

ATTACHMENT 15

**RESPONSES TO TOPICS RAISED IN WRITTEN AND ORAL
TESTIMONY SUBMITTED BY THE PUBLIC TO THE PLANNING
COMMISSION**

(AUGUST 20, 2015)

Agoura Equestrian Estates Project
Planning Commission Hearing 8-20-15

Responses to Topics Raised in Written and Oral Testimony Submitted by the Public
to the Planning Commission

1. Traffic Trips and Second Dwelling Units

The project did not trigger the threshold to prepare a traffic impact analysis, but one was prepared nonetheless. The traffic impact analysis was prepared for 15 single-family homes per industry standards and the City's Traffic Impact Analysis Guidelines (July 2011). Refer to the Final Environmental Impact Report (EIR) Section 8.0 RESPONSES TO COMMENTS, Global Response 3: Traffic Impact Analysis (page 8-3) regarding trip generation and potential for second dwelling units on the site. See also the City Council staff report Attachment 8 (CEQA Resolution), Exhibit A, Section IV.B.1 regarding use of trip generation factors. As part of the project application, including written materials and plans, submitted to the City on June 13, 2013, no second residential units are proposed.

With regard to trip generation and the potential for second dwelling units on the site, refer to EIR Section 8.0 RESPONSES TO COMMENTS, Global Response 4: Traffic from Secondary Units (page 8-6). According to the City's Traffic Engineer, the Institute of Traffic Engineers' (ITE) trip generation category 210 (Single-family detached housing) includes a wide variety of units with different sizes, small to large number of residents, price ranges, locations, and ages, and presents a normalized trip generation rate based upon several hundreds of case studies across the country. The single-family detached housing category was specifically used in this case to represent the most conservative trip rate for residential uses because this represents the largest units in size that often have more residents and more vehicles per unit. The trip generation calculations for the single-family housing category factor, among other things, the possibility of accessory structures, which would include secondary living units. Therefore, no separate calculation would be required for these secondary units.

A member of the public submitted a trip generation table that references residential "estate housing." This table comes from a trip generation manual revised in May 2003 that was prepared for the City of San Diego and is a part of the City of San Diego Land Development Code. It generally only applies to the San Diego region and is not commonly used in other jurisdictions. The *ITE Trip Generation Manual*, 9th edition, 2012, was utilized in the project's traffic impact analysis, consistent with other similar analyses conducted in the City of Agoura Hills. For comparison, the ITE 210 category assigns approximately 10 trips per single-family detached housing unit, and the San Diego category of "estate housing" assigns 12 trips per unit.

2. General Plan Consistency

The project is consistent with the City of Agoura Hills General Plan 2035 (adopted by the City Council in March 2010). The components of the project before the Planning Commission and City Council at this time are the following: (1) Final Environmental Impact Report; (2) Application for Annexation to the Local Agency Formation Commission; and (3) Pre-Zoning Ordinance. The Pre-Zoning Ordinance (Attachment 10 to the City Council staff report) enumerates the consistency of the Pre-Zoning with the City General Plan and identifies particular goals and policies of the General Plan.

The following table summarizes the project’s consistency with the following General Plan goals or policies mentioned in public comments.

RELEVANT CITY GENERAL PLAN GOALS AND POLICIES

Goal/Policy	Project Consistency
NR-4	Protection and enhancement of open space resources, other natural areas, and significant wildlife and vegetation in the City as an integral component of a sustainable environment.
NR-4.2	The project proposes to reserve proposed Lot 16 (area of Chesebro Canyon Creek) and Lot 17 (closest to the eastern border of the site adjacent to other protected lands) as permanent open space totaling approximately 49 acres. The remaining project site of 22 acres is proposed for development, and is congregated in the portion of the site adjacent to existing development and with the least sensitive natural resources.
	The 22-acre development portion of the project site has been focused in the primarily flatter, valley floor of the site, near existing development, leaving the remaining areas with the most natural resources to be preserved as open space. The hillside areas would be within the proposed open space Lot 17. Chesebro Canyon Creek runs through proposed open space Lot 16. The project proposes a storm drain outlet into the creek for site runoff, as the creek is the storm drain system in the area. The EIR addresses potential impacts to the creek from installation of the outlet and incorporates mitigation measures to ensure less than significant impacts both biologically and aesthetically (refer to Mitigation Measures BIO-4, AES-3). By relocating the existing multi-use trail used by the public in the eastern portion of the site further east, the trail would need to cross an unnamed drainage. The crossing has been designed to be low impact and the minimal necessary to allow for safe crossing by horses and people. It consists of decomposed granite or similar material over a pipe for the trail width of about four feet. Above and beyond the crossing, the drainage would daylight. All other drainages would be within Lot 17, the open space lot to be preserved. The impacts to oak trees off-site have been minimized through the design of storm drain swales around the

		trees, and Mitigation Measures BIO-6(a) and (b). The large Oak Tree No. 4 off-site will be protected by requiring an 80-foot setback from the trunk from any development or construction work. Erosion would be addressed through the required NPDES permit measures.
NR-4.4	Encourage clustered development in sensitive areas to preserve and reduce the impact to natural lands.	Please refer to discussion of consistency above for NR-4 and NR-4.2.
NR-4.5	Place a high priority on acquiring and preserving open space lands for purposes of recreation, habitat preservation and enhancement, resource conservation, flood hazard management, public safety purposes, and overall community benefits.	Please refer to discussion of consistency above for NR-4 and NR-4.2. The project includes the permanent preservation of open space Lots 16 and 17, approximately 49 acres of the 71-acre project site. Lots 16 and 17 contain the most substantial natural resources on the site. The project includes the formalization of the existing multi-use trail for public use through the site.
NR-4.6	Ensure that new development does not create barriers or impede the connection of the City's open space systems.	The approximately 49-acre Lot 17 to be preserved permanently as open space is located along the southern and eastern portions of the site, adjacent to protected open space lands owned and/or managed by state and federal agencies, including parkland, and closest to the Liberty Canyon Wildlife Corridor and the proposed freeway overpass about 2/3-mile east of the project site. The proposed development on 22 acres would occur in the northern portion of the site, adjacent to existing development in the City, while the portions of the site near protected natural areas would be retained for preservation.
NR-4.12	Protect and maintain wildlife corridors, particularly the Liberty Canyon Wildlife Corridor, and adjacent areas as appropriate, to help the continued survival of wildlife.	Please refer to discussion of consistency above for NR-4.6 and NR-4.5.
NR-2	Preservation of significant visual resources as important quality of life amenities for residents, and as assets for commerce, recreation and tourism.	The project would maintain the hillsides and ridgelines, while concentrating development in the flatter portion of the site adjacent to the existing development and Chesebro Road. This concentrates the development adjacent to urban uses and preserves the rest of the site, including hillside areas and areas adjacent to state and federal parkland, as natural open space.
NR-2.1	Require development to be located and designed to maintain the visual quality of hills, ridgelines, canyons, significant rock outcroppings, and open space areas surrounding the City and locate and design buildings to minimize alteration of natural topography.	The project has been designed to require as minimal grading as possible. It has been designed to balance cut and fill on-site, and preserve the topography of the hillsides on the site. See NR-2 above for ridgelines and open space. Views would be maintained to scenic resources surrounding the project site.
NR-2.2	Provide public trails, recreation areas, and viewing areas near significant visual resources, where appropriate.	The project proposes 3 trails, one of which is the existing trail along the eastern portion of the site to be shifted further east. This would be a public, multi-use trail that would connect with the National Park Service trail, and

