

# Housing Element Workshop Questions and Comments

## Questions

1. Who picked site 38?
  - o No rezoning?
  - o How many units?
  - o Who is building?
  - o What criteria to pick a site?
  - o How do we object?
  - o Removal from list?

City staff assessed sites that should be included on the draft housing site inventory list for the Housing Element over the past several months. The sites are where market rate price housing units and units in the affordable price range (for very low, low and moderate household income categories) could be located in a single project. The affordable units would be a portion of the project, with the majority of the units for market rate prices. Affordable units are primarily apartments and townhomes, and not single-family homes, due to the costs of construction and sale prices or rents. Apartments and townhomes are allowed in the Residential Medium Density (RM) zone and Residential High Density (RH) zone in the City. However, there are no vacant sites with these zoning designations.

The first priority was to include Agoura Village Specific Plan (AVSP) sites on the housing site inventory list, since the AVSP currently allows multi-family unit housing and there is vacant land. Staff included sites that are vacant and designated for mixed-use residential and commercial development. Staff also looked at AVSP sites that are designated for commercial only, which are developed, but may be considered underutilized in terms of the types of land uses occupying the sites. Because the currently adopted AVSP would not provide enough units for the City to meet the Regional Housing Needs Allocation (RHNA) required by the State Housing and Community Development Department (HCD), staff suggests increasing the amount of residential units that could be built on the mixed-use sites. Staff also looked at areas outside of Agoura Village.

For sites in the rest of the City, the priority was to select vacant sites or underutilized sites. Because the sites would consist of apartments and/or townhomes, single-family home neighborhoods were not selected. Much of the City consists of open space zoned areas. Staff did not select sites in such areas. Sites outside of the Very High Severity Fire Hazard Zone (VSHFHZ) were preferred over sites within the VSHFHZ, but because most of the City is within the VSHFHZ, we did not eliminate such sites entirely.

All sites on the list would be re-zoned by the City to allow a higher density residential development. The individual site owners would have the discretion whether to build the units. The number of units per site depends on the location and size of the site. In Agoura Village, the base zone would allow 20 dwelling units per acre. Outside of the AVSP, the base zone would be 15 dwelling units per acre. Staff is also proposing an Affordable Housing Overlay zone on each site. A site owner can choose to build to the Overlay's 20-25 dwelling units per acre density or build to the lesser base zone density. However, the City would be able to meet its RHNA only if the Overlay density is applied.

A preliminary list of housing sites was provided for consideration by the Planning Commission at its regularly scheduled public meeting on May 20, 2021, followed by City Council consideration at its regularly scheduled public meeting on June 9, 2021. Following City Council comments, staff added sites and removed others. A revised list of sites will be provided to the City Council at its regularly scheduled public meeting on September 8, 2021. The units to be considered by the City Council were presented at the Housing Element Public Workshop on August 4, 2021.

Any request to remove a site from the list, and any other comments, should be made to the City Council at the public meeting, or in written correspondence to the City Council submitted prior to the meeting. City Council is the ultimate decision-making body with regard to sites to be included on the housing inventory list, which will then be included in the City's Housing Element. The Housing Element is reviewed and must be approved by the HCD. The HCD will be considering whether the sites are acceptable in terms of meeting the RHNA.

2. Is City required to allow an in-lieu fee?
  - o Are there other options?
  - o Can City increase amount of in-lieu fee

Most cities offer developers a menu of options to satisfy the affordable requirements under a local inclusionary (affordable) housing program, in-lieu fees being one of those options. At a minimum, cities are required to allow alternatives to providing on-site affordable units in the instance when providing on-site units would render the project economically infeasible. Other common alternatives are the provision of affordable units off-site (often through partnership with a non-profit developer), the donation of land for affordable housing, or the preservation of affordable housing at-risk of conversion to market rate.

The City can raise the in-lieu fee as a means of encouraging developers to provide the affordable units rather than paying the fee. However, there needs to be a nexus, or relationship, between the amount of the fee and the cost of providing the affordable units. A detailed report is prepared to support the in-lieu fee amount.

3. Can you please explain what an in-lieu fee is in the context of housing?

The City's Inclusionary Housing Ordinance allows developers to pay a fee in-lieu of providing the 15% affordable units required under the ordinance. This fee is placed into an affordable housing trust fund to support affordable housing in the City. Please also see the response to Question 3, above.

