

REPORT TO CITY COUNCIL

DATE: MARCH 8, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER *hgt for G.R.*

BY: NATHAN HAMBURGER, ASSISTANT CITY MANAGER *hgt*
DOUG HOOPER, PLANNING DIRECTOR *DH*

SUBJECT: A PUBLIC HEARING AND APPEAL OF THE CITY OF AGOURA HILLS PLANNING COMMISSION'S APPROVAL OF THE CORNERSTONE MIXED-USE PROJECT (AGOURA VILLAGE DEVELOPMENT PERMIT CASE NO. 07-AVDP-002 AND TENTATIVE PARCEL MAP NO. 70559), WITH CONSIDERATION OF ADOPTION OF RESOLUTION NOS. 17-1837, 17-1838, AND 17-1839, UPHOLDING THE DECISION OF THE PLANNING COMMISSION AND APPROVING THE DEVELOPMENT OF A MIXED-USE PROJECT, AT THE SOUTHEAST CORNER OF AGOURA ROAD AND CORNELL ROAD, CONSISTING OF 35 RESIDENTIAL APARTMENT UNITS AND 68,918 SQUARE FEET OF RETAIL, RESTAURANT AND OFFICE SPACE, AND THE SUBDIVISION OF THE PROPERTY INTO TWO PARCELS, AND ADOPTION OF AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (SNOWDY DODSON, CALIFORNIA NATIVE PLANT SOCIETY, APPELLANT; DORON GELFAND, APPLICANT)

On January 5, 2017, the Planning Commission approved the Cornerstone Mixed-Use project (the "Project") with additional conditions, on a 4-1 vote (Commissioner Anderson opposed). The Project includes the construction of 35 residential apartment units and 68,918 square feet of retail, restaurant and office space, including a Conditional Use Permit for hillside development; a Tentative Parcel Map to subdivide the property into two parcels; and an Oak Tree Permit to remove 29 oak trees and 21,271 square feet of scrub oak habitat, and to encroach within the protected zone of six (6) oak trees. The Project also includes adoption of an Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP), pursuant to the California Environmental Quality Act (CEQA).

Subsequently, on January 19, 2017, the appellant, Ms. Snowdy Dodson, filed an appeal of the Planning Commission's decision to approve the project to the City Council. The purpose of this report is to briefly describe the Planning Commission's actions and the project for consideration by the City Council. The request before the City Council is to conduct a de novo public hearing to consider an appeal, filed by Snowdy Dodson of the

Los Angeles/Santa Monica Mountains Chapter of the California Native Plant Society, of the Planning Commission's approval of the Cornerstone Mixed-Use Project.

Attachment 5 of this report consists of the Planning Commission staff report. The report contains a detailed description of the proposed project and analysis of the requested permits. Attachments 8, 9 and 10 contain the final Planning Commission resolutions of project approval. Planning Commission Resolution No. 17-1178 pertains to CEQA findings for the IS/MND and MMRP prepared for the project, while Planning Commission Resolution No. 17-1179, and attached conditions of approval, pertain to the Agoura Village Development Permit (AVDP). Planning Commission Resolution No. 17-1180, and attached conditions of approval, pertain to the Tentative Parcel Map.

As part of their approval of the project, the Planning Commission amended Condition No. 43 of AVDP Resolution No. 17-1179 and added Condition No. 145, as follows (new text underlined):

"43. Final detailing for outdoor commercial and residential amenities, including craftsman style furnishings, and retaining walls and fencing shall be subject to review and approval by the Planning Director. The applicant shall provide a final color palate for the buildings to lessen the visual impacts, for review and approval by the Planning Director."

"145. The applicant shall work with staff to provide enhanced pedestrian circulation for the project."

Please refer to Attachment 5 for a full project description contained in the Planning Commission staff report, and to Attachment 12 for a set of project plans and renderings. The project that is the subject of this report is the same as that presented to the Planning Commission on January 5, 2017.

Attachment 6 consists of the Planning Commission minutes from January 5, 2017.

Attachment 1 of this report consists of the appeal application. The appeal application cover sheet references eight (8) attached documents, which are also included in Attachment 1, for the reasons for the appeal. The issues raised in the appeal application attachments are related to public hearing and CEQA notification, and biological, water quality, traffic, and cultural resource impacts. A brief response to these issues are as follows below.

A Program Environmental Impact Report was prepared for the Agoura Village Specific Plan (AVSP) to evaluate environmental impacts of future development in the Specific Plan area, and to mitigate the impacts of development. The AVSP Final Environmental Impact Report (FEIR) was adopted by the City Council in 2008 and it included the Mitigation Monitoring and Reporting Program that is an appendix in the AVSP.

