

**MINUTES**  
**REGULAR MEETING OF THE**  
**AGOURA HILLS PLANNING COMMISSION**  
Civic Center – Council Chambers  
30001 Ladyface Court, Agoura Hills, California 91301  
**Thursday, June 20, 2019**  
**6:30 P.M.**

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

The Pledge of Allegiance was led by Commissioner Justice.

Present were: Chair John R. Asuncion, Vice Chair Kate Anderson, and Commissioners Michael Justice, Murtaza Mogri, and Jeremy Wolf.

Also Present were: Community Development Director Dave Ward, Assistant City Attorney Nick Ghirelli, Assistant City Manager Nathan Hamburger, Planning Director Doug Hooper, Associate Planner Valerie Darbouze, Engineering Aide Robert Cortes, and City Clerk/Recording Secretary Kimberly Rodrigues.

**APPROVAL OF AGENDA**

ACTION: Commissioner Justice moved to approve the Agenda, as presented. Commissioner Mogri seconded. The motion carried 5-0, by the following voice vote:

AYES: Chair Asuncion, Vice Chair Anderson, and Commissioners Justice, Mogri, and Wolf.

NOES: None.

ABSENT: None.

**PUBLIC COMMENTS**

There were no public speakers.

**APPROVAL OF MINUTES**

1. Minutes – May 16, 2019 Planning Commission Meeting

ACTION: Vice Chair Anderson moved to approve Item No. 1, as presented. Commissioner Justice seconded. The motion carried 5-0, by the following voice vote:

AYES: Chair Asuncion, Vice Chair Anderson, and Commissioners Justice, Mogri, and Wolf.

NOES: None.

ABSENT: None.

**NEW PUBLIC HEARING**

2. REQUEST: Request for approval of a Site Plan/Architectural Review application to demolish a 1,571 square-foot Starbucks coffee shop and rebuild a new 2,240 square-foot one-story Starbucks coffee shop with a drive-through lane in the Twin Oaks Shopping Center; an Oak Tree Permit to remove three (3) oak trees and encroach in the protected zone of three (3) other on-site oak trees; a Sign Permit to install new building- and ground-mounted signage, and amend the shopping center's sign program for a proposed color change; a Sign Modification to include an additional menu board and increase the size of a menu board; a Variance to encroach in the front landscape planter by more than 50 percent of its length and reduce its width to less than the 10-foot minimum width; and to make a finding of exemption under the California Environmental Quality Act (CEQA).

APPLICANT: FW CA - Twin Oaks Shopping Center, LLC  
915 Wilshire Boulevard, Suite 2200  
Los Angeles, CA 90017

CASE NOS.: SPR-01462-2018, OAK-01463-2018, VAR-01581-2019,  
SIGN-01464-2018, & MOD-01626-2019

LOCATION: 5827 Kanan Road (A.P.N. 2051-006-140)

ENVIRONMENTAL DETERMINATION: Exempt from CEQA per Sections 15301, 15302, and 15311 of the CEQA Guidelines.

ZONING DESIGNATION: Commercial Shopping Center – Mixed-Use Zoning District (CS-MU)

GENERAL PLAN DESIGNATION: Commercial Shopping Center–Mixed-Use (CS-MU)

**RECOMMENDATION:** Staff recommended the Planning Commission approve Site Plan/Architectural Review Case No. SPR-01462-2018, Oak Tree Permit Case No. OAK-01463-2018, Variance Case No. VAR-01581-2019, Sign Permit Case No. SIGN-01464-2018, and Sign Modification Case No. MOD-01626-2019, subject to conditions, and find that the

project is exempt from CEQA pursuant to CEQA Guidelines Sections 15301, 15302, and 15311, based on the findings of the Draft Resolutions.