4. How do I oppose being on the list for sites #27 or #38?

The housing site inventory list will be considered by the City Council at a public hearing on September 9, 2021. You may provide your comments to the City Council at the meeting, or provide written comments to the City Council prior to the meeting. Please also see the response to Question 1, above.

5. Who or what formula decides what is "affordable?"

- o In today's market how much are affordable houses, condos, or apartments?

State and federal standards define affordable housing as spending no more than 30% of gross income on housing costs, inclusive of utilities, HOA fees, taxes and insurance. Affordable housing varies based on household income and size. For example, a 2 person very low income household (earning up to 50% of area median income) can afford to pay up to \$1,046 in rent, whereas a 4 person moderate income household (earning up to 120% area median income) can afford to pay up to \$2,203 in rent. The median household income is determined by HCD annually. There are numerous variables and assumptions involved in calculating the affordable purchase price. For example, assuming a 20% down payment, 3.5% mortgage interest rate, and various costs associated with taxes, insurance and HOA fees, a 4 person moderate income household can afford a purchase price of approximately \$530,000.

6. Why can't the Agoura Village plan to have more very low units and less above moderate units?

Under the new Affirmatively Furthering Fair Housing (AFFH) requirements of the Housing Element, jurisdictions are required to disperse affordable housing sites throughout the community, and not concentrate in any single area. In addition, the City's requirements for affordable housing cannot be so high as to render projects economically infeasible. A requirement for too many units to be at the very low income category may not "pencil out" for a developer, and such projects may not be proposed and therefore the affordable units not provided.

7. Can we rezone empty office buildings and then advertise we are looking for developers to convert them to affordable housing?

The City may re-zone properties, including office buildings. As noted in the response to Question 1, we are considering non-vacant sites that are underutilized, based on the land to improvements value ratio from the County Tax Assessor's Office. While the City has the ability to re-zone properties, the City would not own the properties or develop them. Each site owner can decide when and whether to develop the sites, and so would be responsible for related advertising.

8. Why do we need objective standards if development is by right?

A housing development project required to be approved "by right" means that the project would not be considered by the Planning Commission or City Council where those decision-making bodies could apply discretionary review in deciding whether to approve or deny a project. Currently, most development projects in the City must be approved by either the Planning Commission and/or the City Council.

A project that is not discretionary is referred to as a ministerial project. A ministerial project in the City is one where no other permit besides a Building Permit or Grading Permit is required. Examples of projects that are often ministerial are the addition of an air conditioning unit on the side of a house, or a patio cover. A ministerial project must be approved if it meets a series of standard requirements that leave no room for interpretation (i.e., they are very specific and objective, with no ability to apply one's judgement or interpretation). Please see the response to Question 9, below, for an example of an objective versus non-objective standard.

It is important to create design and development standards (e.g., height, site layout, amount of parking, etc.) with which a development project must adhere to ensure it reflects the City's vision. When a development project is proposed and a Building Permit and/or a Grading Permit is requested, it must meet the list of standards to be granted the permit. Likewise, if it does not comply with the list of standards, it is not approved. Without the list of objective design and development standards, the Grading or Building Permit would be issued automatically, regardless of the project's characteristics.

9. Can you provide examples of subjective vs. objective design standards?

Objective standards are quantifiable and precise, and not open-ended or leaving room for interpretation. As an example, a maximum allowed building height of 35 feet is an objective standard, while a requirement for a building's colors or materials to "blend in" or "be consistent" with the natural setting is not an objective standard.

10. Has the City considered using property it currently owns to exchange for a more suitable property and building some low and very low units to sell?

The City-owned parcel on the housing site inventory list is currently zoned for single-family residential use. As with other sites on the housing inventory list, it is proposed to be zoned for residential medium density and also with the Overlay zone, so that it could be developed at a density of 20-25 units and provide 20 percent of the units for affordable income households. There is no plan at this time to sell it to another party. The site is adjacent to existing multi-family residential developments.

