

From: [howard l](#)
To: [Comments](#)
Cc: [Denice Thomas](#)
Subject: Planning Commission Meeting 10/6/22 Comment
Date: Monday, October 3, 2022 4:51:27 PM

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Re: 10/6/22 PC Meeting Agenda Item #3, CASE NO.: SPR-2022-0021, 5464 Softwind Way (AIN 2053-021-002), request for 2d story addition:

COMMENT IN FAVOR OF THE PROPOSED PROJECT:

I am a 34-year Agoura Hills resident, and owner of two homes on Softwind Way, both nearby the above-captioned location. I will be unable to attend the 10/6/22 PC meeting, but herewith submit my written comment favoring approval of the Applicant's proposed second story addition.

ADDITIONAL COMMENTS ADDRESSED TO THE PLANNING COMMISSIONERS REGARDING THE PC'S REVIEW OF SECOND STORY ADDITIONS:

I submit that the Planning Commission and City Council should study de novo and re-evaluate the requirement for the PC and/or Council to review and approve all residential second story addition proposals (with no exceptions). My comments relate to both the subject proposed project as well as other similarly-situated properties. I base these comments on my fifty-plus years as an Architect (licensed in multiple states), developer, contractor, building industry consultant and dispute-resolution expert witness – to include my historical knowledge in entitlement matters in multiple states and scores of individual jurisdictions.

Specifically, the subject house is a Hillrise (HOSA) residence on Softwind Way, among those originally developed by Shurl Curci and built/sold starting in 1968 (and through 1970, I believe). As such, they are now more than 50 years old. These residences were originally designed and marketed in large part as starter homes for new and small families, with a substantial number comprising three bedrooms, and all with what would be considered modestly-sized rooms and limited amenities. Aside from those that have already been updated, remodeled or added to, these homes are long overdue for upgrading to conform to current structural, fire and utility standards. Moreover, many suffer from deferred maintenance.

Inarguably, an objective of the City should be to encourage owners to maintain, update, upgrade and improve their aging properties. A further objective should be to encourage owners to expand home sizes to reasonably reflect current needs (as opposed to what was common in the late 1960's). That includes market trends toward larger/extended families, children remaining in the household longer, more multi-generational households with aging parents, the increased need for home-based distant work spaces (for one or more persons), the trend to more home-based small businesses, and the decades-long trend toward larger kitchens and living areas.

All such improvements allow residents to remain in the community (as opposed to

moving elsewhere for larger quarters) and improves the quality of life for entire neighborhoods, while concurrently increasing property values (which generates higher property tax revenue for the City).

On the other hand, regulations that discourage owners by way of onerous procedures that have no discernable added benefit (beyond that which would exist under normal plan-check and related processes) is both counterintuitive and non-constructive.

The properties in question were originally zoned by LA County as 6,000SF lots. AH later arbitrarily revised the zoning to 10,000SF lots, instantly re-classifying all existing homes as 'non-conforming'. (The use of the term 'non-conforming' in reports is a bit misleading and has a negative connotation in reports, as the correct reference would be 'legal non-conforming'.) Both original and first-revised zoning, however, were consistent in that two-story homes of up to 35 feet in height were allowed 'as a right' and not subject to a discretionary approval process.

The HOSA was originally developed with a mix of one and two-story residences, prior to the existence of AH as a City. Over the years some homes added second stories, some under LA County jurisdiction and some under subsequent AH City jurisdiction. At some point the City implemented the current regulations that require owners wishing to add even the smallest second story space to undergo a time-consuming and costly process in order to achieve what was (and should be) a 'by right' approval managed at the staff level.

[I specifically refer herein to proposed projects that do not encroach into prior existing legal non-conforming yards, and do not violate height limits or any current building and safety-related codes/laws – as would be the case for any other proposed building project. These are baseline, objective determinations readily made by staff upon application for a building permit through normal processes, and do not involve any special reviews, variances or conditional use approvals.]

In the subject case, this is confirmed by the fact that staff's review did nothing more than confirm the proposed project was conformant in all respects – the same conclusion that would have been reached under standard building permit application procedures. Thus the obvious question must be: why was this owner penalized by having to pursue a time-consuming and costly PC review/approval process that accomplished nothing more than a standard plan review process under which basic determinations can be made in a matter of hours at no premium cost?]

The subject proposed project, as acknowledged in the staff's report, conforms in every respect to lot, yard, height and other requirements. It does not seek a variance, is not a hillside property, does not involve removal of oak trees, and so on. It does not differ in overall complexion to other similar properties, and does not seek any features that would require a conditional use permit or variance. Yet the owner is required to submit to a special process ONLY because a second story space would be added – and for no other discernable reason.

The single even arguable other aspect that could apply to this project is that it should be consistent with community design standards (for compatibility). Yet these are the same requirements that would apply to any proposed building project of one or two stories when applying for a permit, whether for a new or modified building - and so is not 'specially' required only because the project involves a second story. Thus this could not itself justify the need for a special application and approval process involving the PC or CC.

