

**ATTACHMENT 8**  
**CITY COUNCIL RESOLUTION NO. 15-1797**  
**REGARDING CEQA**

## RESOLUTION NO. 15-1797

**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).**

**THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY RESOLVES AS FOLLOWS:**

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

A. On June 13, 2013 Equine Estates/Fortune Realty ("Applicant") initiated an application (City Case Number 13-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 ("City"). The Project consists of an approximately 71-acre area located within the County of Los Angeles on the north side of U.S. Highway 101 right-of-way, adjacent to Chesebro Road, on the eastern boundary of the City of Agoura Hills (Assessor Parcel Numbers 2052-009-270 and 2055-010-270). The annexation includes the aforementioned assessor parcel numbers as part of the Project, as well as adjacent Assessor Parcel Number 2052-010-901 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, for a total proposed annexation territory of approximately 117 acres.

B. The request for annexation and Sphere of Influence amendment, and the Pre-Zoning, for the Project and adjacent lands as identified above has been processed, including, but not limited to, in the time and manner prescribed in state and local law, including the California Environmental Quality Act ("CEQA").

C. Pursuant to CEQA, the City is the Lead Agency for the annexation, Sphere of Influence amendment and Pre-Zoning of the Project and adjacent lands

because it is the public agency with the authority and principal responsibility for approving the Project and initiating the annexation, Sphere of Influence amendment and Pre-Zoning of the Project site and adjacent lands and making application to the Local Agency Formation Commission of Los Angeles County ("LAFCO").

E. In accordance with the CEQA Guidelines, and the City's Local CEQA Guidelines, a Notice of Preparation ("NOP") and Initial Study requesting agency input regarding the scope of the Environmental Impact Report ("EIR") was properly noticed and circulated for public review on May 21, 2014. The Initial Study found the following environmental issue areas to have no impact, have less than significant impacts, or have less than significant impacts with mitigation incorporated, and therefore were not carried forward in the Draft Environmental Impact Report ("DEIR") analysis: agriculture resources; air quality; cultural resources; greenhouse gases; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation/traffic; and utilities and service systems.

F. In accordance with CEQA, the CEQA Guidelines, and the City's Local CEQA Guidelines, and in consideration of the NOP comments, a DEIR was prepared. On January 8, 2015, a Notice of Completion ("NOC") of the DEIR was filed with the State of California's Office of Planning and Research. On January 15, 2015, a Notice of Adoption ("NOA") and Notice of Intent ("NOI") to adopt a DEIR was published, with the availability of the DEIR for public review duly noticed. Notices were posted at City Hall, the City Recreation Center, and the Agoura Hills Library, as well as published 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. The DEIR was circulated to the State Clearinghouse for the State of California's Office of Planning and Research, as well as circulated, or made available on the City's website, to other responsible, trustee, and/or interested agencies and persons for public comment for a period of 45 days, as required by law, beginning January 15, 2015 and ending March 2, 2015.

G. The City Planning Commission held a duly noticed public hearing to receive comments on the DEIR on February 5, 2015.

H. 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 EIR ("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 provided to the commenting agencies and individuals on August 6, 2015, at least ten (10) days prior to the certification of the FEIR, pursuant to Public Resources Code Section 21092.5. The FEIR is 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 ("MMRP").

I. The City Planning Commission, at a regularly scheduled and duly noticed public hearing prescribed by law on August 20, 2015, considered the annexation and

Sphere of Influence amendment, Pre-Zoning, and environmental review for the Project and adjacent lands totaling approximately 117 acres, at which time the City staff presented its report and interested persons had an opportunity to and did testify either in support or opposition to the annexation and Sphere of Influence amendment, Pre-Zoning, and environmental review for the Project and adjacent lands totaling approximately 117 acres.

J. Following consideration of the entire record of information received at the public hearing and due consideration of the annexation and Sphere of Influence amendment, Pre-Zoning, and environmental review for the Project and adjacent lands totaling approximately 117 acres, the City Planning Commission adopted Resolution No. 15-1135 recommending that the City Council certify the FEIR for the Agoura Equestrian Estates Project, adopt findings pursuant to CEQA, and adopt a MMRP. The Planning Commission also adopted Resolution No. 15-1136 recommending that the City Council approve a resolution of application to request that LAFCO initiate proceedings to amend the Sphere of Influence and annex certain uninhabited territory to the City for the Project site and adjacent lands, and Resolution No. 15-1137 approving the Pre-Zoning of the Project site and adjacent lands to be annexed.

K. Section 15091 of the State CEQA Guidelines requires that the City, before approving a project for which an EIR is required, make the following written finding for each significant effect identified in the EIR accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the Project and related actions for annexation, Sphere of Influence amendment and Pre-Zoning that avoid or substantially lessen the significant environmental effects as identified in the FEIR.

L. Environmental impacts identified in the FEIR that are found to be less than significant and do not require mitigation are described in Section V. EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT WITHOUT MITIGATION IN THE EIR of Exhibit A of this resolution. Exhibit A Findings and Facts in Support of Findings, is hereby incorporated by reference as if set forth in full herein.

M. Environmental impacts identified in the FEIR that are found to be less than significant through the imposition of mitigation are described in Section VI. POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS DETERMINED TO BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL IN THE EIR of Exhibit A of this resolution.

N. Alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Section VIII. PROJECT ALTERNATIVES of Exhibit A of this resolution.

O. Public Resources Code Section 21081.6 requires the City to prepare and adopt a MMRP for any project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The MMRP is attached hereto as Exhibit B, to this resolution and is hereby incorporated by reference as if set forth in full herein.

P. Prior to taking action, the City Council has heard, been presented with, reviewed and considered the information and data in the administrative record, as well as oral and written testimony presented to it during meetings and hearings. No comments or any additional information submitted to the City have produced any substantial new information requiring recirculation or additional environmental review of the EIR under CEQA. 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 EIR 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.

Q. The City finds that the public and government agencies have been afforded ample notice and opportunities to comment on the NOP and Initial Study regarding the scope of the EIR, as well as the DEIR and FEIR.

R. The City Council finds that the FEIR was completed in compliance with the provisions of the State CEQA and the CEQA Guidelines promulgated pursuant thereto, and the City's Local CEQA Guidelines, and is legally adequate. The City Council has reviewed and considered the contents of the FEIR prior to deciding whether to adopt the Pre-Zoning Ordinance and Resolution of Application to LAFCO.

S. The City Clerk of the City of Agoura Hills is the custodian of records, and the documents and other materials that constitute the record of proceedings upon which this decision is based are located at the Office of the City Clerk, City of Agoura Hills, 30001 Ladyface Court, Agoura Hills, CA 91301

**Section 2.** The City Council of the City of Agoura Hills, California, exercising its independent judgment after considering the administrative record, hereby certifies the FEIR, adopts findings pursuant to CEQA as set forth in Exhibit A attached hereto and incorporated herein by reference; and adopts the MMRP attached hereto as Exhibit B and incorporated herein by reference. Further, the City Council hereby imposes each applicable mitigation measure as a condition of approval on the annexation-related components of the project, and will further impose such applicable mitigation measures on the Agoura Equestrian Estates Project, if and when approved, and hereby directs that City staff shall implement and monitor the mitigation measures as described in Exhibit B.

**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**

**FINDINGS AND FACTS IN SUPPORT OF FINDINGS**

**EXHIBIT B**

**MITIGATION MONITORING AND REPORTING PROGRAM**

# **EXHIBIT B - MITIGATION MONITORING AND REPORTING PROGRAM**

## **1.1 OVERVIEW**

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Agoura Equestrian Estates Project, proposed in the City of Agoura Hills, in Los Angeles County, California. Public Resources Code Section 21081.6(a) requires that a Lead Agency adopt an MMRP prior to approving a project in order to mitigate or avoid significant impacts that have been identified. The purpose of the MMRP is to ensure that the required mitigation measures identified are implemented as part of the overall project implementation. In addition to ensuring implementation of mitigation measures, the MMRP provides feedback to agency staff and decision-makers during project implementation, and identifies the need for enforcement action before irreversible environmental damage occurs.

The following table summarizes the mitigation measures for each issue area identified in the Initial Study and Environmental Impact Report (EIR) for the Agoura Equestrian Estates Project. The table identifies each mitigation measure; the action required for the measure to be implemented; the time at which the monitoring is to occur; the monitoring frequency; and the agency or party responsible for ensuring that the monitoring is performed. In addition, the table includes columns for compliance verification.

## **1.2 ROLES AND RESPONSIBILITIES**

Unless otherwise specified herein, the project applicant is responsible for taking all actions necessary to implement the mitigation measures according to the provided specifications and for demonstrating that each action has been successfully completed. The project applicant, at its discretion, may delegate implementation responsibility or portions thereof to a licensed contractor.

The following table will be used as the checklist to determine compliance with each required mitigation measure.

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<b>AESTHETICS</b>							
<b>AES-1 Fencing Materials.</b> If required for safety purposes, the applicant shall construct a fence around the perimeter of the proposed debris retention basins. The fencing shall be compatible in materials, design and height with the surrounding natural environment and as outlined in the City's Architectural Design Standards & Guidelines, as feasible; if the fencing cannot be made visually compatible due to safety requirements, landscaping that is compatible with the natural environment may be used as screening for the fence. The applicant shall submit a plan and drawings with sufficient detail of the proposed fence and any landscaping, along with specifications for both, to the City Planning and Community Development Department for review and approval prior to issuance of a building permit or grading permit, or start of construction activities, whichever comes first.	Applicant shall submit a plan for fencing around debris retention basins	Prior to issuance of building or grading permits	Once	Project Applicant			
<b>AES-3 Drainage Outlet.</b> The storm water drainage outlet at Chesebro Canyon Creek, including headwall and apron, shall be designed to be compatible with the natural creek environment with regard to use of natural materials and colors. In particular, rock rip-rap shall be used on the apron. The applicant shall submit a plan and drawings with sufficient detail of the proposed outlet, along with specifications, to the City Planning and Community Development Department for review and approval prior to issuance of a building permit or grading permit, or start of construction activities, whichever comes first.	Applicant shall submit plans for the outlet into Chesebro Canyon Creek.	Prior to issuance of building or grading permits	Once	Project Applicant			
<b>BIOLOGICAL RESOURCES</b>							
<b>BIO-1(a) Pre-Construction Sensitive Wildlife Survey and Impact Avoidance.</b> Not more than two weeks prior to ground disturbing construction for Phase 1 and Phase 2, as well as other ground disturbing and fuel modification activities, that would remove native habitat, a preconstruction survey for sensitive wildlife species shall be conducted by a qualified biologist satisfactory to the City Environmental Analyst and submitted to the City Environmental Analyst prior to beginning construction and/or commencement of any disturbance. If a sensitive species or active nest/burrow is found,	A preconstruction survey for sensitive wildlife species shall be completed and submitted to the City.	No more than two weeks prior to ground disturbing activities	Ongoing during construction	Project Applicant			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>avoidance is the preferred mitigation option. If avoidance is not feasible, the species shall be captured, when possible, and transferred to adjacent appropriate habitat within the open space on-site or directly adjacent to the project site, at least 300 feet from the disturbance area, or an adequate distance to account for direct and indirect impacts to species specific and habitat (i.e., active nests/burrows) as determined by the approved biologist. This shall be performed only by a biologist approved by the City Environmental Analyst. The CDFW and City Environmental Analyst shall be formally notified and consulted regarding the presence of this species on-site. If a federally listed species is found prior to grading of the site, the USFWS shall also be notified and appropriate "take" permits acquired prior to any relocation activity.</p>							
<p><b>BIO-1(b) Bird Nesting Surveys and Nest Avoidance.</b> No earlier than 14 days prior to Phase 1 and 2 construction or site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February 1 through August 31), the applicant shall have a field survey conducted by a qualified biologist satisfactory to the City's Environmental Analyst to determine if active nests of any bird species protected by the state or federal Endangered Species Acts, Migratory Bird Treaty Act, and/or the California Fish and Wildlife Code Sections 3503, 3503.5, or 3511 are present in the construction zone or within 300 feet of the construction zone. If active nests are found within the survey area, construction activities shall stop until consultation with the City Environmental Analyst, CDFW, and USFWS (when applicable) is conducted and an appropriate setback can be established commensurate with the species involved (25 feet for urban-adapted species such as Anna's hummingbird and California towhee and up to 300 feet for certain raptors). A temporary construction fence barrier shall be erected around the buffer and clearing and construction within the fenced area shall be postponed or halted, at the discretion of a biological monitor, until the nest is vacated and</p>	<p>A field survey for active nests of protected bird species shall be completed and submitted to the City</p>	<p>No more than 14 days prior to construction or site preparation activities</p>	<p>Ongoing during construction</p>	<p>Project Applicant</p>			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The applicant shall record the results of the survey(s) and recommended protective measures described above to document compliance with applicable state and federal laws pertaining to the protection of native birds, and provide such report to the City Environmental Analyst.							
<b>BIO-1(c) Lighting Restrictions.</b> As part of the development of each residential lot in Phase 2, lighting design features shall be incorporated that would reduce the amount and intensity of night lighting in open space areas adjacent to the development. This would involve using lighting only to the extent necessary, using low intensity lights, placing lighting close to the ground when possible, using shields to reduce glare and direct lighting downward, and pointing lights away from open space areas, and, if feasible, using controlled lighting devices. Lighting from the site should not exceed 10.5 foot-candles at the edge of the residential lot.	Lighting plans shall be shown on residential building plans submitted for review.	Prior to issuance of residential building permits	Once	Project Applicant			
<b>BIO-1(d) Pesticides, Herbicides, and Fertilizers and Rodent Control.</b> All pesticides, herbicides, and fertilizers used at the project site shall be those designated for use near aquatic and wetland habitats, and shall be applied with techniques that avoid over-spraying and control application to avoid excessive concentrations. Rodenticides are prohibited. These requirements shall be printed on the landscape plans for each residential development approved, and included in the project covenants, conditions and restrictions ("CC&Rs"), tract map, as well as recorded on the deed for each residential lot. The CC&Rs shall stipulate that the use of pesticides, herbicides, and fertilizers and prohibition on rodenticides shall be the subject of at least one annual communication by the HOA to its property owners and residents in the form of a meeting and/or newsletter or electronic update that is distributed to property owners and residents. Evidence of this effort shall be provided to the City Planning and Community Development Department each year by January 1 <sup>st</sup> . The HOA shall also provide the Department with an annual monitoring report by	The tract map, each deed for the residential lots, and the CC&Rs created for the HOA shall require pesticides herbicides and fertilizers to be allowed for use near aquatic habitats and prohibit the use of rodenticides. The HOA shall provide an annual monitoring report.	Ongoing throughout operation.	Ongoing	Project Applicant and future Home Owners Association			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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January 1 <sup>st</sup> of each year demonstrating the use of aquatic and wetland habitat appropriate fertilizer, herbicides, and pesticides on the HOA property. If determined necessary by the City, the City may require the HOA to retain a qualified biologist approved by the City Environmental Analyst to verify the correct use of appropriate herbicides, pesticides, and fertilizers as part of the annual monitoring report.							
<b>BIO-1(e) Domestic Animal Predator and Predation Education.</b> As part of Phase 1, the developer/applicant shall prepare a public education campaign for future residents of the project site regarding: 1) the effects of domestic animal predation on wildlife (e.g. domestic cats and protected bird species), and 2) the risks of predation on domestic animals by carnivores. The education materials shall be prepared by a qualified biologist, approved by the City Environmental Analyst, and included in the project covenants, conditions and restrictions ("CC&Rs") prepared for the entire project site prior to recordation of the Final Tract Map. The education materials shall also include the Santa Monica Mountains Resource Conservation District brochure on Best Management Practices for Horse Owners (or similar). A predator safe enclosures should be provided for animals kept outside overnight. The CC&Rs shall stipulate that the education materials shall be the subject of at least one annual communication by the HOA to its property owners and residents in the form of a meeting and/or newsletter or electronic update that is distributed to all property owners and residents. Evidence of this effort shall be provided to the City Planning and Community Development Department each year by January 1 <sup>st</sup> .	Education materials about domestic animal predation and predators for review and approval.	Prior to issuance of Phase 2 building or grading permits and ongoing through operation	Ongoing	Applicant and site Home Owners Association			
<b>BIO-1(f) Wildlife Friendly Fencing.</b> This mitigation measure is intended to prohibit fencing types that would entrap or harm wildlife, while promoting movement to open areas and parkland to the east and north and within the Lot 17 open space parcel. For Phases 1 and 2, any fencing within the Lot 17 open space parcel must be designed to allow wildlife passage (e.g., split rail, with an 18 inch minimum distance from the ground to the first rung) The	Fencing types shall be shown on all plans submitted for review for the project.	Ongoing during construction	Ongoing	Project applicant			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>applicant shall ensure that all new property line fences or walls are designed to prevent ensnarement of wildlife.</p> <p>Fences and walls along the rear property lines of Lots 6-15 shall be designed to prevent entry of wildlife that could prey on domestic animals and livestock to the extent feasible (unless wildlife permeable fences are desired). Wall and fences at the property line shall be designed to be compatible with the Zoning Ordinance and the City's Architectural Design Standards and Guidelines and to conform to the following standards:</p> <ul style="list-style-type: none"> <li>a) Exclusion fencing shall be solid wood, or simulated wood, with closely spaced planks, solid masonry wall, or other similar material encouraged under the City Architectural Design Standards and Guidelines and the LACFD Fuel Modification Guidelines, or required by the Fuel Management Plan.</li> <li>b) If wildlife permeable fencing is desired, it must be split-rail fence, or similar fencing consistent with the City's Design Standards and Architectural Guidelines constructed with: <ul style="list-style-type: none"> <li>i. The top rail that is no more than 40 inches above the ground;</li> <li>ii. The top 2 rails at least 12 inches apart;</li> <li>iii. The bottom rail at least 18 inches above the ground;</li> <li>iv. Rails are smooth;</li> <li>v. No vertical stays; and</li> <li>vi. Minimum 10-foot intervals for all posts.</li> </ul> </li> <li>c) Alternative designs must be approved by a City approved qualified biologist and the City Environmental Analyst.</li> </ul> <p>The Applicant shall identify all fences on project plans submitted for building and/or grading permits. These plans must include the fence locations and schematic elevations detailing construction and materials. The applicant shall demonstrate on the project plans that</p>							

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
the requirements of this condition are met, and the plans must be approved by City Planning and Community Development prior to the issuance of a grading or building permit in which fencing is proposed. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate that the fencing as built meets the requirements of this condition.							
<b>BIO-2(a)Pre-construction Botanical Survey.</b> Prior to construction of Phase 1 and development of and initial fuel clearance for individual homes in Phase 2 of the project, spring and summer seasonal botanical surveys for special status (e.g., listed species, RPR 1 and 2) plants, including round leaved filaree and Ojai navarretia, shall be conducted within the impact area consistent with CDFW (2009) and CNPS (2001) protocol by a qualified botanist satisfactory to the City Environmental Analyst. A summary of the survey shall be provided to the City Environmental Analyst for approval. Impacts from fuel modification requirements shall be considered. If any special status species populations are observed, avoidance, minimization, and/or mitigation shall be performed to reduce effects. If the population cannot be fully avoided, then the applicant shall draft a restoration/preservation plan to offset impacts to the species as discussed in Mitigation Measure BIO-2(b).	Complete surveys for special status plants and submit to City for review and approval	Prior to construction of Phase 1 and residences	During construction	Applicant			
<b>BIO-2(b) Mitigation Plan.</b> In the event that any other special status plant populations (e.g., round-leaved filaree, Ojai navarretia) cannot be fully avoided, an onsite or offsite Restoration Plan or an Offsite Preservation Plan shall be submitted to the City Environmental Analyst for approval, in consultation with California Department of Fish and Wildlife (CDFW) or other appropriate agencies with permitting or approval authority. The Plan for Phase 1 impacts shall be submitted for City approval prior to issuance of a grading permit, and a Plan for impacts during Phase 2 shall be submitted for City approval prior to issuance of a grading permit or building permit, whichever occurs first, for each applicable residential development.	Prepare and submit a mitigation plan	Prior to issuance of Phase 1 and Phase 2 grading permits	Ongoing	Applicant			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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<p>The following methods may be implemented individually, or in conjunction with each other.</p> <p><i>On-site or Off-site Restoration Plan (Seed Salvage and Replanting).</i> Restoration shall involve the collection of seed from within the development footprint or nearby areas, if necessary, and replanting the seed in a suitable area outside the development footprint but elsewhere on the project site that is set aside for preservation. If infeasible, an off-site location as close to the impact area as possible, but at least within the local watershed, may be used. An in-lieu fee to compensate for the loss of the population may be provided to a qualified agency or other entity acceptable to the City and applicable regulatory agencies. The in-lieu agreement shall be provided to the City Planning and Community Development Department for review prior to issuance of a building permit or grading permit, whichever occurs first. The Restoration Plan, prepared by a qualified plant ecologist satisfactory to the City Environmental Analyst, shall include, but not be limited to, the following to achieve a performance standard of a 2:1 replacement, or as dictated by a regulatory agency with permitting authority over the species:</p> <ul style="list-style-type: none"> <li>• Location of the mitigation/restoration and map;</li> <li>• Performance criteria (i.e., what is an acceptable success level of re-vegetation to mitigate impacts);</li> <li>• Plant species, container sizes, and seeding rates;</li> <li>• Planting schedule;</li> <li>• Monitoring effort (i.e., who is to check on the success of the re-vegetation plan, and how frequently), including a monitoring methodology;</li> <li>• Contingency planning (i.e., if the effort fails to reach the performance criteria, what remediation steps need to be taken);</li> <li>• Irrigation method/schedule (i.e., how much water if needed, where and for how long);</li> </ul>							

