

**ATTACHMENT 9**  
**CITY COUNCIL RESOLUTION NO. 15-1798**  
**REGARDING APPLICATION FOR ANNEXATION**

**RESOLUTION NO. 15-1798**

**A RESOLUTION OF APPLICATION BY THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA REQUESTING THAT THE LOCAL AGENCY FORMATION COMMISSION OF LOS ANGELES COUNTY INITIATE PROCEEDINGS TO AMEND THE CITY'S SPHERE OF INFLUENCE AND ANNEX CERTAIN UNINHABITED TERRITORY TO THE CITY OF AGOURA HILLS FOR THE AGOURA EQUESTRIAN ESTATES PROJECT AND ADJACENT LANDS OF APPROXIMATELY 117 ACRES LOCATED IMMEDIATELY EAST OF THE CITY OF AGOURA HILLS ADJACENT TO CHESEBRO ROAD AND NORTH OF U.S. HIGHWAY 101.**

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

**Section 1.** The City Council of the City of Agoura Hills does hereby find, determine and declare that:

A. The City of Agoura Hills ("City") desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for a Sphere of Influence amendment and annexation of approximately 117 acres of unincorporated County territory.

B. The territory proposed to be annexed is uninhabited, and a map of the boundaries and the legal description, as set forth in Exhibits A and B, respectively, is attached, and by this reference incorporated herein.

C. Approximately seventy one (71) acres of the proposed territory, which constitute the Agoura Equestrian Estates Project, are owned by the City of Agoura Hills; thirty eight (38) acres are owned by the State of California Mountains Recreation and Conservation Authority, and eight (8) acres are owned by the State of California Department of Transportation.

D. The subject territory consists of vacant land, along with a portion of Chesebro Road and Chesebro Creek, and several trails, as well as California Department of Transportation U.S. Highway 101 right-of-way.

E. The affected territory is not within the Sphere of Influence of the City of Agoura Hills. An annexation with a concurrent Sphere of Influence amendment will be filed with the Los Angeles County Local Agency Formation Commission ("LAFCO").

F. The request pertains to City Case Number 13-ANX-001 for a Sphere of Influence amendment and annexation, which includes the Agoura Equestrian Estates Project ("Project") area proposed for fifteen (15) single family homes, including a private road, drainage facilities and other infrastructure, and trails, and no change to the land uses of the remaining territory owned by the State of California.

G. The reasons for this proposed annexation are to create a logical extension of City boundaries; to promote the efficient provision of municipal services and access in the affected territory; and, considering that 71 acres of the territory are owned by the City, to allow for development and other uses of the site, including open space, consistent with City standards and regulations pursuant to the General Plan and Municipal Code.

H. Notice of intent to adopt this Resolution of Application has been given to LAFCO, each interested agency and each subject agency at least twenty-one (21) days prior to the adoption of this Resolution pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and Government Code Section 56654.

I. On August 5, 2015, the City gave notice to LAFCO that the Planning Commission would be considering recommendation to the City Council of adoption of this proposed Resolution of Application to LAFCO, requesting that it initiate proceedings for the annexation and Sphere of Influence amendment of the Agoura Equestrian Estates Project site and adjacent lands totaling approximately 117 acres, the subject territory.

J. The Planning Commission considered the Final Environmental Impact Report ("EIR") for the Project and adjacent lands at a duly noticed public hearing on August 20, 2015, at which time City staff and interested persons had an opportunity to and did testify concerning the Final EIR and the proposed Project, including the proposed annexation and Sphere of Influence amendment, and the proposed Pre-Zoning of the areas to be annexed.

K. Following consideration of the entire record of information received at the public hearing and due consideration of the proposed annexation, Sphere of Influence amendment and Pre-Zoning for the Project and adjacent areas, and the Final EIR, the Planning Commission: (1) adopted Resolution No. 15-135 recommending that the City Council certify the Final EIR for the Project, annexation and Sphere of Influence amendment, and Pre-Zoning of the Project and adjacent territories and adopt the Mitigation Monitoring and Reporting Program ("MMRP") prepared pursuant to the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and the City's Local CEQA Guidelines; and make the required findings under CEQA; (2) adopted Resolution No. 15-1136 recommending that the City Council request that LAFCO initiate

territory to the City of Agoura Hills for the Project and adjacent lands; and (3) adopted Resolution No. 15-1137 recommending that the City Council approve the Pre-Zoning of approximately 117 acres for the Project and adjacent properties to be annexed.

L. On August 17, 2015, the City gave notice to LAFCO that the City Council would be considering the adoption of this proposed Resolution of Annexation to LAFCO, requesting that it take proceedings for the annexation and Sphere of Influence amendment of the Agoura Equestrian Estates Project site and adjacent lands totaling approximately 117 acres described above and shown in Exhibits A and B. This notice was provided to LAFCO, twenty-one (21) days prior to the hearing pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and Government Code Section 56654.

M. On September 9, 2015, the City Council held a duly noticed public hearing to consider the proposed application of annexation and Sphere of Influence amendment, Pre-Zoning Ordinance, and Final EIR and MMRP, at which time all persons interested in the proposed Final EIR and MMRP, proposed Pre-Zoning Ordinance, and proposed Resolution of Application to LAFCO had the opportunity to and did comment on and testify about such items. After considering all the testimony and comments and the entire record concerning the proposed actions, the City Council approved Resolution No. 15-1797 certifying the Final EIR, adopting findings pursuant to CEQA, and adopting a MMRP pursuant to CEQA.

N. At this same hearing, the City Council considered the proposed Pre-Zoning Ordinance, and all the comments and testimony thereon and the entire record concerning the annexation and Sphere of Influence amendment, and the City Council introduced and gave the first reading of Ordinance No. 15-419.

O. A copy of the adopted Pre-Zoning Ordinance No. 15-419 for the areas to be annexed will be filed with LAFCO concurrently with this Resolution, Final EIR and MMRP, and other items part of the City's annexation and Sphere of Influence amendment application materials

**Section 2.** The City Council of the City of Agoura Hills hereby requests the Local Agency Formation Commission to take all proceedings necessary to amend the City's Sphere of Influence and annex certain uninhabited territory to the City of Agoura Hills for the Agoura Equestrian Estates Project and adjacent lands of approximately 117 acres located immediately east of the City of Agoura Hills adjacent to Chesebro Road and north of U.S. Highway 101, as shown in Exhibits A and B.

**Section 3.** The City Council hereby directs and authorizes the City Clerk of the City of Agoura Hills to forward a certified copy of this Resolution to the Executive Officer of the Local Agency Formation Commission of Los Angeles County.

