

MINUTES
REGULAR MEETING OF THE
AGOURA HILLS PLANNING COMMISSION
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
Thursday, May 3, 2018
6:30 P.M.

The Planning Commission meeting was called to order at 6:30 p.m. by Chair Zacuto.

The Pledge of Allegiance was led by Commissioner Justice.

Present were: Chair Curtis Zacuto and Commissioners Kate Anderson, Michael Justice, and John O'Meara.

Absent were: Vice Chair John Asuncion.

Also Present were: Planning Director Doug Hooper, Assistant City Attorney Nick Ghirelli, Assistant City Manager Nathan Hamburger, Planning Consultant Mike Kamino, RSG Consultant Tara Matthews and Assistant Planning Director/Recording Secretary Allison Cook.

EXCUSED ABSENCE

ACTION: The Planning Commission excused the absence of Vice Chair John Asuncion 4-0, by the following voice vote:

AYES: Chair Zacuto and Commissioners Anderson, Justice, and O'Meara.

NOES: None.

ABSENT: Vice Chair Asuncion.

APPROVAL OF AGENDA

ACTION: Commissioner Justice moved to approve the Agenda, as presented. Commissioner O'Meara seconded. The motion carried 4-0, with Vice Chair Asuncion absent, by the following voice vote:

AYES: Chair Zacuto and Commissioners Anderson, Justice, and O'Meara.

NOES: None.

ABSENT: Vice Chair Asuncion.

PUBLIC COMMENTS

There were no public speakers.

APPROVAL OF MINUTES

1. Minutes – March 15, 2018 Planning Commission Meeting

ACTION: Commissioner Justice moved to approve Item No. 1, as presented. Commissioner O’Meara seconded. The motion carried 3-0, with Vice Chair Asuncion absent and Chair Zacuto abstaining, by the following voice vote:

AYES: Commissioners Anderson, Justice, and O’Meara.

NOES: None.

ABSENT: Vice Chair Asuncion.

ABSTAIN: Chair Zacuto.

NEW PUBLIC HEARING

2. **REQUEST:** Request for the Planning Commission to adopt a Resolution relating to Zoning Ordinance Amendment Case No. ZOA-01250-2016, recommending the City Council adopt an Ordinance revising regulations applicable to the provision of inclusionary housing, and amending Zoning Ordinance Section 9133.

APPLICANT: City of Agoura Hills

CASE NO.: ZOA-01250-2016

LOCATION: City-wide

ENVIRONMENTAL DETERMINATION: Exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines.

RECOMMENDATION: Staff recommended the Planning Commission adopt a Resolution recommending that the City Council adopt an Ordinance revising regulations applicable to the provision of inclusionary housing.

Following presentation of the staff report, Chair Zacuto opened the Public Hearing at 7:03 p.m.

The following person(s) spoke:

Gary Collett, Westlake Village, representing California Commercial Investment Group and “The Ave”
Brad Rosenheim, Agoura Hills

There being no further public speakers, Chair Zacuto closed the Public Hearing at 7:40 p.m.

The Planning Commission requested the following comments be included in the minutes:

Commissioner Anderson: *“First I want to thank staff for the tremendous report and the work that you have done in here. I am proud that we’re one of a 170 communities in California that has an inclusionary housing ordinance. I am glad that we are updating our ordinance; it seems like it’s about time that we did that and in a timely way. I support our efforts through this update to meet our RHNA obligations which are not small and then to address our speakers, thank you for coming out. Thank you for what you do here in Agoura Hills and thank you from the bottom of my heart for your passion for affordable housing. Lord knows we need it here in California and I just want to say I encourage you to bring your tremendous creativity, your tremendous passion, and your tremendous resources to bring in affordable housing here to Agoura Hills. You saw those RHNA obligations, they’re not insubstantial, and we would love to see you help us meet those obligations. I’m proud that we are a City that wants to meet those obligations. I heard your objections to the in-lieu fees, those aren’t before us tonight so I’m not going to address those and then I heard your request, as Chair Zacuto lifted up to make an exemption. As both of you know, because I know both of you have been before this Commission many many times, long before I have ever been here, we are not a Commission that likes variations, or variances, or in this case exceptions, and I see no reason to deviate from what our City Attorney has said is the standard law and until you are vested an ordinance takes effect and that is something that makes a whole lot of sense to me here. Brad, I see you shaking your head, I know it doesn’t make sense to you, but it makes sense to me. As we said, we are not a, we respect our laws here and it takes a lot to get a variation or an exception and I’m not hearing reasons for it here and so with that, thanks to the fantastic clarifications I got earlier, I can make all of the findings and vote to, in favor, and can vote in favor of, this ordinance as it stands, to make the recommendation.*