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<ul style="list-style-type: none"> <li>Means to control exotic vegetation; and</li> <li>Identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity;</li> <li>Method to maintain and monitor plants for a minimum of five years.</li> </ul> <p>The Applicant shall provide to the City a Restoration Plan, including a map, prepared by an approved biologist that meets the requirements of this condition. The Restoration Plan and map must be approved by the City prior to issuance of a grading permit for Phase 1 and/or Phase 2. The Applicant shall maintain and monitor the plants for a minimum of five years.</p> <p>The Plan shall be implemented by one (1) year after completion of the project, acceptable to the City. The applicant shall secure a bond for cost of the mitigation effort. The bond shall be recorded by the City upon satisfaction of the approved performance criteria after the monitoring period has expired.</p> <p><i>Off-Site Preservation Plan.</i> Off-site preservation shall consist of locating a population of the impacted special status plant species containing at least two-times the number of individuals impacted by the project, and preserving the population in perpetuity via placement of a permanent conservation easement or purchase of the land and dedication to the City or an approved conservation organization, or other entity acceptable to the City. The preserved population shall be located on an area of sufficient size to create a preserve core and be located, as feasible, at least 350 feet away from existing or proposed development, paved roads, v-ditches and irrigated areas. Additionally, the preserve population shall exhibit connectivity to other protected open space or hillside areas. The Preservation Plan shall at least identify the specific location of the preservation site and size; number of individuals preserved; ownership of the land; parties involved; and the preservation</p>							

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					Initial	Date	Comments
methodology (i.e., permanent conservation easement or dedication to an approved conservation organization, etc.). The easement, dedication, or other legal mechanism to preserve the population shall be provided to the City Planning and Community Development Department for review and acceptance prior to County recordation. Proof of recordation shall be provided to the City Planning and Community Development Department prior to issuance of a grading permit or building permit, whichever occurs first.							
<p><b>BIO-2(c) Round-leaved Filaree (<i>California macrophylla</i>) Avoidance and Preservation.</b> The round-leaved filaree occurrences detected in 2015 shown in Figure 4.2-7 shall be avoided and preserved. Structures requiring fire clearance shall not be permitted within 50 feet of the population, and no development is permitted within 50 feet of the population as shown on Figure 4.2-7. Construction of the Phase 1 drainage facility is allowed within the required fencing (as described below) with monitoring by a qualified, City-approved biologist (biologist). As part of Phase 2 improvements, a property wall or fence consistent with Mitigation Measure BIO-1(f) may be constructed within the 50 foot buffer with monitoring by a biologist.</p> <p>On the Lot 17 open space parcel, a 50-foot buffer around each of the three occurrences (or to the rear property line of Lots 8 and 9) must be fenced in perpetuity with a split rail (or similar wildlife permeable fencing) consistent with the City's Design Standards and Architectural Guidelines and signage erected prohibiting disturbance prior to issuance of a grading or building permit (whichever occurs first) for Phase 1. The minimum distance from ground level to any fences to the first rung shall be 18 inches. A fence or wall (consistent with BIO-1(f)) is allowed within the 50-foot buffer along the property lines of Lots 8 and 9, providing it would serve the same function of keeping people and domestic animals away from the occurrence. Any required fuel modification within the fenced area on Lot 17 must be completed by hand,</p>	All plans showing compliance with the mitigation measure shall be submitted for review and approval.	Prior to issuance of building permits	Ongoing	Applicant			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
with vegetation only mowed to a height of three (3) inches, and prohibited from February 1 to May 30. This requirement shall be integrated into a Fuel Management Plan prepared under MM BIO-3(a). Hand weeding to manage invasive species is allowed in coordination with a qualified biologist. A deed restriction with these requirements, including EIR Figure 4.2-7, shall be recorded on the deed for Lots 8, 9, and 17 concurrent with the Final Tract Map recordation.							
<p><b>BIO-3(a) Fuel Modification Plan.</b> For each residential development in Phase 2, the applicant shall prepare a Fuel Modification Plan (Plan) to address Los Angeles County Fire Department fuel modification requirements, consistent with County of Los Angeles Fuel Modification Guidelines (July 2011, or its successor) and the Brush Clearance Program. The preferred approach to address fire concerns is for construction of a masonry fire wall or other similar alternative means at the edge of each residential lot. If such measures are not acceptable to the County, and vegetation clearance and/or modification are required, structures requiring fuel modification (i.e., combustible structures) on Lots 6-15 shall be setback 50 feet from the rear property line to account for the maximum setback zone for Zone A.</p> <p>If the Plan includes Lot 17 or Lot 16 open space parcel fuel modification, either required by the Los Angeles County Fire Department or requested by the applicant (with property owner permission), as part of the Plan, impacts to sensitive communities shall be evaluated by a biologist approved by the City's Environmental Analyst (biologist). Such impacts shall be minimized or avoided if feasible (e.g., using a masonry wall). If vegetation clearance and/or modification is required, the Fuel Modification Plan shall specify the methods of modifying vegetation in the fuel management zone that will avoid impacts to sensitive communities (e.g., specifying removal requirements in each zone, using hand tools to prune vegetation, avoiding sensitive communities). The applicant shall be responsible for retaining a biologist</p>	A fuel modification plan shall be submitted for review and approval	Prior to issuance of building permits for Phase 2 residences	Ongoing	Applicant and/or future property owners			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>to monitor all fuel modification activities in sensitive communities.</p> <p>Compensation at a minimum of a 2:1 ratio is required for any fuel management impacts to the following sensitive habitats on the Lot 17 and 16 open space parcels, as evaluated by the biologist:</p> <ul style="list-style-type: none"> <li>• Purple Sage Scrub Alliance</li> <li>• Purple Sage - California Sagebrush Scrub Alliance</li> <li>• Purple Needlegrass - California Melic Grass Alliance (Native Grassland) (if affected)</li> <li>• Sawtooth Goldenbush- California Sagebrush Scrub Alliance</li> <li>• Red Willow-Arroyo Willow Mugwort Alliance</li> </ul> <p>A Mitigation Plan for impacts to the above communities must be prepared by the biologist and approved by the City's Environmental Analyst prior to the issuance of a grading or building permit (whichever occurs first). The Mitigation Plan may include a combination of Lot 17 restoration and enhancement, off-site enhancement and/or preservation, or participation in an agency or City approved lieu fee program. The Mitigation Plan requires compensation (on-site, off-site, or in fee) that can include preservation, restoration, or enhancement generally for coastal sage scrub alliances (for impacts to Purple Sage Scrub Alliance Purple Sage - California Sagebrush Scrub Alliance, Sawtooth Goldenbush- California Sagebrush Scrub Alliance), native grassland alliances (for impacts to Purple Needlegrass - California Melic Grass Alliance), or riparian habitat (for impacts to Red Willow-Arroyo Willow Mugwort Alliance). If a Mitigation Plan is required, the plan must include provisions for five (5) years of monitoring and reporting, and clearly defined success criteria.</p> <p>For the development of each individual lot, The Applicant shall submit the Fuel Modification Plan to the City Planning and Community Development and County Fire Department for review. Upon acceptance</p>							

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>of the Plan by the County Fire Department, the approved plan shall be provided to the City Planning and Community Development prior to the issuance of a grading or building permit (whichever occurs first).</p> <p>Each residential The applicant's biologist shall submit an annual report on fuel modification activities for the first year of the development of each individual lot to the City Planning and Community Development Department by within one (1) year of construction completion. July 1.</p>							
<p><b>BIO-3(b) Prohibition on Invasive Species.</b> For development of each residence in Phase 2, the Applicant shall submit a landscape plan prepared by qualified landscape architect (or biologist) consistent with the City Architectural Design Standards and Guidelines and City Zoning Ordinance to the City Planning and Community Development Department. No species identified as invasive (e.g., California Native Plant Society and California Invasive Plants List, Invasive Plant Council lists) shall be utilized in the landscape plans. Native landscaping is encouraged. The CC&amp;Rs for the homes shall prohibit planting any invasive exotic species listed by either by the California Native Plant Society and California Invasive Plants List, or Invasive Plant Council. The City Planning and Community Development Department shall review and approve the Landscape Plan prior to issuance of a grading permit for individual lots.</p>	<p>A landscape plan shall be prepared and submitted for review and approval</p>	<p>Prior to issuance of building permits for Phase 2 residences</p>	<p>Ongoing</p>	<p>Applicant and/ future property owners</p>			
<p><b>BIO-4 Re-vegetation Plan.</b> If impacts to Chesebro Canyon Creek and the ephemeral stream cannot be avoided, the Applicant shall consult with the CDFW, USACE, and the RWQCB and obtain applicable permits for the proposed impacts to jurisdictional waters, or obtain confirmation that permits are not needed. This includes a Clean Water Act Section 404 permit from the USACE for the discharge of fill to any of USACE non-wetland waters of the U. S. onsite, a Section 401 water quality certification or Waste Discharge Requirements from the RWQCB, and a Streambed Alteration Agreement from CDFW. These permits typically require mitigation to reduce impacts</p>	<p>Submit proof that no impacts would occur to the Creek and ephemeral stream or proof of consultation with CDFW, USACE, and RWQCB</p>	<p>Prior to issuance of Phase 1 grading permits</p>	<p>Once</p>	<p>Applicant</p>			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>to water quality and quantity, vegetation, and wildlife. The project Applicant shall demonstrate to the City of Agoura Hills that the requirements of agencies with jurisdiction over waters onsite can be met prior to obtaining Phase 1 grading permits or building permits, whichever occurs first. This may include, but not be limited to, consultation with those agencies, securing the appropriate permits, waivers or agreements, and arrangements for re-vegetation mitigation as needed as determined by the City's Environmental Analyst.</p> <p>If mitigation is required, areas of temporary disturbance shall be enhanced (weeds removed) and re-seeded or planted with a palette of native species at a 1:1 ratio for temporary impacts and 2:1 ratio for permanent impacts, or as required by the regulatory agencies having permitting jurisdiction over the resources, as appropriate within one (1) year of completion of drainage improvements. Revegetation for Chesebro Canyon Creek shall consist of appropriate willow scrub species and that of the ephemeral stream shall consist of California Coastal Scrub and grassland species, unless otherwise specified by the regulatory agencies. All revegetation plant material must be sourced from a locally endemic genotype, as determined feasible by the City Environmental Analyst.</p> <p>Re-vegetation shall occur as close to the impact area as possible, and in the same creek/stream to be disturbed, as feasible. If infeasible, another similar location may be acceptable, and shall be as close to the area disturbed as possible, and at least within the local watershed. An in-lieu fee to a conservation organization approved by the City (and acceptable to the regulatory agencies, as appropriate) to conduct the mitigation may be accepted if no other locations are feasible, as confirmed by the City Environmental Analyst. The project Applicant shall submit a re-vegetation plan prepared by a qualified restoration biologist for review and approval by the City Environmental Analyst, prior to issuance of a grading permit or building permit, whichever comes first, for</p>							

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>Phase 1. The plan shall include, but not be limited to, the following components:</p> <ul style="list-style-type: none"> <li>• Location of the mitigation/re-vegetation and map;</li> <li>• Performance criteria (i.e., what is an acceptable success level of re-vegetation to mitigate impacts);</li> <li>• Plant species, container sizes, and seeding rates;</li> <li>• Planting schedule;</li> <li>• Monitoring effort (i.e., who is to check on the success of the re-vegetation plan, and how frequently);</li> <li>• Contingency planning (i.e., if the effort fails to reach the performance criteria, what remediation steps need to be taken);</li> <li>• Irrigation method/schedule (i.e., how much water if needed, where and for how long);</li> <li>• Means to control exotic vegetation; and</li> <li>• Identification of the party responsible for meeting the success criteria.</li> </ul> <p>The revegetation shall be completed within one (1) year of completion of Phase 1 improvements, acceptable to the City of Agoura Hills. The Applicant shall maintain and monitor the plants for a minimum of five years, or until the performance criteria are met.</p>							
<p><b>BIO-6(a) Oak Trees – Phase 1.</b> For Phase 1, the project shall comply with all conditions listed in the City Oak Tree Consultant memorandum (September 23, 2014) regarding the oak trees on the property, and with the Oak Tree Preservation Program stipulated in the Oak Tree Report (Newman, July 2013, rev. August 2014). For Oak Tree No. 4 the construction protection measures shall include fencing and a prohibition on storage, construction staging, stockpiling, grading, or trenching within an 80-foot protection zone from the trunk. These measures may be adjusted based on the recommendation of a qualified oak tree specialist upon review of more site specific design of Lot 15 residential development. If off-site trees under the</p>	<p>Proof of compliance with Oak Tree conditions shall be shown on all grading and building permits issued for the site</p>	<p>Issuance of building and grading permits</p>	<p>Ongoing</p>	<p>Applicant</p>			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
jurisdiction of Los Angeles County are required to be damaged or encroached upon, a permit from Los Angeles County is required consistent with the Los Angeles County Oak Tree Ordinance (§ 22.56.2050, or its successor).							
<b>BIO-6(b) Oak Trees – Phase 2.</b> As each individual residential lot is proposed for development, the Planning and Community Development Department shall determine if an Oak Tree Permit, Oak Tree Report, or similar study is required based on the location of the specific development in relation to protected oak trees, including fuel modification measures as necessary. An Oak Tree Report or similar study shall be prepared by a qualified oak tree specialist and submitted to the Planning and Community Development Department for review and acceptance. The oak tree protection, preservation and mitigation requirements of such a report/study and any requirements of the Planning and Community Development Department, including the City Oak Tree Consultant, shall be implemented. The construction protection measures shall include fencing and a prohibition on storage, construction staging, stockpiling, or trenching within an 80-foot protection zone from the trunk of Oak Tree No. 4. Preservation measures shall include a prohibition on the development of hardscape, structures, and paved access within an 80-foot protection zone from the trunk of Oak Tree No. 4. This requirement may be waived on the recommendation by a qualified oak tree specialist with review and approval by the Planning and Community Development Department. If off-site trees under the jurisdiction of Los Angeles County are required to be damaged or encroached upon, a permit from Los Angeles County is required consistent with the Los Angeles County Oak Tree Ordinance (§ 22.56.2050, or its successor). The loss of any oak trees shall be compensated and mitigated pursuant to the City's Oak Tree Ordinance and Oak Tree Preservation and Protection Guidelines in Article IX of the Municipal Code. Such compensation shall occur prior to issuance of Certificate of Occupancy of the development on the individual residential lot, and,	An Oak Tree Report shall be submitted for review and approval	Prior to issuance of building or grading permits	Ongoing	Applicant and/or future homeowner			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
for each oak tree, shall be at a ratio of no fewer than 4:1, with at least two (2) 24-inch box specimens and one (1) 36-inch box specimen, with the remaining tree diameter dependent on the size of the individual tree to be removed. Mitigation shall occur on the same lot as the oak tree to be affected; however, if this is determined by the Planning and Community Development Department to be infeasible, an additional site as close as possible to the area of oak removal may be acceptable. If on-site or off-site planting locations are found infeasible, the applicant/developer may provide an in-lieu fee mitigation to the City's Oak Tree Mitigation Fund. A determination of infeasibility shall be made by the Director of Planning and Community Development.							
<b>CULTURAL RESOURCES</b>							
<b>CR-1 Monitoring.</b> If artifacts are discovered during ground-disturbing construction activities, the developer shall notify the City of Agoura Hills' Environmental Analyst immediately, and construction activities shall cease until a City-approved archaeologist has documented and recovered the resources. If a Native American site is uncovered, construction in that area shall be suspended until a Native American monitor, along with the project archaeologist, can properly assess the resource. Equipment stoppages prescribed by the archaeologist shall only involve those pieces of equipment that have actually encountered significant or potentially significant resources, and shall not require stoppage of all equipment on the site unless the resources are thought by the archaeologist to be distributed throughout the entire site. The purpose of stopping the equipment is to protect cultural/scientific resources that would otherwise be affected, and said equipment may undertake work in other areas of the site away from the discovered resources. If the find is determined by the archaeologist to be a unique archaeological resource, as defined by Section 2103.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2 of the Public Resources Code, as appropriate. If the find is determined not to be a	The City of Agoura Hills Environmental Analyst shall be contact if artifacts are discovered during ground disturbing activity.	As needed during ground disturbing activities.	As needed.	Applicant and/or future landowner.			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
unique archaeological resource, no further action is necessary and construction may continue.							
<b>CR-2 Evaluation and Notification.</b> Should archaeological resources be discovered and avoidance proves infeasible, the importance of the site shall be evaluated by an archaeologist and a Native American monitor, where applicable. The archeologist and Native American monitor shall be approved by the City's Environmental Analyst. Depending on the nature of the find, mitigation may include documentation, data collection or other appropriate actions to be determined by the archaeologist, and, where applicable, the Native American monitor.	If archaeological resources are discovered the site shall be evaluated by an archaeologist and Native American Monitor.	As needed during ground disturbing activities.	As needed.	Applicant and/or future landowner.			
<b>CR-3 Discovery of Human Remains.</b> In accordance with HSC Section 7050.5, PRC Section 5097.98, and the City's General Plan Policy HR-3.3, in the event of discovery of human remains, the City's Environmental Analyst and County Coroner shall be notified immediately by the developer, and no further disturbance shall occur until the County Coroner has determined the origin and disposition of the remains, and that no investigation of the cause of death is required. If the human remains are determined to be prehistoric, the County Coroner shall notify the Native American Heritage Commission, which will determine and then notify the Most Likely Descendent (MLD) or MLDs. The MLD(s) shall complete and inspection and make a recommendation within 48 hours of the notification. If no recommendation is received, the remains shall be interred with appropriate dignity on the property in a location not subject to future development.	If human remains are discovered the City's Environmental Analyst and County Coroner shall be notified.	As needed during ground disturbing activities.	As needed.	Applicant and/or future landowner.			
<b>GEOLOGY AND SOILS</b>							
<b>GEO-1 (a) Geotechnical Site Evaluation Requirements/Recommendations.</b> The project design and construction shall incorporate and implement all of the requirements/recommendations as applicable, in the Gorian & Associates Geotechnical Site Evaluation dated July 24, 2013, as well as in the responses to City comments from Gorian dated November 12, 2013 and December 23, 2013, and the City Geotechnical Review Sheet	Plans shall be submitted to the City for review and approval and shall incorporate the requirements/recommendation	Prior to issuance of building or grading permits for the site	Ongoing	Applicant			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
prepared by Geodynamics, Inc. dated January 29, 2014. Compliance with the requirements/ recommendations shall be demonstrated and incorporated into the plans prior to issuance of a grading permit or building permit, whichever occurs first. The required shear key/buttress shall be constructed prior to issuance of any Phase 2 building permits or grading permits, as identified in the Gorian (July 2013) report.	of the reports						
<p><b>GEO -1(b) Additional Geotechnical Review.</b> Final development plans for Phase 1, shall be reviewed and approved by a geotechnical professional and the City Building Department and Planning and City Community Development Department prior to issuance of a grading permit or building permit, whichever comes first.</p> <p>For Phase 2, an individual grading plan and geotechnical analysis shall be prepared as part of the application for each residence proposed in the future, and should be subject to the review and approval of the City. All recommendations/requirements of the geotechnical analysis, and those of the City, shall be followed. Compliance with the requirements/recommendations shall be demonstrated and incorporated into the plans prior to issuance of a grading permit or building permit, whichever occurs first.</p>	Final Phase 1 plans shall be reviewed and approved and individual grading plans and geotechnical analysis shall be prepared for each Phase 2 residence	Prior to issuance of building or grading permits	Ongoing	Applicant and/or future landowners			
<p><b>GEO-6 Infiltration Study.</b> A professional geotechnical consultant shall prepare an analysis of the impact of the debris detention basin system proposed in Phase 1 on the proposed development, and perform an infiltration study per the current Los Angeles County guidelines and requirements. All recommendations/requirements of the analysis and study, and those of the County and City, shall be followed. Compliance with the requirements/recommendations shall be demonstrated and incorporated into the plans prior to issuance of a grading permit or building permit for Phase 1, whichever occurs first.</p>	A report regarding the impact of the debris detention basin system shall be submitted for review and approval	Prior to issuance of building or grading permits	Ongoing	Applicant			
<b>HYDROLOGY AND WATER QUALITY</b>							

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<b>HWQ-5(a) Floodplain.</b> Prior to development of Lots 1, 2, or 15 as part of Phase 2, the applicant shall be responsible for preparing documents required to conduct work in the FEMA floodplain, such as a Conditional Letter of Map Revision (CLOMR), and other items required by the City Public Works Director/City Engineer. Such documents shall be submitted to the City Public Works Department for review and acceptance prior to issuance of a building permit or grading permit, whichever occurs first.	Submit proof that work is allowed in the FEMA floodplain	Prior to issuance of building or grading permits on Lots 1, 2, or 15	Once prior to development of Lots 1, 2, or 15	Applicant or future landowner			
<b>HWQ-5(b) Access.</b> Prior to development of any Phase 2 homes, the applicant must submit for review and approval an access plan for the site detailing how access would be maintained under flood conditions. This could include sand bags or berms along the northern side of the road or a hydrology study proving that the road is not in the 100 year floodplain.	Submit proof of access to the site under flood conditions	Prior to issuance of Phase 2 building or grading permits	Once	Applicant or future landowner			
<b>TRANSPORTATION/TRAFFIC</b>							
<b>TRA-1</b> During construction and ground disturbance on the project site, all large size truck trips must occur during off-peak hours (between 9:00 a.m. and 4:00 p.m.).	Large size truck trips shall be during off peak hours.	During construction	As needed.	Applicant and/or future landowner.			