		provide recreational and viewing opportunities for the public.
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3. Vernal Pool/Lake/Western Spade Foot Toad

Please refer to EIR Section 4.2 BIOLOGICAL RESOURCES (particularly page 4.2-42 and Table 4.2-2); EIR Section 8.0 RESPONSES TO COMMENTS, Responses 6.8 and 33.3; and City Council staff report Attachment 14 (Public Written Comments Provided to the Planning Commission) The latter includes information submitted to the Planning Commission that is an e-mail from the public stating that a portion of the project site floods to create a vernal pool or lake, and that there is habitat for the Western spade foot toad. Staff forwarded the public e-mail and additional information about the toad in response to the comment to the Planning Commission prior to the August 20, 2015 hearing. Members of the public have submitted a photo of an area of water they indicate is from the project site; however, there is no date on the photo. The project site is not expected to support vernal pools (see page 4.2-42 of the Final EIR) nor the Western spade foot toad (see references above for more information). Because the northern portion of the site (residential lots 1, 2 and 15, and Lot 16 open space lot) is in a floodway/floodplain, flooding during significant storm events could occur if Chesebro Canyon Creek overflows. (Section 4.5 HYDROLOGY AND WATER QUALITY addresses the potential flooding hazard, which is also discussed below under, "Flooding and Stormwater"). Photos submitted by the public of a toad that was indicated to be on the site (although no date is provided on the photo, and the photo does not show the location of the site where the toad was found) appear to be that of the Western toad, according to the EIR herpetologist reviewing the photos submitted. The Western toad is common in the area, and is not considered a sensitive or protected species.

4. Wildlife Corridor and Edge Effects

Refer to Final EIR Section 8.0 RESPONSES TO COMMENTS, Global Response 6: Wildlife Movement and Connectivity. The wildlife corridor is also addressed in Final EIR Section 4.2 BIOLOGICAL RESOURCES, and edge effects are described in both the sections referenced above. In the Final EIR, measures to restrict the use of pesticides, herbicides and fertilizers; prohibit rodenticides; prepare a public education campaign regarding predation between domestic animals and wildlife; and ensure "wildlife-friendly" fencing are incorporated (Mitigation Measures BIO-1(d), (e) and (f)). See also Attachment 8 (CEQA Resolution), Exhibit A, Section VII.A. to the City Council staff report for further discussion of these mitigation measures. The public commented that these measures may be difficult to enforce and may not necessarily reduce impacts to a less than significant level if the public does not cooperate with them. The measures have been written so that they are as practical and protective as feasible. Please note that, as discussed in Exhibit A, Section VII.A., the measures noted above are supplemental measures for extra protection of resources, but are not required to reduce potentially significant impacts identified in the EIR to a less than significant level. Other measures, incorporated into the Draft EIR, were shown to already reduce potentially significant impacts to a less than significant level. A member of the public also suggested that pesticides, herbicides

and fertilizers be eliminated entirely from this project site. Full elimination does not seem practical and likely to occur. Mitigation Measure BIO-1(d) related to pesticides, herbicides and fertilizers stipulates that such chemicals be those designated for use near aquatic and wetland habitats, and be applied to prevent over-spraying. Regulatory agencies with permitting authority over sensitive habitats often provide for the use of such chemicals, if needed, as long as they are appropriate for use near aquatic and wetland habitats. This measure would be consistent with the allowances by many regulatory agencies.

5. Lighting

No street lighting is proposed as part of the project. Lighting in Phase 2 of the project, as part of residential home development, is addressed in Section 4.1 AESTHETICS (Impact AES-5, page 4.1-16) of the EIR and Section 4.2 Biological Resources (Impact BIO-1, page 4.2-61) and Mitigation Measure BIO-1(c) (page 4.2-61). Also refer to EIR Section 8.0 RESPONSES TO COMMENTS, Response 20.47 (page 8-174). On-site lighting would be required to comply with the Agoura Hills Municipal Code standards, including those of the Old Agoura Overlay zone, whereby exterior lighting is shielded and minimized to the extent feasible. Mitigation Measure BIO-1(c) (page 4.2-61) provides added protections from the adverse effects of lighting. The City Architectural Design Standards and Guidelines, including those specific to Old Agoura, would apply.

6. Potentially Hazardous Materials

The issue of possible existence of potentially hazardous materials on the site, especially with regard to the Calabasas Landfill off-site to the northeast, has been extensively addressed in EIR Section 4.4. Hazards and Hazardous Materials. Groundwater and soil vapor testing was completed on the site as part of the EIR. No significant impacts have been identified for this issue area, and no mitigation measures are required. Refer also to EIR Section 8.0 Response to Comments, Verbal Response 2, Response 20.46, and responses to Comment Letter 22. No additional testing or other investigation is necessary.

In a letter dated August 18, 2015 and received by the City on August 20, 2015, the State of California Department of Conservation indicated that there is one abandoned oil well, F.G. Anderson "Mabel" 1, (037-05119) approximately 350 feet north of the project boundary. Staff of the Department of Conservation contacted City staff on August 17, 2015 regarding this well, and indicated the well was a dry well and never used for production of oil, and that it was located north of the project site on state land. Staff of Rincon Consultants, Inc., the preparer of the EIR, did further research and confirmed that the well was from the 1950s and has since been capped. It is estimated to be located about 570 feet north of the project site on State of California land. The location of this dry well does not pose a significant environmental impact to the project, and the proposed development would not occur in the area of the well.