Commissioner O’Meara: *“I, respectfully, disagree. There’s been a lot of talk, especially when we’re talking about Agoura Village and we’re talking about our housing here or how we do not have housing for our teachers, our civil servants, our police, our fire, our new families and this will make it worse. There is absolutely no question this will make it worse and the reason it will make it worse is because none of those families will qualify for very low, low, or moderate income because their incomes are simply too high. These incomes are based on families so what we’re doing here today is potentially recommending something that is going to make it much harder for our children to afford to live in the town we love, our teachers that teach here to afford to live in the town we love, our firemen, our police, and I think that is absolutely wrong. I think that, while I do understand the benefits of inclusionary housing and the importance of inclusionary housing, I think that this particular ordinance is a big shiny object which is out there that looks really, really, good and really, really, pretty and at the end of the day when we look at it, all it’s going to do is make it harder for the people who we want to live here*

to live here and the reason is because the developers are going to have to raise the price of the market units to make up for the price of the low market units. So, I mean, we even have statutes, we have specific plans that talk about how much we want to encourage our civil servants to live here and we say that out of one side of our mouth and then this comes before us, which does exactly the opposite. So, I completely disagree with it. That's not to say we don't need one, but I think we need one, I think what we have there now, with the numbers we have there now are just fine. The old numbers from 2006; the in-lieu fees that are currently there. They've been there for awhile and anybody who comes, who has an application pending, knows those have been there and to assume they would not be applied, I think is a presumption that they maybe shouldn't make, but I think those numbers are fine. I think that the report, with all due respect, is insufficient. It does not deal with the unintended consequences of this in-lieu fee in regard to the apartments and the houses. It does discuss the unintended consequences in the single family residences and determined that it would have a grossly negative effect on those so I think a report needs to come to us and to the City Council which addresses the unintended consequences. There are no findings as to what happens if this does stifle development. We heard that if this does stifle development, developers don't build, that puts the onus on the City to go out and on its own rezone, buy property, and find a place to put affordable housing. I don't think any of us want that. So, the better thing is to have our developers do it and this does not encourage our developers to do it, it makes them not do it. I think that Agoura Village, because there is a specific plan, which mandates certain types of parking, certain types of amenities, it is intended to be very, very high scale. I think Agoura Village, as a whole, should be excluded from this. And, the reason is, if you're going to go to a developer and say we're insisting on certain types of parking, certain types of fixtures, underground parking, all these happy stuff that we all want to see in Agoura Village, we can't then turn around and say okay, we want you to spend more money than you would otherwise spend because we want this special stuff, but now we're going to charge you an in-lieu fee also so, I think that Agoura Village should be excluded from this because it's inconsistent with the specific plan, in my opinion. Certainly, if that is not accepted, which my suspicion is, is that is not going to be unanimous, certainly, any application that is in the pipeline, whether it's an application already in and a fee paid, should be excluded from this. I don't think it's fair to allow a project that has been going on for years and then at the last minute move the bar and say, okay, changed our minds, you now owe us some exceptionally more amount of money. That is not fair, absolutely not fair, and it also creates distrust in our City on behalf of the developers and the citizens, who expect when they apply for something under a certain set of rules, will be, only have to follow those rules. I don't think it's fair to change the rules, I think it's ex post facto, to quote a legal term. So, that being said, oh, the other thing is I think that we should consider this issue of the hybrid where if a developer is able to meet a certain percentage, then the in-lieu fee should only be on the percentage that they cannot meet. I actually think that will encourage developers to actually build what they can, economically, feasibly build. And, if that's the goal was to have them actually build them, I think we should give them the shot to build as many as they possibly can. With that, I know we have differences of opinion, I appreciate the debate and discussion, and I turn it over to my fellow Commissioners."