## EXHIBIT A

### FINDINGS AND FACTS IN SUPPORT OF FINDINGS

#### I. Introduction.

The California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines (“Guidelines”) provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that will occur if a project is approved or carried out unless the public agency makes one or more of the following findings:

A. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects identified in the Environmental Impact Report (“EIR”).

B. Such changes or alterations have been required in, or incorporated into, the project, that avoid or substantially lessen the significant environmental effects identified in the EIR.

C. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

Pursuant to the requirements of CEQA, the City Council of the City of Agoura Hills hereby makes the following environmental findings in connection with the proposed Agoura Equestrian Estates Project and annexation and Sphere of Influence amendment, as well as Pre-Zoning, of the Project site and adjacent lands totaling approximately 117 acres (“Project”), as more fully described in the Final Environmental Impact Report (“FEIR”). These findings are based upon evidence presented in the record of these proceedings, both written and oral, the contents of the FEIR, the comments and responses to comments on the FEIR, the FEIR Appendices and staff’s reports presented to the Planning Commission and the City Council.

#### II. Project Objectives.

As set forth in the FEIR, the objectives that the City of Agoura Hills seeks to achieve with this Project (the “Project Objectives”) are as follows:

A. Develop a project that is aesthetically and functionally compatible with adjacent uses and the environment.

B. Provide a recreational trails area for the Agoura Hills equestrian community.

- C. Conserve open space in compliance with the Agoura Hills General Plan.
- D. Provide the framework for large lot future home development with freeway access consistent with the character of Old Agoura.
- E. Create a financially viable project in the City of Agoura Hills.
- F. Annex the project site into the City of Agoura Hills to ensure that any development would be consistent with the City's General Plan and Municipal Code, and that enforcement of building, planning and environmental standards will be handled by the City's staff.
- G. Sell individual residential lots to residential developers and assure the site would not be developed as a school.

**III. Effects Determined to Be Less Than Significant/No Impact in the Initial Study/Notice of Preparation.**

The City of Agoura Hills conducted an Initial Study and Notice of Preparation ("NOP") in May 2014 to determine the significant effects of the Project, including annexation and Sphere of Influence amendment, and Pre-Zoning, of the Agoura Equestrian Estates Project site and adjacent lands. In the course of this evaluation, certain impacts were found to be less than significant due to the inability of the scope of the Project and project and site characteristics to produce effects of this type. The following issue areas were determined not to be significant for the reasons set forth in the Initial Study and were not analyzed in the Draft EIR: (A) Agriculture Resources; (B) Air Quality; (C) Greenhouse Gases; (D) Land Use and Planning; (E) Mineral Resources; (F) Noise; (G) Population and Housing; (H) Public Services; (I) Recreation; (J) Utilities and Service Systems; (K) Cultural Resources for a substantial adverse change in the significance of a historical resources as defined in CEQA Section 15064.5; and (L) Transportation/Traffic for safety risks with air traffic patterns, and conflict with policies, plans or programs regarding bicycles, pedestrian facilities and public transit that decrease performance or cause safety concerns.

**IV. Effects Determined to Be Less Than Significant with Mitigation in the Initial Study/Notice of Preparation.**

The following issues were determined not to be significant in the Initial Study, as mitigation was identified in the Initial Study/NOP that would reduce impacts to a less than significant level, and were not analyzed in the Draft EIR: (A) Cultural Resources; and (B) Transportation/Traffic.

The City Council finds that the feasible mitigation measures for the Project identified in the Initial Study/NOP (Appendix A in the FEIR) would reduce the Project's

impacts to a less than significant level. The City Council adopts all of the feasible mitigation measures for the Project described in the Initial Study/NOP, and imposes these measures into the Project approvals at all steps of the process, including the annexation and pre-zoning applications.

## **A. Cultural Resources**

1. Impact regarding a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5 for archaeological sites that are historical resources or unique archaeological resources.

A cultural resources records search for the project area and a 0.5-mile radius around it was conducted at the South Central Coast Information Center (SCCIC) at California State University, Fullerton. The records search identified 36 previous studies within a 0.5-mile radius of the site, with two of the studies located on the Agoura Equestrian Estates Project site. Six archaeological sites have been identified within a 0.5-mile radius of the project site. However, no previously identified archaeological or paleontological sites are located within the project site. There remains the potential for substantial adverse changes in the significance of an archaeological resource, if present on the project site.

### **(a) Findings**

Changes or alterations have been required in, or incorporated into the Project, which avoid or substantially lessen the potentially significant environmental effects to significant archaeological resources pursuant to CEQA Section 15064.5. Specifically, the following measures have been included to ensure that the Project's archaeological impact would be less than significant.

**Mitigation Measure CR-1:** If artifacts are discovered during ground-disturbing construction activities, the developer shall notify the City of Agoura Hills' Environmental Analyst immediately, and construction activities shall cease until a City-approved archaeologist has documented and recovered the resources. If a Native American site is uncovered, construction in that area shall be suspended until a Native American monitor, along with the project archaeologist, can properly assess the resource. Equipment stoppages prescribed by the archaeologist shall only involve those pieces of equipment that have actually encountered significant or potentially significant resources, and shall not require stoppage of all equipment on the site unless the resources are thought by the archaeologist to be distributed throughout the entire site. The purpose of stopping the equipment is to protect cultural/scientific resources that would otherwise be affected, and said equipment may undertake work in other areas of the site away from the discovered resources. If the find is determined by the archaeologist to be a unique archaeological resource, as defined by Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2 of the Public Resources Code, as appropriate. If the find is

determined not to be a unique archaeological resource, no further action is necessary and construction may continue.

**Mitigation Measure CR-2:** Should archaeological resources be discovered and avoidance proves infeasible, the importance of the site shall be evaluated by an archaeologist and a Native American monitor, where applicable. The archeologist and Native American monitor shall be approved by the City's Environmental Analyst. Depending on the nature of the find, mitigation may include documentation, data collection or other appropriate actions to be determined by the archaeologist, and, where applicable, the Native American monitor.

(b) Facts in Support of Findings

Previous cultural resource studies on the project site have revealed no archaeological or paleontological sites. Archaeological sites that have been documented are located within a 0.5-mile radius of the project site. Therefore, while not likely given past explorations, there remains the potential for uncovering significant archaeological and paleontological resources during project construction. If such artifacts are uncovered during ground-disturbing activities in either Phase 1 or Phase 2 of the Agoura Equestrian Estates Project, the City Environmental Analyst would be notified immediately, and construction activities would stop until an archaeologist approved by the City has documented and recovered the resources. If a Native American site is uncovered, construction would stop until a Native American monitor, along with the archaeologist, can properly assess the resource. If the find is determined to be a unique archaeological resource, it would be treated pursuant to Public Resources Code Section 21083.2 (CEQA). If avoidance of the resource is infeasible, mitigation may include documentation, data collection or other appropriate actions to be determined by the archaeologist, and, where applicable, the Native American monitor. Proper identification and treatment of unique archaeological and paleontological resources, if uncovered, would mitigate potential impacts to such resources to a less than significant level.

2. Impact regarding directly or indirectly destroying a unique paleontological resource or site or unique geologic feature.

A cultural resources records search for the project area and a 0.5-mile radius around it was conducted at the South Central Coast Information Center (SCCIC) at California State University, Fullerton. The records search identified 36 previous studies within a 0.5-mile radius of the site, with two of the studies located on the project site. Six archaeological sites have been identified within a 0.5-mile radius of the project site. However, no previously identified archaeological or paleontological sites are located within the project site. The project site does not contain rock outcroppings, trees, knolls, unique geologic features or other features that may indicate archaeological or paleontological sensitivity. However, previously unknown resources may be discovered during construction of both phases of the project.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project, which avoid or substantially lessen the potentially significant environmental effects to significant unique paleontological resources or site or unique geologic features. Specifically, the following measures have been included to ensure that the Project's impacts to such resources would be less than significant.

**Mitigation Measure CR-1:** If artifacts are discovered during ground-disturbing construction activities, the developer shall notify the City of Agoura Hills' Environmental Analyst immediately, and construction activities shall cease until a City-approved archaeologist has documented and recovered the resources. If a Native American site is uncovered, construction in that area shall be suspended until a Native American monitor, along with the project archaeologist, can properly assess the resource. Equipment stoppages prescribed by the archaeologist shall only involve those pieces of equipment that have actually encountered significant or potentially significant resources, and shall not require stoppage of all equipment on the site unless the resources are thought by the archaeologist to be distributed throughout the entire site. The purpose of stopping the equipment is to protect cultural/scientific resources that would otherwise be affected, and said equipment may undertake work in other areas of the site away from the discovered resources. If the find is determined by the archaeologist to be a unique archaeological resource, as defined by Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2 of the Public Resources Code, as appropriate. If the find is determined not to be a unique archaeological resource, no further action is necessary and construction may continue.

**Mitigation Measure CR-2:** Should archaeological resources be discovered and avoidance proves infeasible, the importance of the site shall be evaluated by an archaeologist and a Native American monitor, where applicable. The archeologist and Native American monitor shall be approved by the City's Environmental Analyst. Depending on the nature of the find, mitigation may include documentation, data collection or other appropriate actions to be determined by the archaeologist, and, where applicable, the Native American monitor.

(b) Facts in Support of Findings

Previous cultural resource studies on the Agoura Equestrian Estates Project site have revealed no archaeological or paleontological sites. Archaeological sites that have been documented are located within a 0.5-mile radius of the project site. Therefore, while not likely given past explorations, there remains the potential for uncovering significant paleontological resources during project construction. If such artifacts are uncovered during ground-disturbing activities in either Phase 1 or Phase 2 of the Project, the City Environmental Analyst would be notified immediately, and construction activities would stop until an archaeologist/paleontologist approved by the City has documented and recovered the resources. If the find is determined to be a significant paleontological resource, it would be treated pursuant to the recommendation

of the archaeologist/paleontologist. Proper identification and treatment of significant paleontological resources, if uncovered, would mitigate potential impacts to such resources to a less than significant level.

3. Impact regarding disturbance to any human remains, including those interred outside of formal cemeteries.

A cultural resources records search for the project area and a 0.5-mile radius around it was conducted at the South Central Coast Information Center (SCCIC) at California State University, Fullerton. The records search identified 36 previous studies within a 0.5-mile radius of the site, with two of the studies located on the project site. Six archaeological sites have been identified within a 0.5-mile radius of the project site. However, no previously identified human remains have been located within or near the project site, per the records search. The project site does not contain any features that may indicate previous human remains deposits. However, previously unknown resources may be discovered during construction of both phases of the project.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project, which avoid or substantially lessen the potentially significant environmental effects to disturbing human remains. Specifically, the following measure has been included to ensure that the Project's impacts to such resources would be less than significant.

**Mitigation Measure CR-3:** In accordance with HSC Section 7050.5, PRC Section 5097.98, and the City's General Plan Policy HR-3.3, in the event of discovery of human remains, the City's Environmental Analyst and County Coroner shall be notified immediately by the developer, and no further disturbance shall occur until the County Coroner has determined the origin and disposition of the remains, and that no investigation of the cause of death is required. If the human remains are determined to be prehistoric, the County Coroner shall notify the Native American Heritage Commission, which will determine and then notify the Most Likely Descendent (MLD) or MLDs. The MLD(s) shall complete an inspection and make a recommendation within 48 hours of the notification. If no recommendation is received, the remains shall be interred with appropriate dignity on the property in a location not subject to future development.

(b) Facts in Support of Findings

Previous cultural resource studies on the project site have revealed no significant human remains sites. Archaeological sites that have been documented are located within a 0.5-mile radius of the project site. Therefore, while not likely given past explorations, there remains the potential for uncovering human remains, particularly those of a prehistoric origin, during project construction. If such remains are uncovered during

ground-disturbing activities in either Phase 1 or Phase 2 of the Agoura Equestrian Estates Project, the City Environmental Analyst and County Coroner would be notified immediately, and construction activities would stop until the County Coroner has investigated the remains. If the remains are prehistoric, the County Coroner would notify the State Native American Heritage Commission to determine and notify the Most Likely Descendent, who would be responsible for inspecting and making a recommendation regarding the remains, which would be followed. If no recommendation is received within 48 hours of the notification, the remains would be interred on the property in a location protected from future development. Compliance with these procedures would ensure less than significant impacts to cultural resources from discovery of human remains, particularly those of Native American origin.

## **B. Transportation/Traffic**

1. Impact regarding conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highway and freeways, pedestrian and bicycle paths, and mass transit.

Project trip generation factors were derived from the Institute of Transportation Engineers. The Institute of Transportation Engineers is an international educational and scientific association of transportation professionals who are responsible for meeting mobility and safety needs. The Institute facilitates the application of technology and scientific principles to research, planning, functional design, implementation, operation, policy development and management for any mode of ground transportation. The land use category of trip generation that was used in the project traffic impact analysis was the Institute's "210 (Single family detached housing)" from the *ITE Trip Generation Manual*, 9<sup>th</sup> edition, 2012. At full buildout, the fifteen single-family residential units accommodated by the Project would generate an estimated 144 daily vehicle trips, including eleven AM peak hour trips and fifteen PM peak hour trips. Significant impacts would not occur at the study area intersections, consisting of Chesebro Road at Palo Comado Canyon Road/Driver Avenue/Canwood Street and Palo Comado Canyon Road at U.S. Highway 101 Northbound ramps, under the following scenarios: (1) existing (2013) conditions with project conditions; (2) 2015 near term without project to 2015 with project conditions; and (3) 2015 scenario accounts for trips anticipated to be generated by planned and pending development in the project vicinity. Project traffic would increase vehicle delays at the two intersections by 0.3 to 0.5 seconds when added to the 2013 baseline and would increase vehicle delays of 0.3 to 0.7 seconds when added to the near term – 2015 condition. These changes are less than the City's five second increase threshold for unsignalized intersections per the City Traffic Impact Analysis Guidelines, 2011. The long-term cumulative traffic increases would incrementally degrade service levels on the local road network, but the project's contribution to this cumulative impact would not be considerable since project impacts would not be significant.

During construction of either Phase 1 or Phase 2 of the Project, heavy equipment would use the roadways surrounding the project site, particularly Chesebro Road, Palo Comado Canyon Road, and Driver Avenue as a haul route for trucks. This equipment has the potential to cause excessive delays on the roadways.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project, that avoid or substantially lessen the potentially significant environmental impacts to the effective performance of the circulation system around the project site. Specifically, the following measure has been included to ensure that the Project's transportation/traffic impact would be less than significant in both phases.

**Mitigation Measure TRA-1:** During construction and ground disturbance on the project site, all large size truck trips must occur during off-peak hours (between 9:00 AM and 4:00 PM).

(b) Facts in Support of Findings

During construction of the Project, both in Phases 1 and 2, construction equipment, including heavy equipment and trucks, would likely use Chesebro Road, Palo Comado Canyon Road, and Driver Avenue as a haul route to and from the project site. The use of these roadways by heavy equipment, including trucks, has the potential to cause excessive delays that could create potentially significant impacts to the effective performance of the surrounding traffic circulation system on a temporary, construction period basis. Requiring that such equipment and trucks avoid the peak traffic periods in the AM and PM hours, considered to be prior to 9:00 AM and after 4:00 PM during the weekday, would ensure that vehicle delays on the roadways surrounding the project site would be less than significant.

**V. Effects Determined to Be Less Than Significant Without Mitigation in the FEIR.**

The FEIR found that the proposed Project would have a less than significant impact without imposing mitigation on the environmental issue areas listed below. The less than significant environmental impact determination was made for each of the following issue areas based on the more expansive discussions contained in the FEIR.

**A. Aesthetics**

1. Effects on scenic vistas

Phase 2 of the Project could potentially be visible from scenic vistas surrounding the Agoura Equestrian Estates Project site, including those in the Santa Monica Mountains National Recreation Area. Adverse effects on scenic views would be minimized by the nature and location of the Agoura Equestrian Estates Project with 15

very low density single-family homes congregated at the flatter, northern edge of the Project site away from ridgelines and below the views from the National Recreation Area, adjacent to existing higher density single-family homes, and the height of the structures being a maximum of two stories or 35 feet, whichever is less, pursuant to the Agoura Hills Municipal Code. For the above reasons, impacts on scenic views are considered less than significant.

## 2. Visual character effects

Phase 2 of the Project would incrementally alter the existing visual character of the site and its surroundings, but would have less than significant effects. The Agoura Equestrian Estates Project site is vacant and largely undisturbed with gently sloping grasslands areas with oak trees on the perimeter, with the eastern portion of the site increasing in slope toward the Santa Monica Mountains. The future very low density residences would be located adjacent to off-site existing residentially-developed properties, and congregated within areas of the project site in the north that are flat and gently sloping, leaving the remaining and majority of the site preserved in its natural state as open space and minimizing grading on the hillsides. The proposed homes would be required to be designed consistent with the rustic Old Agoura community, per the Agoura Hills Municipal Code. The Old Agoura Overlay Zone, which would include the project site, and the City Design Standards and Architectural Guidelines for the Old Agoura area, require promotion of a natural environment that is country like while allowing architecturally sensitive developments that enhance Old Agoura's unique, rustic, and equestrian style, including requirements for density, building height, building and fence/wall materials, design style, landscaping and building coverage. For the above reasons, and that the proposed homes would be required to be compatible with the surrounding character of the community, impacts on the visual character of the site and its surroundings are considered less than significant.