Staff noted the following additions to the draft Resolution for Site Plan Architectural Review Case No. SPR-01462-2018 and OAK -01463 (Attachment A of the Staff Report):

A. *Please add the following findings (new paragraph 'G') to Section V, Page 3 of the draft Resolution:*

*"G. The Planning Commission finds, pursuant to Section 9394.21 of the Agoura Hills Zoning Ordinance, that:*

- 1. The design and location of the facility and lane will not contribute to increased congestion on public or private streets adjacent to the subject property. The proposed building is to be situated in approximately the same location as the existing coffee shop, with the drive-thru lane entrance and exit located approximately 340 feet and 170 feet respectively from the nearest driveway along Kanan Road. The project traffic impact analysis concludes the drive-thru lane is not expected to adversely affect traffic operation on Kanan Road.*
- 2. The design and location of the facility and lane will not impede access to or exit from the parking lot serving the facility, nor impair normal circulation within the parking lot. The parking layout and drive-thru lane are designed such that they serve principally the Starbucks building and provide an internal circulation separate from the traffic of the shopping center, without impeding access or exit from the site. The traffic impact analysis concludes the drive-thru lane is not expected to adversely affect traffic operation on Kanan Road, including the center's existing driveways and parking area. Further, in the event the drive-thru exceeds capacity, project Condition No. 51 of the Site Plan/Architectural Review resolution requires submittal of a Vehicle Queue Management Plan to implement operational strategies for the drive-thru."*

B. *Please add new Condition of Approval No, 88 to Exhibit A of the Draft Resolution, to state:*

*"88. The applicant shall comply with outdoor dining and operational standards of Zoning Ordinance Sections 9395 and 9395.1."*

Following presentation of the staff report, the Planning Commission disclosed the following ex parte communications:

- Chair Asuncion disclosed that he had been approached by people throughout the community about the project, they provided their opinions (for and against), he listened and thanked them, and requested they send an email or letter to the City and/or attend the Planning Commission hearing so they could let their opinions be

heard by the full Planning Commission. He also disclosed that he had visited the Starbucks site and checked out the story poles.

- Commissioner Justice disclosed that he had no ex parte communications with anyone about the project and he had personally observed the site and looked very carefully at the story poles and the building.
- Commissioner Mogri disclosed that he had the opportunity to talk to a lot of people in the community, some have reached out, and he had visited the Starbucks site a couple of times. He reported spending a morning at the site to look at the traffic and that he had spoken to some of the customers and received their perspective.
- Commissioner Wolf disclosed that he visited the site on June 13, 2019, and looked at the story poles, has had conversations with members of the community, but had not given his opinion, and reported he had asked the community to come to the meeting to express their opinions.
- Vice Chair Anderson disclosed that she had visited the site, and also visited the Starbucks drive thru at Lindero and Kanan, and her ex parte communications were limited to her daughter's friends, who have come by and seen the plans and talked about what they would like to see at the Starbucks.

Chair Asuncion opened the Public Hearing at 7:28 p.m.

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

Patrick Conway, Los Angeles, representing Regency Centers  
Ray Kayacan, Calabasas, representing Regency Centers  
Jennifer Cribbs, Fountain Valley, representing Starbucks Coffee Company  
Lindsay Cabral, Thousand Oaks, representing Regency Centers  
Nicole Mesias, Thousand Oaks, representing Starbucks Coffee Company

Following a question and answer period of the Applicant, Chair Asuncion opened the floor for Public Comments.

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

*Written correspondence (emails) in the order received:*

*Rachael Peck, Agoura Hills (Opposed)*  
*Laura Gross, Agoura Hills (Opposed)*  
*Robyn Britton, Oak Park (Opposed)*  
*Heleen Klein, Agoura Hills (Opposed)*  
*Diamond Martin, Oak Park (Opposed)*  
*Danielle Walsmith, Agoura Hills (Opposed)*  
*Ellen Best, Agoura Hills (Opposed)*  
*Jennifer Witten (Opposed)*  
*Sunita Surajan, Agoura Hills (Opposed)*  
*Brandie Rosen (Opposed)*  
*Douglas Way (Opposed)*

