

NEWS

After three warnings from state, Simi Valley approves 278-unit apartment complex



Erin Rode

Ventura County Star

Published 4:27 p.m. PT Nov. 10, 2020

After months of back-and-forth and three warnings from the state, the Simi Valley City Council approved a 278-unit apartment complex for the corner of Tapo and Alamo Streets on Monday night.

The developer, AMG & Associates, plans to tear down most of the site's Belwood Shopping Center, replacing it with a four-story apartment complex with a commercial component. The project will include 84 affordable units, which is more than double the total amount of affordable units the city has approved since 2014.

In a contentious public hearing that lasted nearly five hours, supporters of the project criticized Mayor Keith Mashburn, Mayor Pro Tem Mike Judge and Councilmember Elaine Litster for not approving the project sooner and for the lack of affordable housing in the city.

Supporters, including members of activist group RISE Simi Valley, argued that denying affordable housing is an example of systemic racism. In recent months, the group has repeatedly called for Mashburn to acknowledge that systemic racism exists in the city, but he has refused to do so.

Mashburn, Judge, Litster and city staff defended their records on affordable housing by pointing to recently approved projects, such as 25 townhomes planned for Patricia Avenue that will include three affordable units. They also brought up new concerns with the project in relation to the coronavirus, arguing that the interior hallways of the building could spread the virus among residents.

Councilmember Dee Dee Cavanaugh recused herself from the hearing due to a professional tie to AMG & Associates, and Councilmember Ruth Luevanos has consistently supported the

project.

Limited options under state law

Due to state housing laws, the City Council had limited options on Monday. The state sent three letters to the city between December and July, warning that if the city denies the project it risks violating state housing laws, including the Housing Accountability Act.

Under the act, because the project includes affordable housing, the city cannot deny it unless it finds a "specific, adverse impact on public health and safety."

If the state housing department finds that a city's action does not comply with state law, that city's housing element compliance could be revoked, which means the city would lose control over planning and building permits, leaving those decisions to the courts.

AMG & Associates proposed the project in 2016, after the city identified the site as a good location for residential units in 2012.

The Planning Commission recommended denial of the project in December, but reversed this decision in February after the state warned that denying the project would violate state housing law.

This sent the project to the City Council on March 9. In spite of the warnings from the state, the City Council did not approve the project in March, instead continuing it to an April 6 meeting.

But the April 6 date was pushed back by several months after the city postponed all public hearings on land-use items during Ventura County's stay-at-home order. The decision to postpone was reversed after the state warned that doing so for land-use public hearings was also a potential violation of state housing law.

Mayor: Project a 'COVID incubator'

After the March meeting, the applicant made several changes to the project in response to concerns from councilmembers and the community about the building's height, traffic and privacy for neighbors.

These changes include reducing the building height from four stories to three in certain locations, adding a driveway near the middle of the building, and adding trees along the property line for additional privacy for neighbors.

But Mashburn, Litster and Judge identified a new issue with the project that came up between March and now: COVID-19. Litster expressed concerns over whether the interior hallways leading to units will allow for adequate ventilation.

Mashburn, wearing a mask that covered his nose but not his mouth, called the project a "COVID incubator."

Judge, who did not attend the meeting in person because he didn't want to wear a mask, called the project "a COVID factory" that will "be a killer of people."

Stratis Perros, the city's environmental services director, noted that the project will be required to meet all building and safety codes and that the design of the hallway is not yet finalized.

Barbara Macri-Ortiz, a longtime affordable housing lawyer in Ventura County who is representing the developer, argued that it was unfair to impose new restrictions on the project this late in the process.

"We're going to build based on what the building code requires, and I don't think it is fair to say that we can't move on this project due to COVID, considering we've been in your system for over three years and should have been approved in March before COVID came around.

It is important to remember what the laws are, and you can't just react based on a feeling or what you would prefer, the law is the law," she said.

H: COVID impact on Ventura County housing market among issues discussed at annual conference

Supporters: Denying project is 'systemic racism'

There was a shift in public support for the project from the March 9 meeting, when 62 people spoke or submitted cards in opposition and just two people spoke in support. About 40 people spoke or wrote emails in support of the project on Monday, with around 20 people in opposition.

Many supporters shared their own experiences about struggling to afford housing in Simi Valley and connected the lack of affordable housing to systemic racism.

"Mashburn and Litster, you cannot sit on the dais and say that systemic racism does not exist while actively participating in denying affordable housing to your citizens. Many of the

businesses that operate here do not pay enough decent enough wages for employees to survive in this town. Affordable housing is that solution," said Cassandra Douglas, who added that she has experienced homelessness in Simi Valley.

Roop Maan, one of the founders of RISE Simi Valley, criticized Judge, Litster and Mashburn for voting to continue the project in March.

"I would like to point out that denying affordable housing is actually a prime example of systemic racism in this town," she said, telling councilmembers to Google "housing segregation" and "white flight" if they didn't understand the connection.

More: In video, current, former Simi Valley residents share experiences with racism

Local area housing: Ventura County housing authority will open Section 8 waitlist for the first time since 2016

"I find it funny that you're attacking apartments as causing COVID because people are still living in apartments actually, not everybody has the luxury to buy a house, which is why we're talking about affordable housing," she continued.

Laura Altounian, board president of the nearby Parklane development, said she disagreed that racism played a role in community opposition.

"This is not about racism; this is about safety and quality of life. Many residents are very concerned about this project and what it will bring to the community: crime, traffic, noise, parking and public safety issues. We don't have those issues currently... We love Simi and with everything going on in the world, now more than ever, we need peace of mind," she said.

Opponents of the project also pushed back against the state.

"I am incensed that the need of the residents of Simi Valley are being overridden by an agenda coming out of Sacramento. What is more important, the agenda of Gov. Gavin Newsom or the needs of residents of Simi Valley and those who currently live in the area?" said Alan Mann, who also lives in the Parklane development.

Luevanos joined supporters of the project in criticizing her fellow councilmembers' past actions on affordable housing, at one point holding up "The Color of Law," a book about how local governments have caused residential segregation through zoning and housing decisions.

Mashburn disagreed with the characterization that he opposes affordable housing, although he said he would only approve the project if additional conditions were met.

"I'm not fighting housing like so many people seem to indicate, and my record shows that. So I sleep well at night if you look at my votes as far as housing is concerned," he said.

Project approved with conditions

The developer and City Council ultimately agreed to several conditions to address concerns about traffic and new concerns on COVID-19.

Two additional traffic engineers will look at the project's driveways for traffic concerns, in addition to the traffic engineer who already approved the plan. The developer will pay an additional \$50,000 for traffic improvements, bringing their total traffic fees to \$211,352. The city will use this funding to add a protected left-turn signal to the Tapo-Alamo intersection.

Education: Ventura County's smallest school districts face issues reopening

An environmental health expert will study the hallways in relation to COVID-19 safety, and the developer will make any recommended and feasible improvements.

With these conditions in place, the City Council voted 3-1 to approve the project, with Judge voting no.

Erin Rode covers housing, real estate and development for The Star. Reach her at erin.rode@vcstar.com or 805-437-0312.