## 3. Lighting and glare effects

Phase 2 of the Project would introduce lighting and possible glare in an area that is currently vacant and undeveloped with no lighting. No street lights are proposed for the private road, however some lighting may be associated with the residential buildings and possibly residential landscaping. The lighting for the residences is expected to be similar in type and scale to the lighting of the existing residences adjacent to the site on the west. The materials used in the construction of future homes would be restricted by the Old Agoura Overlay Zone requirements and the City's Design Standards and Architectural Guidelines that would apply to the site, limiting the potential for glare from the structures, and which stipulate that lighting be focused downward and/or shielded to minimize spill and glare. For these reasons, aesthetic impacts from lighting and glare are considered less than significant.

## **B. Biological Resources**

### 1. Wildlife movement impacts

The Agoura Equestrian Estates Project site is within a mapped regional landscape linkage, but is not considered essential for the Santa Monica Mountains-Sierra Madre Mountains Connection regional wildlife corridor, unlike the Liberty Canyon Wildlife Corridor 3,500 feet to the east. The Project would not substantially affect local wildlife movement. The approximately 22-acre development area of the project site (proposed Lots 1-15) is contiguous with existing urban development to the west, with the remaining 49 acres on proposed Lot 17 of the site to the east and south being adjacent to open space and closest to the existing Liberty Canyon Wildlife Corridor. The project site is separated from the Liberty Canyon Wildlife Corridor and other open space lands east of the site by an approximately 300-foot high ridgeline to the steep ridgelines that surround the site on the east and north. Based on available data, the majority of large mammals in the Palo Comado/Chesebro Canyons to the north of the site funnel through Liberty Canyon to the east of the project site. There are more suitable movement pathways and habitat patches occurring within the wildlife corridor to the east of the project site. Lot 17 would preserve a buffer area between developed areas and the Liberty Canyon Wildlife Corridor to the east, and includes sufficient cover and a variety of habitats found onsite to support movement of species that may potentially pass through the site. For these reasons, direct and indirect impacts to wildlife movement are considered less than significant.

### **C. Geology and Soils**

#### **1. Effects from fault rupture**

The area of proposed development is not susceptible to fault rupture. Fault rupture occurs most often along well defined pre-existing active or potentially active faults. Since no active or potentially active faults are known to cross the site and the site is not currently within an Alquist-Priolo Earthquake Zone, the Project would not expose people or structures to risk of loss or harm from fault rupture. For these reasons, impacts to fault rupture are considered less than significant.

#### **2. Effects from liquefaction**

The area of proposed development is not susceptible to liquefaction. The project site is located in an area with historical occurrence of liquefaction. The Gorian & Associates (July 2013) report prepared for the Agoura Equestrian Estates Project explains that the area of proposed development is underlain by either bedrock at the surface or at a shall depth within the alluvial valley, and that soil borings taken onsite revealed that groundwater is not occurring within the alluvial soils above the bedrock and the alluvium is mostly well consolidated clay. Therefore, the report concludes that the area of proposed development is not susceptible to liquefaction. Given these circumstances, the Project would not expose people or structures to risk of loss or harm due to liquefaction, and impacts would be less than significant.

## **D. Hazards/Hazardous Materials**

### **1. Effects from listed Leaking Underground Storage Tank environmental sites**

There are four (4) Leaking Underground Storage Tanks (LUSTs) within one-half mile of the Project site, with no known LUSTs on the Agoura Equestrian Estates Project site. Three of the off-site LUSTs have case closed status, and the one that is still open is located approximately 1,050 feet southwest of the project site. Nearby groundwater assessments to the open case indicate that groundwater flows mostly to the west and southwest. Due to the location of the open case site southwest of the project site, if groundwater below the case site has been adversely impacted with contaminants, it would be expected to flow away from and not beneath the project site. For these reasons, impacts from listed environmental sites would be less than significant.

### **2. Effects from potentially hazardous environmental conditions from the nearby landfill**

The Calabasas Landfill is located approximately 0.75 mile northeast of the Agoura Equestrian Estates project site. The Calabasas Landfill contains environmental controls, including subsurface barriers, groundwater monitoring wells, a landfill gas collection system, landfill gas migration monitoring probes, and water trucks, in order to monitor and prevent potentially hazardous releases from the landfill. The westernmost groundwater monitoring wells for the landfill are closest to the Project site. These wells are associated with Barrier 5, and do not contain detectable concentrations of volatile organic compounds (VOCs). An assessment of the landfill prepared for the Regional Water Quality Control Board detected levels of isotopic uranium and alpha particles downgradient of the landfill, and determined they are likely from natural sources and not from the landfill.

A Phase II Environmental Site Assessment (ESA) was conducted on the project site for the Draft EIR to determine whether the nearby Calabasas Landfill has impacted the soil and groundwater beneath the site. As part of the ESA, soil gas samples were collected from eight vapor probes installed to five feet and 15 feet below grade in four locations around the perimeter of the Agoura Equestrian Estates Project site, per industry standard protocol. Soil gas samples were analyzed for volatile organic compounds (VOCs), and methane. Groundwater samples were analyzed for Gross Alpha activity, Gross Beta activity, Tritium, Isotopic Uranium, Radium-226, Radium-228, Strontium-90, Potassium-40, Cesium-137, Potassium, and specific conductive VOCs. Results of the soil gas sampling indicate that VOCs were not detected above the established California Human Health Screening Levels. Methane was not detected in any of the soil gas samples monitored. Conductivity and uranium were detected above the established maximum contaminant levels (MCLs) for drinking water. Uranium and conductivity concentrations in turbid water are often high as a result of the turbidity. Since the grab groundwater sample was turbid, a groundwater monitoring well was installed on the project site according to standard industry procedures and protocol. The

groundwater monitoring well sampling was clear. The groundwater sample was analyzed for isotopic uranium and specific conductance. Isotopic uranium was below the MCL and specific conductance was above the secondary MCL, but below the uranium levels found at the landfill. The MCLs were established as drinking water standards, and the groundwater beneath the project site will not be used for drinking purposes. Conductivity is a measure of a solution's (groundwater) ability to conduct electricity. Since the groundwater sample was clear, the elevated detection of conductivity is likely associated with naturally occurring dissolved salts in the groundwater, which can cause higher conductivity. Naturally dissolved salts occur in groundwater in areas where the soil contains higher salt levels. These salts contain ions that increase conductivity in water.

Based on this information, the proposed site improvements are not expected to encounter hazardous materials in concentrations exceeding regulatory action levels or that would otherwise affect human health or safety. There is no evidence to suggest that the development of residences on the site would pose any short- or long-term threats to the health or safety of site residents. Therefore, impacts related to hazardous materials would be less than significant.

## **E. Hydrology and Water Quality**

1. Effects from soil erosion, sedimentation and discharge of pollutants into downstream watershed

The potential for soil erosion and sedimentation and discharges of pollutants into the downstream watershed from grading and construction of the Agoura Equestrian Estates Project and its long-term operation would be minimized by the incorporation of drainage improvements and required compliance with the National Pollution Discharge Elimination System (NPDES) General Construction Permit and General Permit for Stormwater Discharges, including, a Stormwater Pollution Prevention Plan and Standard Urban Storm Water Management Plan. The proposed drainage system includes a series of earthen and rock lined swales capturing runoff from the surrounding hills and residential lots, which would then enter a series of debris detention basins. Inlet/outlet structures in the basins would capture surface runoff and place it into underground pipes, which would then outlet at a headwall in Chesebro Canyon Creek on-site. The debris detention basins act as a filter system for sediment and other pollutants. For these reasons, impacts to from soil erosion, and deposition of sediment and potential pollutants into the downstream watershed are considered less than significant.

2. Effects from alteration of drainage patterns and capacity of the off-site storm drain system

The Agoura Equestrian Estates Project would alter site drainage patterns without exceeding the capacity of the off-site storm drain system. Drainage patterns would not be altered for the portions of the site that are not proposed to contain

the road, trails or houses. The proposed drainage system to be constructed has been specifically designed to accommodate the Agoura Equestrian Estates Project during 50-year storm flows. Stormwater within the development footprint would be collected and conveyed via the proposed on-site debris detention basins and swales to underground pipes. The runoff would be collected in the basins and the swales, and then would travel through underground pipes to an outlet on the opposite side of Chesebro Road and into Chesebro Canyon Creek. The project site naturally slopes towards the creek, which currently receives the majority of the runoff from the site via sheet flow. For these reasons, impacts from altering drainage patterns and capacity of the off-site storm drain system are considered less than significant.

3. Effects from potential pollutants discharged into the storm drain system

The Agoura Equestrian Estates Project includes storm water filtering systems and would be required to comply with the NPDES permit requirements, especially implementation of a SWPPP and SUSMP, including best management practices. Best management practices already included in the Agoura Equestrian Estates Project are swales and debris detention basins. Per the SUMSP, methods to minimize pollutants in the storm drain system would be required to be incorporated into the project; these may include filters prior to storm water outleting into Chesebro Canyon Creek. The project's incorporated storm water filtering mechanisms and implementation of the NPDES requirements, would result in less than significant impacts to surface water quality from stormwater runoff.

4. Increased impervious surfaces and groundwater recharge effects

The Agoura Equestrian Estates Project includes constructing a private road, storm drain improvements, trails, fencing and 15 single-family residences. The private road and the residences would increase the amount of impervious surfaces on the site. Impervious surfaces would incrementally reduce the flow rate and volume of storm water. This could interfere with groundwater recharge. However, the site is approximately 71 acres of vacant land. The project would develop 22 acres (approximately 32 percent) of the site. The majority remainder of the project site at 49 acres would be designated as open space and would not contain any impervious surfaces. For the portions of the site to be developed, the Zoning Ordinance and the City's Architectural Design Standards and Guidelines, Section VI. Old Agoura Design Guidelines, regarding minimizing impervious surfaces would apply. Compliance with the Zoning Ordinance and Architectural Design Standards and Guidelines would minimize impervious surfaces on-site to a less than significant level. Additionally, the Agoura Equestrian Estates Project would be required to connect to the water district for water service, and no groundwater would be used to provide potable water to the project, eliminating the potential for groundwater depletion. For these reasons, impacts from increasing impervious surfaces and interfering with groundwater recharge would be less

than significant.

**VI. Potentially Significant Environmental Impacts Determined to Be Mitigated to a Less than Significant Level in the EIR.**

The Draft EIR identified the potential for the Project to cause significant environmental impacts in the following environmental issue areas: (1) Aesthetics; (2) Biological Resources; (3) Geology and Soils; and (4) Hazards/Hazardous Materials. Measures have been identified that would mitigate all of the impacts in these environmental issue areas to a less than significant level.

The City Council finds that the feasible mitigation measures for the Project identified in the Draft EIR would reduce impacts to less than significant, and further mitigation measures, although not required, were added in the FEIR as further protection for resources, which are also determined to be feasible. The City Council adopts all of the feasible mitigation measures for the Project described in the FEIR and imposes these measures into the Project approvals at all steps of the process, including the annexation and pre-zoning applications.

**A. Aesthetics**

1. Phase 1 debris detention basins and scenic vista impacts

Phase 1 of the Project includes the construction of a private road, drainage swales and pipes, the grading of residential Lot 1 to ensure a balance of cut and fill on-site, and the construction of the equestrian and multi-use trails and their fencing. None of these project elements would result in significant impacts to scenic vistas, such as Chesebro Road (not a scenic corridor), U.S. Highway 101 (not a scenic highway), Chesebro Canyon, or the Santa Monica Mountains National Recreation Area due to the nature of the project being low height profile earthen or rock drainage swales, recreational trails, rustic fencing and limited pavement associated with the private road, and location of the Project, set on the flat portions of the site near existing residences and blocked from many views by the hillsides. Phase 1 of the Project would also include construction of five debris detention basins for storm water drainage. The basins would generally be below the grade of the surrounding area, however each basin may require a fence around its perimeter to ensure the safety of the residents on the property and trail users, depending on the ultimate final design of the basin and its slope. The fencing has the potential to obscure views of and through the site from scenic vistas along the Santa Monica Mountains National Recreation Area and Chesebro Road. These impacts can be mitigated to a less than significant level.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the potentially significant effects of the debris

detention basins on scenic vistas. Specifically, the following measure has been included to ensure that such impacts remain less than significant.

**Mitigation Measure AES-1:** If required for safety purposes, the applicant shall construct a fence around the perimeter of the proposed debris retention basins. The fencing shall be compatible in materials, design and height with the surrounding natural environment and as outlined in the City's Architectural Design Standards & Guidelines, as feasible; if the fencing cannot be made visually compatible due to safety requirements, landscaping that is compatible with the natural environment may be used as screening for the fence. The applicant shall submit a plan and drawings with sufficient detail of the proposed fence and any landscaping, along with specifications for both, to the City Planning and Community Development Department for review and approval prior to issuance of a building permit or grading permit, or start of construction activities, whichever comes first.

(b) Facts in Support of Findings

If fencing is required for safety purposes along the debris detention basins, the fencing would be required to be compatible with the natural character of the site and surrounding areas by achieving consistency with City Municipal Code requirements and design standards, particularly those for the Old Agoura Overlay Zone. If fencing cannot be made compatible, particularly due to safety requirements, then landscaping compatible with the natural setting would be used to visually screen the safety fence. Submittal of the fence plan and drawings and any landscape screening to City staff for review and approval prior to issuance of permits or start of construction would ensure that the safety requirements for the top of the basins are aesthetically pleasing and consistent with the site setting, and would reduce potential impacts to scenic vistas to less than significant.

2. Phase 1 drainage outlet to Chesebro Canyon Creek and visual character impacts

Development in Phase 1 of the Project is limited to infrastructure, such as the proposed private road, drainage improvements, the grading of Lot 1, the construction of equestrian and multi-use trails, and fencing. These components are congregated near existing residential development in the flatter and slightly sloped northern portion of the site, which minimizes grading and development on hillsides, and Phase 1 would not result in the construction of buildings that would substantially change the visual character of the site, nor would any oak trees be removed. Outside of the subdivision, the remainder and majority of the site would remain in its natural state as open space, preserving the visual character of the area.

Consistent with the Old Agoura overlay zone, the City Architectural Design Standards and Guidelines, and the General Plan Natural Resources Element, most elements of Phase 1, including the fencing and surface drainage system, have

incorporated natural materials, such as natural-colored wooden split rail fencing and earthen and rock-lined swales, to reflect the somewhat rustic character of Old Agoura. Moreover, the trails would consist of decomposed granite or similar material with a natural appearance. The congregation of development in the northern portion of the site, and minimization of grading, especially that of the hillside, is consistent with the General Plan Natural Resource Element's Visual Resources policies to maintain natural topography and ridgelines. Lot 1 is a fairly flat lot, and so grading would not substantially alter landforms. While the grading plan shows all proposed drainage headwalls on site to be of a natural stone treatment surface, the design detail for the drainage outlet into Chesebro Canyon Creek is not provided. Such outlets are commonly concrete and/or rock or rip-rap in appearance. Visual impacts from placement of this outlet could be potentially significant, if not aesthetically treated to complement the natural creek environment. This potential impact to the visual character of the creek can be mitigated to a less than significant level. The five debris detention basins proposed onsite would be earthen and would be below the ground surface. Therefore, there would be no substantial aesthetic impact from these basins. Aesthetic concerns from possible construction of basin safety fencing is addressed in Item 1, above.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the potentially significant effects of the drainage outlet into Chesebro Canyon Creek. Specifically, the following measure has been included to ensure that such impacts remain less than significant.

**Mitigation Measure AES-3:** The storm water drainage outlet at Chesebro Canyon Creek, including the headwall and apron, shall be designed to be compatible with the natural creek environment with regard to use of natural materials and colors. In particular, rock rip-rap shall be used on the apron. The applicant shall submit a plan and drawings with sufficient detail of the proposed outlet, along with specifications, to the City Planning and Community Development Department for review and approval prior to issuance of a building permit or grading permit, or start of construction activities, whichever comes first.

(b) Facts in Support of Findings

Depending on the final design of the storm drain outlet structure at Chesebro Canyon Creek, there could result potentially significant effects to the natural setting and visual character of the creek, particularly if the feature consists of colors or materials or design elements that do not blend in with the natural character of the creek. To ensure there are no significant visual character impacts, the applicant/developer would need to incorporate natural materials and colors, including rock rip-rap on the apron. Detailed drawings and specifications for the outlet would be submitted to City staff for review and approval prior to permit issuance or construction. Proper design of the outlet

structure would ensure less than significant impacts to visual quality in the creek environment.

## **B. Biological Resources**

1. Impacts from reduction of species population and habitat, and restriction of reproductive capacity of special status wildlife species not on California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) lists or candidates for listing.

In 2014, faunal surveys were conducted on the Project site. No federal or state listed endangered or threatened wildlife species are expected to use the habitats present at the site except potentially on rare, transient occurrences. The development of the Project site during either Phases 1 or 2 would not be expected to cause a direct take of listed species. The listed least Bell's vireo (Federally Endangered/State Endangered) and coastal Californian gnatcatcher (Federally Threatened) have a low potential to occur on-site, and are highly mobile birds. Observations of the coastal California gnatcatcher in this region are limited; if present, it would occur in coastal scrub hillsides on the fringes of the proposed development area.

The portion of Chesebro Canyon Creek within the Project site provides marginal riparian habitat for least Bell's vireo. The habitat generally lacks the density and structural complexity preferred by the species. Further, least Bell's vireo has not been documented within a five-mile radius of the project site per the California Natural Diversity Database in 2014. Based on these facts, least Bell's vireo has a low potential to occur on the site. Project activities within Chesebro Canyon Creek would be limited to construction of an outfall structure on the upper embankment of the creek. Substantial amounts of riparian habitat would continue to be present along the riparian area that follows Chesebro Canyon Creek and so the Project would not result in a substantial reduction of this species' habitat. Based on these facts, potential impacts would be less than significant. Based on the above information, no significant impact associated with federal or state listed wildlife species, including threatened or endangered, would occur.

Marginally suitable habitat for the coast horned lizard (Species of Special Concern) is present onsite, though sandy substrate is generally limited. Individuals may be found within very limited sandy open areas of the 22.1 acres of the non-native grassland that may be eliminated by Phase 1 and 2 grading and the 5.4 acres that may be cleared or modified for fuel modification (Zone A and B). Direct loss of these individual lizards would be minimal because the development envelope includes only a small amount (less than 0.1 acre) of suitable scrub habitat. No significant impacts are expected to the vegetation within fuel modification Zone C since the impacts within this zone are limited to thinning of dense vegetation communities to maintain a 25 percent cover. Higher quality habitat for this lizard is present further to the south and north, outside the City of Agoura Hills limits. Most of the local population is anticipated to be located in large contiguous blocks of habitat outside the urban areas and under the ownership of conservation organizations.

Indirect impacts to coast horned lizard could occur from the introduction of the Argentine ant, which is closely associated with irrigated urban and suburban habitats. Argentine ant colonies are associated with higher moisture locals such as are provided by human development and are also supported by food associated with humans. In coastal southern California, Argentine ants have been found to negatively impact the coast horned lizard by displacing the native ant species the lizard prefers to eat). Indirect impacts from Argentine ants could occur on up to 4.0 acres of coastal sage scrub on-site habitat within 175 feet of the outer lot line, the theoretical “worst case” extent of the of potential ant colonies. Indirect impacts from Argentine ants would be less than significant since the site is adjacent to thousands of acres of high value permanently protected coastal sage scrub habitat for both harvester ant and coast horned lizard. Additionally, the City’s Design Standards and Architectural Guidelines encourage native and drought tolerant plantings and water saving irrigation systems, which would limit the area of irrigated landscaping that would attract Argentine ants.

Since the development of the Project site would not cause a substantial reduction of coast horned lizard, or suitable habitat, impacts are considered less than significant with a measure requiring pre-construction surveys for special status wildlife, and if special status wildlife is detected, relocation to suitable habitat 300 feet outside the development area would be implemented. Therefore, there would be no significant impact to the coast horned lizard.

Construction of Phase 1 and Phase 2 of the proposed Project and associated fuel modification within Zone A and Zone B, which would occur in Phase 2 as residences are built, would potentially result in the direct, permanent loss of portions of native bird habitat found on-site, including non-native grassland (30.8 acres) foraging habitat and coastal scrub (3.95 acres) native nesting bird habitat. Most native birds are protected under the California Fish and Wildlife Code. Potential impacts associated with habitat removal and disturbance could occur if site construction occurs during the nesting season (generally February 1 - August 31). Impacts to nesting birds would be less than significant with measures to conduct pre-construction surveys and avoid nests.