With respect to design aspects I would note that within the Hillrise community, any perceived design 'standard' is entirely subjective insofar as there are so many diverse designs currently existing – overall structure size/style, various roof slopes, visually incompatible prior-approved upper floor and attic expansions, window types, deck/railing types, walls/fences, materials, finishes, colors, etc. A survey of existing homes would confirm that visible features of the existing homes are (to be frank) all over the map. On the ground there is really no one objectively-defined design standard that could be discerned and to which an applicant could 'conform'. Thus a design review becomes a test of whether a project is deemed 'attractive' to the reviewer(s) (rather than what is desired or suitable to the owner or designer). Even the original HOSA mandatory design review process that originally existed (via original CCR's) was allowed to expire in recognition that for modest sized homes of this type a subjective design review and related restrictions was simply not necessary or appropriate. Regardless, a design critique (for conformance to the City's codified standards) is part of the normal building permit applications, and is not reliant on a subjective process via the PC.

To the point of my disagreement with the current automatically-mandated special review process for second story additions: It is my belief that it is neither necessary nor appropriate given the age of the neighborhood's homes nor the City's professed objectives of maintaining the quality of properties and preserving and increasing the community's property values. It is also potentially discriminatory in that it treats certain owners' fully zone-conformant building proposals differently than others on a basis that is neither health- nor safety-related (i.e. not grounded in any demonstrable harm that might result from adding second story space in a zone that allows for same on every lot in a given area by right).

I submit that for ANY project (one or two story improvements to existing homes) no special approval process should be required so long as - during the plan-check process - it is confirmed by staff that the proposed work conforms to all existing lot, yard and height restrictions, and is not in violation of design standards that are objective in nature. Beyond those basic, objective requirements, I do not believe there is a justification for demanding special review of second story additions in a neighborhood historically characterized by a mix of one and two-story homes and overall zoning that allows for second stories on all homes by right.

Instead of encouraging owners to enhance their properties, when owners are forced to pursue a costly approval process they are inclined to simply throw up their hands and say 'never mind'. This serves the needs and objectives of neither the owners nor the

City.

Looking at the 'program' from 30,000 feet it is impossible to justify as reasonable the relationship between proposed projects of this type and the time/effort/costs incurred in moving forward toward approval. When taking into account that second story additions to existing homes for the most part comprise small numbers of square feet, it becomes obvious that there is a fundamental disconnect.

As an example only, in this instance an owner seeks to add only 809 SF to the building. After discounting the 'lost' SF to be occupied by the new internal staircase accessing the second floor, the net usable space increase is roughly 780 SF. To gain approval, the 'added' ministerial costs the owner has to incur include, at a minimum:

- a) Increased architectural and structural engineering fees and reimbursable costs for producing submittal-suitable materials, communications with staff, attendance at multiple staff and/or PC and/or CC meetings. A reasonable estimate of the 'added' professional fees is, in my experienced opinion, a minimum of \$5,000, and could be far greater if there are any 'blips' along the way, including even minor changes in the plans that the PC might demand on a subjective basis.
- b) Increased time by the owner (delta from time for ordinary plan approval process). Although an owner's time cannot be quantified in dollar terms, the expanded effort and delay in moving forward carries a real cost in stress/well-being and uncertainty.
- c) The process-related fees assessed by the City for staff time, architectural review, the PC process and minimum associated processes. At a bare minimum, the 'added' baseline application costs to the applicant are \$7,089.

Thus, even the bare minimum 'added' dollar cost to the applicant (over and above all normal fees for obtaining a building permit) is \$12,000 – with no guaranteed maximum. For the proposed project, which yields less than 800SF of usable space, the net burden is at least \$15 per SF.

[Note that as currently codified these application costs would be the same regardless of the number of square feet proposed in the second story addition. If the total construction costs for this simple second story addition are estimated at a high range of \$250 per SF, the cited 'added' burdens for the PC review process in the subject case would represent approximately 6% of the entire project cost.]

By further similar example, if an applicant simply sought to build a second story over an existing garage of 400SF, the associated minimum burden would be \$30 per SF, or 12% of total costs. If wishing to add a modest home office of 200SF, the burden would be \$60 per SF, or 24% of total costs.]

In summary, it is my contention that since code-conformance - in all respects – can be assured through the normal plan-check process, and because the zoning of like-situated properties allows for two-story residences, there is no justification for automatically requiring the current

PC process. The PC process would more logically be called for only in cases where staff has already adjudged that the proposed project would in some way violate zoning, building or other applicable codes, or if the proposed project involved special circumstances (i.e. variances or conditional use parameters).

The PC should not be in the position of opining subjectively on the suitability of projects that (via staff review) meet the fundamental code parameters for zoning, health, safety, fire, and other baseline regulations.

The PC should be in the position of promulgating guidelines and regulations that encourage, and do not discourage owners from seeking to expand and enhance their homes within the legal zoning for their respective properties. The professed positive objective of the City is promoting the upkeep and improvement of aging properties in order to maintain and increase their utility and value over the long term. It is my understanding that a central role of the PC is to propose to the City Council new or modified rules and regulations that would promote these positive objectives. The current requirement for PC involvement for ANY second story addition runs contrary to that objective, and should be revisited.

Respectfully submitted for consideration on 10/3/22:

Howard I. Littman, AIA Emeritus
Resident in Agoura Hills' HOSA

P.S. to Staff: Please acknowledge receipt of this email, confirming it will be included in the public record for PC members' review prior to the 10/6/22 PC meeting.

Thank you.

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[For clarifications of, or questions regarding any of the above comments, or for discussion, I may be reached via email at: [REDACTED]]