

Maricela Hernandez

From: Bob Burris
Sent: Monday, October 4, 2021 10:27 AM
To: Maureen Tamuri; Kindon Meik; Tom Bartlett; Matthew Summers; Michael Klein; Maricela Hernandez
Cc: Michael Russo; Arvin Petros
Subject: FW: Calabasas HE - public comments

Bcc'd To Council

From: Jon Wizard <jon@yimbylaw.org>
Sent: Monday, October 4, 2021 8:00 AM
To: Divya Sen <Divya.Sen@hcd.ca.gov>
Cc: Housing Elements@HCD <HousingElements@hcd.ca.gov>; housingelement@cityofcalabasas.com; Anthony Dedousis <anthony@abundanthousingla.org>
Subject: Calabasas HE

Hello,

Please find below our comments regarding the City of Calabasas' September 28, 2021 Adopted 6th Cycle Housing Element:

- Insufficient public review period
 - HCD's letter was dated September 3, 2021, but the current version of the housing element was adopted on September 28, 2021, meaning there was fewer than 30 days between revisions and adoption during which the public had an opportunity to participate and comment
- The quantified objectives analysis is deficient
 - Program 10a estimates the city will permit 96 ADUs at varying levels of affordability, and there's a footnote on Page V-36 that mentions a 20-unit set-aside for a lower-income RHNA shortfall through an upcoming annexation, but other than that, there is no quantification of housing element policies, programs, or objectives with regard to the city's RHNA, making the QOs arbitrary, lacking foundation, and untethered to the policies, programs, and objectives
- Substantial evidence
 - Despite several claims in support of adding housing to nonvacant sites, the city provides no proof—in the form of letters, emails, or responses to surveys, i.e., substantial evidence—that any of its many nonvacant sites' owners are interested in discontinuing their sites' current use to facilitate housing development or adding housing by converting existing parking. The city also describes several buildings on nonvacant sites as in poor shape or dilapidated but offers no objective analysis verified by either an appraisal or inspector's report, then uses said subjective analysis to justify a high likelihood of development. While one site has a building that is nearly 100 years old, why that site was not redeveloped in the 5th Cycle but will nearly definitely be redeveloped in the 6th Cycle remains unanswered
- Site inventory
 - There is no mention of infrastructure in the site inventory
 - The site inventory is unsupported by substantial evidence
 - Site 1 was entitled on February 14, 2018 and reported in the 2018 APR. This is well outside of the project period of June 30, 2021 – October 15, 2029 and cannot be double-counted.

- The majority of Site 2's northern side is on slopes at angles precluding development; there is no documentation validating whether the site's owner truly desires to build housing on their site or if they've merely "been in recent discussions with the city"
 - There are also AFFH issues with this site due to its proximity to the highway and the subsequent noise and air pollution problems
- There is no documentation supporting the owner of Site 3 being interested in developing housing
- Site 4 is not a vacant site despite being described as such: It is an improved parking lot with a use permit—which runs in perpetuity with the land—to allow the sale of Christmas trees each year
 - "The included glossary of terms lists the following: "Vacant: Lands or buildings that are not actively used for **any** purpose." **[emphasis added]** Even by the city's own definition, Site 4 is not vacant because they allow the sale of Christmas trees there each year
- Site 5 is a strip mall with multiple lessees, and there is no documentation from the owner that the owner can cancel all leases simultaneously or that the owner wants to do so
- Site 6 is an underutilized church, but the city provides no documentation that the owner wishes to build housing at the site
 - Additionally, unless the city does not count parking lots toward FAR and site coverage, there is no possible way this church and its parking use only 8% of the 2.47 acre site
- Site 7 is a legal nonconforming use, and while the city claims—without evidence—that multiple developers have approached them about this area, the city makes no claim that the current owner is interested in selling or redeveloping the site with housing
- Site 8 is the infamous Avalon Apartments, which is 30.5 acres in size. The city claims an additional 71 units will sprout out of the parking lots without explaining where the cars that park in the current lots will go
 - Additionally, this site is more than three times larger than the maximum site size presumptively allowable for lower-income housing, and the city has failed to complete an analysis describing how this phenomenon will be overcome
- Site 9 is comprised of two legal nonconforming office buildings that the city has zoned as mixed use; however, there is no evidence that the owner(s) of the site intend to sell or redevelop the building(s) as housing
- Site 10 is an office building the city claims will be redeveloped into housing because of rising commercial vacancy rates, despite offering no evidence of such a phenomenon in their city and no evidence that the owner(s) of the site intend to sell or redevelop the building(s) as housing
- Site 11 is a large, "high-end" shopping center the city claims will be redeveloped with multifamily housing; however, the city provides no evidence that the owner(s) want to redevelop the site and that the claimed interest by the developer is substantial
 - Furthermore, like Site 6, there is no way this site is using only 0.20 of its FAR unless the city doesn't count parking and landscaping toward lot coverage; there is no mention in the constraints or programs sections of the housing element that the city intends to count only buildings toward FAR and exempt parking, setbacks, and other development features from FAR calculations
 - Additionally, this site is roughly 2.5 times larger than the maximum site size presumptively allowable for lower-income housing, and the city has failed to complete an analysis describing how this phenomenon will be overcome
- Site 12 is three different parcels, all of which present numerous challenges to development
 - 5034 Parkway Calabasas appears to be a large storage yard, multiple businesses, and a service entrance to the adjacent gated community, some of which lies on sloping terrain
 - The city provides no evidence regarding the discontinuation of use and the owner(s) desire to build housing
 - APN 2049-022-040 has significant grading and access issues, being significantly hilly and in some places totally inaccessible

Thank you,
Jon

--

Jon Wizard
Policy Director he/him
Campaign for Fair Housing Elements



[\[fairhousingelements.org\]](https://fairhousingelements.org)

[YIMBY Law \[yimbylaw.org\]](https://yimbylaw.org)

57 Post Street
San Francisco, CA 94104

[fairhousingelements.org \[fairhousingelements.org\]](https://fairhousingelements.org)

Book a [15-minute \[calendly.com\]](https://calendly.com) or [30-minute \[calendly.com\]](https://calendly.com) meeting with me
[calendly.com/housingelements \[calendly.com\]](https://calendly.com/housingelements) → housing element watchdogs calendar