Exterior night lighting during the operational phase of Phase 2 could potentially disrupt normal behavior and breeding for some wildlife species, and cause some species to avoid the residual natural habitats remaining at the site. This would potentially increase the extent of impacts on the adjacent habitats and would contribute to a potentially significant impact on general habitat availability. The City Architectural Design Standards and Guidelines stipulate that lighting be focused downwards and/or shielded to minimize spill and glare. Impacts to wildlife from lighting and glare would be less than significant with lighting restriction measures, such as ensuring that lighting does not exceed 0.5 foot-candle at the edge of residential lots.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the potentially significant effects to special status

wildlife species other than those listed or candidates for listing by the USFWS and CDFW as endangered or threatened. Specifically, the following measures have been included to ensure that such impacts remain less than significant.

**Mitigation Measure BIO-1(a):** Not more than two weeks prior to ground disturbing construction for Phase 1 and Phase 2, as well as other ground disturbing and fuel modification activities that would remove native habitat, a preconstruction survey for sensitive wildlife species shall be conducted by a qualified biologist satisfactory to the City Environmental Analyst and submitted to the City Environmental Analyst prior to beginning construction and/or commencement of any disturbance. If a sensitive species or active nest/burrow is found, avoidance is the preferred mitigation option. If avoidance is not feasible, the species shall be captured, when possible, and transferred to adjacent appropriate habitat within the open space onsite or directly adjacent to the project site, at least 300 feet from the disturbance area, or an adequate distance to account for direct and indirect impacts to species specific and habitat (i.e., active nests/burrows) as determined by the approved biologist. This shall be performed only by a biologist approved by the City Environmental Analyst. The CDFW and City Environmental Analyst shall be formally notified and consulted regarding the presence of this species onsite. If a federally listed species is found prior to grading of the site, the USFWS shall also be notified and appropriate “take” permits acquired prior to any relocation activity.

**Mitigation Measure BIO-1(b):** No earlier than 14 days prior to Phase 1 and 2 construction or site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February 1 through August 31), the Applicant shall have a field survey conducted by a qualified biologist satisfactory to the City’s Environmental Analyst to determine if active nests of any bird species protected by the state or federal Endangered Species Acts, Migratory Bird Treaty Act, and/or the California Fish and Wildlife Code Sections 3503, 3503.5, or 3511 are present in the construction zone or within 300 feet of the construction zone. If active nests are found within the survey area, construction activities shall stop until consultation with the City Environmental Analyst, CDFW, and USFWS (when applicable) is conducted and an appropriate setback can be established commensurate with the species involved (25 feet for urban-adapted species such as Anna’s hummingbird and California towhee and up to 500 feet for certain raptors). A temporary construction fence barrier shall be erected around the buffer and clearing and construction within the fenced area shall be postponed or halted, at the discretion of a biological monitor, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The Applicant shall record the results of the survey(s) and recommended protective measures described above to document compliance with applicable state and federal laws pertaining to the protection of native birds, and provide such report to the City Environmental Analyst.

**Mitigation Measure BIO-1(c):** As part of the development of each residential lot in Phase 2, lighting design features shall be incorporated that would reduce the amount and intensity of night lighting in open space areas adjacent to the development. This would involve using lighting only to the extent necessary, using low intensity lights, placing lighting close to the ground when possible, using shields to reduce glare and direct lighting downward, and pointing lights away from open space areas, and, if feasible, using controlled lighting devices. Lighting from the site should not exceed 0.5 foot-candle at the edge of the residential lot.

(b) Facts in Support of Findings

The Project site contains habitat for some wildlife species of special concern, although not for species listed or candidates for listing in CDFW or USFWS endangered or threatened categories. The coastal California gnatcatcher and least Bell's vireo are not expected to occur on-site due to a lack of adequate habitat and/or lack of previous identification in the region. Species of special concern, such as coast horned lizard, may be present on-site, although none was detected during the 2014 faunal surveys conducted on-site. Previously unidentified or undetected wildlife species, including but not limited to coastal horned lizard, could occur on-site in the time between the faunal surveys were conducted in 2014 and construction on the site commences, and native birds protected per the state or federal Endangered Species Act, Migratory Bird Treaty Act, and/or the California Fish and Wildlife Code could nest. Although no street lighting is proposed, adverse effects from lighting of residences on the site could result in potentially significant impacts to wildlife. Compliance with measures to conduct preconstruction wildlife surveys not more than two weeks prior to ground disturbing activities, and avoiding or relocating detected sensitive species; conduct nesting bird surveys no earlier than 14 days prior to construction or site preparation work and avoiding nests; and to implement lighting restrictions on the proposed residential development would reduce potentially significant wildlife impacts to a less than significant level.

2. Impacts from reduction of number and habitat of a California Native Plant Society rare species

The consideration of whether or not substantial habitat loss occurs to an individual species focuses on those sensitive or special status plants that have been identified by regulatory agencies because of the cumulative decreases in their ranges, or substantial decreases in overall and local population levels. The degree to which a species has suffered such losses is reflected in the identified status level of that species, beginning with initial listing of an organism as a species of special concern through listing as threatened or endangered under the state or federal Endangered Species Acts. Plants and animals that are listed as endangered have suffered such large losses in range and numbers that the additional loss of even a few individuals or a few acres of suitable habitat could result in the extinction of the animal. Implementation of neither phase of proposed Project would reduce species' population, reduce habitat,

and restrict reproductive capacity of endangered, threatened, or rare plant species. This is due, in part, to the clustered siting of the development portion of the Project in the northern portion and flatter valley area on-site, away from steep hillside areas, and adjacent to urban development, and reserving the most sensitive areas as open spaces. The congregation of development is consistent with Agoura Hills General Policy NR-4.4, which encourages clustered development to reduce impacts to natural lands.

Rare plants considered to be special status and required to be evaluated and mitigated pursuant to CEQA are those listed as California Native Plant Society (CNPS) Rare Plant Rank 1 or 2. No rare plants were detected in the 2014 rare plant surveys conducted on-site. The 2014 rare plant surveys were conducted in accordance with the CDFW and CNPS survey protocols by a qualified botanist exceeding the educational and experience requirements described in the CDFW and CNPS protocol. An elemental occurrence of one special status plant species, round leaved filaree (*California macrophylla*) (California Native Plant Society Rare Plant Rank 1B.1, rare, threatened, or endangered in California and elsewhere) was not detected in the spring 2014 plant surveys conducted on-site, but was identified as likely to occur, given past occurrences reported from the site.

In response to precipitation that occurred in spring 2015 after several years of drought, and subsequent to the Draft Environmental Impact Report (EIR) release for public comment, botanical surveys were conducted again on March 12, April 15, and June 25, 2015. The surveys were conducted in consultation with the Santa Monica Mountains Conservancy and National Park Service. During the 2015 rare plant surveys, the species was found in the same location previously anticipated. Three separate occurrences were detected, all within the Lot 17 open space parcel, which would be permanently preserved as open space. The easternmost occurrence located 150 feet from Lot 13 is outside any trail or drainage easements, and is an adequate distance from the proposed residential lots and infrastructure such that no significant impacts are expected. However, the two southernmost occurrences are within the fuel modification zones for the residential lots. Impacts were determined to be potentially significant assuming the Los Angeles County Fire Department would go beyond the legal requirement and mandate off-site fuel modification. If off-site fuel modification were to occur, the southern two occurrences would be impacted. Observations of round-leaved filaree on fire trails suggest that disturbance may benefit the populations and populations respond positively to fire. The small (less than 15 centimeter) annual plant produces and disperses seeds following the blooming period (March to May). Given the morphology and life history of the species, fuel management vegetation mowing to three inches (required in Zone C) outside the blooming period is unlikely to affect the round leaved filaree population identified in 2015.

During the 2015 rare plant surveys, an unidentified navarretia plant species was detected. It may be the Ojai navarretia (*Navarretia ojaiensis*) (Rare Plant Rank 1B.1) or other navarretia not considered a rare plant species.

Potentially significant impacts could occur to rare plants, including the round leaved filaree, and possibly Ojai navarretia, if the species detected on-site is confirmed as the rare Ojai navarretia and not another navarretia. Measures have been incorporated that would require preconstruction botanical surveys for these two rare plants and other listed rare plants, and if detected, avoided or restored on- or off-site, or preserved off-site. For the round leaved filaree, any new populations detected during preconstruction surveys, separate from those populations located in the 2015 rare plant surveys, would need to be addressed by avoidance or restoration or off-site preservation of a population, as described above. There are two known populations in the region, not including the Project site. For the populations detected in 2015 on the Project site, a measure to avoid and preserve in place the round leaved filaree locations is incorporated into the Project. These existing populations would be fenced and special fuel modification measures employed to ensure the populations' survival. The measure to avoid and preserve in place the round leaved filaree populations detected on-site in 2015 amplifies the original measure to avoid, restore on-site or off-site, or preserve off-site populations to mitigate impacts to a level of less than significant, but is not required to reduce impacts to special status plants to a less than significant level, which would already be accomplished. The measure to further reduce potentially significant impacts to the round leaved filaree by avoiding and preserving in place populations identified on-site in 2015 is addressed in this Exhibit A in Section VII. Measures to Further Reduce Potentially Significant Environmental Impacts Already Determined to Be Mitigated to a Less than Significant Level in the Draft EIR.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the potentially significant effects to rare plant species. Specifically, the following measures have been included to ensure that such impacts remain less than significant.

**Mitigation Measure BIO-2(a):** Prior to construction of Phase 1, and development of, and initial fuel clearance for, individual homes in Phase 2 of the project, spring and summer seasonal botanical surveys for special status (e.g., listed species, RPR 1 and 2) plants, including round leaved filaree and Ojai navarretia, shall be conducted within the impact area consistent with CDFW (2009) and CNPS (2001) protocol by a qualified botanist satisfactory to the City Environmental Analyst. A summary of the survey shall be provided to the City Environmental Analyst for approval. Impacts from fuel modification requirements shall be considered. If any special status species populations are observed, avoidance, minimization, and/or mitigation shall be performed to reduce effects. If the population cannot be fully avoided, then the Applicant shall draft a restoration/preservation plan to offset impacts to the species as discussed in Mitigation Measure BIO-2(b).

**Mitigation Measure BIO-2(b):** In the event that special status plant populations (e.g., round leaved filaree, Ojai navarretia) cannot be fully avoided, an onsite or offsite Restoration Plan or an Offsite Preservation Plan shall be submitted to

the City Environmental Analyst for approval, in consultation with California Department of Fish and Wildlife (CDFW) or other appropriate agencies with permitting or approval authority. The Plan for Phase 1 impacts shall be submitted for City approval prior to issuance of a grading permit, and a Plan for impacts during Phase 2 shall be submitted for City approval prior to issuance of a grading permit or building permit, whichever occurs first, for each applicable residential development.

The following methods may be implemented individually, or in conjunction with each other.

*Onsite or Offsite Restoration Plan (Seed Salvage and Replanting).*

Restoration shall involve the collection of seed from within the development footprint or nearby areas, and replanting the seed in a suitable area outside the development footprint but elsewhere on the project site that is set aside for preservation. If infeasible, an offsite location as close to the impact area as possible, but at least within the local watershed, may be used. An in-lieu fee to compensate for the loss of the population may be provided to a qualified agency or other entity acceptable to the City and applicable regulatory agencies. The in-lieu agreement shall be provided to the City Planning and Community Development Department for review prior to issuance of a building permit or grading permit, whichever occurs first. The Restoration Plan, prepared by a qualified plant ecologist satisfactory to the City Environmental Analyst, shall include, but not be limited to, the following to achieve a performance standard of a 2:1 replacement, or as dictated by a regulatory agency with permitting authority over the species:

- Location of the mitigation/restoration and map;
- Performance criteria (i.e., what is an acceptable success level of re-vegetation to mitigate impacts);
- Plant species, container sizes, and seeding rates;
- Planting schedule;
- Monitoring effort (i.e., who is to check on the success of the re-vegetation plan, and how frequently), including a monitoring methodology;
- Contingency planning (i.e., if the effort fails to reach the performance criteria, what remediation steps need to be taken);
- Irrigation method/schedule (i.e., how much water if needed, where and for how long);
- Means to control exotic vegetation; and
- Identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity;
- Method to maintain and monitor plants for a minimum of five years

The Applicant shall maintain and monitor the plants for a minimum of five years.

The Plan shall be implemented by one (1) year after completion of the project, acceptable to the City. The applicant shall secure a bond for the cost of the mitigation effort. The bond shall be released by the City upon satisfaction of the approved performance criteria after the monitoring period has expired.

*Offsite Preservation Plan.* Offsite preservation shall consist of locating a population of the impacted special status plant species containing at least two-times the number of individuals impacted by the project, and preserving the population in perpetuity via placement of a permanent conservation easement or purchase of the land and dedication to the City, or an approved conservation organization, or other entity acceptable to the City. The preserved population shall be located on an area of sufficient size to create a preserve core and be located, as feasible, at least 350 feet away from existing or proposed development, paved roads, v-ditches and irrigated areas. Additionally, the preserve population shall exhibit connectivity to other protected open space or hillside areas. The Preservation Plan shall at least identify the specific location of the preservation site and size; number of individuals preserved; ownership of the land; parties involved; and the preservation methodology (i.e., permanent conservation easement or dedication to an approved conservation organization, etc.). The easement, dedication, or other legal mechanism to preserve the population shall be provided to the City Planning and Community Development Department for review and acceptance prior to County recordation. Proof of recordation shall be provided to the City Planning and Community Development Department prior to issuance of a grading permit or building permit, whichever occurs first.

(b) Facts in Support of Findings

The Project site contains one rare plant, the round leaved filaree. A species of navarretia was also found on-site, but the particular plant has not been confirmed. It could be the Ojai navarretia, a rare plant, or a navarretia that is not listed as a rare plant. Measures have been incorporated into the Project to protect rare plant species known to occur on the site and/or compensate for the loss of such populations. Measures have been incorporated to conduct additional preconstruction botanical surveys to address these and other potential rare plant species that were not detected after the most recent 2015 plant surveys but could be occur on-site in the future prior to Project construction. If additional rare plants are found on-site they would be avoided, if feasible, or a restoration or preservation plan would be required to compensate for their loss. For the only known rare plant detected on-site during the second round of plant surveys in 2015, yet not found in the 2014 surveys, the round leaved filaree, an additional measure has been added to avoid and preserve in place the known populations. As discussed in this Exhibit A under Item 2. Impacts from reduction of number and habitat of a California Native Plant Society rare species, and under Section VII. Measures to Further Reduce Potentially Significant Environmental Impacts Already Determined to Be Mitigated to a Less than Significant Level in the Draft EIR, the additional measure to avoid and preserve in place known populations augments the measure to prepare a restoration or preservation plan for rare plants, but is not required to reduce impacts to a less than significant level.

Compliance with these measures would ensure less than significant impacts to rare plants.

### 3. Impacts from disturbance to or reduction in extent of on-site and off-site sensitive plant communities

As the project development has been clustered at the northern part of the site, near existing residences, impacts to sensitive plant communities have been minimized. Sensitive plant communities on-site consist of Purple Sage Scrub, Purple Sage-California Sagebrush Scrub Alliance, Purple Needlegrass – California Melic Grass Alliance (Native Grassland), Sawtooth Goldenbush – Golden Stars – Wild Oats Alliance, Sawtooth Goldenbush-California Sagebrush Scrub Alliance, and Red Willow – Arroyo Willow – Mugwort Alliance. The on-site sensitive communities are located primarily in the Phase 2 residential development fuel modification zones, which are adjacent to and beyond the proposed development footprint area and residential structures on each residential lot. The fuel modification zones, consisting of Zone A, Zone B and Zone C, are dictated by the County of Los Angeles, particularly the Fire Department.

In determining potential impacts from Phase 1, all improvements to be constructed during this first phase were assumed. This includes the private road; storm drainage facilities like swales and debris detention basins and the creek outlet structure; trails; and fences. For Phase 2 grading, the grading footprint was assumed to be the entire area of each residential lot. The total area of sensitive vegetative communities proposed for permanent removal with Phase 1 and 2 grading is less than 0.1 acre. The 0.1 acre is on the edge of the intact vegetation in an area that does not harbor substantial populations of either sensitive plants or animals, and the habitat is of moderate value. Based on these facts, impacts would be less than significant. Moreover, the scale of the impact (0.1 acre) and the extensive contiguous presence of the sensitive vegetative communities within the adjoining open space (Santa Monica Mountains National Recreation Area) make the impacts from Phase 1 and 2 grading less than significant.

Fuel modification requirements would pertain to those residential lots adjacent to natural vegetated areas, such as residential Lots 6-15. Implementation of on-site Zone C fuel management as part of Phase 2 residential construction would involve fuel thinning to have a 25 percent vegetative cover. This would result in the alteration of the structure of sensitive vegetation communities on approximately 1.7 acres. Zone C fuel thinning is considered a permanent impact for the purposes of evaluating impacts to sensitive communities, and would be less than significant as long as measures are incorporated for the applicant/developer to prepare a fuel modification plan and compensate for the loss of sensitive vegetative communities through restoration and enhancement.

Los Angeles County Fire Department regulations require that in Zone A (between 20 and 500 feet from habitable structures) native vegetation be removed,

which may include replacement with landscaping and hardscape or annual disking. In Zone B (to 100 feet from habitable structures) a large percentage of existing vegetation may be removed and replaced with irrigated fire resistant and drought resistant plants, but may contain some native vegetation if spaced according to planting guidelines. For Phase 2 residential development, on-site Zone A and B fuel modification is considered a permanent impact for the purposes of evaluating impacts to sensitive communities. Impacts from the required Phase 2 Zone A and Zone B removal and structural modification to 2.4 acres of on-site sensitive vegetative communities would be less than significant as long as measures are incorporated for the applicant/developer to prepare a fuel modification plan and compensate for the loss of sensitive vegetative communities through restoration and enhancement.

The fuel management zone on residential Lots 5, 6, 15, 14, and 18 may extend onto the 0.25-acre parcel that is part of the Project site across Chesebro Road and part of the Chesebro Canyon Creek riparian habitat (considered sensitive by CDFW), as well as off-site into 3.95 acres of intact habitat, including coastal sage scrub (considered sensitive by the City) and Chesebro Canyon Creek riparian habitat. This off-site area is owned by the State of California (Mountains Recreation and Conservation Authority - MRCA). The 0.25 acre remainder parcel north of Chesebro Road (which is part of the Project site) is owned by the City and the Project proposes to dedicate the land to another entity for permanent open space preservation. Consent would be required for any fuel management activities beyond the legal Los Angeles County Forestry Division on-site only requirements. The parcels owned by the MRCA are preserved as open space and habitat in perpetuity. Impacts from 3.95 acres of off-site sensitive coastal sage scrub removal, if required by the County, are considered less than significant with measures for the applicant/developer to prepare a fuel modification plan and compensate for the loss of sensitive vegetative communities through restoration and enhancement.

Required tree fuel modification activities are limited to removal of deadwood from the canopy of the oak trees, limbing up to six feet from the ground, and thinning of laddered fuels in the understory. Thus, no oak trees are expected to be significantly impacted by fuel modification activities as a result of the Project.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the potentially significant effects to sensitive vegetative communities from Project grading and construction and fuel modification related to the construction of residences. Specifically, the following measures have been included to ensure that such impacts remain less than significant.

**Mitigation Measure BIO-3(a):** For each residential development in Phase 2, the applicant shall prepare a Fuel Modification Plan (Plan) to address Los Angeles County Fire Department fuel modification requirements, consistent with County of Los Angeles Fuel Modification Guidelines (July 2011, or its successor) and the Brush Clearance Program. The preferred approach to address fire concerns is for construction of a masonry fire wall or other similar alternative means at the edge of each residential lot. If such measures are not acceptable to the County, and vegetation clearance and/or modification are required, structures requiring fuel modification (i.e., combustible structures) on Lots 6-15 shall be setback 50 feet from the rear property line to account for the maximum setback zone for Zone A.

If the Plan includes Lot 17 or Lot 16 open space parcel fuel modification, either required by the Los Angeles County Fire Department or requested by the applicant (with property owner permission), as part of the Plan, impacts to sensitive communities shall be evaluated by a biologist approved by the City's Environmental Analyst (biologist). Such impacts shall be minimized or avoided if feasible (e.g., using a masonry wall). If vegetation clearance and/or modification is required, the Fuel Modification Plan shall specify the methods of modifying vegetation in the fuel management zone that will avoid impacts to sensitive communities (e.g., specifying removal requirements in each zone, using hand tools to prune vegetation, avoiding sensitive communities). The applicant shall be responsible for retaining a biologist to monitor all fuel modification activities in sensitive communities.

