

From: [Brad Rosenheim](#)
To: [Kimberly Rodrigues](#)
Subject: Housing Element Letter
Date: Monday, September 6, 2021 6:15:10 PM
Attachments: [AH City Council Housing Element 9.8.2021.pdf](#)

Warning! This message was sent from outside your organization and we are unable to verify the sender.

[Allow sender](#) | [Block sender](#)

Hi Kimberly,

I hope this email finds you doing well. Attached, please find a letter for the upcoming City Council meeting, the Housing Element item, No.8.

Thanks very much for forwarding this to the Councilmembers.

Be Well,

Brad

--

Brad M. Rosenheim
Rosenheim & Associates, Inc.
21600 Oxnard Street, Suite #630
Woodland Hills, CA 91367
brad@raa-inc.com
P: 818-716-2780
F: 818-593-6184

CONFIDENTIALITY NOTICE:

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email.

ROSENHEIM & ASSOCIATES, INC.

21600 OXNARD STREET • SUITE 630 • WOODLAND HILLS, CA 91367-7104 • TEL 818-716-2689 • FAX 818-593-6184
WWW.RAA-INC.COM

September 8, 2021

SENT VIA EMAIL

The Honorable Denis Weber
And Agoura Hills City Council
Attn: Kimberly M. Rodrigues, MPPA, MMC,
City Clerk
Civic Center – City Hall
30001 Ladyface Court
Agoura Hills, CA 91301

krodrigues@agourahillscity.org

Re: Agoura Hills City Council Agenda, September 8, 2021, Agenda Item
No. 8, Public Hearing Regarding the Sixth Cycle Housing Element 2021-
2029

Honorable Mayor Weber and City Council Members:

I am writing to you on behalf of a group of Agoura Village property owners who are very interested in seeing that the City of Agoura Hills adopt a Sixth Cycle Housing Element that meets the regulations and objectives of the State of California and more importantly, meets the City's obligation to provide housing at all income and need levels. Furthermore, this group of stakeholders is intent on seeing that the City adopts Objective Development Standards that are feasible, implementable and lead to the construction of housing at all income levels. The primary focus of this letter will relate specifically to the Agoura Village area as it relates to the Housing Element and the work thus far performed by the Agoura Village Specific Plan, Citizens Advisory Group (AVSP CAG) however, the letter begins with some general observations.

I. GENERAL OBSERVATIONS

- A. In spite of guidance provided by the State of California, neither elected officials or City staff have reached out to the Agoura Village stakeholders that I have spoken with to seek input to determine an appropriate mix of incomes that make development feasible in the Agoura Village area. Equally concerning is the fact that there has been no discussion with the Agoura Village stakeholders related to incentives that might actually lead to the development of housing for all incomes in Agoura Village nor has there been any outreach to discuss crafting reasonable Objective Development Standards. Agoura Village stakeholders have invested heavily in the City and should proactively be consulted with by the City for their input as to what will make for feasible residential development on their respective properties.

- B. Several times in Council, Commission, the AVSP CAG and staff discussion, and as reflected in the staff report prepared for this agenda item, the concept of community “values” has been raised, seemingly in context to the crafting of Objective Development Standards but with a clear undercurrent (whether intentional or not) of reducing the viability of housing development and complicating the nature of said to the point of making it infeasible. The state requirement for establishing Objective Development Standards that leads to by-right development opportunities are intended to reduce the influence of community values as they have historically been used to retard the development of housing for all income levels.
- C. Objective Development Standards are one of the key provisions of the Housing Element yet there is no meaningful discussion or information on this matter provided to the Council other than the very vague and unclear Attachment 2, “Draft Objective Design and Development Standards Outline”. While the Outline may be true for the rest of the City, the AVSP CAG has reviewed and forwarded eighteen (18) Interim Objective Standards to the Planning Commission and City Council. It would seem appropriate that these recommendations at least be shared with the council as a part of this discussion.
- D. The clear intent of state law is to create housing at all income levels. Furthermore, state law provides for by-right housing development opportunity for projects able to meet the Objective Development Standards established by the municipality. Key to the Objective Development Standards is that they be readily implementable, indisputable and that they DO NOT impede the by-right development of housing. The City of Agoura Hills must be diligent in its pursuit of Objective Development Standards that do not impede the development of housing, I write this specifically because the current direction provided by the AVSP CAG to the Planning Commission and ultimately the City Council is inconsistent with that very important requirement.

The City of Agoura Hills is required to present a viable Housing Element that will pass muster with the California State Department of Housing and Community Development. On behalf of property owners within the Agoura Village Specific Plan area, we offer our assistance to the City in crafting compliant, meaningful and implementable Objective Development Standards that will guide the development of housing at all levels in the City for the next eight years.

