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Project Number 04-57370

Allison Cook, Senior Planner
City of Agoura Hills
Planning and Community Development
30001 Ladyface Court
Agoura Hills, CA 91301

Subject: Agoura Village Specific Plan Project

Dear Allison:

For your consideration, the following are additional comments and clarification regarding the Agoura Village Specific Plan EIR.

Requested Discretionary Action - Specific Plan Approval. The discretionary action that is under consideration for this project is the approval of the Agoura Village Specific Plan. The Agoura Village Specific Plan would effectively become the underlying General Plan and zoning for the project area. Specific plans are commonly prepared for areas that have unique physical characteristics, in cases where special land development considerations are appropriate, and in order to achieve a community vision for a particular area.

It is noted that the proposed Agoura Village Specific Plan is not a site-specific development, but instead is a framework to guide future development within the project area. It is effectively a set of policies and regulations that will apply to future development within the project area. Included within the Agoura Village Specific Plan, is a discussion of the procedures for evaluating future site-specific development along with the required consistency findings that must be made prior to approving a project within the area. These findings are analogous to the consistency findings that are required to ensure individual project compliance with a City's General Plan.

CEQA Overview. The CEQA process is intended to accomplish several objectives related to evaluating and disclosing the environmental effects of a discretionary action made by a governmental body.

Specifically, CEQA requires:

- A "good faith effort" at full public disclosure of the environmental effects of a project;
- Examination of project related and cumulative impacts of a project. This typically involves comparison of the project to locally recognized thresholds of significance;



- Identification of mitigation measures to minimize or avoid significant impacts of a project;
- Examination of a "reasonable range of alternatives" to the project that would be capable of minimizing the project's environmental effects and achieving the basic project objectives;
- A formal public review process;
- Consideration of all comments received during the public review period (November 18, 2005 through January 3, 2006);
- Adoption of a mitigation monitoring and reporting program to ensure that all mitigation measures are properly implemented; and
- Adoption of appropriate findings for impacts that can be mitigated and a statement of overriding consideration for impacts that cannot be mitigated to a less than significant level.

Program EIR Approach. As provided for in CEQA, an environmental document for a planning program such as a City's General Plan or in this case the Agoura Village Specific Plan, is prepared as a "Program EIR". This is because an environmental document is required for the decision making process, but complete and detailed development plans are not yet available. When preparing a Program EIR, it is necessary to make reasonable assumptions as to what the maximum buildout may be under the planning program under review. The EIR for the Agoura Village Specific Plan, assessed the maximum development scenario or "worst case" condition that could result from full buildout of the project area. Where project specific effects could not be defined in detail because site development plans have not yet been formulated, the EIR includes a worst case assumption that the resources are present and that they may be significantly impacted by future development. In these cases, avoidance of impacts is recommended as the preferred mitigation but where avoidance is infeasible specific processes for defining the precise impacts and appropriate mitigation approaches with performance criteria are prescribed. This is an acceptable methodology under CEQA.

Impact Analysis. The impact assessment typically involves comparing a project effect against locally recognized standards often referred to as thresholds of significance. Where the project effect exceeds the threshold, it is considered significant, if it does not it is considered less than significant. For topical areas such as biological resources, the EIR focuses on legally protected species and locally important habitat areas where there are established impact thresholds. Impacts to these areas were considered significant while impacts to disturbed or otherwise common habitat areas were considered less than significant.



Summary of Public Review and Responses.

The CEQA process was initiated with preparation of a Notice of Preparation that was sent to local agencies and noticed in the local newspaper indicating that an EIR was to be prepared for the Specific Plan. In addition, a public scoping meeting was noticed in the local newspaper and held on February 16, 2005 date at the City Hall to solicit input on the contents of the EIR.

As noted above, the public review period for the project was from November 15, 2005 to January 3, 2006; however public comments were accepted through January 24, 2006. During this time, the EIR was circulated to governmental bodies and those requesting to receive copies of the document. The EIR was also made available at the local library and at the City's planning counter. A planning Commission hearing to receive public input on the Draft EIR was held on December 1, 2005.

The response to the Draft EIR included 28 letters from the various governmental bodies as well as other interested parties. All of these letters and responses to all comments received during the public review period (including oral comments received at the December 1, 2005 Planning Commission hearing) are included in Appendix G of the Final EIR.

As a result of public input on the Draft EIR several changes and clarifications were made to the Final EIR in order to further protect environmental resources. These changes included a modification of the Plan's open space areas and additional measures to reduce the potential for future environmental impacts. These changes were determined not to constitute substantial new information and were not substantive enough to require recirculation of the EIR.

Following the completion of the Final EIR, the project was presented to both the City Planning Commission and the City Council on April 20, 2006 and May 24, 2006 respectively. The issues raised at the April 20, 2006 Planning Commission meeting and the May 24, 2006 City Council meeting parallel those comments received during the public review period.