Compensation at a minimum of a 2:1 ratio is required for any fuel management impacts to the following sensitive habitats on the Lot 17 and 16 open space parcels, as evaluated by the biologist:

- Purple Sage Scrub Alliance
- Purple Sage - California Sagebrush Scrub Alliance
- Purple Needlegrass - California Melic Grass Alliance (Native Grassland) (if affected)
- Sawtooth Goldenbush- California Sagebrush Scrub Alliance
- Red Willow-Arroyo Willow Mugwort Alliance

A Mitigation Plan for impacts to the above communities must be prepared by the biologist and approved by the City's Environmental Analyst prior to the issuance of a grading or building permit (whichever occurs first). The Mitigation Plan may include

a combination of Lot 17 restoration and enhancement, off-site enhancement and/or preservation, or participation in an agency or City approved lieu fee program. The Mitigation Plan requires compensation (on-site, off-site, or in fee) that can include preservation, restoration, or enhancement generally for coastal sage scrub alliances (for impacts to Purple Sage Scrub Alliance Purple Sage - California Sagebrush Scrub Alliance, Sawtooth Goldenbush- California Sagebrush Scrub Alliance), native grassland alliances (for impacts to Purple Needlegrass - California Melic Grass Alliance), or riparian habitat (for impacts to Red Willow-Arroyo Willow Mugwort Alliance). If a Mitigation Plan is required, the plan must include provisions for five (5) years of monitoring and reporting, and clearly defined success criteria.

For the development of each individual lot, the Applicant shall submit the Fuel Modification Plan to the City Planning and Community Development and County Fire Department for review. Upon acceptance of the Plan by the County Fire Department, the approved plan shall be provided to the City Planning and Community Development prior to the issuance of a grading or building permit (whichever occurs first).

Each residential applicant's biologist shall submit a report on fuel modification activities for the first two (2) years of the development of each individual lot to the City Planning and Community Development Department by within one (1) year of initial required fuel modification activities and LACFD inspections.

(b) Facts in Support of Findings

By congregating the development of Phases 1 and 2 in the flatter, northern portion of the site, adjacent to existing residences, the Project minimizes impacts to sensitive vegetative communities on-site. Resulting impacts would be less than significant.

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. 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. 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. Measures incorporated into the Project include a preference for such alternatives, if allowed by the County.

However, if fuel modification is required, the measures stipulate that structures requiring fuel modification, such as combustible structures, on Lots 6-15 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 sensitive 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 measures to prepare a fuel modification plan and restore and enhance sensitive vegetative communities would reduce impacts to a less than significant level.

#### 4. Impacts from direct reduction in jurisdictional drainages

The Project site contains three potentially jurisdictional drainage systems. The larger system occurs in the southeast portion of the site and consists of a main ephemeral stream channel with two tributaries. This system occurs within designated open space and, as such, no impacts would occur as a result of the Project.

A smaller ephemeral stream occurs in the northern portion of the site. This drainage conveys flows for a short distance from the hills north of the site in a northeast-southwest direction before abating into sheet flow in the central/east portion of the site. The drainage has weakly defined bed, bank, and channel characteristics, but does not have discernible connectivity to any potentially jurisdictional features downstream. It is likely to be considered jurisdictional by CDFW and the Regional Water Quality Control Board (RWQCB), but is not expected to be subject to United States Army Corps of Engineers (USACE) jurisdiction. The regulatory agencies make the final jurisdictional determination once requests for approval of regulatory permits to construct in the jurisdictional areas are submitted by the applicant/developer. The regulatory agencies require completion of a CEQA document prior to an applicant/developer submitting requests for permits.

The Project development areas have been sited to avoid potential jurisdictional drainages to the extent feasible. Based on the proposed alignment of the existing relocated multi-use trail on the eastern side of the Project site, however, the smaller ephemeral stream would likely be impacted by trail construction. The proposed trail follows the general alignment of the existing informal trail in this area used by the public, and avoidance of the ephemeral stream is not feasible if the trail is to remain. The trail would be approximately four feet wide and the bank to bank width of the ephemeral stream is approximately two feet; therefore, potential impacts would be approximately eight to ten square feet. An additional 20 square feet (5 feet upstream and 5 feet downstream) may be temporarily impacted for construction of the bridge, for a total of 30 square feet of potential impacts.

The ephemeral stream is currently in a disturbed condition and dominated by non-native, weedy species, such as summer mustard. As such, it contains limited function and value as a sensitive biological resource and impacts would be limited to approximately 30 square feet. The stream may contain habitat for the round leaved filaree and dwarf barley, based on public comments on the EIR. However, areas of the ephemeral stream that could be directly or indirectly affected were included in the 2015 rare plant survey area, and the species were not detected. Preconstruction surveys, previously discussed for rare plants, would be conducted in this area and measures to protect such species, if detected on-site, incorporated into the Project.

Chesebro Canyon Creek traverses a small portion of the northwest corner of the site adjacent to Chesebro Road. It flows in a northeast to southwest direction and contains stands of riparian habitat dominated by willows and mulefat. The creek eventually connects to Medea Creek approximately 1.2 miles southwest of the site. Chesebro Canyon Creek is expected to be subject to the jurisdiction of all three regulatory agencies. Phase 1 of the Project involves the construction of drainage improvements, including underground pipes that would collect stormwater and empty it into Chesebro Canyon Creek via a main pipeline. The termination of the main pipeline would consist of a permanent concrete outlet. Assuming an approximate 12-foot by 12-foot permanent outlet and 10-foot buffer for temporary impacts, the structure would impact an estimated 900 square feet (0.02 acre) of potential USACE, RWQCB, and CDFW jurisdiction within the creek.

As work within and adjacent to jurisdictional drainages would occur mostly as part of Phase 1 drainage improvements, impacts to such resources in Phase 2 are not expected to be significant. Nonetheless, given the proximity of Lots 9 and 10 to the ephemeral stream, construction on these lots during Phase 2 could potentially adversely impact the stream. Impacts for Phase 1 and 2 would be less than significant with measures incorporated to obtain regulatory agency permits and prepare and implement a revegetation plan to compensate for the loss of habitat. Revegetation shall occur as close to the impact area as possible.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the potentially significant effects to jurisdictional drainages from Phases 1 and 2 of the Project. Specifically, the following measure has been included to ensure that such impacts remain less than significant.

**Mitigation Measure BIO-4:** If impacts to Chesebro Canyon Creek and the ephemeral stream cannot be avoided, the Applicant shall consult with the CDFW, USACE, and the RWQCB and obtain applicable permits for the proposed impacts to jurisdictional waters, or obtain confirmation that permits are not needed. This includes a Clean Water Act Section 404 permit from the USACE for the discharge of fill to any of USACE non-wetland waters of the U. S. onsite, a Section 401 water quality certification or Waste Discharge Requirements from the RWQCB, and a Streambed Alteration

Agreement from CDFW. These permits typically require mitigation to reduce impacts to water quality and quantity, vegetation, and wildlife. The project Applicant shall demonstrate to the City of Agoura Hills that the requirements of agencies with jurisdiction over waters onsite can be met prior to obtaining Phase 1 grading permits or building permits, whichever occurs first. This may include, but not be limited to, consultation with those agencies, securing the appropriate permits, waivers or agreements, and arrangements for re-vegetation mitigation as needed, as determined by the City's Environmental Analyst.

If mitigation is required, areas of temporary disturbance shall be enhanced (weeds removed) and re-seeded or planted with a palette of native species at a 1:1 ratio for temporary impacts and 2:1 ratio for permanent impacts, or as required by the regulatory agencies having permitting jurisdiction over the resources, as appropriate within one (1) year of completion of drainage improvements. Revegetation for Chesebro Canyon Creek shall consist of appropriate willow scrub species and that of the ephemeral stream shall consist of California Coastal Scrub and grassland species, unless otherwise specified by the regulatory agencies. All revegetation plant material must be sourced from a locally endemic genotype, as determined feasible by the City Environmental Analyst.

Re-vegetation shall occur as close to the impact area as possible, and in the same creek/stream to be disturbed, as feasible. If infeasible, another similar location may be acceptable, and shall be as close to the area disturbed as possible, and at least within the local watershed. An in-lieu fee to a conservation organization approved by the City (and acceptable to the regulatory agencies, as appropriate) to conduct the mitigation may be accepted if no other locations are feasible, as confirmed by the City Environmental Analyst. The project Applicant shall submit a re-vegetation plan prepared by a qualified restoration biologist for review and approval by the City Environmental Analyst, prior to issuance of a grading permit or building permit, whichever comes first. The plan shall include, but not be limited to, the following components:

- Location of the mitigation/re-vegetation and map;
- Performance criteria (i.e., what is an acceptable success level of re-vegetation to mitigate impacts);
- Plant species, container sizes, and seeding rates;
- Planting schedule;
- Monitoring effort (i.e., who is to check on the success of the re-vegetation plan, and how frequently);
- Contingency planning (i.e., if the effort fails to reach the performance criteria, what remediation steps need to be taken);
- Irrigation method/schedule (i.e., how much water if needed, where and for how long);
- Means to control exotic vegetation; and
- Identification of the party responsible for meeting the success criteria.

The revegetation shall be completed within one (1) year of completion of the improvements affecting the drainages, acceptable to the City of Agoura Hills. The Applicant shall maintain and monitor the plants for a minimum of five years, or until the performance criteria are met.

(b) Facts in Support of Findings

To the extent feasible, the Project has avoided impacts to jurisdictional drainages. The two remaining impacts to jurisdictional drainages result from: (1) the desire to retain the multi-use trail currently used by the public in the eastern portion of the site in the same general area; and (2) the need to convey storm water collected from the site to Chesebro Canyon Creek, part of the storm drain system in the area. For the former, the trail of decomposed granite, or similar material, would cross the drainage in a perpendicular manner, and the drainage would enter into a pipe at the crossing. The crossing for the four-foot wide trail has been kept to minimum feasible dimensions. Chesebro Canyon Creek is the storm water conveyance system in this portion of the City. To efficiently and effectively transfer storm water drainage from the project, a drainage pipe must connect to the creek. Final design of the outlet would need to be reviewed and accepted by the City upon submittal of the final project plans prior to issuance of a building or grading permit, whichever occurs first, and would need to be approved by the regulatory agencies with permitting jurisdiction. Measures to ensure the design is compatible with the natural creek environment are incorporated into the project as previously discussed in this Exhibit A in Section VI., Item A. Aesthetics. The proposed on-site drainage system, including swales and underground pipes and debris detention basins, has been designed to gradually release runoff from the site so it can be accommodated by the existing off-site storm drainage system. Compliance with measures to compensate for the loss of any jurisdictional drainage habitat through revegetation would ensure less than significant biological impacts to such drainages.

5. Impacts related to minor or moderate disturbance to protected oak trees or removal of protected oak trees

No protected oak trees would be removed as a result of Phase 1 of the Project, although Phase 1 would result in encroachment into the protected zones of five (5) oak trees (Oak Tree Nos. 28, 29, 30, 31 and 32). These encroachments would be minor to moderate, but are considered potentially significant impacts that could be mitigated to a less than significant level through incorporation of protective measures.

As the specific location of the proposed homes and any accessory structures that are part of Phase 2 are not yet known, it is possible that protected oak trees could be impacted by grading and required fuel modification associated with the development of each residential parcel, namely Oak Tree Nos. 1, 2, 3, and 4, which are on or adjacent to the northern edge of residential Lot 15. Oak tree No. 4 is off-site and located on State of California (Mountains Recreation and Conservation Authority) land.

Such impacts are expected to be limited, as these trees might be avoided given their location along the border of the lot.

Los Angeles County Fire Department regulation requires trees to be limbed up six feet above the ground (Fuel Modification Zone B), and oak trees without an understory chaparral require shorter fuel modification distances. Oak Tree No. 4 does not have limbs that touch the ground or extrude from the trunk less than six feet from the ground, and lacks a vegetative understory. Trimming of live branches extending from the canopy to within six feet of the ground would not significantly impact the health of the tree. The fuel modification within 200 feet of structures and requirements specific to trees are not anticipated to substantially affect the health of any protected oak tree. Nonetheless, any impacts that occur to protected oaks would need to be mitigated for by preparing an Oak Tree Report or similar study for each lot proposed for development that is in the vicinity of a protected oak tree, and by following the recommendations and requirements of the Oak Tree Report or similar study, as well as the requirements of the Planning and Community Development Department, including the City Oak Tree Consultant. Removal of such oak trees would require compensation through replacement oaks pursuant to the City's Oak Tree Ordinance and Oak Tree Preservation and Protection Guidelines in Article IX of the Municipal Code.

Fuel modification activities required as part of Phase 2 are expected to be limited to removal of deadwood in the canopies, and are not anticipated to substantially impact protected oak trees within fuel modification zones. In any case, potential oak impacts from fuel modification related to each residential lot proposed for development in the future would be analyzed as part of a required Oak Tree Report or similar study for that particular residential development. Impacts would be mitigated as noted above, consistent with the City's Oak Tree Preservation and Protection Guidelines in Article IX of the Municipal Code, including Appendix A to Article IX. Impacts to protected oaks in Phase 2 of the Project are considered potentially significant, but can be reduced to a less than significant level through incorporation of protective measures and measures to compensate for any loss of any oak tree.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the potentially significant effects to protected oak trees from Phases 1 and 2 of the Project. Specifically, the following measures has been included to ensure that such impacts remain less than significant.

**Mitigation Measure BIO-6(a):** For Phase 1, the project shall comply with all conditions listed in the City Oak Tree Consultant memorandum (September 23, 2014) regarding the oak trees on the property, and with the Oak Tree Preservation Program stipulated in the Oak Tree Report (Newman, July 2013, rev. August 2014). For Oak Tree No. 4, the construction protection measures shall include

fencing and a prohibition on storage, construction staging, stockpiling, grading, or trenching within an 80-foot protection zone from the trunk. These measures may be adjusted based on the recommendation of a qualified oak tree specialist upon review of more site specific design of Lot 15 residential development. If off-site trees under the jurisdiction of Los Angeles County are required to be damaged or encroached upon, a permit from Los Angeles County is required consistent with the Los Angeles County Oak Tree Ordinance (§ 22.56.2050, or its successor).

**Mitigation Measure BIO-6(b):** As each individual residential lot is proposed for development, the Planning and Community Development Department shall determine if an Oak Tree Permit, Oak Tree Report, or similar study is required based on the location of the specific development in relation to protected oak trees, including fuel modification measures as necessary. An Oak Tree Report or similar study shall be prepared by a qualified oak tree specialist and submitted to the Planning and Community Development Department for review and acceptance. The oak tree protection, preservation and mitigation requirements of such a report/study and any requirements of the Planning and Community Development Department, including the City Oak Tree Consultant, shall be implemented. The construction protection measures shall include fencing and a prohibition on storage, construction staging, stockpiling, or trenching within an 80-foot protection zone from the trunk of Oak Tree No. 4. Preservation measures shall include a prohibition on the development of hardscape, structures, and paved access within an 80-foot protection zone from the trunk of Oak Tree No. 4. This requirement may be waived on the recommendation by a qualified oak tree specialist with review and approval by the Planning and Community Development Department. If off-site trees under the jurisdiction of Los Angeles County are required to be damaged or encroached upon, a permit from Los Angeles County is required consistent with the Los Angeles County Oak Tree Ordinance (§ 22.56.2050, or its successor). The loss of any oak trees shall be compensated and mitigated pursuant to the City's Oak Tree Ordinance and Oak Tree Preservation and Protection Guidelines in Article IX of the Municipal Code. Such compensation shall occur prior to issuance of Certificate of Occupancy of the development on the individual residential lot, and, for each oak tree, shall be at a ratio of no fewer than 4:1, with at least two (2) 24-inch box specimens and one (1) 36-inch box specimen, with the remaining tree diameter dependent on the size of the individual tree to be removed. Mitigation shall occur on the same lot as the oak tree to be affected; however, if this is determined by the Planning and Community Development Department to be infeasible, an additional site as close as possible to the area of oak removal may be acceptable. If onsite or offsite planting locations are found infeasible, the Applicant may provide an in-lieu fee mitigation to the City's Oak Tree Mitigation Fund. A determination of infeasibility shall be made by the Director of Planning and Community Development.

(b) Facts in Support of Findings

Phase 1 of the Project has been designed to avoid impacts to protected oaks trees to the extent feasible. Five (5) oak trees are located off-site, on the eastern border of the Project site. In order to install the 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. The remaining encroachment is considered minor to moderate. With incorporation of protective measures to be employed during construction, such as the use of hand tools and under the guidance of an Oak Tree Consultant, the Project would minimize impacts to 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. A measure to prohibit Phase 1 work within 80 feet of the tree trunk would reduce impacts to a less than significant level. Impacts to protected oaks during Phase 1 would be reduced to a less than significant level through compliance with the identified mitigation measures.

Depending on the residential structure and site design for the Phase 2 potential 15 homes on the Project site, impacts to four (4) oak trees, including Oak Tree No. 4, could result. Given the location of these trees either off-site or on the border of residential 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, measures have been incorporated to reduce impacts to a less than significant level. 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. For Oak Tree No. 4, Phase 2 development shall be prohibited from developing hardscape, structures and paved access within an 80-foot protection zone from the tree's trunk. This requirement may be waived on the recommendation of a qualified oak tree specialist upon review and approval of the City Planning and Community Development Department. In compliance with these measures, impacts to protected oaks in Phase 2 of the Project would be reduced to a less than significant level.

### **C. Geology and Soils**

1. Seismically induced ground shaking impacts with the potential to damage or destroy structures and result in the loss of property or human safety risks

The Project site is located within the seismically active area of Southern California but outside a Fault Hazard Zone defined by the Alquist-Priolo Earthquake Hazards Act (APEHA) of 1972 revised in 1994. Because the site is within a seismically active region, it is prone to occasional damaging earthquakes, and could experience moderate to severe ground shaking from both near and distant earthquake sources during the life of the proposed structures. No above ground structures are proposed in Phase 1 that could sustain significant ground shaking damage. Ground shaking impacts to the proposed debris detention basins, located below ground surface, could be potentially significant if the design and construction related requirements and recommendations of the Project's geotechnical site evaluation (Gorian 2013) and of the City's Geotechnical Consultant are not implemented.

Seismic ground shaking impacts from Phase 2 construction of residences would be potentially significant. Construction of the residential buildings would be required to be in conformance with the California Building Code (CBC), which is intended to prevent the catastrophic collapse of structures during a seismic event. However, impacts from construction of the residences would still be considered potentially significant. As individual residences are proposed in the future, individual grading plans and geotechnical analyses would be required to be submitted to the City for review and approval, and all design and construction measures outlined in these materials would need to be implemented.

For both Project phases, potential impacts from seismic ground shaking can be mitigated to a less than significant level with compliance with the above noted geotechnical requirements and recommendations.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the potentially significant effects of seismically induced ground shaking on the proposed debris detention basins and residences. Specifically, the following measures have been included to ensure that such impacts remain less than significant.

**Mitigation Measure GEO-1(a):** The project design and construction shall incorporate and implement all of the requirements/recommendations, as applicable, in the Gorian & Associates Geotechnical Site Evaluation dated July 24, 2013, as well as in the responses to City comments from Gorian dated November 12, 2013 and December 23, 2013, and the City Geotechnical Review Sheet prepared by Geodynamics, Inc. dated January 29, 2014. Compliance with the requirements/recommendations shall be demonstrated and incorporated into the plans prior to issuance of a grading permit or building permit, whichever occurs first. The required shear key/buttress shall be constructed prior to issuance of any Phase 2 building permits or grading permits, as identified in the Gorian (July 2013) report.

**Mitigation Measure GEO-1(b):** Final development plans for Phase 1, shall be reviewed and approved by a geotechnical professional and the City Building Department and Planning and City Community Development Department prior to issuance of a grading permit or building permit, whichever comes first.