**PASSED, APPROVED AND ADOPTED** this 9th day of September 2015, by the following vote to wit:

AYES: (0)  
NOES: (0)  
ABSENT: (0)  
ABSTAIN: (0)

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Illece Buckley Weber, Mayor

ATTEST:

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Kimberly M. Rodrigues, MMC, City Clerk




APPROVED AS TO FORM:

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Candice K. Lee, City Attorney

**Exhibit A**

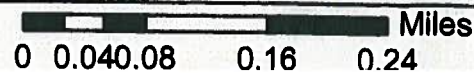


-  State of California (MRCA) Annexation Area
-  City of Agoura Hills - Agoura Equestrian Estates Project Annexation Area
-  Caltrans Right of Way Annexation Area



## Areas Proposed for Annexation

Exhibit A



**Exhibit B**



NO.	DESCRIPTION	DATE	BY



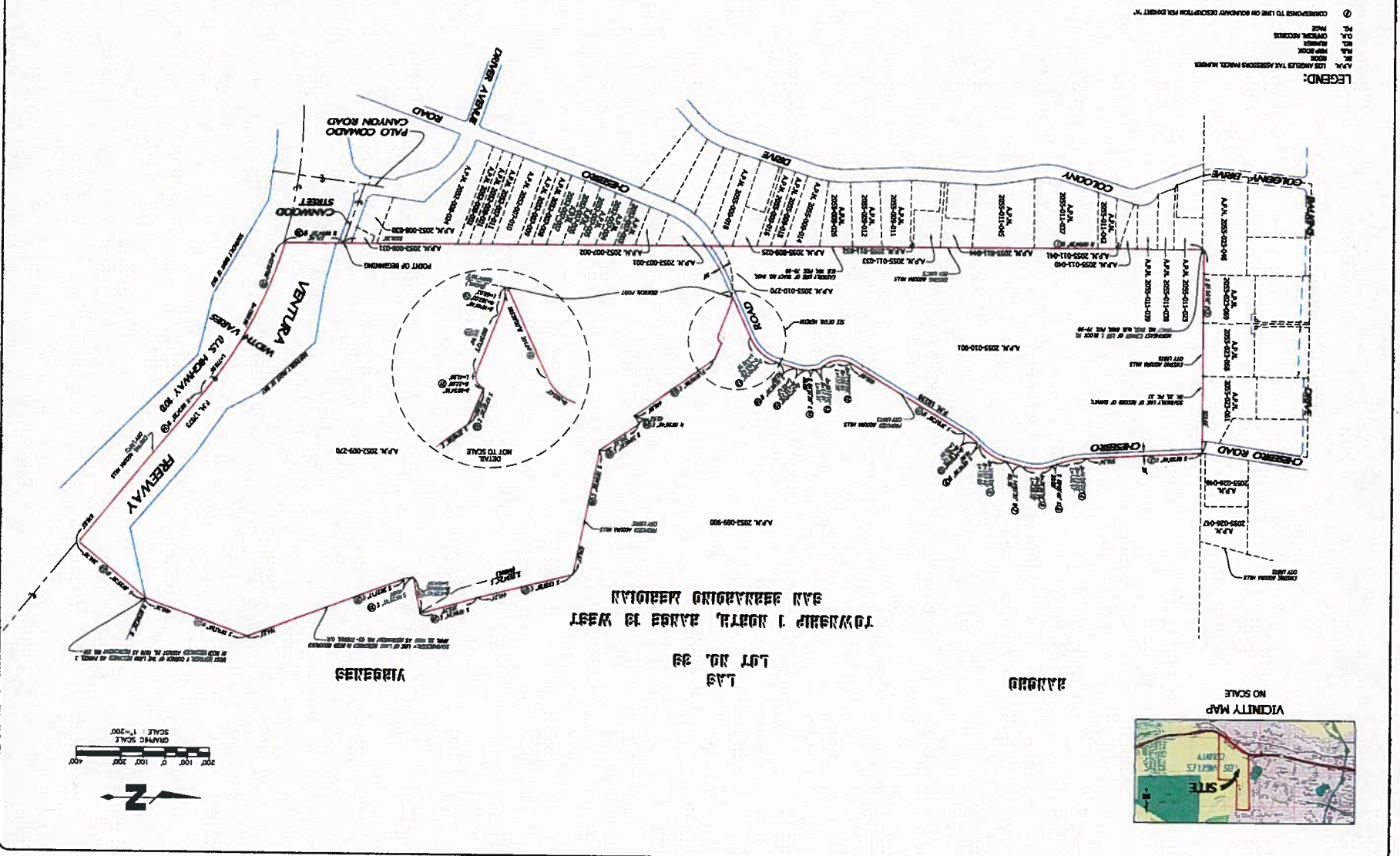
REVISION NOTES

JOB NO. 14-2022  
 SCALE: 1" = 200'  
 DATE: MAY, 2014  
 DRAFTER: GEM

EXHIBIT 'B'  
 AMENDATION NO. 2015-10  
 TO THE CITY OF AGOURA HILLS

PREPARED FOR:  
 CITY OF AGOURA HILLS

PREPARED BY:  
**Chris Nelson & Associates, Inc.**  
 31229 Via Colinas Suite F, Westlake, Agoura, CA, 91302  
 Voice: 818.991.1040 Fax: 818.991.0814



LEGEND:  
 A.P.N. LOS ANGELES TAX ASSESSOR'S PARCEL NUMBER  
 M. METERS  
 S.F. SQUARE FEET  
 A.C. ACRES  
 C.M. CENTRAL METERS  
 S.F. SQUARE FEET  
 M. METERS  
 CONFORMS TO LINE ON BOUNDARY DESCRIPTION FOR EXHIBIT 'A'



TO TOWN OF AGOURA HILLS  
 FROM THE CITY OF AGOURA HILLS  
 39 LOT NO. 39

**EXHIBIT "A"**  
**ANNEXATION NO. 2015-10**  
**TO THE CITY OF AGOURA HILLS**

THAT PORTION OF RANCHO LAS VIRGENES IN TOWNSHIP 1 NORTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY LINE OF TRACT NO. 8451, RECORDED IN BOOK 8451, PAGES 79 THROUGH 90, INCLUSIVE OF MAPS, SAID POINT BEING THE SOUTHEASTERLY TERMINUS OF THE CENTERLINE OF CANWOOD STREET AS SHOWN ON RECORD OF SURVEY, RECORDED IN BOOK 156, PAGE 100, THENCE;

1. ALONG THE EASTERLY LINE OF SAID TRACT, NORTH  $00^{\circ}04'30''$  WEST, 3,908.25 FEET, TO THE NORTHEAST CORNER OF LOT 1, BLOCK 10 OF SAID TRACT, THENCE;
2. LEAVING SAID EASTERLY LINE, SOUTH  $89^{\circ}58'10''$  EAST, 922.65 FEET, ALONG THE SOUTHERLY LINE OF RECORD OF SURVEY, RECORDED IN BOOK 25, PAGE 33, TO THE EASTERLY RIGHT OF WAY LINE OF CHESEBRO ROAD AS SHOWN ON MAP F.M. 18239, FILED IN THE COUNTY SURVEYORS OFFICE OF SAID COUNTY, THENCE; LEAVING SAID SOUTHERLY LINE, ALONG THE EASTERLY RIGHT OF WAY LINE OF CHESEBRO ROAD AS SHOWN ON F.M. 18239, BY THE FOLLOWING COURSES AND DISTANCES,
3. SOUTH  $02^{\circ}55'40''$  EAST, 519.34 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 473.00 FEET, THENCE;
4. SOUTHERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF  $16^{\circ}50'00''$ , 138.97 FEET, THENCE;
5. SOUTH  $19^{\circ}45'40''$  EAST, 20.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 224.73 FEET, THENCE;
6. SOUTHERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF  $34^{\circ}36'10''$ , 135.72 FEET, THENCE;
7. SOUTH  $14^{\circ}50'30''$  WEST, 82.35 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 257.49 FEET, THENCE;
8. SOUTHWESTERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF  $30^{\circ}25'00''$ , 136.69 FEET, THENCE;
9. SOUTH  $45^{\circ}15'30''$  WEST, 15.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 321.14 FEET, THENCE;
10. SOUTHWESTERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF  $14^{\circ}12'00''$ , 79.59 FEET, THENCE;
11. SOUTH  $31^{\circ}03'30''$  WEST, 605.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 106.65 FEET, THENCE;
12. SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF  $73^{\circ}45'00''$ , 137.28 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 57.81 FEET, THENCE;
13. SOUTHEASTERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF  $38^{\circ}10'00''$ , 38.51 FEET, THENCE;
14. SOUTH  $04^{\circ}31'30''$  EAST, 35.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 132.73 FEET, THENCE;

15. SOUTHERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 21°20'00", 49.42 FEET, THENCE;
16. SOUTH 16°48'30" WEST, 92.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 203.42 FEET, THENCE;
17. SOUTHWESTERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 48°40'30", 172.81 FEET, THENCE;
18. SOUTH 65°29'00" WEST, 204.66 FEET, TO A POINT IN THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED IN DEED RECORDED APRIL 30, 1992 AS INSTRUMENT NO. 92-776968, SAID POINT BEING IN A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 307.00, A RADIAL LINE TO SAID POINT BEARS NORTH 10°41'59" EAST, THENCE; LEAVING SAID EASTERLY RIGHT OF WAY LINE OF CHESEBRO ROAD, ALONG THE SOUTHWESTERLY LINE OF SAID DEED BY THE FOLLOWING COURSES AND DISTANCES,
19. EASTERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 10°49'49", 58.03 FEET, THENCE;
20. SOUTH 68°28'12" EAST, 126.99 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 27.00 FEET, THENCE;
21. NORTHEASTERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 88°54'16", 41.90 FEET, THENCE;
22. SOUTH 67°22'28" EAST, 80.00 FEET, THENCE;
23. SOUTH 35°40'06" EAST, 446.86 FEET, THENCE;
24. NORTH 58°25'40" EAST, 42.53 FEET, THENCE;
25. SOUTH 33°48'37" EAST, 216.33 FEET, THENCE;
26. SOUTH 78°04'02" EAST, 574.67 FEET, THENCE;
27. SOUTH 13°51'51" EAST, 441.27 FEET, THENCE;
28. SOUTH 15°54'24" EAST, 273.77 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 1,000.00 FEET, A RADIAL LINE OF SAID CURVE TO SAID BEGINNING BEARS SOUTH 15°54'24" EAST, THENCE;
29. WESTERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 09°25'43", 164.56 FEET, THENCE;
30. SOUTH 06°28'41" EAST, 40.00 FEET, THENCE;
31. SOUTH 20°27'17" EAST, 764.23 FEET, THENCE;
32. SOUTH 19°43'55" WEST, 489.36 FEET TO THE MOST NORTHERLY CORNER OF THE LAND DESCRIBED AS PARCEL 3 OF DEED RECORDED AUGUST 26, 1970 AS INSTRUMENT NO. 221, THENCE; LEAVING SAID SOUTHWESTERLY LINE,
33. SOUTH 39°25'38" WEST, 396.78 FEET, TO A POINT IN THE CENTERLINE OF THE VENTURA FREEWAY AS SHOWN ON MAP F.M. 17873, FILED IN THE COUNTY SURVEYORS OFFICE OF SAID COUNTY, THENCE; ALONG THE CENTERLINE OF SAID VENTURA FREEWAY BY THE FOLLOWING COURSES AND DISTANCES,
34. NORTH 50°34'22" WEST, 878.83 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1,999.95 FEET, THENCE;
35. NORTHWESTERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 22°20'00", 779.56 FEET, TO THE EASTERLY LINE OF SAID TRACT NO. 8451, THENCE; LEAVING SAID CENTERLINE OF THE VENTURA FREEWAY,
36. NORTH 00°04'30" WEST, 271.46 FEET, ALONG THE EASTERLY LINE OF SAID TRACT, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION IS DELINEATED ON EXHIBIT "B" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

CONTAINING 116.9 ACRES MORE OR LESS



**ATTACHMENT 10**  
**CITY COUNCIL ORDINANCE NO. 15-419**  
**REGARDING PRE-ZONING**

**ORDINANCE NO. 15-419**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING THE PRE-ZONING OF APPROXIMATELY 117 ACRES FOR THE AGOURA EQUESTRIAN ESTATES PROJECT AND ADJACENT PROPERTIES.**

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council does hereby make the following findings of fact:

- A. On June 14, 2013, Equine Estates/Fortune Realty (the "Applicant") initiated an application (Case Number 2013-ANX-001) for annexation, including a Sphere of Influence amendment, and a Pre-Zoning for the purposes of annexing the Agoura Equestrian Estates Project ("Project") to the City of Agoura Hills.
- B. The Project site is owned by the City of Agoura Hills, and is located within the County of Los Angeles on the north side of U.S. Highway 101, adjacent to Chesebro Road, on the eastern boundary of the City of Agoura Hills (Assessor Parcel Numbers 2052-009-270 and 2055-010-270).
- C. The annexation, Sphere of Influence amendment, and Pre-Zoning includes the aforementioned Assessor Parcel Numbers as part of the Project, as well as adjacent Assessor Parcel Number 2052-010-901 owned by the State of California Mountains Recreation and Conservation Authority, and a portion of the California Department of Transportation's right-of-way along the U.S. Highway 101, which are not part of the Project, but are proposed to create a logical extension of City boundaries.
- D. The annexation territory, consisting of the Project site and adjacent areas to be annexed, as listed above, totals approximately 117 acres of land soon to be contiguous to the corporate limits of the City of Agoura Hills on the eastern boundary, as shown on Exhibit A (Pre-Zoning Areas), incorporated herein by reference.
- E. The annexation territory is vacant, with the exception of the U.S. Highway 101 right-of-way and other roadways, and uninhabited. Assessor Parcel Number 2052-010-901 is preserved as open space. The Project site is proposed for development of fifteen (15) single-family homes, including a private road, drainage improvements and

other infrastructure, and trails. The remaining annexation territory is not proposed for development.

- F. Land uses surrounding the territory to be annexed on the west are low density residential single-family homes in the Old Agoura community and a gas station, with some commercial services and high density residential development adjacent to the U.S. 101 Highway corridor further west, all of which are located in the City. To the north, the territory is bounded by low density single-family homes, and on the east, by preserved open space. On the south, the territory is bounded by U.S. Highway 101.
- G. Currently, the annexation territory is zoned A-1-5 (Light Agricultural, maximum residential density of one dwelling per five acres) for Assessor Parcel Number 2052-009-270; O-S (Open Space) for Assessor Parcel Number 2055-010-270; O-S for Assessor Parcel Number 2055-010-901; and A-1-5 for U.S. Highway 101 right-of-way by the County of Los Angeles.
- H. Pre-zoning would designate the annexation territories with City of Agoura Hills zoning designations, consisting of RV-OA-EQ (UA) (Very Low Density Residential-Old Agoura Design Overlay-Equestrian Overlay) at a density of one acre minimum lot for an approximately twenty two (22) acre area of Assessor Parcel Number 2052-009-270; OS-DR-OA-EQ (UA) (Open Space-Deed Restricted-Old Agoura Overlay-Equestrian Overlay for Assessor Parcel Number 2055-010-270 and the remainder of Assessor Parcel Number 2052-009-270; and OS-DR-OA-EQ (UA) for Assessor Parcel Number 2055-010-901 and U.S. Highway 101 right-of-way.
- I. A Draft Environmental Impact Report ("DEIR") was prepared for the Project in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and the City's local CEQA guidelines, and circulated from January 15, 2015 through March 2, 2015, for a 45-day public review.
- J. The Planning Commission held a public hearing to receive comments on the DEIR on February 5, 2015. Notices were posted at City Hall, the City Recreation Center, and the Agoura Hills Library, as well as in the local newspaper. The DEIR was made available for review on the City's website, at the Planning Counter at City Hall, and at the Agoura Hills Library.
- K. The City accepted and responded in writing to comments on the DEIR relating to CEQA issues submitted during the public comment period, as required by law. The City prepared the Final Environmental Impact