In addition, the AVSP requires tiered environmental analysis be conducted for individual development projects within the Specific Plan area, including this project. Consistent with

CEQA requirements, the Draft IS/MND for the Cornerstone Mixed-Use Project was circulated for public review from July 8, 2016 to August 8, 2016. The Notice of Availability and Notice of Intent to Adopt the MND (NOA/NOI) was published in the Acorn newspaper on July 7, 2016, and posted at City Hall, the Agoura Hills Library, and at the City Recreation and Event Center, as well as on the City's website. The NOA/NOI was also mailed to public and regulatory agencies and interest groups that typically receive CEQA document notices. A hard copy of the IS/MND was made available for public review at the Planning Counter at City Hall and at the Agoura Hills Library, and the document was posted on the City's website. The City received twelve (12) comment letters on the Draft IS/MND. Comments received during the public review period, and through October 26, 2016, and each comment letter was addressed in writing as part of the Response to Comments section of the Final IS/MND (refer to Final IS/MND Appendix I). As noted above, the Final IS/MND also includes the Mitigation Monitoring and Reporting Program (attached to City Council Resolution No. 17-1837 for adoption of the IS/MND (Attachment 2)), which outlines when each mitigation measure will be implemented, the action required, and the entities responsible for ensuring the mitigation measures are implemented.

Staff informed the Planning Commission that the Final IS/MND states on Page 10 that the oak tree permit includes a request to encroach within the protected zone of 30 oak trees. However, the Biological Resources Section of the Final IS/MND correctly notes that 30 oak trees will be saved in place, with 6 oak trees proposed for encroachment.

A copy of the Final IS/MND has been posted on the City's website. A notice of the availability of the Final IS/MND and the City Council's hearing to consider adoption of the Final IS/MND has been published in the Acorn and sent to the entities on the CEQA document mailing list. All persons and entities that provided comments on the Draft IS/MND have been provided with a notice of the public hearing and a copy of the Responses to Comments.

Pursuant to CEQA, to adopt the IS/MND, the City Council must find that it independently reviewed the IS/MND and all comments received regarding the document, and based on the whole record before it, finds that: (1) the IS/MND was prepared in compliance with CEQA and the City's local CEQA Guidelines; (2) there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the IS/MND reflects the independent judgment and analysis of the City Council. These findings are outlined in City Council Resolution No. 17-1837 for adoption of the IS/MND (Attachment 2).

Biological Impacts

Biological impacts associated with this Project, including those raised by the California Native Plant Society and attached with the appeal application, have been analyzed and more than adequately addressed in the Final IS/MND and mitigated to a less than significant level (reference the Biological Resources Section in Pages 32-53 of the IS/MND). This analysis includes the evaluation of potential biological impacts to Agoura Hills Dudleya and Lyon's Pentachaeta species, and oak tree habitat. Ten (10) biological mitigation measures are also included in the MMRP. Specifically, Mitigation Measure CS-BIO-1 (List Plant Survey and Protection Plan) on Page 7 of the MMRP includes mitigation to avoid or minimize potentially adverse impacts on rare plants, and requires the applicant

to offset the loss of individual Lyon's Pentachaeta and Agoura Hills Dudleya plants through onsite restoration, office preservation, offsite enhancement, or another method approved by the City, in consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. Oak tree impact mitigation measures include Measure CS-BIO-9 (Oak Tree Replacement) on Page 19 of the MMRP, and Measure CS-BIO-10 (Oak Tree Preservation Program) on Page 22 of the MMRP. Other biological mitigation measures within the MMRP include: CS-BIO-2 (Fuel Modification Zone); CS-BIO-3 (Ojai Navarretia Mitigation/Restoration Plan); CS-BIO-4 (Special Status Wildlife Survey); CS-BIO-5 (Bird Nesting Surveys); CS-BIO-6 (Native Grassland Restoration); CS-BIO-7 (Bushy Spikemoss-California Buckwheat Scrub/High-Value Coastal Sage Scrub Restoration Plan); and CS-BIO-8 (Lighting Requirements).

In addition, impacts within the Significant Ecological Area of the project site (two existing open-space lots on the east side of the project site that are not proposed for development) were analyzed in the Final IS/MND. A Biological Resources Inventory and Impact Analysis, and a Spring Rare Plant Survey, are included in Appendix B of the Final IS/MND and the project impacts and mitigation recommendations are included in the Biological Resources analysis of the Final IS/MND. Also, as was noted by staff during the Planning Commission hearing for this Project, the Final IS/MND states on Page 10 that the oak tree permit includes a request to encroach within the protected zone of 30 oak trees. However, the Biological Resources Section correctly notes that 30 oak trees will be saved in place, with 6 oak trees proposed for encroachment.