For Phase 2, an individual grading plan and geotechnical analysis shall be prepared as part of the application for each residence proposed in the future, and shall be subject to the review and approval of the City. All recommendations and requirements of the geotechnical analysis, and those of the City, shall be followed. All recommendations/requirements of the geotechnical analysis, and those of the City, shall be followed. Compliance with the requirements/recommendations shall be demonstrated and incorporated into the plans prior to issuance of a grading permit or building permit, whichever occurs first.

(b) Facts in Support of Findings

The Project site is not located within a fault hazard area, but is within the seismically active region of Southern California. Consequently, above ground structures and debris detention basins at ground level on the site could be affected by seismic ground shaking and possibly result in property loss or human safety concerns. To ensure that there are no significant ground shaking impacts, the applicant/developer would need to incorporate all geotechnical requirements and recommendations stipulated for the Project (as outlined in the Project's geotechnical site evaluation previously prepared and the evaluations to be prepared specifically for each residence), and those measures provided by the City's Geotechnical Consultant. Compliance with such measures would ensure less than significant impacts from seismically induced ground shaking.

2. Impacts from landslides

The Project site is located within a valley floor surrounded by hillsides. No slope stability or landslide concerns would result from implementation of Phase 1, given that no structures are proposed in areas of potential landslide. Conventional cut and fill grading would be used to construct building pads and access driveways during Phase 2 development of residences. The building pads would be raised above the valley floor and no major cut slopes are planned into the hillsides. A stability analysis of the natural hillside area, provided in the Project's geotechnical site evaluation (Gorian 2013) found potential landslide areas near proposed residential Lots 7, 8, 9, and 10. The geotechnical site evaluation and City Geotechnical Consultant comments provide requirements and recommendations for development of these areas to address landslide potential. Impacts to slope stability and landslides would be potentially significant for Phase 2. Compliance with the noted geotechnical measures would ensure less than significant impacts from landslides.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the potentially significant landslide effects to the proposed residences. Specifically, the following measures have been included to ensure that such impacts remain less than significant.

**Mitigation Measure GEO-1(a):** The project design and construction shall incorporate and implement all of the requirements/recommendations, as applicable, in the Gorian & Associates Geotechnical Site Evaluation dated July 24, 2013, as well as in the responses to City comments from Gorian dated November 12, 2013 and December 23, 2013, and the City Geotechnical Review Sheet prepared by Geodynamics, Inc. dated January 29, 2014. Compliance with the requirements/recommendations shall be demonstrated and incorporated into the plans prior to issuance of a grading permit or building permit, whichever occurs first. The required shear key/buttress shall be constructed prior to issuance of any Phase 2 building permits or grading permits, as identified in the Gorian (July 2013) report.

**Mitigation Measure GEO-1(b):** Final development plans for Phase 1, shall be reviewed and approved by a geotechnical professional and the City Building Department and Planning and City Community Development Department prior to issuance of a grading permit or building permit, whichever comes first.

For Phase 2, an individual grading plan and geotechnical analysis shall be prepared as part of the application for each residence proposed in the future, and shall be subject to the review and approval of the City. All recommendations and requirements of the geotechnical analysis, and those of the City, shall be followed. All recommendations/ requirements of the geotechnical analysis, and those of the City, shall be followed. Compliance with the requirements/recommendations shall be demonstrated and incorporated into the plans prior to issuance of a grading permit or building permit, whichever occurs first.

(b) Facts in Support of Findings

Portions of four proposed residential lots are located near landslide prone areas. Proper preparation of these sites for development, in accordance with geotechnical requirements and recommendations in geotechnical site evaluations, previously prepared or to be prepared, and those of the City's Geotechnical Consultant would ensure that impacts from landslides would be less than significant.

3. Impacts from differential settlement of soils

The upper soil zone overlying the Project site is highly weathered and desiccated to a depth of approximately three feet. There is the potential for differential settlement of soils that could cause significant impacts to the Phase 2 residences constructed over these soils. The Project's geotechnical site evaluation and City Geotechnical Consultant comments provide requirements and recommendations for development in potential differential settlement areas to minimize soil concerns relating to the structures. Impacts from differential settlement of soils would be potentially significant for Phase 2. Compliance with the noted geotechnical measures would ensure less than significant impacts from landslides.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the potentially significant soil settlement effects to the proposed residences. Specifically, the following measures have been included to ensure that such impacts remain less than significant.

**Mitigation Measure GEO-1(a):** The project design and construction shall incorporate and implement all of the requirements/recommendations, as applicable, in the Gorian & Associates Geotechnical Site Evaluation dated July 24, 2013, as well as in the responses to City comments from Gorian dated November 12, 2013 and December 23, 2013, and the City Geotechnical Review Sheet prepared by Geodynamics, Inc.

dated January 29, 2014. Compliance with the requirements/recommendations shall be demonstrated and incorporated into the plans prior to issuance of a grading permit or building permit, whichever occurs first. The required shear key/buttress shall be constructed prior to issuance of any Phase 2 building permits or grading permits, as identified in the Gorian (July 2013) report.

**Mitigation Measure GEO-1(b):** Final development plans for Phase 1, shall be reviewed and approved by a geotechnical professional and the City Building Department and Planning and City Community Development Department prior to issuance of a grading permit or building permit, whichever comes first.

For Phase 2, an individual grading plan and geotechnical analysis shall be prepared as part of the application for each residence proposed in the future, and shall be subject to the review and approval of the City. All recommendations and requirements of the geotechnical analysis, and those of the City, shall be followed. All recommendations/ requirements of the geotechnical analysis, and those of the City, shall be followed. Compliance with the requirements/recommendations shall be demonstrated and incorporated into the plans prior to issuance of a grading permit or building permit, whichever occurs first.

(b) Facts in Support of Findings

The potential for differential settlement of soil exists in the top layer of the Project site proposed for development. Differential soil settlement could pose a significant concern for development of above ground structures, such as the proposed residences, given the need for adequately supporting soils. Proper preparation of these sites for development, in accordance with geotechnical requirements and recommendations in geotechnical site evaluations, previously prepared or to be prepared, and those of the City's Geotechnical Consultant, would ensure that impacts from differential soil settlement would be less than significant. Impacts to structures at or below surface from differential soil settlement would be less than significant.

4. Expansive soils impacts

Expansion tests were performed for the Project on two soil samples representative of the materials that would be placed for future compacted fill on the site. Based on these test results, the soils at the site are considered moderately expansive. The potential for property damage with construction of Phase 2 residences would be a potentially significant impact. Potentially significant impacts could also result from Phase 1 construction of the debris detention basins. The geotechnical site evaluation and City Geotechnical Consultant comments on the evaluation provide requirements and recommendations for development of these areas to address expansive soils. Impacts from expansive soils would be potentially significant. Compliance with the noted geotechnical measures and completion and compliance with an infiltration study prior to

final design of the debris detention basins would ensure less than significant impacts from expansive soils.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the potentially significant effects to the proposed structures from expansive soils. Specifically, the following measures have been included to ensure that such impacts remain less than significant.

**Mitigation Measure GEO-1(b):** Final development plans for Phase 1, shall be reviewed and approved by a geotechnical professional and the City Building Department and Planning and City Community Development Department prior to issuance of a grading permit or building permit, whichever comes first.

For Phase 2, an individual grading plan and geotechnical analysis shall be prepared as part of the application for each residence proposed in the future, and shall be subject to the review and approval of the City. All recommendations and requirements of the geotechnical analysis, and those of the City, shall be followed. All recommendations/ requirements of the geotechnical analysis, and those of the City, shall be followed. Compliance with the requirements/recommendations shall be demonstrated and incorporated into the plans prior to issuance of a grading permit or building permit, whichever occurs first.

**Mitigation Measure GEO-6:** A professional geotechnical consultant shall prepare an analysis of the impact of the debris detention basin system proposed in Phase 1 on the proposed development, and perform an infiltration study per the current Los Angeles County guidelines and requirements. All recommendations/requirements of the analysis and study, and those of the County and City, shall be followed. Compliance with the requirements/ recommendations shall be demonstrated and incorporated into the plans prior to issuance of a grading permit or building permit for Phase 1, whichever occurs first.

(b) Facts in Support of Findings

Moderately expansive soils exist at the Project site. Proper preparation of the site for development of the proposed residences and debris detention basins, in accordance with geotechnical requirements and recommendations in geotechnical site evaluations, previously prepared or to be prepared as part of mitigation measures, and those of the City's Geotechnical Consultant, would ensure that impacts from expansive soils would be less than significant. Further, the measure to conduct an infiltration study for the basins is required, even though the basins would be designed to detain, but not retain, water, in order to be the most protective in consideration of the moderately expansive soil condition onsite. Expansive soil impacts to the basins would be less than significant with preparation of an infiltration study and incorporation of required and recommended infiltration study measures.

## D. Hydrology and Water Quality

### 1. Flood hazard impacts

Residential Lots 1, 2 and 15 are located within the floodway and floodplain of Chesebro Canyon Creek. Portions are within FEMA Flood Zone AE (floodway, 0.1 percent annual chance of flood hazard), and others within Zone X (0.2 percent annual chance of flood hazard). Phase 1 of the project would add fill dirt to Lot 1 in order to ensure that grading cut and fill in Phase 1 is balanced onsite. This would raise the site out of the flood plain without raising the base foundation elevation. A less than significant impact would result from Phase 1. Any construction of residences on these three lots during Phase 2 would be required to comply with the City of Agoura Hills Municipal Code Section 3707, which outlines construction standards for buildings within the flood plain. These include anchoring the buildings, elevating them out of the flood plain, and flood proofing the buildings and utilities. Additionally, this section requires:

*Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. If no floodway sources are designated, the registered professional engineer or architect shall demonstrate that the cumulative effect of all encroachment in the floodplain does not increase the base flood elevation (BFE) by more than one (1) foot.*

Nonetheless, there remains the potential that flooding could occur as a result of residential construction on Lots 1, 2 and 15, given their location in the FEMA floodplain. Additional studies, including a FEMA Conditional Letter of Map Revision (CLOMR), would be required prior to issuance of building or grading permits, whichever occurs first, to ensure that no damage would be caused to the structures, and flood waters would not be diverted so as to cause damage to neighboring properties. Impacts related to construction within the floodplain would be less than significant with the measures for the applicant/developer to prepare FEMA- and City-required documents for work in the FEMA floodplain to demonstrate that the Project would not cause significant adverse flooding effects on-site or off-site. These documents would be submitted for City review and acceptance prior to the City's issuance of any grading or building permits, whichever occurs first.

The Project would take its access from Chesebro Road. This road is currently within the floodplain and could potentially flood, making site access difficult. Compliance with the measure to provide a plan for Project site access during flood events for City acceptance before issuance of building or grading permits would ensure that site access impacts from possible flooding would be less than significant.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the potentially significant effects on- and off-site from flooding. Specifically, the following measures have been included to ensure that such impacts remain less than significant.

**Mitigation Measure HWQ-5(a):** Prior to development of Lots 1, 2, or 15 as part of Phase 2, the applicant shall be responsible for preparing documents required to conduct work in the FEMA floodplain, such as a Conditional Letter of Map Revision (CLOMR), and other items required by the City Public Works Director/City Engineer. Such documents shall be submitted to the City Public Works Department for review and acceptance prior to issuance of a building permit or grading permit, whichever occurs first.

**Mitigation Measure HWQ-5(b):** Prior to issuance of a grading permit for development of Phase 2, the applicant must submit for review and approval by the City Public Works Department/City Engineer an access plan for the site detailing how access would be maintained under flood conditions. This could include sand bags or berms along the northern side of the road or a hydrology study proving that the road is not in the 100-year floodplain.

(b) Facts in Support of Findings

Portions of the Project site proposed for development of structures are within a FEMA floodplain and floodway. As a result, potential flooding impacts could occur to on-site and off-site properties during certain flood events. In order to reduce such potential impacts to a level of less than significant, the applicant/developer would need to demonstrate that the proposed improvements could be achieved, meeting FEMA and City standards for development within a floodplain/floodway. Specifically, the applicant/developer would need to comply with the requirements of the FEMA's CLOMR process and the regulations in the Agoura Hills Municipal Code pertaining to floodway and floodplain prior to the City's issuance of any building or grading permits, whichever occurs sooner. The applicant/developer would also need to demonstrate that access to the Project site from Chesebro Road, also within the floodplain, could be ensured during flood events. An access plan is required to be prepared by the applicant/developer and submitted to the City for review and approval prior to issuance of a grading permit. Compliance with these measures would ensure less than significant from flood hazards.

**VII. Measures to Further Reduce Potentially Significant Environmental Impacts Already Determined to Be Mitigated to a Less than Significant Level in the Draft EIR**

**A. Biological Resources**

1. Impacts from reduction of species population and habitat, and restriction of reproductive capacity of special status wildlife species not on California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) lists or candidates for listing.

(a) Findings

Changes or alterations have been incorporated into the Project that further reduce potentially significant environmental impacts that were already determined to be mitigated to a less than significant level in the Draft EIR. These changes or alterations are to supplement previously identified and required Mitigation Measures BIO-1(a), BIO-1(b) and BIO-1(c) and provide additional environmental protection. They are not necessary in order to reduce identified impacts to a level of less than significant.

**Mitigation Measure BIO-1(d):** All pesticides, herbicides, and fertilizers used at the project site shall be those designated for use near aquatic and wetland habitats, and shall be applied with techniques that avoid over-spraying and control application to avoid excessive concentrations. Rodenticides are prohibited. These requirements shall be printed on the landscape plans for each residential development approved, and included in the project covenants, conditions and restrictions (“CC&Rs”), tract map, as well as recorded on the deed for each residential lot. The CC&Rs shall stipulate that the use of pesticides, herbicides, and fertilizers and prohibition on rodenticides shall be the subject of at least one annual communication by the HOA to its property owners and residents in the form of a meeting and/or newsletter or electronic update that is distributed to property owners and residents. Evidence of this effort shall be provided to the City Planning and Community Development Department each year by January 1st. The HOA shall also provide the Department with an annual monitoring report by January 1<sup>st</sup> of each year demonstrating the use of aquatic and wetland habitat appropriate fertilizer, herbicides, and pesticides on the HOA property. If determined necessary by the City, the City may require the HOA to retain a qualified biologist approved by the City Environmental Analyst to verify the correct use of appropriate herbicides, pesticides, and fertilizers as part of the annual monitoring report.

**Mitigation Measure BIO-1(e)** As part of Phase 1, the developer/applicant shall prepare a public education campaign for future residents of the project site regarding: 1) the effects of domestic animal predation on wildlife (e.g., domestic cats and protected bird species), and 2) the risks of predation on domestic animals by

carnivores. The education materials shall be prepared by a qualified biologist, approved by the City Environmental Analyst, and included in the project covenants, conditions and restrictions (“CC&Rs”) prepared for the entire project site prior to recordation of the Final Tract Map. The education materials shall also include the Santa Monica Mountains Resource Conservation District brochure on Best Management Practices for Horse Owners (or similar). Predator safe enclosures should be provided for animals kept outside overnight. The CC&Rs shall stipulate that the education materials shall be the subject of at least one annual communication by the HOA to its property owners and residents in the form of a meeting and/or newsletter or electronic update that is distributed to all property owners and residents. Evidence of this effort shall be provided to the City Planning and Community Development Department each year by January 1st.

**Mitigation Measure BIO-1(f):** This mitigation measure is intended to prohibit fencing types that would entrap or harm wildlife, while promoting movement to open areas and parkland to the east and north and within the Lot 17 open space parcel. For Phases 1 and 2 any fencing within the Lot 17 open space parcel must be designed to allow wildlife passage (e.g., split rail, with an 18 inch minimum distance from the ground to the first rung). The applicant shall ensure that all new property line fences or walls are designed to prevent ensnarement of wildlife.

Fences and walls along the rear property lines of Lots 6-15 shall be designed to prevent entry and entanglement of wildlife and funnel wildlife into suitable open habitat to east and north (unless wildlife permeable fences are desired). Wall and fences at the property line shall be designed to be compatible with the Zoning Ordinance and the City’s Architectural Design Standards and Guidelines and to conform to the following standards:

- a) Exclusion fencing shall be solid wood, or simulated wood, with closely spaced planks, solid masonry wall, or other similar material encouraged under the City Architectural Design Standards and Guidelines and the LACFD Fuel Modification Guidelines, or required by the Fuel Management Plan.
- b) If wildlife permeable fencing is desired, it must be split-rail fence, or similar fencing consistent with the City’s Design Standards and Architectural Guidelines constructed with:
  - i. The top rail that is no more than 40 inches above the ground;
  - ii. The top 2 rails at least 12 inches apart;
  - iii. The bottom rail at least 18 inches above the ground;
  - iv. Rails are smooth
  - v. No vertical stays ; and

- vi. Minimum 10-foot intervals for all posts.
- c) Alternative designs must be approved by a City approved qualified biologist and the City Environmental Analyst.

The Applicant shall identify all fences on project plans submitted for building and/or grading permits. These plans must include the fence locations and schematic elevations detailing construction and materials. The applicant shall demonstrate on the project plans that the requirements of this condition are met, and the plans must be approved by City Planning and Community Development Department prior to the issuance of a grading or building permit in which fencing is proposed. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate that the fencing as built meets the requirements of this condition.

(b) Facts in Support of Findings

In response to public comments received on further protecting wildlife on and around the Agoura Equestrian Estates Project site, additional measures were added to the Project. These include domestic animal predator and predation education for potential future homeowners on-site; wildlife friendly fencing that would prevent entrapment or harm to wildlife but that would promote movement to adjacent open areas and parkland; restrictions on the use of pesticides, herbicides and fertilizers by potential future homeowners on-site; and prohibition on the use of rodenticides by potential future homeowners on-site. Impacts to wildlife were already shown to be mitigated to a less than significant level in the Draft EIR through Mitigation Measures BIO-1(a), BIO-1(b) and BIO-1(c). The additional measures would supplement those previously identified, but are not necessary to reduce potentially significant impacts to a less than significant level.

1. Impacts from reduction of number and habitat of a California Native Plant Society rare species.

(a) Findings

Changes or alterations have been incorporated into the Project that further reduce potentially significant environmental impacts that were already determined to be mitigated to a less than significant level in the Draft EIR. These changes or alterations are to supplement previously identified and required Mitigation Measures BIO-2(a) and BIO-2(b) and provide additional environmental protection. They are not necessary in order to reduce identified impacts to a level of less than significant.

**Mitigation Measure BIO-2(c):** The round-leaved filaree occurrences detected in 2015 shown in EIR Figure 4.2-7 shall be avoided and preserved. Structures requiring fire clearance shall not be permitted within 50 feet of the population, and no development is permitted within 50 feet of the population as shown on Exhibit EIR Figure 4.2-7. Construction of the Phase 1 drainage facility is allowed within the required

fencing (as described below) with monitoring by a qualified, City-approved biologist (biologist). As part of Phase 2 improvements, a property wall or fence consistent with Mitigation Measure BIO-1(f) may be constructed within the 50 foot buffer with monitoring by a biologist.

On the Lot 17 open space parcel, a 50-foot buffer around each of the three occurrences (or to the rear property line of Lots 8 and 9) must be fenced in perpetuity with a spilt rail (or similar wildlife permeable fencing) consistent with the City's Design Standards and Architectural Guidelines and signage erected prohibiting disturbance prior to issuance of a grading or building permit (whichever occurs first) for Phase 1. The minimum distance from ground level to any fences to the first rung shall be 18 inches. A fence or wall (consistent with BIO-1(f)) is allowed within the 50-foot buffer along the property lines of Lots 8 and 9, providing it would serve the same function of keeping people and domestic animals away from the occurrence. Any required fuel modification within the fenced area on Lot 17 must be completed by hand, with vegetation only mowed to a height of three (3) inches, and prohibited from February 1 to May 30. This requirement shall be integrated into a Fuel Management Plan prepared under MM BIO-3(a). Hand weeding to manage invasive species is allowed in coordination with a qualified biologist. A deed restriction with these requirements, including EIR Figure 4.2-7, shall be recorded on the deed for Lots 8, 9, and 17 concurrent with the Final Tract Map recordation.

(b) Facts in Support of Findings

In response to public comments received on further protecting the round leaved filaree rare plant, an additional measure was added to the Project. The measure requires the round leaved filaree populations detected in 2015 spring rare plant surveys to be protected in place, and special fuel modification methods to be used to ensure the plant's survival.