7. Flooding and Stormwater

It is common practice that any improvement anticipated in a FEMA-designated flood zone require analysis to determine the impact to the base flood elevation (BFE). The BFE is the water surface elevation during a 100-year storm. This specific analysis involves HEC-RAS modeling to determine what happens upstream and downstream of the development (i.e., impact to water surface elevation, impact to outer boundaries of the existing flood limits delineated on the FEMA flood zone maps, etc.). Once the analysis determines the new BFE as a result of the development, the finish floor elevation of all habitable structures must be kept at least one-foot above the BFE. The requirement to complete a Conditional Letter of Map Revision (CLOMR) is a standard condition of approval that is required during the entitlement process for any development found to have potential impacts to a FEMA flood zone.

Final review of hydrology and flooding analyses, as identified above, is conducted by the City during final design and plan check and prior to approval of any grading or building permit. Such detailed analyses are not commonly done at this stage of project review, as further design details are needed. Further design details would include final grading plans and storm water infrastructure and debris detention basin design for Phase 1, for example, and residential home and lot development plans in Phase 2. Final EIR Mitigation Measures HWQ-5(a) and (b) in Section 4.5 HYDROLOGY AND WATER QUALITY (page 4.5-1) of the Final EIR address flooding impacts. Also, refer to Attachment 8 (CEQA Resolution), Exhibit A, Section VI.D. to the City Council staff report, and EIR Section 8.0 RESPONSES TO COMMENTS, specifically Verbal Response 6 (p. 8-25), Response 20.28 (p. 8-167) and Response 21.4 (p. 8-190). If, based on the detailed hydrology and flooding analyses to be accomplished under these mitigation measures, there are significant changes required to the project, not addressed in the EIR, additional CEQA analysis may be required.

Water quality and storm water runoff from the project site are addressed in EIR Section 4.5 HYDROLOGY AND WATER QUALITY (Impact HWQ-1) and in Section 8.0 RESPONSES TO COMMENTS, Responses 24.4 (p. 8-243), 30.2 (p. 8-277) and 36.3 (p.8-301). The project would be required to comply with National Pollution Discharge Elimination System (NPDES) requirements for runoff and water quality to ensure pollution prevention in Chesebro Canyon Creek and the watershed as a whole. Stormwater from the site would be collected via a series of swales, debris detention basins, and underground pipes and outlet to Chesebro Canyon Creek on proposed Lot 16 of the project site. The stormwater drainage system has been designed by the applicant to accommodate the anticipated storm water flow from development of the project. As required by the NPDES permit, best management practices would be incorporated into both Phase 1 and Phase 2 of the project during final design, prior to the City's issuance of a grading permit or building permit, to minimize pollutants entering the storm drain system.

8. EIR Recirculation under CEQA

None of the comments received on the EIR warrant recirculation of the EIR pursuant to CEQA. Please refer to the City Council staff report discussion of Section II. REQUESTED CITY COUNCIL ACTIONS, Item A. "Final Environmental Impact Report and Mitigation Monitoring and Reporting Program," for further discussion.

9. Round Leaved Filaree

In spring 2014 rare plant surveys conducted as part of the EIR, no round leaved filaree (*California macrophylla*) (California Native Plant Society Rare Plant 1B.1) was found on the site. In Draft EIR Section 4.2 BIOLOGICAL RESOURCES, Section 4.2.1. Setting, Item f. Special Status Biological Resources (see EIR page 4.2-15), the round leaved filaree was discussed as having potentially suitable habitat present on-site, and the Draft EIR stated that it was previously documented from the project site by the National Park Service, with its location referenced in Figure 4.2-2. Although the plant was not detected in 2014 surveys, because it has been known from the site, the Draft EIR considered the impact to the species to be potentially significant but mitigable with Mitigation Measure BIO-2(b) to either: restore the species or preserve an off-site location of the plant in the event it is detected from the project site in the future and cannot be avoided. The Draft EIR determined that this mitigation measure would reduce potential impacts to round leaved filaree to a less than significant level.

The Draft EIR was completed and released for public comment in January 2015. The region has experienced very dry weather in the past years, and the 2014 surveys were conducted under these conditions. Around the close of the public comment period in early March 2015, rain did occur, and the City received public comments requesting that additional plant surveys be conducted to account for any round leaved filaree species that may have bloomed due to the recent rain in 2015. The City directed that additional rare plant surveys be conducted, which were completed in March, April and June pursuant to industry-standard protocol. (Please refer to EIR Section 8.0 RESPONSE TO COMMENTS, Global Response 7: Botanical Surveys (page 8-15).

Populations of the round leaved filaree were detected in the same general areas as previously anticipated. With the specific locations known, Mitigation Measure BIO-2(c) (p. 4.2-68 of the Final EIR) was incorporated to specifically avoid the known populations of round leaved filaree and preserve them in place. This measure also outlines methods to conduct fuel modification activities, if required in these areas by the County of Los Angeles Fire Department, to ensure less than significant impacts to the species. Mitigation Measure BIO-2(b) remains in the Final EIR and would address populations of special status plant species, including the round leaved filaree, that are not currently known, but which may be detected in the future, under preconstruction surveys required by Mitigation Measure BIO-2(a). Please also refer to the City Council staff report Attachment 8 (CEQA Resolution), Exhibit A, Section VII.A.2 for a discussion of the impact and mitigation measures for the round leaved filaree.

Public comments included mention of a bond or project-level insurance in the event the mitigation fails. Mitigation Measure BIO-2(b) (page 4.2-65, EIR Section 4.2 BIOLOGICAL RESOURCES) for special status plant species restoration or off-site preservation requires such a bond. The measure stipulates that such a bond would only be released by the City upon satisfying the approved performance criteria after the monitoring period ends.

10. Biological Species and Habitat

All plant and wildlife species and vegetative communities that are appropriate to address have been adequately discussed in EIR Section 4.2 BIOLOGICAL RESOURCES (in particular, see Tables 4.2-1 and 4.2-2 and in Section 8.0 RESPONSES TO COMMENTS, particularly Global Response 7: Botanical Surveys (page 8-15)). Two flora surveys were conducted on the project site. In 2014, biologists conducted a flora and fauna survey during three separate days in the spring. In 2015, flora surveys were again conducted, specifically in March, April and June. For additional discussion of the 2015 surveys, refer to EIR Section 8.0 RESPONSES TO COMMENTS, specifically Global Response 7: Botanical Surveys (page 8-15); EIR Section 4.2 BIOLOGICAL RESOURCES; and City Council staff report Attachment 8 (CEQA Resolution), Exhibit A, Section VI.B.2, and "Round Leaved Filaree" above (the latter two explain the reason for conducting 2015 flora surveys).

The round leaved filaree is discussed above under "Round Leaved Filaree." The following is information about specific species and vegetative communities mentioned by the public. The public comments and discussion below do not change the conclusions of the Final EIR with regard to biological resources.

