

CITY APPROVES MULTI-FAMILY HOUSING PROJECT (Affordable Housing Overlay Site G)

BACKGROUND

The City adopted its 6th Cycle Housing Element on August 10, 2022, as part of the state mandated Regional Housing Needs Assessment (RHNA). As required by the State Department of Housing and Community Development (HCD), the City implemented a rezoning program as part of the housing element that rezoned 20 properties with an Affordable Housing Overlay (AHO). The AHO gives certain incentives to developers so long as they provide at least a minimum of 20% affordable units (10% very low-income, 10% low-income, as defined in California Health and Safety Code sections 50052.5 and 50053). The two primary incentives are increased density (20-25 dwelling units per acre) and a by-right ministerial approval pathway. The City was required by HCD and State law to allow by-right ministerial approvals for AHO projects within the City.

THE PROCESS

The term “ministerial” means that the City holds no discretionary authority when making a decision on the project. Additionally, ministerial projects are reviewed by City staff without a public hearing. City staff’s review and approval of an AHO project is based solely on whether or not the project meets all applicable objective standards. Objective standards are standards that involve no personal or subjective judgement by a public official and are 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 prior to submittal (California Government Code, Section 65913.4).

While AHO projects must meet all applicable objective standards located in the City of Agoura Hills Municipal Code, State Government Code Section 65915, commonly referred to as State Density Bonus Law, gives further incentives to all housing projects in the State of California based on the amount of affordable units they provide. Specifically, State Density Bonus Law allows housing developers additional density on top of the base density allowed by local jurisdictions, and the ability to request certain “waivers” or “concessions” to reduce or waive certain local development standards which would have the effect of reducing a project’s allowable density or which would provide the developer with cost benefits to provide for affordable housing costs. Pursuant to HCD and State law, requests under [State](#)

[Density Bonus Law](#) must also be processed ministerially, and the City’s decision to grant or deny a “waiver” or “concession” must be based solely on whether or not the request is consistent with the criteria provided for in Government Code Section 65915.

THE PROJECT

The developer for Housing Element Site G applied for a mixed-use development consisting of a new four-story apartment building containing 278 units, a parking garage, and roughly 5,200 square feet of commercial space (the “Project”). The Project is located on the northwest corner of Agoura Road and Cornell Road and will provide affordable housing opportunities for 28 qualifying very low-income families and 10 qualifying low-income families in need.

Pursuant to State Density Bonus Law and to provide for the affordable units, the developer requested additional density and “waivers” and “concessions”. Most notably, the developer requested a height limit of four stories in order to accommodate the additional units. The City reviewed all “waiver” and “concession” requests, and determined that they comply with the criteria specified in Government Code Section 65915.

As seen in the rendering below, the Project provides an open space area along Agoura Road with an equestrian path and trail that is accessible to the public. Certain aspects of the landscaping palette were selected to be compatible with the anticipated Ladyface Greenway, which will have connections to the Project site through the equestrian trail and crosswalk at the intersection of Agoura Road and Cornell Road.



The City has determined that the Project complies with all applicable objective standards other than the requested “waivers” and “concessions”. The entitlement for the Project was approved by the City on April 23, 2024, which is the first step toward construction of the project. Now that the developer has received an entitlement from the City, they may enter into the building permit process, which may take about a year. It is anticipated that construction would commence shortly after building permit issuance.

For more information on the City’s compliance with the Regional Housing Needs Assessment, please visit our website at <https://www.agourahillscity.org/departments/affordable-housing>.

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