11. May rezoning for “by right” affordability occur on sites not designated?

As it relates to the Housing Element being prepared by the City, the “by right” approval process applies to sites that are built to the Affordable Housing Overlay zone of 20-25 dwelling units per acre. The “by right” provision applies, because, with the Overlay, there would be a requirement for 20 percent of the units to be for the affordable household income categories. The state requires the City to allow such projects “by right” if at least 20 percent of the units are affordable. “By right” is a ministerial approval, such as a Grading Permit or Building Permit, and would not require review by the Planning Commission or City Council. In most cases, it would also not require California Environmental Quality Act (CEQA) review.

12. Are any cities in the state considering building the very low and low units themselves?

Some cities contribute land or provide funding to assist in the development of affordable housing by a private developer. Cities do not typically take on the burden of building affordable housing themselves unless they have a Public Housing Authority.

13. Has any thought been given to the City using the one parcel it does own to exchange for a parcel that could accommodate low and very low units actually building and selling units to actually achieve the purpose of RHNA?

The City-owned parcel is currently zoned for single-family residential use. As with other sites on the housing inventory list, it is proposed to be zoned for residential medium density and also with the Overlay zone, so that it could be developed at a density of 20-25 units and provide 20 percent of the units for affordable income households. There is no plan at this time to sell it to another party.

14. Why are we so far behind in meeting this compliance?

In the past Housing Element cycles (4<sup>th</sup> and 5<sup>th</sup>, for example), there have been few development projects proposed and approved with 10 or more units. The City's Inclusionary Housing Ordinance requires projects with 10 or more units to provide 15 percent of the units for affordable income households (7% for very low, 4% for low, and 4% for moderate). The few projects with 10+ units approved have opted to pay the in-lieu fee, as opposed to building the units on-site.

15. What about undeveloped commercial parcels?

Please see the response to Question 1, above.

16. For the housing, are you considering the empty lot on the corner of Agoura Rd and Chesebro? That would put people on the Chesbro exit and NOT Kanan. You rezone that lot if needed.

Assuming the reference is to the vacant parcels at the northwest corner of Agoura and Chesebro Roads, that site is not on the list. There is a formal application for a senior assisted living facility being processed for that site.

17. Are the properties (vacant lots) on Roadside Drive effected or part of the vacant lot considerations?

There are a few vacant lots on Roadside Drive. Two lots on Roadside Drive are on the housing inventory list.

18. Are submitted projects under review for permits going to be effected?

Sites with current development applications may be considered and placed on the housing inventory list. The City has the ability to re-zone these lots.

## **Comments**

- Site 38- objection to being on list – additional problems:
  - At least 8 owners to buy this site
  - Environmental changing nature & animals
  - 100's of oak trees
  - Multiple owners not willing to sell/develop
  - Economic infeasible
  - Zoning changes
  - On a mountain
  - Environmental impact
  - Chumash Burin
  - Geological Issue

- Evacuation

To clarify, this site has several parcels, all of which are owned by one entity. An Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act would be prepared for the General Plan, including the Housing Element. The EIR and would analyze potential environmental impacts from developing the sites on the list. Since a specific housing development project is not proposed at this time, just rezoning, the analysis will be broad.

- I see you did put your thinking caps on. Rezoning for the “potential” of building such as the shopping centers.
- I like that you’ve taken commercial areas and rezoned for the potential of building in housing to satisfy the state’s requirement for affordable housing.
- I also like that it doesn’t require us to build but just have areas zoned for the potential to build.
- Thanks for an informative meeting.
- Enough citizens die from Covid-19 that there is no housing shortage.
- The economy gets bad enough that no one can pay rent.
- It makes no sense that little Agoura Hills a hire fire danger area with limited evacuation routes is required to build high density affordable housing. I get that builders need to make a profit and the City would have to offer caveats so AH can meet the State’s required allotment of high density affordable housing. But what I don’t understand is why the City of Agoura Hills is not pushing back on the State to help them understand the eminent danger a project of this scope creates in regard to safely evacuating this community when not if a massive fire is at our door.

Please note that, at the City Council’s direction, City staff filed an appeal to the Southern California Association of Governments in October 2020 to request that the number of dwelling units in the RHNA be reduced, based on the City having 2/3 of its land area in the Very High Fire Hazard Severity Zone (VHFHSZ) and recent fires in the area. That appeal was rejected, and the RHNA assignment remains at 318.