Report (FEIR) for the project. Both the comments and the City's written responses thereto were incorporated in the FEIR as required by CEQA. Responses were returned to the commenting agencies at least ten (10) days prior to the certification of the FEIR, pursuant to Public Resources Code Section 21092.5. The FEIR was comprised of the DEIR, the technical appendices noted and incorporated therein, public comments and the City's responses thereto, revisions to the DEIR, and the Mitigation Monitoring and Reporting Program.

- L. The revisions to the DEIR in response to public comments do not result in identification of new or more severe impacts or change the conclusion of the DEIR regarding significance of an impact. The revisions to, or addition of, mitigation measures in the FEIR are not necessary to reduce potentially significant impacts to a less than significant level, as the DEIR already concluded that the DEIR mitigation measures were adequate and would reduce impacts to a level of less than significant. Therefore, the FEIR does not result in new significant information that would warrant recirculation pursuant to CEQA Guidelines Section 15088.5.
- M. The Planning Commission held a duly noticed public hearing on August 20, 2015 at 6:30 p.m. at City Hall, at which time City staff presented its report, and interested persons had an opportunity to and did testify either in support or in opposition to the annexation application, the Sphere of Influence amendment, and the Pre-Zoning.
- N. Following consideration of the entire record before it at the said public hearing and in due consideration of the proposed annexation application, the Sphere of Influence amendment, and the Pre-Zoning, the Planning Commission adopted Resolution No. 15-1135 recommending that the City Council certify the Final EIR prepared for the Agoura Equestrian Estates Project, adopt findings pursuant to CEQA, and adopt a Mitigation Monitoring and Reporting Program, and forwarding comments on the Final EIR made by the Commission at the August 20, 2015 hearing to the City Council, a summary of which is included in Attachment 12 of the September 9, 2015 City Council staff report.
- O. At the conclusion of the Planning Commission hearing and after due consideration of the entire record before the Commission, and testimony regarding the annexation application, the Sphere of Influence amendment, and the Pre-Zoning, the Planning Commission adopted Resolution No. 15-1137 recommending that the City Council adopt the Pre-Zoning Ordinance for the Agoura Equestrian Estates Project and adjacent areas.



- P. On September 9, 2015, the City Council of the City of Agoura Hills considered the annexation application, the Sphere of Influence amendment, and the Pre-Zoning and the FEIR at a duly noticed public hearing as prescribed by law, and certified the FEIR for the Agoura Equestrian Estates Project, and adopted a Mitigation Monitoring and Reporting Program.
- Q. On September 9, 2015, the City Council of the City of Agoura Hills held a duly noticed public hearing on the proposed Pre-Zoning at which time all persons interested in the proposed annexation application, the Sphere of Influence amendment, and the Pre-Zoning had the opportunity to, and did, address the City Council on these matters. Following receipt of all public testimony, the City Council closed the hearing.

Section 2. Based upon the testimony and other evidence presented at the September 9, 2015 public hearing, the City Council finds as follows:

- A. The Pre-Zoning is consistent with the City of Agoura Hills General Plan 2035, as it provides for sustainable growth and change through orderly and well-planned development that provides for the needs of existing and future residents and businesses, ensures the effective and equitable provision of public services, and makes efficient use of land and infrastructure (Goal LU-1); provides open space lands that are preserved to maintain the visual quality of the City and provide recreational opportunities, protect the public from safety hazards, and conserve natural resources (Goal LU-3); provides residential neighborhoods containing very low and low density housing reflecting Agoura Hills' history and designed to respect their environmental setting (Goal LU-8); and maintains the identity, scale, and character of the City's distinct residential neighborhoods (Goal LU-9). Prior to final adoption of the annexation and Sphere of Influence amendment by the City Council after LAFCO approval, the City Council will consider a General Plan Amendment to incorporate the new annexation territories into the text and exhibits of the General Plan, reflecting their inclusion in the City boundary, which will ensure consistency with the General Plan.
- B. The purpose of the proposal is to Pre-Zone the subject territory for annexation and Sphere of Influence amendment from Los Angeles County zoning designations to: RV-OA-EQ (UA) and OS-DR-OA-EQ (UA) pursuant to the Agoura Hills Municipal Code Sections 9221 *et seq.*, 9490 *et seq.*, 9551 *et seq.*, 9590 *et seq.*, and 9672.9(C). These designations most closely comport with the proposed Project and adjacent areas to be annexed, and best reflect the areas surrounding the annexation territory, which are lower density development and

protected open space, and within the Old Agoura Design Overlay and Equestrian Overlay. These zones are similar to the current County of Los Angeles zones, which allow limited low-density residential development and preserved open space and park areas.

- C. Public participation and notification requirements pursuant to Sections 65090 and 65091 of the State Government Code were duly followed.

Section 3. Based upon the foregoing facts and findings, the City Council hereby finds as follows:

- A. The Pre-Zoning pertaining to the Agoura Equestrians Estates Project and adjacent areas as shown on the attached Exhibit A is consistent with the City of Agoura Hills General Plan 2035 and development policies of the City in that the proposed Pre-Zoning designations are consistent with existing land uses in the area and would not result in a substantive change to the existing zoning of the territories to be annexed, as the territories to be annexed would either remain as permanent open space, or in the case of the approximately twenty-two (22) acre portion of the Project site, be developed with low-density residential uses generally consistent with the current County zoning, and consistent with adjacent zoning in the City.

Section 4. The City Council of the City of Agoura Hills, California hereby pre-zones the properties, shown in attached Exhibit A, the following zoning designations: RV-OA-EQ (UA) (Very Low Density Residential-Old Agoura Design Overlay-Equestrian Overlay) at a density of one acre minimum lot for an approximately twenty two (22) acre area of Assessor Parcel Number 2052-009-270; OS-DR-OA-EQ (UA) (Open Space-Deed Restricted-Old Agoura Overlay-Equestrian Overlay for Assessor Parcel Number 2055-010-270 and the remainder of Assessor Parcel Number 2052-009-270; and OS-DR-OA-EQ (UA) for Assessor Parcel Number 2055-010-901 and U.S. Highway 101 right-of-way.

