

# MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION

## CITY OF THOUSAND OAKS

### MEETING OF SEPTEMBER 25, 2023

The regular meeting of the Planning Commission was called to order at 6:00 p.m. in the Andrew P. Fox City Council Chambers, 2100 East Thousand Oaks Boulevard, Thousand Oaks, California, with Commissioners Farris, Tyler Ketelhut, Lanson, and Vice Chair Link. Chair McMahon was absent.

Also present were Staff Members: Chief Assistant City Attorney Hehir, Deputy Community Development Director Zelaya Melicher, Planning Manager Kearns, Senior Planner Kolwitz, and Senior Civil Engineer Bussell. Also present was Senior Recording Secretary Goor, and participating via Zoom was Office Supervisor McMurtry.

#### **WRITTEN COMMENTS / ANNOUNCEMENTS / SUPPLEMENTAL PACKET / CONTINUANCES:**

Supplemental packet material – Deputy Community Development Director Zelaya Melicher noted a Supplemental Packet was distributed and posted today, September 25, 2023, related to item 7A Proposed 24-Unit Apartment Complex, containing additional public correspondence.

**PUBLIC COMMENTS:** None.

#### **CONSENT CALENDAR:**

- A. Minutes of Planning Commission Meeting of September 11, 2023.

RECOMMENDATION: Approve

- B. 2024 Planning Commission Meeting Schedule

RECOMMENDATION:

1. Adopt the 2024 Planning Commission Meeting Schedule.
2. Find that this action is not a project as defined by the California Environmental Quality Act

Motion by Commissioner Lanson to approve the Consent Calendar; carried 4-0 by the following vote: Ayes – Farris, Tyler Ketelhut, Lanson, Vice Chair Link; Noes – None; Absent – McMahon; Abstain – None.

**PUBLIC HEARING:**

- A. Hearing, advertised as required by law, opened to consider Proposed 24-Unit Apartment Complex - Residential Planned Development RPD-2023-70019 and Underground Utility Waiver 2022-70885-UUW, located at 1730 Los Feliz Drive, Assessor's Parcel Number (APN) 670-0-192-190; Applicant: Gabriel Jones & Kevin Levine. Senior Planner Kolwitz presented the report and responded to questions along with Chief Assistant City Attorney Hehir, Planning Manager Kearns, Deputy Community Development Director Zelaya Melicher, and Senior Civil Engineer Bussell. Senior Planner Kolwitz noted a correction in the staff report that 80% of median Ventura County income should be 50% of Ventura County median income with regard to what constitutes very low income. The figures are, however, correct in the conditions of approval.

The Commission suggested the following changes to the Resolution, which were restated by staff:

Alter Condition 19.E., Sentence 1: 'Affordable units "shall" (not should) be comparable in exterior appearance and overall quality of construction to market-rate dwelling units in the same residential development.' Retain the rest of Condition 19.E as written.

Adding an item to Condition 19. Affordable Rental Housing Regulatory Agreement and Declaration of Restrictive Covenants – as follows: 'The Manager's unit is to be set aside for occupation by an onsite manager. This unit shall not be one of the restricted affordable very-low-income units.'

Alter Conditions 73 & 74. Retaining Walls to indicate the exposed height of retaining walls (for the engineering aspect and measured from the finished grade) shall not exceed 18 cumulative feet (formerly 12 cumulative feet), and all attempts shall be made to design the wall with the lowest practicable height (as determined by the Community Development and Public Works Departments). The same change shall be made to Condition 74. Headlight Screen and Wall Berm with regard to cumulative height no higher than 18 feet (formerly 12 cumulative feet), that all attempts shall be made to design a tiered wall with the lowest height practicable, and that the landscaping area from the face of the wall shall be changed from a minimum of 4 feet to 2 feet.

Speaker for the Applicant Team: Mark Pettit, Oxnard, for the Applicant, Lauterbach & Associates, Architects, Inc., pro, and stated they concur with the conditions of approval; and Gabriel Jones, Applicant, Thousand Oaks, with the following available for Questions Only (no cards): Kevin Levine, Applicant; and Everett Scofield, Moorpark, Lauterbach & Associates Architects.

Public Speaker: Steve Cameron, Thousand Oaks, con.

Written Statement: There were 2 items of written correspondence in the Packet and Supplemental Packet: 2 pro, 0 con; and 0 Written Statement Cards.

Mr. Pettit provided a rebuttal and stated they concur with the amendments to the conditions as defined above.

Vice Chair Link closed the Public Hearing.

Chief Assistant City Attorney Hehir restated the condition amendments as noted above for clarity.

Commissioner Farris indicated he would support the project with the following change to the findings in Section 2, 1.a., Paragraph 1, Sentence 3, and Section 3, 1. Paragraph 2, Sentence 3 to read (new language in ‘ ‘), “Per California State Law (Government Code Section 65589.5)\*, as ‘the zoning is inconsistent with the General Plan Land Use Designation and’ the General Plan Land Use Designation allows for a greater density than the zoning designation, the higher density level applies.”\* (\*Keep the current footnote and add a footnote at the end referencing Government Code Section 65915.06 which discusses if it is inconsistent the greater applies.) Chief Assistant City Attorney reviewed reasons why he could not recommend this change, and it was not made part of the motion below.

Motion by Commissioner Lanson to adopt a Resolution, based on the findings and subject to the conditions contained therein, to find that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Class 32 Section 15332 of the CEQA Guidelines, and approve RPD-2023-70019, as amended above regarding the Covenant as stated by Commissioner Farris and Retaining Walls as restated by staff, but not including the requested change to the findings; carried 3-0 by the following vote: Ayes – Tyler Ketelhut, Lanson, and Vice Chair Link; Noes – None; Absent – Chair McMahon; Abstain – Farris.

**DEPARTMENT REPORTS:** None.

**COMMISSION COMMENTS AND AB 1234 REPORTS:** None.

**STAFF UPDATE:**

- A. Follow-up items, announcements, and upcoming issues. Deputy Community Development Director Zelaya Melicher noted that on September 26<sup>th</sup>, tomorrow evening, City Council will have a Department Report requesting the initiation of various Municipal Code Amendments. On October 10<sup>th</sup> there will be two public hearings – one for the Inclusionary Housing Program heard at the last Planning Commission meeting, and an appeal of a Planning Commission decision in July approving a proposed 30-unit apartment complex at 170 Erbes Road, the applicant was Allied Management Group. On October 24<sup>th</sup> there will be a second reading of the Inclusionary Housing Ordinance if it is approved at the previous meeting
  
- B. Upcoming Planning Commission Meetings. Deputy Community Development Director Zelaya Melicher stated there are no items scheduled for October 9<sup>th</sup>. On October 23<sup>rd</sup> there will be two public hearings – one for a 5-story hotel and retail building at 225 North Moorpark Road, and one for a Navigation Center with up to 50 units and support services at 1205 Lawrence Drive. There are currently no items scheduled for November 6<sup>th</sup>.

**ADJOURNMENT:** The Planning Commission adjourned at 8:30 p.m. to the next meeting at 6:00 p.m. on Monday, October 9, 2023 for a regular meeting.

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Sharon McMahon, Chair  
Planning Commission

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Date Approved