Elected officials please do the job you are hired to do. Protect this community from falling prey to absurd and reckless state mandates. The only way to help state law makers and mandate makers understand is to push back. We don’t have a solid and realistic forest management program for the federal and state and conservancy lands we hold so dear. If we must build low income housing then let’s get creative and repurpose antiquated office buildings that will become obsolete as more and more companies reduce their overhead by having more employees work from home. We don’t need the massive project proposal year after



year after year. City Hall please with all due respect put your thinking caps on and think up a solution that protects this community. Stop with the smoke and mirrors

- Please use all of the empty lots before taking away our movie theater and lumber yard, etc., that everyone uses.
- I am writing in reference to the rezoning and affordable housing allotment that is state mandated. I am a 40 year resident of Agoura Hills. Our City always had a mixture of equestrian property open space commercial and mixed residential units. We are now faced with catch up to provide approximately 400 affordable low income housing to meet the needs of all our residents and to comply with state mandated requirements We had 8 years to get the needs met. Our neighboring city of Westlake Village has complied and used their northern sector of the city to meet their housing needs. Why are so far behind in meeting this compliance? Now we are faced with rezoning and looking at Old Agoura to help meet these needs. What about undeveloped commercial parcels? What about unused commercial buildings and other units that can be converted to affordable housing. Where is the Agoura Village project and their projected project to provide housing? We need to look at all areas including Morrison Ranch, Liberty Canyon, Fountainwood, Reyes Adobe Lake Lindero. Land use must maintain the open space. Parks, and equestrian community. This will benefit all. We should not be faced with potential large violations for not meeting the needs. Why was the assisted facility on Canwood St allowed? Assisted living facilities average \$6000-\$8000 per month as baseline costs. This is not affordable housing. Rezone commercial parcels and get the Agoura Village project going!

Please see the responses to Questions 1, 4 and 7, above. The assisted living facility on Canwood Street was approved by the City about three years ago. At that time, the new Housing Element requirements were not fully detailed and available to cities, and the City's RHNA had not been assigned. The assisted living facility is an allowed use with a Conditional Use Permit in that zone (Business Park-Office - Freeway Corridor). The proposed approach with this 6<sup>th</sup> cycle of the Housing Element is different than with past cycles, particularly due to the new rules at the state level, and the large RHNA we have been assigned this time, nearly three times the amount in previous cycles.

- Respectfully submitting this comment for the Public Workshop regarding California' mandates to meet the housing needs of everyone in the State, requiring a City and County to adopt a housing plan as part of its General Plan, and to comply with the Regional Housing Needs Assessment ( RHNA). My comments and request are based on the problems our City has with respect to finding the appropriate space, available property, developers to incentivize , and other factors to numerous to mention , so as to comply with the RHNA. Our City



Staff, consultants, City Council, private volunteer residents have spent countless hours, and money, I might add, to feed the State's anxiety to provide expressed needed housing. From above moderate to very low affordability based on income and other considerations. There are established deadlines for us to respond to the State with our plans to meet 318 total units. We know the State Legislature is not helpful here, having passed several bills that take away our City's control of zoning, and avoiding the requisites of CEQA under the RHNA/Housing Element. What I am now suggesting, and mentioned to Council Person Debbie Lopez, is our joining in a pending law suit initiated by Cities in Orange County over these requirements. Hopefully, before we spend more money and time by many, because of the circumstances that now exist preventing us from complying. The Orange County Council of Governments (COG) filed a law suit against the Department of Housing and Community Development (HCD) over its housing requirements for the RHNA allocation cycle. The HCD determined that Southern California will have to build 1.34 million homes by 2030. Orange County cities believe that HCD severely overestimated the amount of new housing required by over 670,000, with 651,000 being more accurate. In the law suit, the COG maintains that the HCD did not follow appropriate guidelines to provide a correct estimate, and used inaccurate population forecasts and vacancy rates for the region. Meanwhile the Cities need to submit their updated General Plan by October to accommodate the housing requisites as set by HCD. Of course, this is not the first time that our beloved State has been negligent or failed to accurately supply statistics that are needed to allow for proper decision making. Varied projects over many years, not just housing, but transportation, road improvements, school construction and other public infrastructure plans have gone awry with cost over runs and construction issues because of it. I am not against the needed housing, but want to make sure we get it right.