Commissioner Justice: *“I agree with Commissioner O’Meara. I don’t want to repeat everything that he said, but I do want to add this. I think that when you talk to people who work in the construction industry or the building industry or the development industry, they will tell you that Agoura has a reputation for making it very, very hard to get projects started and to get projects finished. I think that this ordinance is going to make it even worse. I think it’s going to have the effect of chasing out development and construction out of Agoura and those development dollars are limited to the extent they are not spent here, they will be spent somewhere else at the expense of Agoura. I agree that it is unfair, patently unfair to take any project that has been in an application stages for a number of years in which someone has been into this for seven figures already and to then to hit someone like that, with an additional seven figure or 4.2 was the figure I heard here in this meeting, I think is patently unfair and I think that some exemptions need to be carved out for pending applications. I think one of the things that we hear, not just in Agoura, but everywhere in this state, we’re bombarded with data everyday about how government regulations and government red tape drives business away and, with all due respect, to everybody who answered my questions today, what I heard was that, well, that the City Council has options and that there’s discretion and all of these uncertainties, all of these gray areas, I think, create a murass (sic) of regulation that is going to be so confusing that the impact of that will be to drive these people away and if we want our City to prosper, and if we want to have that low income housing, we need these people. We need better, tighter regulations. I look at this ordinance, particularly with the housing trust fund. I don’t think it’s very well written, I think it’s very vague, I think it’s really open to interpretation, I really think it needs to be redone. If it was my vote, I would not vote to approve this, I would recommend that the City Council not approve this, and if the City Council does approve it, at the very minimum, I would recommend that exemptions be carved out for existing applications.”*

Chair Zacuto: *“Thank you, and that just leaves me and I think that there’s been lots of great discussion tonight on this and I thank everyone coming out and voicing your thoughts and concerns about the changes to the inclusionary ordinance and the amendments to it which is also just reminder to everyone we already have the ordinance, it’s not a new ordinance, it’s just amendments to the ordinance. I think that I would like to recommend that the City Council get our minutes and hear everyone’s thoughts about what they would like to see on it, unless you, unless I hear otherwise that if you want more direction, but I think that, one of the things that I was thinking about, which Commissioner O’Meara had suggested was that Agoura Village be exempt from it and I really disagree with that. I don’t think Agoura Village should be exempt from it whatsoever, but I do think that perhaps Council should think about a hybrid. I was thinking about the in-lieu fees, about the current ones from 2008 and the proposed ones, and I know that they’re really not before us tonight, but it’s all part of this package later down the road and I do think that we should probably have some sort of bar recommending to Council to suggest that applications that are in the process, that they not be throwing out new regulations or new fees, that they were going through the process knowing there was a 2008 fees and I think that I would prefer that maybe Council take a closer look at that issue and also I think that, again, I don’t think cutting out any part of*

the City should be part of the recommendation since it's a citywide ordinance and it should be applied citywide and I think, with that, then I guess we would then move forward with a motion."

ACTION: Following discussion, Commissioner Anderson moved to adopt **Resolution No. 18-1214**; A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL REVISE REGULATIONS APPLICABLE TO THE PROVISION OF INCLUSIONARY HOUSING IN THE CITY OF AGOURA HILLS MUNICIPAL CODE (CASE NO. ZOA-01250-2016), subject to the aforementioned comments by the Planning Commission on the resolution. Commissioner O'Meara seconded. The motion carried 4-0, with Vice Chair Asuncion absent, by the following voice vote:

AYES: Chair Zacuto and Commissioners Anderson, Justice, and O'Meara.

NOES: None.

ABSENT: Vice Chair Asuncion.

PLANNING COMMISSION/STAFF COMMENTS

Commissioner O'Meara recommended the Planning Commission elect a Chair and Vice Chair at the next regular meeting and suggested maintaining the status quo with the current members (Chair Zacuto and Vice Chair Asuncion) finishing the term.

ADJOURNMENT

Chair Zacuto announced the next Regular Meeting of the Planning Commission would be held at 6:30 p.m., Thursday, May 17, 2018, in the Council Chambers of the Civic Center. The Civic Center is located at 30001 Ladyface Court, Agoura Hills, California.

ACTION: At 8:01 p.m., Commissioner Justice moved to adjourn the meeting. Commissioner Anderson seconded. The motion carried 4-0, with Vice Chair Asuncion absent, by the following voice vote:

AYES: Chair Zacuto and Commissioners Anderson, Justice, and O'Meara.

NOES: None.

ABSENT: Vice Chair Asuncion.