*Lola Stone, Agoura Hills (Opposed)*  
*Stefanie Rosen, Agoura Hills (Opposed)*  
*Serena Tobias (In Favor)*  
*Larry Brown, Agoura Hills (Opposed)*  
*Ellen Miller, Agoura Hills (In Favor)*  
*Gayle Dembski, Agoura Hills (Opposed)*  
*Christian Kleven (In Favor)*  
*Lorraine Crawford, Agoura Hills (Opposed)*  
*Amy Blatt (Opposed)*  
*Jan Gerstel, Agoura Hills (Opposed)*  
*Janna Orkney, Oak Park (Opposed)*  
*Stephanie Matz, Agoura Hills (Opposed)*  
*Jordana Walsh, Esq., Agoura Hills (Opposed)*  
*Marilyn and David Carpenter (Opposed)*  
*Jodi Regan, Agoura Hills (Opposed)*  
*Maryann Johnson (Opposed)*  
*Christopher J. Burdett, Agoura Hills (Opposed)*  
*Brenna Gutell, Oak Park (Opposed)*  
*Amy Stephens (Opposed)*  
*Jono Brown, Agoura Hills (Opposed)*  
*Joan Edwards (Opposed)*  
*Drew Fontaine, Oak Park (Opposed)*  
*Michael Yoffe, Agoura Hills (Opposed)*  
*Lance Cherniet and Joyce Dacher, Agoura Hills (In Favor)*  
*Don L. Johnson (Opposed)*  
*Janette and Robert Odenberg, Agoura Hills (Opposed)*  
*Cynthia Maxwell, Cold Creek (Opposed)*  
*Zubeda Kara, Westlake Village (Opposed)*  
*Aiste Markeviciute (Opposed)*  
*Stacey Lowen, (Opposed)*  
*Lisa (Alicia) Hair (Opposed)*  
*Marcy and Randy Tamayei (In Favor)*  
*Lindsay Cabral, Regency Centers (submitted petition with 20 signatures in favor)*  
*Janet Miller Wall, representing Conejo Oak Tree Advocates (Opposed)*  
*Nicole Leroux (Opposed)*  
*Lance Cherniet (Opposed)*  
*Mary Wiesbrock, representing Save Open Space (Opposed)*  
*Eric Kenehen (In Favor)*  
*Nona Green, Agoura Hills (Opposed)*  
*Harmony Patcoff, Oak Park (Opposed)*  
*Beth (Opposed)*  
*Lauren Rush, Agoura Hills (Opposed)*  
*Terry and Brenda Moore (Opposed)*  
*Jenny Morgan (Opposed)*  
*Eva Larson (Opposed)*  
*David H. Burnett, Agoura Hills (Opposed)*  
*Bonnie Clarfield Bylin, Thousand Oaks (Opposed)*  
*Gail Boone, Agoura Hills (Opposed)*  
*Darren Popek, (Opposed) - submitted two emails*

*“Anti Starbucks” (Opposed)*  
*Howard Littman, Agoura Hills (Opposed)*  
*Victoria Hervey, Oak Park (Opposed)*  
*Barton DeBolt, Agoura Hills (Opposed) – submitted two emails*  
*Nance Baldino (Opposed)*  
*Sandy Thomas (Opposed)*  
*Glenda Burnett, Agoura Hills (Opposed)*  
*Terry and Chuck Petit (Opposed)*  
*Laurie DeBolt, Agoura Hills (Opposed)*  
*Ken Berkman, Agoura Hills*  
*Bonnie Biddison, Oak Park (Opposed)*  
*John Mora, (Opposed)*  
*Cindy Korn (Opposed)*  
*Martha and Glenn Terwilliger (Opposed)*  
*Howard I. Littman (Opposed) – submitted two emails*  
*Carolyn Cass-Barton and Don Barton (Opposed)*  
*Mary Ann Rush, Agoura Hills (Opposed)*

Written correspondence (letters) in the order received:

*Inge Weinberg (submitted petition with 26 signatures in favor)*  
*Sandra Thomas, Agoura Hills (Opposed)*  
*Meril S. Platzer, M. D., Agoura Hills (Opposed)*

The following person(s) submitted written comments:

*Marianne Escaron (Opposed)*  
*Ginger Fishman, Agoura Hills, representing Orange Theory (In Favor)*  
*Jane Nye, Oak Park (Opposed)*  
*Chuck Redman, Thousand Oaks (Opposed)*  
*Patricia Riley, Agoura Hills (Opposed)*  
*Anna Toy-Palmer, Agoura Hills (Opposed)*  
*Boris Velirovsky, Oak Park (Opposed)*

The following person(s) spoke:

*Janna Orkney, Oak Park (Opposed)*  
*Dan Dalton, Agoura Hills (Opposed)*  
*Robert Weinstein (Opposed)*  
*Carol Rosenberg, Agoura Hills (Opposed)*  
*Mary Wiesbrock, Agoura Hills, representing Save Open Space (Opposed)*  
*(Submitted written comments)*  
*Carolyn Cass-Barton (Opposed)*  
*Pat MacGregor (Opposed)*  
*Penny Sylvester, Agoura Hills (Opposed)*

**THE PLANNING COMMISSION RECESSED AT 8:31 P.M. AND RECONVENED AT 8:41 P.M.**

The following person(s) spoke:

Yvonne Toussaint, Agoura Hills (*Opposed*) (*Submitted written comments*)  
Ellen Best, Agoura Hills (*Opposed*) (*Submitted written comments*)  
Yvonne Brockwell (*Opposed*) (*Submitted photographs*)  
Robin Morselli (*Opposed*)  
Anthony Turcotte, Jr., Agoura Hills (*In Favor*)  
Mary Ann Rush, Agoura Hills (*Opposed*)  
Joan Yacovone, Agoura Hills (*Opposed*)  
Stefanie Rosen, Agoura (*Opposed*)  
Darryl Palmer-Toy (*Opposed*)  
Janet Wall, representing Conejo Oak Tree Advocates (*Opposed*)  
Beth Horwitz  
Jack Koenig, Agoura Hills (*Opposed*)  
Mason Schmidt (*Opposed*)

There being no further testimony, Chair Asuncion invited the Applicant to present their rebuttal.

Rebuttal on behalf of the Applicant:

Patrick Conway, Los Angeles, representing Regency Centers

There being no further public speakers, Chair Asuncion closed the Public Hearing at 9:31 p.m.

Assistant City Attorney Ghirelli provided an explanation regarding the types of California Environmental Quality Act (CEQA) exemptions.

Following Planning Commission discussion and deliberations, City Attorney Ghirelli offered a recommended motion.

**ACTION:** Following discussion, Vice Chair Anderson moved to direct staff to prepare resolutions of denial for the project, based on the concerns heard at the meeting, to bring back at the next available Planning Commission meeting. Commissioner Wolf seconded. The motion carried 5-0, by the following voice vote:

**AYES:** Chair Asuncion, Vice Chair Anderson, and Commissioners Justice, Mogri, and Wolf.

**NOES:** None.

**ABSENT:** None.

Assistant City Attorney Ghirelli noted the resolutions would be brought back to the Regular Planning Commission Meeting of July 18, 2019.

## **PLANNING COMMISSION / STAFF COMMENTS**

Commissioner Justice inquired if there was any process that could be initiated to remove the two rusty nails from the Oak tree at the Starbucks location. Community Development Director Ward responded that the staking and flagging requirements are part of the City process, which would need to be maintained until after the July 18, 2019 meeting, and the City's Oak Tree consultant could check to see if there are any issues going on with the health of the tree where the nails are in place.

## **ADJOURNMENT**

Chair Asuncion announced the meeting of July 4, 2019, would be canceled and the next Regular Meeting of the Planning Commission would be held at 6:30 p.m., Thursday, July 18, 2019, in the Council Chambers of the Civic Center. The Civic Center is located at 30001 Ladyface Court, Agoura Hills, California.

**ACTION:** At 10:00 p.m., Commissioner Justice moved to adjourn the meeting. Commissioner Mogri seconded. The motion carried 5-0, by the following voice vote:

**AYES:** Chair Asuncion, Vice Chair Anderson, and Commissioners Justice, Mogri, and Wolf.

**NOES:** None.

**ABSENT:** None.

Kimberly M. Rodrigues, MPPA, MMC  
City Clerk/Recording Secretary