Water Quality Impacts

While the Final IS/MND already addresses project-associated water quality impacts in the Hydrology and Water Quality Section, this issue was raised during the Planning Commission public hearing for the project. The Planning Commission adopted clarification language to Page 81 of this Section of the Final IS/MND. As noted at the Planning Commission meeting, although water quality impacts were already adequately addressed in the AVSP, the IS/MND, and the project conditions of approval. In addition, the Planning Commission added a clarifying new Mitigation Measure to the MMRP (HYD-4 (Water Quality Permits and Plans) on page 35 of the MMRP, to address water quality permits and plans. Please refer to the cover memorandum from Rincon Consultants in Attachment 7 of this report for the added clarification language and mitigation measure. This environmental impact has been sufficiently addressed or mitigated to a less than significant level.

Traffic Impacts

Traffic impacts associated with the Project are addressed in the Final IS/MND and four (4) traffic mitigation measures are included in the MMRP. The public raised the issue of summertime traffic on Kanan Road. Staff noted to the Planning Commission that when a traffic impact study is performed, traffic counts are typically taken in the a.m. and p.m. peak hours, on Tuesdays through Thursdays when schools are in session. This is an industry standard of practice and no seasonal factors are applied. Normally, during summer and during holidays, traffic patterns differ from those in the peak weekday

periods and are generally spread out more throughout the day. However, in reviewing the summer weekend beach traffic patterns on Kanan Road, staff notes the traffic peak volume occurs between 10:30 a.m. and 11:00 a.m., with traffic patterns occurring in a north-south direction, with less traffic demand along Agoura Road during this same period. Thus, traffic along Kanan Road is allowed to move through the Kanan Road/Agoura Road intersection with fewer delays during this weekend time period. The peak traffic volumes of the Cornerstone project are greatest during the weekday peak periods, when beach traffic volumes on Kanan Road are much less than during the weekends. Thus, the traffic impacts of the project have been sufficiently addressed or mitigated to a less than significant level.

Cultural Resources

In Attachment 5 of the appellant's appeal application (Reasons for the Appeal), the boundary and impacts to cultural resources are questioned. Also, a letter from Chester King of Topanga Anthropological Consultants, dated February 4, 2017, regarding the Cultural Resources Section of the IS/MND was received by staff on February 6, 2017, after the Planning Commission's action, and is included in Attachment 11 of this report. Mr. King raises issues concerning the cultural resources mitigation measures and consultation with Native American tribes. As noted in the project IS/MND, A Phase II test investigation for cultural resources, and expanded Phase II test investigation of the site was prepared. Per California Government Code Section 6254.10, the City is not required to disclose records that relate to archaeological site information and reports maintained by the City. However, a general description of the Phase II test investigation's findings is included in the IS/MND and the peer review letter of the Cultural Resources Report is included in Appendix C of the IS/MND. Notice of availability for the Draft IS/MND and intent to adopt the IS/MND was provided to those Tribes on the City CEQA Distribution List at the time of distribution, including the Native American Heritage Commission. No Tribal comments or responses were submitted to the City regarding the IS/MND prior to the Planning Commission's review of the project and, although offered by the City per the requirements of AB 52, no Tribal consultation was requested. However, the Cultural Resources Section of the Cornerstone Final IS/MND includes measures that would require consultation with the Chumash and Gabrieleno Band of Mission Indian Tribes under certain circumstances. First, Mitigation Measure CS-CR-1, on page 26 of the MMRP, requires the use of a Native American monitor qualified to identify Chumash resources to monitor project-related ground disturbing activities. If any significant Chumash resources are found, this mitigation measure requires appropriate actions in accordance with the City's General Plan. Second, Mitigation Measure CS-CR-3, on page 27 requires the preparation of a Phase III data recovery excavation program prior to project-related ground disturbance, if avoidance of prehistoric archeological site CA-LAN-1352 is not possible. Any Phase III fieldwork must be conducted by a Native American monitor qualified to identify Tribal resources. This environmental impact has been sufficiently addressed or mitigated to a less than significant level.

Fire Department

On January 20, 2017, after the Planning Commission's action, staff received a letter dated January 17, 2017, from the County of Los Angeles Fire Department (Fire Department) regarding the IS/MND. A copy of the letter is included in Attachment 11 of this report. While project clearance from the Fire Department's Land Unit has been given for this project, the conditions of project approval, as adopted by the Planning Commission, required the applicant to comply with all requirements of the Los Angeles County Fire Department and their Forestry Division. These same requirements are included in the conditions of approval in attached City Council Resolution No. 17-1838. The issues cited in the Fire Department's letter regarding the Forestry Division's responsibilities are addressed in the IS/MND.

