

From: [George Colman](#)
To: [Comments](#)
Cc: [Illece Buckley Weber](#); [Deborah Klein Lopez](#); [Chris Anstead](#); [Jeremy Wolf](#); [Penny Sylvester](#); [Directors@Oldagoura.Org](#); [Ed Corridori](#); [Jeff Reinhardt](#); [Dan Kuperberg](#); [Jack Koenig](#); [Louise Rishoff](#); [REDACTED];
Subject: Agenda Item 15 ..City Council Meeting 6/28/23
Date: Tuesday, June 27, 2023 1:07:53 PM

Caution! This message was sent from outside your organization.

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

This item is earthshaking news to the entire City and its residents .Firstly ,are we again getting sidetracked by our State that additional housing is really needed .Years of dealing with the State should 've taught us that they are often not accurate with their statistics that are used for many of its endeavors . Too often it is determined after the fact to be inaccurate .Secondly, why on earth have we set aside the 318 parcels for the RHNA and the State is shoving SB 9 down our throats .Thirdly ,if we refuse to be bound by SB 9 and contest it ,and the State takes over the enforcement, where do they get the added staff to handle the influx ,if any ,of the projects .Further ,what is then the purpose of our City, between the RHNA and this SB 9, we lose our ability to control our own zoning regulations and building requirements, AND take away our residents ability to determine where they want to live and how .Of course , Old Agoura and some other parts of our City are in high fire and hazard zones ,adding additional housing of up to 4 units per parcel, augments the problems that fire does cause ...It is absurd to venture down this path .PLEASE DONOT RIDE ROUGH SHOD OVER OUR CITY'S RESDIENTS BY ACTING TOO QUICKLY ON THE ORDINACE SUBMITTED BY OUR STAFF FOR YOUR APPROVAL...THERE IS MORE WORK TO DO AND COMMENTS NEEDED . I wonder if extortion is in play by the State ,making a sales pitch of the potential economic advantage for the homeowner to expand the use of the property for increased value enhancing the owners' estate ?

From: [Courtney Welch](#)
To: [Comments](#)
Subject: Ordinance No. 23-471: Objective Zoning, Design, and Subdivision Standards
Date: Wednesday, June 28, 2023 12:23:44 PM
Attachments: [Agoura Hills - Obj. Standards Letter - 2023.06.28.pdf](#)

Caution! This message was sent from outside your organization.

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

Dear Agoura Hills City Council,

Attached you will find a letter regarding Ordinance No. 23-417 for your review.

--

Courtney Welch
Investigation and Enforcement Director
California Housing Defense Fund





Jun 28, 2023

**City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301**

By Email: comments@agourahillscity.org; canstead@agourahillscity.org;
ibuckleyweber@agourahillscity.org; dlopez@agourahillscity.org;
psylvester@agourahillscity.org; jwolf@agourahillscity.org

CC: krodrigues@agourahillscity.org

Re: Ordinance No. 23-471: Objective Zoning, Design, and Subdivision Standards

Dear City Council,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the Council of its obligation to abide by all relevant state laws when considering the proposed Objective Zoning, Design, and Subdivision Standards in Ordinance No. 23-471 (the “proposed standards”). Specifically, the Council must comply with the Housing Crisis Act of 2019 (SB 330), Senate Bill 9 (“SB 9”), and other state housing laws. The proposed standards, as currently drafted, do not adhere to these laws: many of them fail to articulate objective standards.

SB 330 bars cities from “[i]mposing or enforcing design standards [...] that are not objective.” (Gov. Code § 66300, subd. (b)(1)(C).) SB 9 allows cities to impose “objective zoning [...] subdivision [...] and [...] design” standards (but not subjective standards) on SB 9 projects. In addition, the Housing Accountability Act (HAA) renders non-objective standards unenforceable. (See *California Renters Legal Advocacy and Education Fund v. City of San Mateo* (2021) 68 Cal. App.5th 820, 839-44 (overturning city’s denial of housing project based on design guidelines requiring “a transition or step in height” where a building is more than one story taller than its neighbors on the grounds that it was not objective).) SB 330, SB 9, and the HAA define “objective” as “being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.” (Gov. Code § 65589.5, subd. (h)(8); Gov. Code § 66300, subd. (a)(7); *see also* Gov. Code § 65852.21, subd. (i)(2) [similar language]; Gov. Code § 66411.7, subd. (m)(1) [similar language].)

**360 Grand Ave #323, Oakland 94610
hi@calhdf.org**

Unfortunately, several provisions in Ordinance No. 23-471 fall short of this requirement. CalHDF urges the Council to carefully review all the proposed standards for objectivity and specifically points out a few of the most egregious examples:

- Section 9293.12(B): “...the new dwelling unit shall have the same architectural style as the existing unit...” The phrase “the same architectural style” is not objective. Architectural styles are not cleanly defined, and what counts as “the same” or a different architectural style is in the eye of the beholder. An applicant cannot know ex ante and with certainty whether their proposed design will satisfy the ordinance, and thus the ordinance is unenforceable on this point.
- Section 9293.12(F): Most of this section is acceptable. However, it is not clear what counts as an “earth-tone color palette” or “fluorescent or neon colors.” The City must draft more specific language before it can impose such rules on SB 9 applicants.
- Section 9293.12(C)(1): “Visual interest shall be created through the integration of a minimum of two different roof forms [...] and designs...” It is not clear what counts as “visual interest,” and the city might, under this language, reject applications based on subjective aesthetic preferences. That is not allowed.
- Section 9293.12(H)(2)(a): This section also uses the ambiguous phrase “visual interest,” which should be struck (at minimum).

CalHDF appreciates Agoura Hills’s effort to establish rules for SB 9 projects. We remind the City, however, that it must take care to follow the law in doing so. The current proposal needs at least a few revisions before it can be finalized and implemented in accordance with state law.

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,



Dylan Casey
CalHDF Executive Director



Courtney Welch
CalHDF Director of Investigations and Enforcement