Section 5. The City Council hereby imposes each applicable mitigation measure as a condition of approval on the annexation-related components and hereby directs that City staff implement and monitor the mitigation measures as described in the Mitigation Monitoring and Reporting Program, attached as Exhibit "B" to Resolution No. 15-1797, entitled "A Resolution of the City Council of the City Of Agoura Hills, California, Certifying the Final Environmental Impact Report for the Agoura Equestrian Estates Project; Making Environmental Findings Pursuant to the California Environmental Quality Act; and Adopting a Mitigation Monitoring and Reporting Program for the Agoura Equestrian Estates Project and Annexation Of Adjacent Lands, Consisting of a Total Of Approximately 117 Acres Located Immediately East of the Existing City of Agoura Hills Boundary Adjacent to Chesebro Road and North of U.S. Highway 101 (Case No. 13-ANX-001)", incorporated herein by this reference as though set forth in full."

Section 6. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 7. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and this ordinance shall become effective thirty (30) days after its passage.

**PASSED, APPROVED, and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote to wit:

AYES: (0)  
NOES: (0)  
ABSENT: (0)  
ABSTAIN: (0)

\_\_\_\_\_  
Illece Buckley Weber, Mayor

ATTEST:

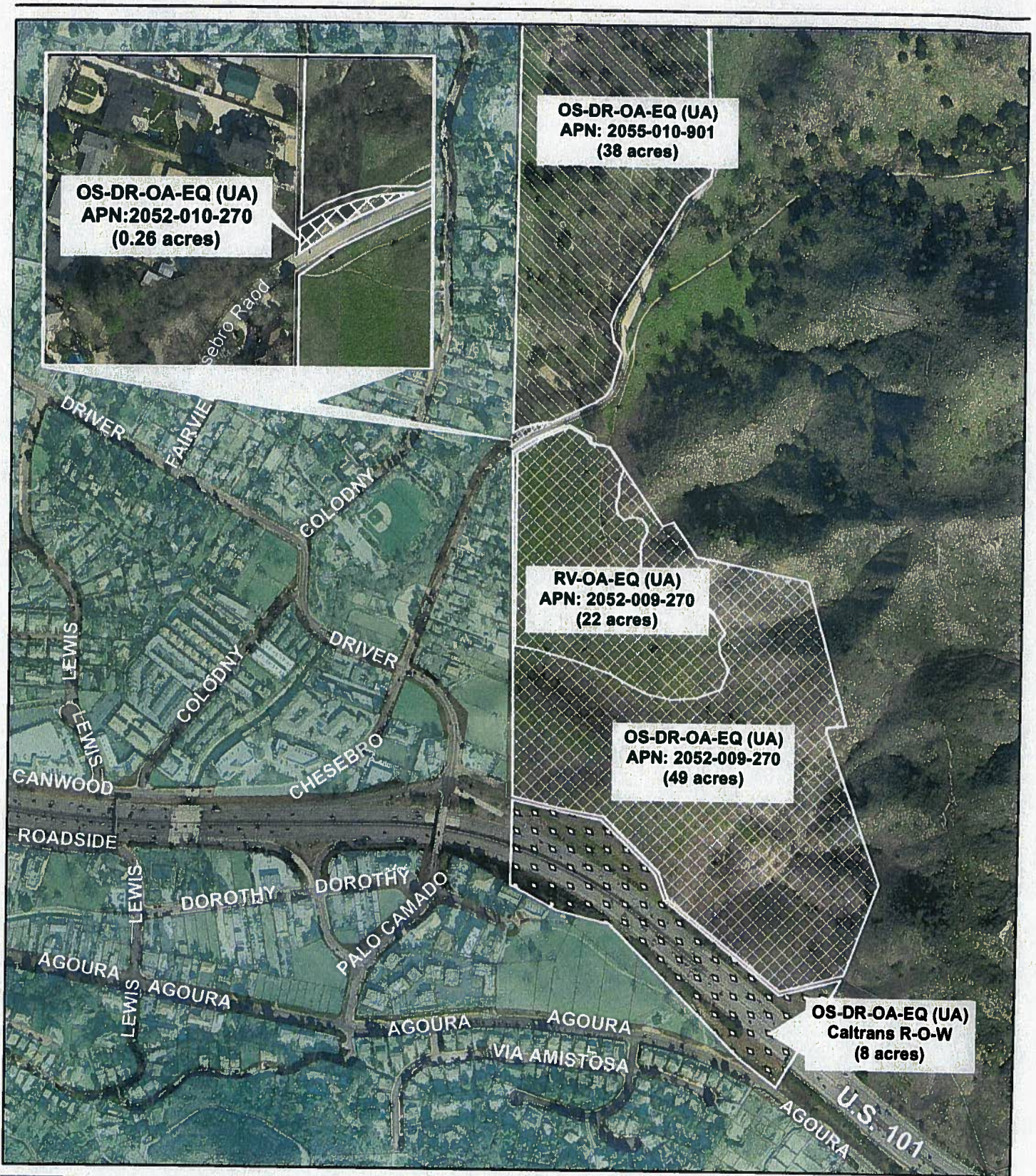
\_\_\_\_\_  
Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Candice K. Lee, City Attorney

**Exhibit A**

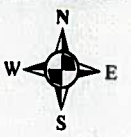
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State of California (MRCA) Annexation Area

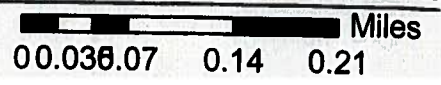
City of Agoura Hills - Agoura Equestrian Estates Project Annexation Area

Caltrans Right of Way Annexation Area



### Exhibit A

## Pre-Zoning Areas



**ATTACHMENT 11**  
**DRAFT MINUTES FROM THE PLANNING COMMISSION HEARING**  
**(AUGUST 20, 2015)**



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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**MINUTES OF THE REGULAR SCHEDULED MEETING OF  
THE PLANNING COMMISSION**

**August 20, 2015**

**CALL TO ORDER:**

Chair Northrup called the meeting to order at 6:32 p.m.

**FLAG SALUTE:**

Commissioner Zacuto

**ROLL CALL:**

Chair Linda Northrup, Vice Chair Chris Anstead, Commissioners Michael Justice, John O'Meara, and Curtis Zacuto.

Also present were Assistant City Manager Nathan Hamburger, City Attorney Craig Steele, Planning Director Doug Hooper, Director of Public Works/City Engineer Ramiro Adeva, Assistant Planning Director Allison Cook, City Engineering Consultant Jay Patel, and City Traffic Consultant Sri Chakravarthy, Rincon Consultants representatives Sara Kopp Tistaert, Holly Harris, Walt Hamann, and Recording Secretary Sheila Keckhut.

**APPROVAL OF AGENDA:**

On a motion by Commissioner Justice, seconded by Commissioner Zacuto, the Planning Commission moved to approve the August 20, 2015 Meeting Agenda. Motion carried 5-0.

**PUBLIC COMMENTS**

None

**APPROVAL OF MINUTES**

1. Minutes – August 6, 2015 Planning Commission Meeting

On a motion by Commissioner Zacuto, seconded by Commissioner Justice, the Planning Commission moved to approve the revised Minutes of the August 6, 2015, Planning Commission Meeting. Motion carried 5-0.

