equal or more effective measures; no new impacts have been identified.

Mayor Weber amended the motion to include the above referenced amendments. Councilmember Schwarz seconded.

ACTION: Mayor Weber moved to adopt **Resolution No. 17-1837**, as amended. Councilmember Schwarz seconded. The motion carried 5-0, by the following roll call vote:

AYES: Mayor Weber, Mayor Pro Tem Koehler, and Councilmembers Buckley Weber, Northrup, and Schwarz.

NOES: None.

ABSENT: None.

ACTION: Mayor Weber moved to adopt **Resolution No. 17-1838**, as amended. Councilmember Schwarz seconded. The motion carried 3-2, by the following roll call vote:

AYES: Mayor Weber, Mayor Pro Tem Koehler, and Councilmember Schwarz.

NOES: Councilmembers Buckley Weber and Northrup.

ABSENT: None.

ACTION: Mayor Weber moved to adopt **Resolution No. 17-1839**, Councilmember Schwarz seconded. The motion carried 5-0, by the following roll call vote:

AYES: Mayor Weber, Mayor Pro Tem Koehler, and Councilmembers Buckley Weber, Northrup, and Schwarz.

NOES: None.

ABSENT: None.

CITY COUNCIL, STAFF COMMENTS

Councilmember Schwarz thanked staff for their assistance and commended them for all the work done on this item.

Councilmember Northrup thanked staff and her colleagues for a very respectful studied deliberation and extended her condolences to the family of Tony Beilenson.

Mayor Pro Tem Koehler also thanked staff for their dedication and efforts.

Councilmember Buckley Weber thanked staff and requested adjourning the meeting in memory of former Congressman Anthony Beilenson, who provided decades of service in the state and national politics, was the sponsor of the 1978 law that created the Santa Monica Mountains National Recreation Area, left a great legacy of independence, vision, and integrity, and helped secure funding for Lake Balboa Park and Sepulveda Basin Wildlife Refuge.

Mayor Weber applauded staff for their diligence, humor, patience, and dedication to the City.

ADJOURNMENT

Mayor Weber announced the next Regular Meeting of the City Council would be at 6:00 p.m., Wednesday, March 22, 2017, in the Council Chambers of the Civic Center, with a Closed Session at 5:00 p.m. The Civic Center is located at 30001 Ladyface Court, Agoura Hills, California.

ACTION: At 2:14 a.m., Councilmember Schwarz moved to adjourn the meeting in memory of Anthony Beilenson. Councilmember Buckley Weber seconded. The motion carried 5-0, by the following voice vote:

AYES: Mayor Weber, Mayor Pro Tem Koehler, and Councilmembers Buckley Weber, Northrup, and Schwarz.

NOES: None.

ABSENT: None.

Kimberly M. Rodrigues, MPPA, MMC
City Clerk