Narrow Leaf Milkweed

The narrow leaf milkweed is not a sensitive species. This plant is a known food source for Monarch butterflies. Removal of the narrow leaf milkweed is not in and of itself a significant impact. The presence of the plant on the site is noted in the 2014 Floral Compendium and the 2015 Rare Plant Species Compendium included in the Final EIR (Volume II, Appendices D and H).

White Tailed Kite

The presence of the California Department of Fish and Wildlife Full Protected (not Threatened or Endangered) white tailed kite in the project area is discussed on pages 4.2-7, 4.2-34 (Table 4.4-2), 4.2-40, 8-198, and 8-292 of the Final EIR, Sections 4.2 BIOLOGICAL RESOURCES and 8.0 RESPONSES TO COMMENTS (Responses 21.26, 34). The Final EIR states on page 4.2-40 that two kites were observed foraging over the site during the 2014 biological surveys. The open space on the project site provides foraging habitat. There is one oak tree that would provide only marginal nesting habitat and no nests were observed in this tree. The possibility of this species nesting on the site is low. More suitable nesting and foraging habitat exists in open space to the north and east. The project would have to remove or damage nesting habitat in order for the impact to be considered significant. Foraging habitat is not protected under CEQA. Based on this, the proposed project does not significantly impact nesting or foraging habitat for this

species. Should a white tailed kite be found nesting within the vicinity of the project, potential impacts would be mitigated under Mitigation Measure BIO-1(b) (page 4.2-60 of the Final EIR).

Great Egret/Snowy Egret

Table 4.2.2 of Section 4.2 BIOLOGICAL RESOURCES of the Final EIR notes that both the snowy and great egret are not expected to use the site due to lack of suitable habitat. In public comments, it was noted that the egret should not be considered rare on the site, but only anecdotal evidence has been provided indicating that the species is not rare on the site. These species' nests and nesting habitat (like rookeries) are protected, but were not observed on-site. Regardless, any potential impacts to nesting birds would be mitigated under Mitigation Measure BIO-1(b).

Least Bell's Vireo

Least Bells' vireo is not noted within five miles of the project site in the California Natural Diversity Database (CNDDDB) and is not expected to occur on the site. In Response 21.26 (page 8-198) of EIR Section 8.0 RESPONSES TO COMMENTS, the text states that Least Bell's vireo protocol surveys are not required for the short portion of Chesebro Canyon Creek along Lot 16 since the small amount of habitat generally lacks the density and vertical complexity preferred by the species, and there are no recent records of occurrence in the project vicinity. Lot 16 would be preserved as permanent open space. If the species is present, it would be detected and addressed as part of Mitigation Measure BIO-1(b) (Final EIR page 4.2-60).

Monarch Butterfly

In 2015, U.S. Fish and Wildlife Service announced that it was considering the Monarch butterfly for federal listing under the Endangered Species Act (ESA). Monarch butterfly wintering habitats are considered protected by the CDFW. Overwintering habitats are roosts located in wind-protected tree groves (eucalyptus, Monterey pie, cypress), with nectar and water sources nearby. There are no wind-protected tree groves on-site. The Final EIR states that impacts to Monarch butterflies would only occur if they are wintering on the site. On page 4.2-38, the EIR states that while foraging habitat is present on-site, Monarch butterflies are not expected to winter on the site due to lack of suitable wintering roosts, and, therefore, impacts would be less than significant.

Great blue heron

As stated on page 4.2-32 of the Final EIR, there is minimal suitable great blue heron habitat present on-site (tall trees, cliff sides, marshes, rivers and streams, etc.). Great blue herons are potentially rare foragers in field. The project would have to remove or damage nesting habitat in order for the impact to be considered significant, and there is no nesting habitat on-site

California gnatcatcher

The Final EIR states on page 4.2-40 that suitable undisturbed contiguous coastal sage scrub habitat required to support the California Gnatcatcher is largely absent from the site, and this species has not been documented as occurring as a breeding population within this portion of the Santa Monica Mountains. However, recent reports (ebird.org, 2014) of multiple gnatcatchers in Malibu Creek State Park (approximately 3 miles south of the site) indicate that the species may be expanding to new locations within its published range. Based on the low numbers of this species in the region, the marginal quality of coastal sage scrub habitat on site, and the lack of gnatcatchers observed during the 1998 Coastal California gnatcatcher focused surveys, or 2003 and 2014 general biological surveys, it was determined that this typically resident species has a low potential to occur on the project site as a nesting species. It may occur as dispersing individuals, and if present, would likely be found on the hillsides. If the species is present, it would be detected and addressed under Mitigation Measure BIO-1(a).

Western meadowlark

Pages 4.2-6 and 4.2-7 of the Final EIR state that the Western meadowlark was observed on site. The Los Angeles County Birds of Special Concern list that is referenced in a public comment is a list produced by the Los Angeles County Audubon Society and has not been adopted by any regulatory agencies. Therefore, consideration of this species as protected and analysis of the species is not required. This species is protected if nesting on site, and potential impacts to this species during nesting would be mitigated under Mitigation Measure BIO-1(b).

Long-eared owl

This Species of Special Concern (G5/S3) is identified in Table 4.2-2 (page 4.2-32) of Section 4.2 BIOLOGICAL RESOURCES of the Final EIR as not being expected on-site due to lack of suitable woodland habitat. This species is protected if nesting onsite, and potential impacts to this species during nesting would be mitigated under Mitigation Measure BIO-1(b).

Several database resources were searched for preparation of the EIR, including resources from the Santa Monica Mountains (the National Park Service (NPS) and the Santa Monica Mountains Conservancy (SMMC)). The *Santa Monica Mountains National Recreation Area Vascular Plant Species List* (2006), www.smmflowers.org, and other local references were also reviewed. Additionally, Rincon Consultants, Inc. biologists reviewed the California Natural Diversity Database (CNDDDB), CDFW Biogeographic Information & Observation System (BIOS) viewer, CNPS Online Inventory, and USFWS Information, Planning, and Conservation System Query ([IPAC]; 2015) for lists of plant species reported from the vicinity of the project and the surrounding eight United States Geological Survey (USGS) topographic quadrangles prior to conducting field work.

Additional species referenced as "rare" in a public comment letter are CRPR list 4 and do not typically require mitigated impacts under CDFW or CEQA unless impacts are expected to have a significant impact (detrimental to the overall population). Project impacts related to development would not result in the detriment of local populations of these species, as a large portion of the site is remaining protected open space, and contiguous, similar habitat exists to the north and east of the site.