**NEW PUBLIC HEARING**

2. **REQUEST:** Annexation of the Agoura Equestrian Estates project site and adjacent areas to the City of Agoura Hills.
- APPLICANT:** Equine Estates/Fortune Realty  
11911 San Vicente Boulevard, Suite 375  
Los Angeles, CA 90808
- LOCATION:** Chesebro Road on the north side of the U.S. 101, east of the City of Agoura Hills, in the County of Los Angeles; APNs 2052-009-270, 2055-010-270. Other areas to be annexed include APN 2055-010-901 and a portion of the Caltrans U.S. Highway 101 right-of-way.
- ENVIRONMENTAL DETERMINATION:** Environmental Impact Report (EIR) per CEQA and CEQA Guidelines.
- RECOMMENDATION:** Recommended that the City Council: (1) adopt a Resolution to certify the Final Environmental Impact Report and approve the Mitigation Monitoring and Reporting Program; (2) adopt a Resolution of Application to annex the project site and adjacent areas and amend the Sphere of Influence; and (3) adopt the Pre-Zoning Ordinance for the Agoura Equestrian Estates Project.
- PUBLIC COMMENTS:** Chair Northrup opened the public hearing.
- Brent Cheney, attorney, representing applicant
- Thom Slosson, Slosson and Assoc.
- Jess Thomas, Old Agoura HOA
- Louise Rishoff
- Pat MacGregor
- Cynthia Maxwell
- Mary Wiesbrock, Save Open Space
- Snowdy Dodson
- Dan Cooper



Ed Corridori

Dr. Meril Platzer

Alyse Lazar, attorney, Save Open Space

Melanie Beck, National Park Service

Anne Marie Brown

RECESS:

Chair Northrup called for a recess at 8:24 p.m.

RECONVENE:

Chair Northrup reconvened the meeting at 8:38 p.m.

Larry Brown

David Thorne

George Colman

Phil Ramuno

Cyrena Nouzille

Don Wallace, Santa Monica Mt. Equestrians

Tyler Barns

Nona Green

Paul Edelman, Mountains Recreation Conservation Authority

REBUTTAL:

Brent Cheney, attorney representing applicant, gave rebuttal comments regarding the project and answered additional questions of the Planning Commission.

The following people turned in speaker cards but did not speak on this item.

Benjamin Efraim Equine Estates/Fortune Realty, applicant.

Clive Dawson, Architect representing the applicant.

Jim Faul, LC Engineering representing the applicant.

Chair Northrup closed the public hearing.

**ACTION:**

On a motion by Commissioner Justice, seconded by Commissioner O'Meara, the Planning Commission moved to adopt Resolution No. 15-1135, recommending that the City Council certify the Final Environmental Impact Report and approve the Mitigation Monitoring and Reporting Program. Motion carried 3-2. Chair Northrup and Vice Chair Anstead opposed.

On a motion by Commissioner Justice, seconded by Commissioner O'Meara, the Planning Commission moved to adopt Resolution No. 15-1136, recommending that the City Council approve the application to annex the project site and adjacent areas and amend the Sphere of Influence. Motion carried 3-2. Chair Northrup and Vice Chair Anstead opposed.

On a motion by Commissioner Justice, seconded by Commissioner Zacuto, the Planning Commission moved to adopt Resolution No. 15-1137, recommending that the City Council approve the Pre-Zoning Ordinance for the Agoura Equestrian Estates Project. Motion carried 3-2. Chair Northrup and Vice Chair Anstead opposed.

**PLANNING COMMISSION/STAFF COMMENTS**

Vice Chair Anstead made a comment regarding open space preservation in Agoura Hills. Commissioner O'Meara requested the applicant of the Agoura Equestrian Estates project maintain dialogue with the Mountains Recreation Conservation Authority regarding their stated interest in a possible purchase of the property.

**ADJOURNMENT**

At 10:56 p.m., on a motion by Commissioner Zacuto, seconded by Vice Chair Anstead, the Planning Commission moved to adjourn to the next scheduled Planning Commission Meeting on Thursday, September 3, 2015, at 6:30 p.m. Motion carried 5-0.

**ATTACHMENT 12**

**SUMMARY OF THE PLANNING COMMISSION DELIBERATIONS ON  
ACTIONS BEFORE THE COMMISSION**

**(AUGUST 20, 2015)**

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

Summary of the Commission's Deliberations on Actions before the Commission

Commissioner Justice

The Commissioner indicated that he is in favor of adopting the Resolution regarding Application of Annexation (Attachment 7 to the Commission staff report) and can make all the findings. The Commissioner indicated that the findings of fact for the pre-zoning Resolution (Attachment 8 to the Commission staff report) were not controversial, and taking into consideration all of the comments, he would still want to approve the Resolution. With regard to the CEQA Resolution (Attachment 6 to the Commission staff report), he considered the legal CEQA standard regarding a sufficient degree of analysis, and while it may not be perfect, if it is in a good faith effort and it is an attempt at full disclosure, he can make the findings. The Commissioner indicated that the specific concerns can be divided into categories of low importance or moderate impact and for those moderate impacts, there was a mitigation plan, including for flooding issues. The flooding issues were addressed thoroughly in Section 4.5 of the report. He indicated that his understanding is that the specifics of the flooding plan will be left for approval of the project itself, and the Commission's task is to follow the CEQA Guidelines and determine whether the City Council can approve the EIR. The EIR was complete and thorough, and called for mitigation on every item for which there was a moderate impact. A lot of the findings were of low impact or no impact.

He commended the City for deciding to complete the EIR because the City was not required to, and could have prepared a Negative Declaration. This [site] was previously approved for a school, and that would be a much higher density and intense use of this property than the proposed 15 homes, which is the lowest density, lowest impact we can have. He noted that he appreciates and respects all the comments received. He respectfully does not see the threat to the wildlife corridor, which was addressed adequately, and can make the findings. The idea that the EIR addressed the rip rap and fence was very good. The Commissioner noted that he can make all the factual findings for the CEQA Resolution (Attachment 6 to the Commission staff report).

Commissioner O'Meara

Commissioner O'Meara stated that the project is enormous and important. He thanked the public that made it clear that they would accept nothing less than an EIR on this project. The Commissioner echoed the comments of Vice Chair Anstead who considered what the Commission must look at in deciding whether or not the EIR is to be sent to the City Council. Commissioner O'Meara stated that there were two speakers at the hearing that said two different things. Mr. Cooper said there is a low bar that the EIR has to meet. Mr. Ramuno said that is the [EIR] is not perfect, it should not be approved. Mr. Cooper is right. All the EIR has to be is adequate and a good faith effort at full disclosure. He mentioned that he considered some [court] cases and the standard of review of adequacy of an EIR is highly deferential to the agency that prepares it. He referred to a case where it was stated that the opponents of a project will undoubtedly state that they disagree with the conclusions of the EIR. That disagreement, no matter how well supported, or well intentioned, does not mean the EIR is inadequate. He noted that while he

may personally disagree with the findings of the EIR, that does not mean that it is still not legally adequate. There are things in the EIR that the Commissioner noted he does not necessarily agree with. This project is probably within the wildlife corridor. It is splitting hairs by saying whether it is in the corridor to adjacent to it, but that does not change the fact that the EIR does touch on every issue, including aesthetics, biology, flora and fauna, hazardous materials, water, flooding, every issue the EIR was asked to discuss, it discusses. Where they found an impact, they mitigated it. He noted that whether he agreed necessarily that he would not want to do something more, he does not think his opinion on that is relevant. The standard is adequacy and he thinks it is adequate. The Commissioner noted that the Commission would be required, if it did not send it forward, to list every single reason why the Commission found it to be inadequate, and he cannot point to issues he can list which would meet that set of findings and find it inadequate.