Key issues raised at those meetings included:

- The need for and amount of residential development for the Specific Plan area.
- Traffic and circulation, traffic, pedestrian and bicycle safety, roundabout function and safety, and parking
- Impacts to biological resources
- Impacts to visual resources
- Lack of specificity in the Program EIR



Alternatives Analysis.

The EIR examined 5 alternatives to the proposed project, including the required "no project" alternative. These alternatives included:

- No Project
- Reduced Specific Plan Area
- Reduced Buildout Density
- Alternative Location
- Reduced Buildout (without Residential)

CEQA requires that an EIR evaluate "reasonable range" alternatives capable of reducing the significant impacts of a project. Because the unavoidable adverse impacts associated with buildout of the Specific Plan were primarily related to traffic generation and short term construction impacts (associated with projected future grading activities), the analysis focused on alternatives capable of reducing or avoiding those impacts.

After the close of the public review period the United States Department of Interior National Parks Service (letter dated January 19, 2006) submitted a letter that requested changes to the project and suggested a preferred alternative to avoid or minimize future buildout effects on biological resources. This letter was responded to in the Final EIR and the Specific Plan was modified to increase open space areas to avoid potentially significant impacts to biological resources. In addition, mitigation language in the biological section was modified to indicate avoidance of sensitive biological resources as preferred to other available forms of mitigation.

Biological Resources Issues.

During the public review period and public hearings a number of comments were submitted regarding the sensitivity of local biological resources within the plan area. In general, there is no disagreement with regard to the potential sensitivity of biological resources within the project area. The EIR characterizes the biological resources within the study area and identifies potentially significant impacts to several resource areas. These include:

- Sensitive Species (both plants and animals)
- Sensitive Communities (native grasslands, riparian, and Coastal Sage Scrub areas),
- Wetlands
- Oak Trees
- Wildlife Corridors

To assess potential impacts, biological information such as vegetative land cover, habitats present, known biological resources in the area, and the probability of species of concern to occupy the Specific Plan area were utilized. However, detailed biological studies are required by the EIR to be provided for those parcels during the application process for



development. This is the appropriate timing for such information, as organisms of concern may change over the course of a few years, and we cannot predict what species in the future may be added to lists of concern and those dropped from such lists. The EIR does, however, review the likely sensitive biological resources that are present in the area and provides an informed biological opinion on the likelihood of presence, and if present, the appropriate mitigation actions and performance standards to use to fully mitigate significant impacts that could occur to such species. Mitigation programs are included in the EIR for each of these issues. In response to public comments, mitigation measures were modified to identify avoidance and buffering of these areas as preferred over other mitigation.

The process for future environmental review would include detailed examination of the project impact footprint against the potential resources that could be affected. Where noted in the EIR, further detailed studies would be conducted to more specifically identify the degree of impact and to determine the project specific mitigation requirements. Where impacts cannot be avoided, the EIR outlines the mitigation strategies that should be employed to minimize the effects of future projects to less than significant. All of these programs would be subject to review and approval by City staff. Some of these mitigation programs would be subject to future review and approval of resources protection agencies such as the California Department of Fish and Game, US Army Corps of Engineers, and California Regional Water Quality Control Board. As outlined in the Draft and Final EIRs, the future biological review process would generally involve:

- Prepare detailed study for resources of special concern (special status species focused surveys, oak tree reports, wetland delineations, etc. as identified in the Program EIR);
- Avoidance if possible;
- Implementation of buffer areas;
- Fine tuning of mitigation requirements (on or offsite restoration or payment of in lieu fees);
- Development of restoration plan(s);
- Implementation of restoration plan(s); and
- Monitoring the success of restoration performance

Visual Resources Issues.

During the public comments, concern was expressed about the obstruction of sensitive views associated with future development within the area and the allowance of 45 feet as the maximum height limit for new structures. It was noted that the Plan contains development standards to reduce the visual effects of future development within the plan area. These standards are summarized in Section 4.1 Aesthetics of the Draft and Final EIRs. Without project specific development plans it is not possible at this time to precisely show the degree of visual impact of possible future development. However, prior to approval of any future development, subsequent environmental review would be performed to examine the visual effects of the specific development proposal and a consistency determination with the Specific Plan visual resources protection policy would need to be made by City



decision makers. As part of the Agoura Village Development Permit application (AVDP), outlined in the AVSP, the City would require the submittal of photometric or other visual aids to assist staff in determining potential aesthetic impacts of a given project.

I hope this is helpful to you. Please do not hesitate to call if you have any questions regarding this letter or any other matters related to this project.

Sincerely,
RINCON CONSULTANTS, INC.

Michael P. Gialketsis
Principal

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Project Manager