11. Fire Hazards

Potential fire hazards were addressed in the Initial Study/Notice of Preparation prepared for the EIR. Please refer to Section VIII. HAZARDS AND HAZARDOUS MATERIALS, Item h, in EIR Appendix A (p. 31 of Volume II of the Final EIR). The Initial Study concluded that less than significant impacts would occur related to wildland fire with mandatory compliance with the City's building standards and County of Los Angeles Fire Department fuel modification regulations, and so further analysis in the EIR was not necessary.

12. Previous Entitlements Expired and Project Objectives

While the prior County Board of Supervisors' approval of a day school on this same site (County Project No. 98-062(3)/Conditional Use Permit No. 98062-(3)) and its entitlements granted in 2007 have expired, the current land use designation for the property would allow development of a school, as it is the same designation under which the County previously approved a school. A school use is allowed by the current County zoning (Light Agriculture, minimum 5-acre residential lots) and land use designation in the County Santa Monica Mountains North Area Plan (Mountain Lands N5, 5-acre minimum residential lots). The settlement agreement between the City and the Agoura Equestrian Estates Project applicant provides that if the sale of the property goes forward and the property changes hands pursuant to the agreement, the new owner will record a covenant prohibiting the development of a school. This is a significant benefit of the agreement. Thus, it is accurate to state, as the Final EIR does in Section 2.6 PROJECT OBJECTIVES on page 2-13, that one objective of the project is to prevent the development of a school on the site. Please also refer to City Council report Attachment 8 (CEQA Resolution), Exhibit A, Section VIII. ALTERNATIVES, Item C.1 for further discussion of the formerly proposed school and the project objectives.

13. Previous EIR Prepared on the Site

The Final EIR references the Heschel West Day School EIR (2006), which was prepared for the same site by the County of Los Angeles. References in the current EIR to a previous EIR on the same site are common and expected in CEQA documents. The consultant that prepared the current EIR, Rincon Consultants, Inc., did not rely on the previous EIR for analysis. The information in the previous EIR was reviewed, and the consultant prepared separate project-specific analyses and independent investigation for the current EIR, including two years of biological surveys and testing for potential contaminants on the site, among other analyses.

Some comments submitted by the public are correspondence specifically related to the school's EIR from several years ago. It is helpful to note that the previous EIR was written for a completely different project. The Heschel West Day School proposal consisted of a day school with school children aged Pre-K through 8th grade (750 students and 97 staff) and about 166,500 square feet of buildings. The school was proposed on approximately 21 acres further south and east of the currently proposed Agoura Equestrian Estates project development on the same parcel, and partially within the area of Lot 17 currently proposed for permanent open space preservation. The structures related to the school were proposed to be placed, in part, in the hillside areas on the eastern portion of the parcel, closer to off-site state and federal open space preservation and recreation lands, and not primarily in the flatter areas to the north, adjacent to existing development and Chesebro Road in the City of Agoura Hills.

14. Owner of Project Site

The owner of the Agoura Equestrian Estates Project site, consisting of Assessor Parcel Numbers 2052-009-270 and 2055-010-270, is identified as the City of Agoura Hills in the Final EIR in Section 2.4 SITE HISTORY on page 2-5 and in Section 3.1 FEDERAL SETTING, page 3-1, as well as referenced in Section 2.5.2 ANNEXATION AND GENERAL PLAN/ZONING DESIGNATIONS, page 2-11. The ownership of the project site is also identified as the City in the Initial Study/Notice of Preparation prepared for the EIR, Appendix A, page 5 under "DESCRIPTION OF THE PROJECT" (see Final EIR Volume II for Appendix A).

15. Fuel Modification Off-Site

Fuel modification is discussed extensively in the EIR in Section 4.2 BIOLOGICAL RESOURCES on pages 4.2-12 and 4.2-13, pages 4.2-48 through 4.2-56, page 4.2-59, page 4.2-65, page 4.2-68, and particularly under the discussion of Impact BIO-3 beginning on page 4.2-71. Mitigation Measure BIO-3(a) ensures the fuel modification impacts would be less than significant. Please also refer to Section 8.0 RESPONSES TO COMMENTS, Global Response 5: Fuel Modification and Preservation of Sensitive Communities beginning on page 8-6, and City Council staff report Attachment 8 (CEQA Resolution), Exhibit A, Section VI.B.3, Section VII.A.2, and Section VIII.A. Exhibit A, Section VIII.A discusses avoidance of fuel modification on off-site public land.

Fuel modification activities are dictated by the Los Angeles County Fire Department. The County determines fuel modification requirements for each residential structure as the residential home design and site plan are submitted for County Fire Department review. The home and residential site designs have not been provided to the City as part of the current application for the project. They are expected to be submitted to the City in the future, once Phase 1 work is completed, and would undergo individual review and entitlement.

For the majority of the proposed residential lots, fuel modification is expected to occur on the residential lots themselves or on the open space lot (Lot 17) that is part of the subject site. Off-site fuel modification on state or federal lands may be required, at the discretion of Los Angeles County, for residential Lots 1, 13, 14 and 15, given their proximity to such state/federal lands.

Zone A of fuel modification for those residential lots abutting open space (either on Lot 17 or off-site state/federal lands), considered to be the most restrictive zone in terms of controlling vegetation and often resulting in clearing of vegetation, is required to be accomplished on the residential lots by Mitigation Measure BIO-3(a) (EIR page 4.2-73). Significant biological resources, such as the plant species round leaved filaree, would be protected from fuel modification activities by requiring that any such activities near the round leaved filaree be accomplished by hand, with vegetation only mowed to a height of three inches and prohibited from February 1 to May 30 (see EIR Mitigation Measure BIO-2(c) on page 4.2-68).

Again, the County is the public entity that will ultimately determine the extent of fuel modification activities required of each home, and whether off-site fuel modification on state or federal open space or parkland is necessary. It may be helpful to note that, in the City, the most recent residence approved adjacent to federal parkland (Santa Monica Mountains National Recreation Area) was allowed by the County to construct a masonry wall in-lieu of off-site vegetation thinning or removal. The City encourages such alternatives as masonry walls to minimize vegetation impacts. Mitigation Measure BIO-3(c), incorporated into the project, includes a preference for such alternatives, if allowed by the County. The Mitigation Measure goes on to state, however, that if fuel modification is required, structures requiring fuel modification, such as combustible structures, on Lots 6-15 (which are adjacent to open space areas) be set back 50 feet from the rear property line to account for the maximum setback zone for Zone A. This would cause Zone A fuel modification to occur on individual residential lots, not adjacent open space areas. Any required Zone B and Zone C fuel modification activities, which involve less intensive vegetation disturbance, would occur on adjacent open space lands on-site, or possibly off-site on state or federal parkland or open space lands.