He stated that this EIR takes the worst possible, largest density project that can be approved there, which is 15 homes. It does not mean that it is even going to be built. There is the LAFCO process that, according to staff, can take 18 months to two years. The developer may not be interested anymore. There may be other changes in conditions. So, the number and shape of the lots is not yet set, and where they are on the project, grading, setbacks, and lighting. There could be less lots than the 15. Each lot would need to go through independent new preconstruction inspections for biology and if the EIR no longer is accurate, additional things would need to be done before each of these lots can be built.

The Commissioner stated that what is before the Commission is one report based on what we know right now and conditions that exist right now. Based on what is before the Commission right now, he indicated that he can make the finding that it is legally adequate and a good faith attempt to inform the City Council of environmental impacts. He stated that he certainly supports annexation and having this project be built under Agoura Hills rules would limited the size of these homes to a maximum 5,000 square feet and a minimum lot size of one acre, and have to be built under the Old Agoura Overlay district, and built to be equestrian friendly. All of that is superior to having this project go under County zoning. So, he supports the annexation and recommends that this matter be presented to LAFCO. Commissioner O'Meara stated that a comment was made that just having the project exist at all violates the core belief that open space is important. It is important that 50 acres is being dedicated as permanent open space and the City is not paying anything for it and the Conservancy is not paying anything for it. He thinks that falls under the mandate of the City to obtain open space.

#### Vice Chair Anstead

Vice Chair Anstead indicated that there are key things not addressed in the report. He indicated that he tried to get a better explanation of flooding, but the report should be more complete about what effects the flooding could have on the residents before going forward. The Vice Chair stated that the most important issue is the wildlife corridor. This piece of property sits near state property, and the wildlife corridor, and the homes right nearby. The report did not address this issue sufficiently. The National Park Service staff members spoke about some of the issues they believed the wildlife would experience if the project was built on the entire piece of property. The Vice Chair stated that this piece may be 70 acres, but one cannot build on all 70 acres, and the developer is not doing the City a favor by not building on the other acres. He states that there are three alternatives in the EIR, one of which is to build 8 homes, not 15, and reduce costs to wildlife and grasses. He would recommend that the 3 lots in the floodplain be taken away, and so 5 lots would be left [to be developed]. He stated that the 5 lots would

be plenty sufficient. He stated this area cannot support these 15 lots. The Vice Chair stated that there is no way to mitigate the damage to the wildlife corridor, and that he has not seen any mitigation for the wetlands. He states that he would vote no and would not move forward with this [project].

#### Commissioner Zacuto

Commissioner Zacuto said that it does sound like the bar for an EIR is set very low. He states that what needs to be looked at is whether it is providing information to decision makers, the public and public agencies of the environmental effects of the project and does it make a good faith effort to show this information and analysis. It must demonstrate that if there are significant impacts, mitigation measures or alternatives could lessen those impacts. This EIR is an informational document. Twenty five years ago we would not have seen an EIR of this size for a project of this size. We have learned to provide more information and depth of detail. The line has to be drawn somewhere. CEQA does allow people to disagree amongst experts as to information being presented. [The EIR] does a good faith effort to disclose this information. Staff prepared the document, sent it out for public review, and the public and other agencies reviewed it and provided comment with lots of good questions. The City and Rincon Consultants have done a good faith effort to answer and respond to all questions raised. No issues were ignored. [One] may disagree with how the information was presented or provided, but it is there. We may disagree with conclusions, but you can see how the preparers got from point A to B and C, whether or not you agree with it. The Commissioner noted that he is an avid hiker in the area of the site, and lives in an area where urban development is infringing upon the open space that is so cherished, and so [the issue] becomes emotional. So, we must pull away from the emotional part, and look at the document from a purely – does it do a good job of disclosing impacts of the project upon the environment. It does. He goes on to state that he may prepare the document differently and may reach different conclusions, but that is not the job here tonight. The job is to pull back the emotions, and look at it in terms of what is legally adequate and if there is enough information for decision makers to move forward. The City Council will be looking at the tapes from this meeting and taking into consideration what is being presented, and will consider the project at the City Council hearing and hear comments, so the document is one part of the process. Does the document serve its job? It can. Does it meet the low bar of CEQA? I think it does. The Commissioner noted that he doesn't agree with all conclusions, he cherishes the site, there are issues with the wildlife corridor, and people have said their thoughts about that. The City Council will take that into consideration and he would like to have it move forward to City Council to see what City Council has to say about it. With regard to the pre-zoning and annexation, he noted his agreement with that.

#### Chair Northrup

The Chair noted that this is not a small project, and not in the life of the City. If one has concerns, they need to be specific. Case law was cited in the EIR for the basis of conclusions, which the Chair reviewed. She indicated that the obligation is to the environment. An EIR is an environmental alarm bell for issues before they reach the point of no return. It is a document of accountability not accuracy. She agreed that the EIR does not need to be perfect. But, to be legally sufficient, the EIR does not just have to mention impacts, but fully and fairly describe what is being assessed, the impacts and how they are mitigated or why there is a statement of overriding consideration and why mitigation is not required. The worst case scenario has to be addressed. She noted that she has areas of concern and cause to recommend that the City Council do further work and further steps before the EIR is certified. They are

to describe what is being assessed. Phase 1 is detailed, but she noted her concern to ensure the EIR is a legally sufficient document - that there is an insufficient description of Phase 2. Phase 2 is not known because there is no plan for the houses. [Information] is insufficient to assess the Phase 2 environmental impacts. The Chair noted that there is a maximum 35-foot home height, and that it's up to us to decide if the 35 feet would be allowed. The City Council may want to consider some renderings to determine massing if [the project is] built out to maximum permissible buildout under the Old Agoura Guidelines. The Chair stated that she needs to know this to make an informed decision. She expressed concerns that the size, placement and height are not sufficiently described to recommend to City Council that impacts can be fully assessed. She noted a concern about timing and that the issues of air quality and noise were found to have no impact or less than significant impacts. The EIR does not indicate a timeframe for when the 15 homes are to be built. She recommended that City Council take a further look at the 15 homes over what period of time and impacts to people that live on adjacent properties. The Chair indicated that she remained confused about the baseline assumption of 2.8 persons per household on p. 5-1 of the EIR. She noted that every home proposed in Old Agoura that has come before the Commission are large homes with a couple with children, and that the children would grow up to be of driving age. She asked whether we have sufficiently analyzed traffic impacts based on the number of people to be in these homes, because national studies may or may not give us accurate information. She asked that regarding the guest house issue whether there could be a covenant restriction on the single family homes to exclude second units because of impacts. She asked whether it would be fair to only allow seven second units. The Chair recommended that the City Council take a careful look at this. She noted that if there are children in these homes and they grow up to be of driving age, this should be considered. She stated that further discussion and review was needed to fully assess impacts in these areas.