During on-site spring 2015 rare plant surveys, conducted in response to Draft EIR public comments requesting additional surveys and rain occurring after several years of dry weather, and after release of the Draft EIR for public comment in January 2015, the species was found in the same location previously anticipated, which was identified in the Draft EIR. Three separate occurrences were detected in 2015, all within the Lot 17 open space parcel, which would be permanently preserved as open space. The easternmost occurrence located 150 feet from Lot 13 is outside any trail or drainage easements, and is an adequate distance from the proposed residential lots and infrastructure such that no significant impacts are expected. However, the two southernmost occurrences are within the fuel modification zones for the residential lots. The existence of the round leaved filaree in these general areas was already anticipated in the Draft EIR. Impacts were determined to be potentially significant assuming the Los Angeles County Fire Department would mandate off-site fuel modification. If off-site fuel modification were to occur, the southern two occurrences would be impacted. Observations of round-leaved filaree on fire trails suggest that disturbance may benefit

the populations and populations respond positively to fire. The small (less than 15 centimeter) annual plant produces and disperses seeds following the blooming period (March to May). Given the morphology and life history of the species, fuel management vegetation mowing to three inches (required in Fuel Management Zone C) outside the blooming period is unlikely to affect the round leaved filaree population identified in 2015.

Impacts to the round leaved filaree were already shown to be mitigated to a less than significant level in the Draft EIR through Mitigation Measures BIO-2(a) and BIO-2(b). Under these measures, any population of round leaved filaree that could not be avoided would be mitigated by restoration or off-site preservation. The additional measure would expand upon those previously identified, and further protected the rare plant species by protecting it in place, but is not necessary to reduce potentially significant impacts to a less than significant level. Previously identified Mitigation Measure BIO-2(a) requires preconstruction botanical surveys. If the round leaved filaree is found in additional locations than those identified in 2015 spring surveys, then required Mitigation Measure BIO-2(b) would apply. This measure indicates that if any new special status plant populations, including round leaved filaree, are found on-site and cannot be avoided, then an on- or off-site restoration plan or off-site preservation plan is required to be implemented to reduce impacts to a less than significant level.

3. Impacts from disturbance to or reduction in extent of on-site and off-site sensitive plant communities

(a) Findings

Changes or alterations have been incorporated into the Project that further reduce potentially significant environmental impacts that were already determined to be mitigated to a less than significant level in the Draft EIR. These changes or alterations are to supplement previously identified and required Mitigation Measure BIO-3(a) and provide additional environmental protection. It is not necessary in order to reduce identified impacts to a level of less than significant.

**Mitigation Measure BIO-3(b):** For development of each residence in Phase 2, the Applicant shall submit a landscape plan prepared by qualified landscape architect (or biologist) consistent with the City Architectural Design Standards and Guidelines and City Zoning Ordinance to the City Planning and Community Development Department. No species identified as invasive (e.g., California Native Plant Society and California Invasive Plants List, Invasive Plant Council lists) shall be utilized in the landscape plans. Native landscaping is encouraged. The CC&Rs for the homes shall prohibit planting any invasive exotic species listed by either by the California Native Plant Society and California Invasive Plants List, or Invasive Plant Council. The City Planning and Community Development Department shall review and approve the Landscape Plan prior to issuance of a grading permit for individual lots.

(b) Facts in Support of Findings

In response to public comments received on further protecting sensitive plant communities, Mitigation Measure BIO-3(b) was added to prohibit invasive plants in landscape plans for possible future residences on-site. This prohibition would assist in preventing the spread of invasive species into nearby open space or parklands. The City already reviews residential landscape plans for new single-family homes and does not allow invasive species as part of the plant palette. Impacts to sensitive plant communities were identified in the Draft EIR as being mitigated to a less than significant level through Mitigation Measure BIO-3(a) related to fuel modification plans. This additional measure would further ensure such species are not incorporated into the landscapes of future residential lots but is not necessary to ensure less than significant impacts to sensitive plant communities.

**VIII. Project Alternatives.**

**A. Alternatives Considered But Rejected in the EIR.**

The City considered a range of reasonable alternatives as discussed below. In determining what alternatives to analyze, the City considered, but rejected, one other potential alternative involving a private day school (such as the previously entitled Heschel West Day School). This alternative was considered but rejected. It was determined that development of a day school within the valley floor the Agoura Equestrian Estates Project site would increase potential impacts related to aesthetics with an increased building footprint and a parking lot. Impacts related to traffic and noise would be greater with additional traffic generated by employees and students traveling to and from the school. The school would also generate additional noise impacts in its daily operations as compared to 15 single family residential units. With a greater portion of the project site being graded, impacts would also be greater in the areas of biological resources, geology, and hydrology. The alternative would also not meet the project objectives. Therefore, with the increased impacts in many issues areas, and not meeting project objectives, this alternative has been rejected.

During the public comment period on the EIR, suggestion was made regarding another alternative to be considered, however the alternative was considered infeasible and so was not carried forward for further analysis. The suggested alternative is one that 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 required extent of fuel modification as a result of residential construction is determined by the County of Los Angeles, particularly the Fire Department, upon submittal of a residential site plan for review. As the potential future 15 homes are not yet proposed to be constructed, and have not yet been designed, the EIR assumes a reasonable maximum scenario for fuel modification. For the majority of the proposed residential lots, fuel modification is expected to occur on the residential lots or on the open space lot (Lot 17) that is part of the subject site. Off-site fuel modification on state lands may be required, at the discretion of Los Angeles County, for residential Lots 1, 13, 14 and 15. Zone A of fuel modification

for those residential lots abutting open space, 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. 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 (3) inches and prohibited from February 1 to May 30.

Alternatives that would offer more protection to natural resources by reducing the developed portion of the proposed site are Alternative 2 – Reduced Residential, and Alternative 4 – Clustered Development, both of which are analyzed in the Draft and Final EIR, and discussed further in the next section. Both of these alternatives were found not to meet the project objectives, which are:

- Develop a project that is aesthetically and functionally compatible with adjacent uses and the environment.
- Provide a recreational trails area for the Agoura Hills equestrian community.
- Conserve open space in compliance with the Agoura Hills General Plan.
- Provide the framework for large lot future home development with freeway access consistent with the character of Old Agoura.
- Create a financially viable project in the City of Agoura Hills.
- Annex the project site into the City of Agoura Hills to ensure that any development would be consistent with the City's General Plan and Municipal Code, and that enforcement of building, planning and environmental standards will be handled by the City's staff.
- Sell individual residential lots to residential developers and assure the site would not be developed as a school.

The alternative suggested during the public comment period consists of fully avoiding impacts to natural resources. The only alternative to possibly entirely avoid natural resource impacts is the No Project (analyzed in the EIR and described below), although the No Project alternative would not prevent development of the site with another use, or possibly another alternative that consists of no development of the site, rather permanent preservation of the Agoura Equestrian Estates Project site as open space. This possible open space alternative would also not meet the project objectives of providing the framework for large lot home development and possibly a financially viable project.

Further reduction in the proposed development envelope on the site in order to eliminate fuel modification on public land would be more akin to Alternative 2 or 4, but would require even further reduction in the number and/or size of the residential lots, which would not meet the project objectives. An alternative in which the 15 residential lots would be sited along the western edge of the Agoura Equestrian Estates Project site 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.

In order to provide a scenic buffer along Chesebro Road, as suggested in the public comment alternative, the proposed residential lots would need to be shifted southerly and an open space buffer provided in the northern portion of the Agoura Equestrian Estates Project site, where the homes are currently proposed. The residential lots would be shifted closer to significant biological resources and to areas with steep slopes. The proposed Agoura Equestrian Estates 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. The purpose of this site design is to minimize impacts to significant biological resources found in the southern and eastern site areas, and avoid development in 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. With the suggested alternative, aesthetic impacts would likely be more significant.

For the reasons noted above, the alternative suggested in the public comments is infeasible and would not meet the following project objectives: provide the framework for large lot future home development with freeway access consistent with the character of Old Agoura; and may not provide for a financially viable project in the City of Agoura Hills by creating a sufficient number and size of residential lots. The alternative was therefore rejected.

## **B. Alternative Site Analysis**

Several criteria formed the basis of whether alternative sites needed to be considered in detail. These criteria took the form of the following questions:

1. Could the size and other characteristics of another site physically accommodate the project?
2. Is another site reasonably available for acquisition?
3. Is the timing of carrying out development on an alternative site reasonable for the applicant?
4. Is the project economically feasible on an alternative site?
5. Is the land use designation of an alternative site compatible with the project?
6. Does the lead agency have jurisdiction over the alternative site?
7. Are there any social, technological, or other factors that may make the alternative site infeasible?

Due to the nature of the Project, which involves the annexation of unincorporated land from the County of Los Angeles into the City of Agoura Hills, there are no alternate project sites. The Agoura Equestrian Estates Project site is located adjacent to the City of Agoura Hills and owned by the City of Agoura Hills, and the City does not own or reasonably have access to other sites that could accommodate the proposed project. Therefore, although development of the proposed uses at another site would be physically feasible, an analysis of an alternative that considers development of the proposed Agoura Equestrian Estates Project on a different site, considering the project objectives and nature of the project, is not feasible or warranted.

### **C. Alternatives Considered in the EIR**

#### **1. Alternative One – No Project – No Development Alternative**

##### **(a) Summary of Alternative**

This alternative assumes that the proposed Agoura Equestrian Estates Project would not be developed and that the site would remain in its current vacant condition. The 71-acre project site would remain vacant and in its natural state. The annexation of the project site and other proposed adjacent State of California lands to the City of Agoura Hills would not occur, and there would be no permanent open space restriction placed on the project site, either on a portion or the site as a whole. This alternative evaluates the environmental impacts from a continuance of the project site as it currently exists.

##### **(b) Reasons for Rejecting the Alternative**

The No Project Alternative would avoid the proposed Agoura Equestrian Estates Project's environmental impacts in every issue area studied in the EIR. Therefore, no impact would occur under this alternative and overall environmental impacts would be lower than those of the proposed Project.

This alternative does not meet any of the project objectives except for potentially conserving open space, yet the alternative would not include placing a deed restriction or covenant on the site to ensure permanent open space preservation, either on a part or the totality of the site. The project site and adjacent areas would not be annexed to the City, but would remain in the jurisdiction of the County of Los Angeles. The project objectives of annexation; developing a project aesthetically and functionally compatible with the surrounding area; developing large-lot future homes; possibly creating a financially viable project in the City; providing formal, legal trails on the Project site for public use; and selling individual residential lots to potential developers and assuring the site would not be developed as a school would not be met. While the prior County Board of Supervisors' approval of a day school on the site and its entitlements granted in 2007 have expired, with this alternative, the site would remain in the County and could feasibly be developed with a school in the future, if approved by the County. 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

same zoning and land use designation under which the school was approved. The proposed Agoura Equestrian Estates Project eliminates this possibility by annexing the land to the City and requiring the recordation of a covenant on the land that would prohibit a school from being built. For these reasons, the City Council rejects this alternative as infeasible.

## 2. Alternative Two – Reduced Residential Alternative

### (a) Summary of Alternative

Under the Reduced Residential Alternative, the residential component of the subdivision would be reduced to approximately 50 percent of the proposed Agoura Equestrian Estates Project size with eight single-family residential lots on approximately 12.5 acres as opposed to 15 single-family residential lots on approximately 22 acres. Under this alternative, the eight single-family lots would be zoned RV Residential Very Low Density (RV) (1 acre minimum lot), which is the same as under the proposed project. Additionally, under the Reduced Residential Alternative, the remaining portion of the site (about 58.5 acres) would be zoned for permanent preservation of open space. A potential way the site could be developed under this alternative is for the homes to be congregated in the northern portion of the site, as with the proposed Project. No plans have been submitted by the applicant that would constitute the Reduced Residential Alternative. All other design features would remain relatively consistent with the currently proposed project, including:

- Construction of a private access road through the site, including rolled curb
- Trails, fencing and drainage improvements within the private road right-of-way
- Relocation/construction of an existing multi-use informal trail located partially within and partially outside of the site boundaries to the east
- Earthen and rock drainage swale improvements and debris detention basins for runoff
- An equestrian trail and fence along the western side of the site, adjacent to existing homes
- Extension of utilities under the proposed private road from existing water and sewer lines under Chesebro Road

### (b) Reasons for Rejecting the Alternative

The Reduced Residential Alternative would lessen many of the proposed Agoura Equestrian Estates Project's environmental impacts studied in the EIR. Impacts to each of the environmental issue areas addressed in the EIR would either be reduced, or be the same as the Project proposed, and all mitigation measures applicable to the proposed Project would still be required. This alternative reduces the development footprint, but development would still occur in the same general area with the same natural or environmental resources or constraints present. Therefore, impacts

identified in the EIR would be the same as or lower for this alternative than for the proposed Project, but the alternative would not eliminate any impact or reduce any potentially significant impact to a less than significant.

This alternative would meet the majority of the proposed Project's objectives. However, due to the reduced number of residential lots that would be developed, this alternative would be less financially viable than the proposed Project. For these reasons, the City Council finds the Reduced Residential Alternative infeasible.

### 3. Alternative Three – North Area Plan Buildout Alternative

#### (a) Summary of Alternative

Under the North Area Plan Buildout Alternative, development on the Agoura Equestrian Estates Project site would be consistent with what is designated for the site under Los Angeles County's Santa Monica Mountains North Area Plan. This would allow for 14 single-family residential lots at a density of five acres/one dwelling unit (Mountain Lands, N5) over the entire site, one less than the 15 homes associated with the proposed project. This could result in a more dispersed development over the site with no designated open space or open space lots. Developed area footprints for individual residences could be similar to those of the proposed project. Since there are no County requirements to cluster development, although it is encouraged, this alternative assumes the 14 homes would be dispersed over the approximately 71-acre site, which is a potential manner of developing the site. This layout is similar to that proposed by the County of Los Angeles in the previously certified Heschel West Day School Final EIR (certified by the County Board of Supervisors in 2007) for the residential development alternative on this same site. All other components would be similar to the proposed Project, including:

- Construction of a private access road through the site, including rolled curb
- Trails, fencing and drainage improvements within the private road right-of-way
- Relocation/construction of an existing multi-use informal trail located partially within and partially outside of the site boundaries to the east
- Earthen and rock drainage swale improvements and debris detention basins for runoff
- An equestrian trail and fence along the western side of the site, adjacent to existing homes
- Extension of utilities under the proposed private road from existing water and sewer lines under Chesebro Road

Given the dispersed nature of the development in this alternative, substantially larger facilities would be needed, including additional roads, drainage swales, debris detention basins, and utility extensions.

(b) Reasons for Rejecting the Alternative

The North Area Buildout Plan Alternative would result in one less single-family home, but, given that the development could occur throughout the site, and not centralized in a single location, environmental impacts would for the most part be considered greater than that of the proposed Project. The impacts would continue to be less than significant with incorporation of all the same mitigation measures identified in the FEIR for the proposed Project. However, with regard to views and scenic vistas, under this alternative, residential development and road and infrastructure development would be more extensive and more visible from off-site, especially from U.S. Highway 101 and the Santa Monica Mountains National Recreation Area. As such, aesthetic impacts could be potentially significant and unmitigable with this alternative.

The North Area Plan Buildout Alternative would meet the majority of the proposed Project's objectives, but not meet the objective of conserving open space since, under this alternative, the entire site would be developed and no parcels would be available for open space conservation. Open space areas conserved by individual residential lot owners may occur at the direction of each landowner, but the open space would necessarily be fragmented and likely not contiguous. As such, it would likely have less visual and vegetative and wildlife habitat benefits than the permanent open space Lot 17 proposed as part of the Project. For these reasons, the City Council finds the North Area Plan Buildout Alternative infeasible and of possibly greater environmental impact than the proposed Project.

4. Alternative Four – Clustered Development

(a) Summary of Alternative

The Clustered Development Alternative consists of the single-family residential lots located in a cluster on the site near the private road entrance from Chesebro Road. The residential component would have the same number of single-family residential lots as the proposed Agoura Equestrian Estates Project, but in a greater density with lots at one to two dwelling units per acre with 15 single family lots developed on 13 acres. The proposed project includes 15 single-family homes on approximately 22 acres. Under this alternative, the residential component would be zoned Low Density-Residential (20,000 square feet minimum lot size per dwelling unit) (RL). The remainder of the project site, approximately 58 acres, would be zoned for permanent preservation of open space. All other components would be the same as the proposed Project including:

- Construction of a private access road through the site, including rolled curb
- Trails, fencing and drainage improvements within the private road right-of-way
- Relocation/construction of an existing multi-use informal trail located partially within and partially outside of the site boundaries to the east

- Earthen and rock drainage swale improvements and debris detention basins for runoff
- An equestrian trail and fence along the western side of the site, adjacent to existing homes
- Extension of utilities under the proposed private road from existing water and sewer lines under Chesebro Road

This residential lots in this alternative are assumed to be laid out on the site in the northern portion of the property near Chesebro Road, as with the proposed Project, but cover less land than the developed areas of the proposed Project. No plans have been provided by the applicant that would involve development of the site in a clustered manner.

(b) Reasons for Rejecting the Alternative

The Clustered Development Alternative would lessen many of the proposed Project's environmental impacts studied in the FEIR. Impacts to each of the environmental issue areas addressed in the FEIR would either be reduced, or be the same for this alternative, and all mitigation measures applicable to the proposed Project would still be required. This alternative reduces the development footprint, but development would still occur in the same general area with the same natural or environmental resources or constraints present. Therefore, impacts identified in the FEIR would be the same as or lower for this alternative than for the proposed Project, but the alternative would not eliminate any impact or reduce any potentially significant impact to a less than significant.

This alternative would meet the majority of the proposed Project's objectives. However, under this alternative, the site would be developed with smaller sized and higher density lots. As such, it would not meet the project objective of providing the framework for large lot future home development and may not meet the financial viability objectives. For the reasons stated above, the City Council finds the Clustered Development Alternative to be infeasible.

**D. Environmentally Superior Alternative**

Of the alternatives evaluated above, the No Project – No Development Alternative is the environmentally superior alternative with respect to reducing impacts created by the proposed Project. The No Project – No Development Alternative would avoid all environmental impacts of the proposed Project. However, it would not meet the project objectives, except the open space conservation, which it would meet to some extent. With this alternative, the site would remain open space, but would not be preserved as permanent open space with a deed restriction, as with the proposed Project.

The CEQA Guidelines also require the identification of another environmentally superior alternative if the No Project alternative is the environmentally superior alternative. Alternatives 2 (Reduced Residential Alternative) and 4 (Clustered

Development Alternative) would reduce impacts to biological resources, geology and soils, and hydrology and soils compared to the proposed Project since these two alternatives would limit the developed area on-site to approximately 13 acres. Impacts to aesthetics and hazards and hazardous materials would be about the same for these two alternatives as for the proposed Project, and the undeveloped site area with both alternatives would become part of the open space and not be impacted. Alternatives 2 and 4 would either have similar impacts to the proposed Project or would incrementally reduce some impacts of the proposed Project, but would not eliminate any significant impacts.

Alternative 3 (North Area Plan Buildout Alternative) would be environmentally inferior to the proposed Project. The aesthetic, biological, geological, and hydrologic/water quality impacts of spreading out the development would be greater.

## **E. The Project as Proposed**

### **1. Summary of Project**

The Project is described in detail in the EIR.

### **2. Reasons for Selecting the Project as Proposed**

The City Council has carefully reviewed the attributes and environmental impacts of all the alternatives analyzed in the FEIR, and has compared them with those of the proposed Project. The City Council finds that each of the alternatives is infeasible for various environmental, economic, technical, social, or other reasons set forth above. The City Council further finds that the Project as proposed is the best combination of features to serve the interest of the public and achieve the project objectives.

More specifically, the Project as proposed would integrate the Project site and adjacent State of California lands through annexation into the City and into the purview of the City's General Plan and Municipal Code. Development of the Agoura Equestrian Estates Project site would occur pursuant to the City General Plan and Municipal Code, and enforcement of building, planning, and environmental standards would be the responsibility of City staff. The Project as proposed would preserve the majority of the site as permanent natural open space and allow for limited large lot single-family residential development with freeway access by individual developers on a smaller portion of the site, consistent with the Old Agoura community of the City and compatible with the adjacent existing development. The Project as proposed would provide for formal trails for use by the public, and would assure that the site is not developed as a school. For all these reasons, the City Council selects the Project as proposed.

END