The EIR assumes a reasonable maximum scenario for fuel modification impacts, considering Zone A, B and C activities are required in sensitive vegetative communities on- and off-site. Compliance with mitigation measures (BIO-3(c) and BIO-2(a)) to prepare a fuel modification plan and restore and enhance sensitive vegetative communities that are impacted from fuel modification, as well as protect the round leaved filaree, would reduce fuel modification impacts to a less than significant level.

The National Park Service has suggested an alternative it indicates would fully avoid impacts to natural resources, as well as avoid fuel modification on public land, and provide a scenic buffer along Chesebro Road. The only alternative to possibly entirely avoid natural resource impacts is the No Project Alternative (analyzed in EIR Section 6.0 ALTERNATIVES on page 6-1 and discussed in City Council report Attachment 8 (CEQA Resolution), Exhibit A, Section VIII.C). The No Project Alternative, as well as a possible other alternative to preserve the entire project site as open space, would not meet the project objectives of providing the framework for large lot home development and a financially viable project. The project objectives are listed on page 2-13 of the Final EIR, Section 2.6 PROJECT OBJECTIVES.

Further reduction in the proposed development envelope on the site in order to eliminate fuel modification on state or federal public land would be more akin to Alternative 2 or 4 with a

reduce number of residential lots (see EIR Section 9.0 ALTERNATIVES, Section 6.2 -page 6-2, and Section 6.4 -page 6-8), but would require even further reduction in the number and/or size of the residential lots from these alternatives, which would not meet the project objectives. An alternative in which the 15 residential lots would be sited along the western edge of the project site, adjacent to the existing homes on Chesebro Road, so that all fuel modification would occur on-site would likely result in significant impacts to additional natural resources in the southern areas of the site, including biology, and would occur in an area of very steep slopes, which would be inconsistent with the City General Plan and possibly infeasible. It may also result in more significant impacts to geology and soils resources, as well as aesthetic resources from grading of hillsides and locating homes on the hillsides. Accommodating 15 residential lots along the western property edge would also likely result in much smaller lots that would not meet the project objective of achieving large lot residential development.

16. Trails

The project includes relocation of the existing on-site trail (which has been used by the public for many years), in the eastern portion of the site further east. It also includes the construction of two new trails. The existing trail to be shifted easterly would be four-feet wide and connect to the Santa Monica Mountains National Recreation Area. It would allow for public access by pedestrian and equestrian users. This trail is not a National Park Service trail, and is not formally adopted. The second trail, to be constructed for equestrian use, would be eight feet wide, and would follow along the western boundary of the site and be accessible by residents of the project, as well as residents of the existing adjacent homes on Chesebro Road. The third trail, to be provided for equestrians and pedestrians of the proposed homes, eight feet wide, would follow both sides of the internal private driveway. Refer to Final EIR Figures 2-4, 2-5, and 2-6, which show the trails. Appendix B (Volume II of the Final EIR) also includes plans showing the trails at a larger scale.

17. Wildlife Movement and Corridor

Refer to Final EIR Section 8.0 RESPONSES TO COMMENTS, Global Response 6: Wildlife Movement and Connectivity (p. 8-10). The wildlife corridor is also addressed beginning on page 4.2-42 and under "Impact BIO-5" on page 4.2-78 of Final EIR Section 4.2 Biological Resources. The EIR discussion considers mountain lions, but also includes such species as bobcats and coyotes and low-mobility organisms, such as plants, flightless arthropods, amphibians, reptiles and chaparral birds. No new information has been submitted to support the notion that impacts to wildlife movement are unavoidably significant, as has been stated by members of the public.

As discussed under Impact BIO-5, the development area where the homes are proposed would extend approximately 1,000 feet into the mapped Santa Monica- Sierra Madre Connection, which is approximately 8,000 feet wide in the project vicinity. The 22-acre proposed development area is contiguous with existing urban development and the remaining 49 acres of

the site are proposed to be preserved as open space. Because of the substantial open space buffer between the proposed development area and the more suitable movement pathways and habitat patches that occur within the wildlife corridor to the east of the project site, impacts are not considered significant. Further, the project would not reduce the overall width of the wildlife corridor as compared to the constraints currently present south of the freeway and those caused by the freeway itself.

18. Edge Effects

Edge effects to wildlife are described in EIR Section 4.2 BIOLOGICAL RESOURCES and Section 8.0 RESPONSES TO COMMENTS, Global Response 6 (page 8-10). In the Final EIR, measures to restrict the use of pesticides, herbicides and fertilizers; prohibit rodenticides; prepare a public education campaign regarding predation between domestic animals and wildlife; and ensure “wildlife-friendly” fencing are incorporated (Mitigation Measures BIO-1(d), (e) and (f)). See also City Council staff report Attachment 8 (CEQA Resolution), Exhibit A, Section VII.A.1 where edge effects are discussed further.

19. Visual Impacts from Lots 1 and 15 and National Recreation Area Gateway

Potential visual impacts of the project are discussed in EIR Section 4.1 AESTHETICS, specifically under Impacts AES-1, AES-2, AES-3 and AES-4 (pages 4.1-4, 4.1-12, and 4.1-13, and 4.1-15, respectively). The assessment of impact from the Phase 2 homes assumed a reasonable maximum scenario of 35 feet high and two-story homes (as allowed by the Municipal Code) and the full area of the residential lot being graded. Aesthetic impacts from the homes were found to be less than significant in the EIR. There was a comment concerning potential visual impacts from development of residential Lots 1 and 15, adjacent to Chesebro Road and near the proposed project entrance, and the project’s relation to the National Recreation Area gateway. The physical entry to the nearest trail or road to state and federal parklands and recreation areas is approximately 600 feet north of the site, off Chesebro Road. The formal trailhead and parking lot to Cheeseboro Canyon is even further north. The EIR concludes that impacts to visual resources would be less than significant.

The following is stated on page 4.1-13 of the Final EIR with regard to potential project impacts to scenic vistas:

Views from Chesebro Road directly adjacent to the Phase 2 development would be limited, as the existing homes mostly block such views. Users of this road mostly consist of people going to and from their homes and the National Recreation Area north of the project site. Due to the curve of the road and the placement of existing homes, the project site is visible from a car in the northbound lane of Chesebro Road once it reaches the western site boundary, and then for approximately 225 feet (approximately six seconds) until reaching the eastern site boundary. The site is visible from a car on the southbound side of

Chesebro Road approximately 300 feet north of the project boundary until the western edge of the project site (approximately 511 feet, or 14 seconds). Motorists travelling down Chesebro Road would view the site for a short period of time. In any case, Chesebro Road is not considered a scenic corridor by the City's General Plan. Consequently, impacts to scenic vistas during Phase 2 would be less than significant.