II. OBJECTIVE DEVELOPMENT STANDARDS AS REVIEWED AND VOTED UPON BY THE AVSP CAG

Since its inception, I have listened in on all of the AVSP CAG meetings except for the in person tour of the village. The last two meetings of the AVSP CAG have been focused on the review of Objective Development Standards (Standards) for the Agoura Village Specific Plan area. Strangely, the Standards put to a vote by the AVSP CAG are not published in any document so I have compiled the following list based on the meeting discussion therefore, they may not be completely accurate. I have provided my commentary (in red) on certain standards to highlight the possibility that such Objective Development Standards may be seen by the State Department of Housing and Community Development (HCD) as being inconsistent with the ability to perform by-right development projects.

1. Interior noise shall not exceed 45-CNEL. A noise study will be required for any new development.
2. Exterior noise shall not exceed 55-CNEL. A noise study will be required for any new development. The cost to mitigate for this standard may be prohibitive for a residential development with a required mix of affordable units. Unless clearly established as cost effective, such a standard may be seen as impeding the development of housing in a manner inconsistent with HCD regulations and implementation.
3. Any new residential or mixed-use development shall provide a minimum of 15% net area for public spaces accessible to the general public. There should be consideration for public safety purposes and the hours of accessibility should be limited in a manner similar to city parks.
4. Residential and mixed-use developments abutting creeks shall provide their trail/greenbelt segment and stub out to adjacent properties for future tie in.
5. New projects shall not result in a change to the letter grade of an intersection based on LOS standards. A Traffic Impact Analysis must be submitted with an application. For obvious reasons, this Standard is completely unreasonable and possibly illegal and must be thoroughly reevaluated. It will very likely prohibit the development of by-right housing.
6. Residential and mixed-use building coverage shall not exceed 60% of the total lot area. As a standalone Standard this requirement is not unheard of but interwoven with other Standards (for instance height) it may retard the ability to build by-right housing.
7. Residential and mixed-use building area for individual buildings shall not exceed 30,000 SF of gross floor area. As a standalone Standard this requirement may be implementable however, when interwoven with other Standards (for instance setbacks) it may retard the ability to build by-right housing.
8. Residential and mixed-use developments shall comply with landscape regulations identified in the Agoura Hills Municipal Code.
9. Residential and mixed-use building height shall not exceed 3 stories or 45 feet from natural grade. This limit may or may not impede the development of housing for all income levels depending on other standards and what appears to be an interest on the part certain AVSP CAG members to reduce the height limit further.
10. Residential and mixed-use developments shall comply with setbacks adopted in the Agoura Village Specific Plan. As evidenced by the AVE project, this standard, as implemented by City staff, prevents practical and by-right development of housing.
11. Residential and mixed-use developments shall comply with the grading and hillside ordinances as amended. It is unclear as to what amended means.
12. Residential and mixed-use developments shall provide a minimum 50-foot wide buffer from the edge of riparian areas to creeks.
13. Solid barrier fencing shall be prohibited around open space adjacent to riparian areas.
14. Residential and mixed-use developments shall comply with the Oak Tree ordinance. This requirement is incongruous with properties identified in the list of sites with oak trees and scrub oak. Furthermore, the ability to develop such sites with the other layers of Standards foisted upon them, makes it impractical to develop such properties, particularly with the current attitudes towards the preservation of oaks in preference to the creation of housing.
15. Highly flammable species of plant materials are prohibited and may not count toward the landscape requirement.

16. Front elevation building facades for residential and mixed-use developments longer than 50 feet shall have one offset per 50 feet of building wall length with a minimum depth of 4 feet. Horizontal shifts shall be equivalent to the plate height of the preceding floor. Horizontal offset should only be for the 3rd story of a 45-foot building. **This discussion was very arbitrary and not based on any expert opinion nor was it discussed in context to the actual development of housing. This is an example of how the AVSP CAG seemed to use the concept of Objective Development Standards to chill the development of housing rather than promote it.**
 1. Minimum depth was initially 18 inches
17. Residential and mixed-use developments shall have a ground floor taller than the floors above, with a minimum plate height of 12 feet for the ground floor.
18. Residential and mixed-use developments shall comply with the parking standards. **This may not be legal in relation to State Density Bonus Law which provides for reduced parking for projects providing requisite affordable housing.**

I provide these comments not as final observations but as a means of preparing the city for the types of concerns that the Agoura Village stakeholders have related to the creation of meaningful Objective Development Standards that can lead to the by-right development of housing at all income levels.

Finally, the initial staff proposal was for 30 DU/AC in the Overlay area, but that number was arbitrarily reduced to 25 DU/AC by the City Council without any economic basis. We encourage the City to conduct an economic feasibility analysis, as have many other municipalities, to determine the appropriate density that will incentivize housing development with a mix of units at all income levels to be built in the City of Agoura Hills.

Thank you for the opportunity to present these comments and concerns and to reiterate, there are stakeholders in the Agoura Village ready and willing to work with the City to establish meaningful and realistic Standards for by-right development.

Sincerely,



Brad M. Rosenheim
ROSENHEIM & ASSOCIATES, INC.