The Chair recommended further work and studies on mitigation findings. She expressed that the CEQA Guidelines talk about, when looking at reports, that special emphasis should be on environmental resources that are rare or unique to the region that would be affected by the project. Further study of the wildlife corridor should be done. She stated that we do not have experts disagreeing, but are missing experts on the other side of the conclusions. The 2006 report cited in the EIR said that Liberty Canyon is one of 15 linkages of identified biological value to be compromised by projects over the next decade. She indicated that this is a rare and unique resource, so there is a higher level of scrutiny. She expressed concern that the evaluation is missing some components that warrant further review. Regarding edge effects, she noted that the EIR does not talk to what they are as relates to this project. There are edge effects related to invasive weeds, house pets, lighting, and pesticides and rodenticides up to 1,000 feet from these areas. She recommended that the City Council get more information about edge effects. Regarding choke points, she noted that there should be someone with expertise in choke points to tell us this project would not impact choke points. There is not enough information to conclude that further narrowing would not have a detrimental impact.

The Chair stated that it would be worthwhile for the City Council to take a further look at these issues, because it is necessary to meet standards, discuss impacts of the project in more detail, and to discuss the project and Phase 2 in more detail. She noted that this is so we can have some satisfaction that these effects are indeed less than significant or have been sufficiently mitigated. For these reasons, the Chair did not recommend that the City Council certify [the EIR] without additional work.

### Commissioner O'Meara

Chair O'Meara noted that the lack of specificity in Phase 2 is because there is no Phase 2 before the Commission. What was considered was a worst case Phase 2 scenario, and the actual Phase 2 may be less. He indicated he was not so concerned about this because there would be preconstruction inspections and environmental reports required. When Phase 2 would be built, the timing, is determined by when people buy the lots and decide to build. It may never happen. The Commissioner mentioned that there are lots in Old Agoura still not built. He indicated that the EIR is not deficient because of [not identifying] timing, as it may be impossible to figure out. Regarding the traffic report, the Commissioner noted that the Commission has been given adequate information. While he may not agree with it, but it does meet adequacy. There is a long description in the EIR of the wildlife corridor and in the Responses to Comments. While he may not agree with it and whether the project is in the corridor or not or adjacent to it, this is an informational document and meets the standard of good faith. There are pages of [discussion of] edge effect, so that has been addressed. He stated that he would like additional information, but it is still a good faith attempt.

### Commissioner Zacuto

The Commissioner stated that with regard to air quality and noise, the Initial Study that was prepared addressed these issues, and the Initial Study does say that a worst case scenario of 15 homes was addressed. He stated that the information is there, it is just in the Initial Study. The impacts were below the thresholds, and that is why these issues were not brought forward into the EIR. Regarding the timing issue, Palo Comado Canyon Ranch in Old Agoura was approved for 8 lots in the late 1990s. Not all of these lots are built. So, [one doesn't] know when they will be built – maybe only 1 will be built or maybe 15. [This project] is not a subdivision where all [lots are] built at the same time and then sold off. These will be custom built lots, empty, and they will come before the Commission and we put those lots through the ringer. We will do the same thing for each and every single family home for this property that will come through. He noted that he is comfortable that when applications come forward, the Commission will be reviewing each very thoroughly. No one knows the timing, because custom built homes are built when there is the time and money to do so. Maybe there could have been more analysis now, but he is wrestling with that and the document before the Commission, but this is a good faith effort and information for the City Council and a range of alternatives analyzed in the document. The information exchanged and the questions asked this evening will be packaged altogether for the City Council to consider.

### Vice Chair Anstead

The Commissioner asked about whether to consider less lots.

### Commissioner O'Meara

Commissioner O'Meara indicated that if the Commission wanted to reduce the project to 8 lots, it could be done later when Phase 2 comes back for consideration, and does not have to be done now.

### Chair Northrup

The Chair indicated that now would be the time to reduce the number of lots since the EIR is being considered.



*The Commission adopted the Resolution regarding the CEQA document and directed staff to forward to the City Council the comments made, and concerns and hesitations expressed, by the Planning Commission, on a 3-2 vote.*

*The Commission adopted the Resolution regarding the Application for Annexation, on a 3-2 vote.*

*The Commission adopted the Resolution regarding pre-zoning, on a 3-2 vote.*

**ATTACHMENT 13**  
**RESPONSES TO ENVIRONMENTAL TOPICS RAISED IN THE**  
**COMMISSION DELIBERATIONS ON ACTIONS BEFORE THE**  
**COMMISSION**

**(AUGUST 20, 2015)**

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

Staff Responses to Environmental Topics Raised in the Commission's Deliberations  
on Actions before the 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. Refer to the Final Environmental Impact Report (EIR) Section 8.0 Responses to Comments, Global Response 3 (p. 8-3): Traffic Impact Analysis. 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 were 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. 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 and 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.

On page 5-1 of the Final EIR, in the discussion of economic and population growth, a reference to 2.8 residents per household for the City of Agoura Hills is made. This figure is from the California Department of Finance (2014). The City of Agoura Hills 2008-2014 Housing Element (November 2008) references a 2000 U.S. Census figure of 2.98 average persons per household in the City (page II-6). The City of Agoura Hills' 2013-2021 Housing Element (September 2013), page II-6, references the 2010 U.S. Census as documenting an average household size of 2.76 persons. The Housing Element goes on to state, "Families continue to comprise the majority of the households in Agoura Hills, though families have declined in relative proportion from 83 to 76 percent over the past two decades. Families with children evidenced the most significant decrease, comprising just 36 percent of households in 2010 compared to 53 percent in 1990, a decline in nearly 800 families with children. In contrast, single person households grew from 12 to 19 percent of households, an increase of 550 households. This decline in families with children and increase in single person households, combined with the decline in young adults

and increasing middle age and senior populations, suggests that Agoura Hills' households are aging in place."

## 2. 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.1. to the City Council staff report.

## 3. Flooding

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). For clarification, 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, required of an applicant/developer, 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 review of projects, 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 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. 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.

Final review of hydrology and flooding analyses, required of an applicant/developer, 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 review of projects, 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 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. 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.

#### 4. Project Description

Regarding the proposed 15 residential single-family residential lots in Phase 2, the residential units and site designs have not yet been prepared and submitted to the City as part of the project application. The EIR assumes the maximum height of 35 feet and the maximum buildout of the lot, as well as the application of other regulatory and design standards, pursuant to the proposed Residential Very Low Density zone, Old Agoura Overlay zone, and Equestrian Overlay zone for these properties. In the EIR, a maximum reasonable scenario of development of each residential lot was assumed that anticipated grading of the full extent of the lot. To assume a certain level or type of design and massing for each residential lot at this time would be speculative, and the individual residences and site development may differ from that initial assumption. The EIR states that each residential unit, when proposed in the future, would need to be reviewed and approved separately as part of a Site Plan Review process, and approval of such a Site Plan Review would be at the discretion of the Planning Commission. If the individual home does not comport with the EIR and the Agoura Hills Municipal Code, then additional CEQA review may be necessary.

Phase 1 of the project is expected to be constructed about 18-24 months after entitlement by the City Council, which would be considered after the Local Agency Formation Commission annexation process. Phase 2 would be constructed in the future as the lots are sold and plans to build homes are submitted to the City on an individual basis. The timeline for the single-family home development is unknown. It may be useful to refer to the Palo Comado Ranch Project, approved by the City in 2000. This eight-lot single-family home subdivision was approved in Old Agoura at the northern end of Chesebro Road. To date, one home has been built.

#### 5. Wetlands

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 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) addresses

impacts to jurisdictional drainages and requires revegetation plans to compensate for the loss of habitat.

**ATTACHMENT 14**  
**PUBLIC WRITTEN COMMENTS PROVIDED TO THE PLANNING  
COMMISSION**