If the proposed residential lots were shifted southerly, away from Chesebro Road, and an open space buffer provided in the northern portion of the project site, the lots would be shifted closer to significant biological resources and to areas with steep slopes. The proposed project consists of congregating the residences in the northern portion of the site, adjacent to existing residences along Chesebro Road, and leaving the remainder of the site near undeveloped areas as open space. This site design would minimize impacts to significant biological resources found in the southern and eastern site areas, and avoid development in hillsides and areas of steep slopes to the south and east, as well as minimize visual and aesthetic effects of development by locating residences near other existing development.

The homes in Phase 2 would be required to comply with all design measures outlined in the Agoura Hills Municipal Code for the Old Agoura Overlay zone and Equestrian Overlay zone, as well as the City's Design Guidelines and Architectural Standards specific to Old Agoura. These include provisions related to architectural style, building materials and colors, landscaping, walls, fences, and hardscape and driveways, as well as to maintaining the appropriate building and neighborhood scale in Old Agoura, all in order to ensure compatibility with the semi-rural qualities of Old Agoura and equestrian uses. Section 9553.6.B. of the Municipal Code states that, "residential development in Old Agoura shall embrace an eclectic, rural style that preserves the equestrian nature of the area and shall be consistent with the Old Agoura Design Guidelines found in the City's Architectural Design Standards and Guidelines and the Equestrian Overlay." These requirements for homes on the project site would assist in creating a compatible visual environment near state and federal parkland gateways/entryways.

20. Development Agreement

A development agreement is proposed to be finalized between the City and Agoura Equestrian Estates Project applicant. The key aspects of the development agreement to be prepared would include the items listed in Section 2.7 REQUIRED APPROVALS of the EIR (pages 2-13 and 2-14), which are also listed in the City Council staff report under "IV. NEXT STEPS."

The development agreement is not yet available for review, as it is still being drafted. Moreover, the development agreement is not yet under consideration by the City Council. The actions to be considered by the City Council at this time are enumerated in the City Council staff report under "III. REQUESTED CITY COUNCIL ACTIONS."

Please note that preliminary draft documents are exempt from disclosure under the Public Records Act pursuant to Government Code Section 6254(a). City staff has informed members of

the public requesting a copy of the development agreement that a copy would be provided as a draft becomes finalized and is given to staff for distribution prior to public hearing consideration by the Planning Commission and the City Council after the LAFCO annexation review process (see City Council staff report under "IV. NEXT STEPS").

21. City Open Space Preservation Action Plan/Open Space Implementation Plan

The proposed project is consistent with the City's Open Space Preservation Action Plan/Open Space Implementation Plan (Plan) (June 1999). The Plan lists open space preservation priorities within and adjacent to the City of Agoura Hills for 11 lands, and assigns a level of priority to various specific areas, with "A" being the highest priority. The Plan evaluates all 11 areas proposed for preservation in and next to the City in priority of the following criteria: lands likely to be developed; lands with significant viewshed/visible from public roads, wildlife corridor, sensitive lands and riparian corridors, and watersheds; and lands with recreational opportunities. Priority A areas are identified as those under immediate development pressure that need immediate attention, while Priority B areas are those where protection is a high priority that demands a regular and consistent effort to preserve open space, and Priority C are areas important to protect, but that can wait for other priorities. More specifically, the Plan states, "those areas considered having 'Lands Likely to Be Developed' to be the highest priority for protection," (page 7) based on that criteria alone.

One such "A" area is "Area 9: Agoura Hills East." This area is east of the City and outside City boundaries, and comprised of four parcels of a total 644 acres, per the Plan. The Plan notes that most of the acreage is publically owned, with the remaining 70 acres (the project site) owned by a religious organization, which is now the proposed Agoura Equestrian Estates project site. At the time of adoption of the Plan, the 70 acres was in the planning stages for a religious school, what was later to become known as the Heschel West Day School. Given that proposed school development, the Plan recommends a conservation strategy involving negotiating an annexation agreement with a conservation easement. The Plan encourages annexation of the property to the City and recordation of a conservation easement over those portions of the property outside the school's building envelope. According to the Final EIR prepared for the Heschel West Day School, the site was 73 acres, with a building envelope of nearly 21 acres, so the remaining area that could be preserved would be about 52 acres. The Plan offers two other conservation options: "clustering" and "fee acquisition." The Plan indicates that, "the current landowner is not proposing residential development, but should ownership change, clustering could be pursued" (page 47). (Note that under the Los Angeles County's Santa Monica Mountains North Area Plan, the project site could be developed with single-family residential uses). With regard to fee acquisition, the Plan notes that, "if the City is not interested in annexing this area and allowing it to develop, then it should work with the adjoining public agencies and State, Federal, and non-profit entities to acquire this parcel" (page 47).

The Agoura Equestrian Estates Project applicant is proposing 15 single-family homes situated in the northern and central portion of the parcel on approximately 22 acres and is proposing permanent open space preservation of the remaining areas to the east and south (about 49 acres). This proposal is consistent with the Plan as it would involve annexing the parcel to the

City, allowing clustered residential development, and permanently preserving the remaining majority of the site as open space.

22. Chesebro Road

The proposed private driveway to access the project site would be designed in compliance with the applicable City standards, which are based on Los Angeles County, state and federal guidelines. An approximately 90 degree angle for a private driveway to intersect a public road is common and not considered a safety hazard (per the City Traffic Engineer) and would provide sufficient visibility for ingress and egress vehicles. There are no plans to widen Chesebro Road in this area, and the City Traffic Engineer indicates that the project would not result in the need to widen Chesebro Road nor would it result in significant increase in delays or backup on Chesebro Road based upon the traffic projections. The existing 20-foot wide Chesebro Road with two 10-foot lanes are consistent with minimum standards for such a roadway.

23. Chesebro Canyon Creek

The EIR addresses potential impacts to Chesebro Canyon Creek from an aesthetic, biological, hydrology and water quality standpoint (see EIR Section 4.1 AESTHETICS, Impact AES-1, page 4.1-13; Section 4.2 BIOLOGICAL RESOURCES, Impact BIO-4, page 4.2-75; Section 4.5 HYDROLOGY AND WATER QUALITY, Impact HWQ-1 and HWQ-2, pages 4.5-7 and 4.5-12). The project proposes to install a storm drain outlet into the creek to convey storm water from the project site into the regional storm water drainage system. All work proposed within the creek would occur on the project site (Lot 16, open space lot). The project has been designed to collect runoff from the site and release it gradually into the storm drain system via a series of on-site rock and earthen swales, underground pipes and debris detention basins. A hydrology report has been prepared for the project (Final EIR Volume II, Appendix G).

The project would be required to comply with the NPDES permit, including incorporating Best Management Practices, a Storm Water Pollution Prevention Plan (SWPPP), and a Standard Urban Stormwater Mitigation Plan (SUSMP) to minimize pollutants entering the creek and reduce runoff and erosion from the site. Compliance with these NPDES requirements would be ensured during the project's final design phase.

To ensure compatibility with the natural creek environment, Mitigation Measure AES-3 requires the final design of the storm drain headwall and apron to incorporate natural materials and colors, and to be submitted for review by the City prior to issuance of any grading/building permit. Mitigation Measure BIO-4 (page 4.2-75) requires that any disturbance to habitat in the creek as a result of construction of the outlet structure must be mitigated through implementing a revegetation plan, preferably in the same creek, as feasible, including a ratio of 2:1 (revegetation to impact acres) for permanent impacts at a ratio of 1:1 for temporary impacts. As discussed below under "Jurisdictional Drainages," state and federal regulatory agencies may also require permits for work in the creek. The project applicant/developer would

need to comply with the requirements of other agencies as well, including any additional mitigation.

Final design of the project's storm water drainage system and outlet into the creek, as well as SWPPP and SUSMP materials required by the NPDES permit, would be reviewed by the City prior to issuance of grading or building permits.

Please also refer to EIR Section 8.0 RESPONSES TO COMMENTS, Responses 6.10, 20.6, 20.12, 20.45 and 20.48 for further discussion of the environmental issues related to Chesebro Canyon Creek.

24. National Park Service's Rim of the Valley Corridor Study

The project site and other adjacent areas to be annexed as part of this proposal, as well as the entire City of Agoura Hills, is currently being considered for inclusion in the National Park Service's Rim of the Valley Special Resource Corridor Study (July 2015). The Rim of the Valley "study area" includes about 650,000 acres in Los Angeles and Ventura Counties. If the City were to be ultimately included in this Rim of the Valley area, the National Park Service has stated that the City would retain regulatory authority for properties within its boundaries. The City Council has stated its support for the Rim of the Valley Corridor.

25. Oaks and Oak Savannah Habitat

Environmental Impact Report Section 4.2 BIOLOGICAL RESOURCES, specifically Impact BIO-6 (p. 4.2-80) and Mitigation Measures BIO-6(a) and (b), address potential impacts to oak trees. See also City Council staff report Attachment 8 (CEQA Resolution), Exhibit A, Section VI.B.5. A total of nine oak trees were determined to potentially be affected by the project, all but one of which is located off-site. These oaks, a combination of Valley oak and Coast Live oak, do not constitute an oak savannah woodland habitat.

Five oak trees are located off-site, on the eastern border of the project site. In order to install the Phase 1 storm drain system and equestrian trail in this area, work would encroach within the protected zone of the trees. The proposed storm drain facilities have been designed to avoid more extensive oak tree encroachment, with the storm drain swale and pipes re-routed around the oak protected zones to the extent possible. The remaining encroachment is considered minor to moderate. Protective measures would be required during construction, such as the use of hand tools and under the guidance of an Oak Tree Consultant, to minimize impacts to these oaks. During Phase 1, the proposed equipment storage/staging and stockpiling areas on residential Lot 15 could result in impacts to Oak Tree No. 4 off-site, on state land. Mitigation Measure BIO-6(a) prohibits Phase 1 work within 80 feet of the tree trunk.

Depending on the residential structure and site design for the Phase 2 potential 15 homes on the, impacts to four (4) oak trees, including Oak Tree No. 4, could result. The other three oaks are

located along the northern edge of residential Lot 15, two off-site and one on-site. Since these trees are either off-site or on the border of Lot 15, impacts to oaks may be avoided during the design of the residence. In the event the oaks or encroachment into their protected zones cannot be avoided, Mitigation Measure BIO-6(b) would apply. An Oak Tree Report would need to be prepared and measures outlined in the report to protect or compensate for the loss of oaks would be required to be incorporated into the project. Required compensation for any oak tree loss would be determined in conjunction with the City's Oak Tree Consultant and pursuant to requirements of the Agoura Hills Municipal Code, and approved by the City Planning and Community Development Director. As with Phase 1, Oak Tree No. 4 would be protected by the mitigation to prohibit hardscape, structures and paved access within an 80-foot protection zone from the tree's trunk.

26. Jurisdictional Drainages

As discussed in the Final EIR Section 4.2 Biological Resources, in Response 3.8 of the Responses to Comments in Section 8.0 of the EIR, and in the City Council report Attachment 8 (CEQA Resolution), Exhibit A, Section VI.B.4, the Project has been designed to minimize impacts to jurisdictional drainages, and any potential wetlands and/or riparian habitat in these areas, to the level feasible. Work within the jurisdictional drainages is required to install the storm drain outlet in Chesebro Canyon Creek, and to provide a crossing for the existing public multi-use trail on the east to be shifted further east. All other drainages are located in the areas of the site to be preserved as open space. Mitigation Measure BIO-4 of the EIR (Section 4.2 Biological Resources, p. 4.2-75) addresses impacts to jurisdictional drainages and requires revegetation plans to compensate for the loss of habitat.

The agencies that regulate jurisdictional drainages, including wetland and riparian habitat (California Department of Fish and Wildlife - CDFW, Regional Water Quality Control Board, and the Army Corps of Engineers), have been provided with the notice of availability of the Draft EIR and Final EIR and notices of public hearings on this item. The CDFW provided a comment letter on the Draft EIR (see EIR Section 8.0 RESPONSES TO COMMENTS, Letter 3 and responses, starting on page 8-61). The CDFW indicated that a permit for impacts to jurisdictional waters and wetlands may be required by the applicant. If these agencies require approval for work in the drainages as noted above, permits cannot be obtained until CEQA review is complete, the decision makers (i.e., the City Council) have reviewed the project, and the regulatory agencies have made a determination on application requirements. Other agencies, especially responsible and trustee agencies per CEQA, require CEQA completion in order to review and decide upon regulatory permit applications. If the Agoura Equestrian Estates Project is approved, the applicant/developer would be responsible for obtaining agency approvals. That task is not the responsibility of the City, and is not possible to initiate until the CEQA process is complete.

END