Sufficiency of Notice

The City has provided sufficient notice consistent with State law and the Agoura Hills Municipal Code for this project. On December 22, 2016, public notification for the Planning Commission meeting was published in the Acorn Newspaper, and posted on the City website, as well as posted at City Hall, the City Library, and the City Recreation and Event Center. In addition, a public hearing sign was posted on the property and notification was mailed to property owners within a 750 feet of the project site, and to those of record requesting notification for this project. However, while staff did confirm that the appellant had requested notification of the project and unintentionally did not receive mailed notification, the appellant did appear and testify on this project during the public hearing, at the January 5, 2017 Planning Commission meeting.

Public notification for this appeal hearing included mailings to property owners within a 750 feet of the project site, and to those of record requesting notification for this project, including the appellant. The notice was also published in the Acorn Newspaper on February 23, 2017, and posted on the City website, as well as posted at City Hall, the City Library, and the City Recreation and Event Center. In addition, a public hearing sign was posted on the property.

RECOMMENDATION

Staff respectfully recommends the City Council conduct a public hearing and uphold the decision of the Planning Commission, and adopt Resolution Nos. 17-1837, 17-1838 and 17-1839 for the Cornerstone Mixed-Use Project, adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approving Agoura Village Development Permit Case No. 07-AVDP-002 and Tentative Parcel Map No. 70559.

- Attachments:**
1. Appeal Application and Referenced Attachments
 2. City Council Resolution No. 17-1837 (For Adoption of IS/MND and MMRP)
 3. City Council Resolution No. 17-1838 (For Approval of AVDP and Conditions of Approval)
 4. City Council Resolution No. 17-1839 (For Approval of Tentative Parcel Map No. 70559)
 5. Planning Commission Staff Report (January 5, 2017)
 6. Planning Commission Meeting Minutes (January 5, 2017)
 7. Final IS/MND Memorandum of Adopted Changes (Rincon Consultants)
 8. Planning Commission Resolution No.17-1178 (Adoption of IS/MND and MMRP)
 9. Planning Commission Resolution No. 17-1179 (Approval of AVDP and Conditions of Approval)
 10. Planning Commission Resolution No. 17-1180 (Approval of Tentative Parcel Map No. 70559)
 11. Letters from the Public
 12. Site Location Map, Project Renderings and Reduced Plans
 13. Shared Parking Study and Parking Management Plan

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ATTACHMENT 1
(Appeal Application)

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CITY OF AGOURA HILLS
2016 JAN 19 PM 4:57

Planning Department

CITY CLERK

30001 Ladyface Court, Agoura Hills, CA 91301 Phone (818) 597-7339 / Fax (818) 597-7352 www.ci.agoura-hills.ca.us

APPEAL APPLICATION

NAME Snowdy Dobson, President, Los Angeles / Santa Monica Mountains Chapter
 ADDRESS 15811 Leadwell St., Van Nuys CA 91411-3113 California Native Plant Society (CNPS)
 PHONE NO 818.782.9346
 CASE NO. 07-AVDP-002 & TPM 70559

APPEAL TO:

- PLANNING COMMISSION
- CITY COUNCIL

Applications for appeals must be filed within fifteen (15) days from the date of the Planning Director's or Planning Commission's decision. This application, along with the appropriate filing fee, should be submitted to the Planning Department. As part of the appeal, applicants should be prepared to provide the department with additional sets of project plans and other pertinent materials.

Below, please explain the reasons for the appeal or attach a letter to the application *See 8 Attachments listed below in addition to appeal application*

- 1) CNPS Appeal
- 2) Request to be added
- 3) Urgent Request for denovo
- 4) Request for Continuance
- 5) Reasons for the Appeal
- 6) Save Open Space letters
- 7) Samuel Unger letter
- 8) Letter from 8 former Agoura Hills mayors

Signature of the Appellant(s):

RECEIVED DATE: 1/19/17 *Ry.*



CALIFORNIA
NATIVE PLANT SOCIETY

Los Angeles /Santa Monica Mountains Chapter
15811 Leadwell Street
Van Nuys, California 91406-3113

Doug Hooper, AICP
Planning Director
City of Agoura Hills
30001 Ladyface Court
Agoura Hills CA 91301

VIA HAND DELIVERY

January 19, 2017

**RE: CORNERSTONE MIXED-USE PROJECT
APPEAL OF PLANNING COMMISSION APPROVAL**

Dear Mr. Hooper;

California Native Plant Society (CNPS) respectfully submits this appeal on behalf of our organization, as well as other groups and individuals. Included in this packet are the following elements:

1. Appeal Application with checks that total the filing fee of \$1844.00
2. Appellate letters from groups and individuals
3. Documentation from California Native Plant Society: email request dated August 11, 2016 to be added to all Department public review announcements; Planning Commission comment letter dated January 5, 2017; *de novo* hearing request for urgent reconsideration to City Council dated January 10; appeals letter dated January 19, 2017 and part of the body of this appellate request

Our organization files this appeal for three primary reasons:

1. We have not had adequate opportunity to review and comment on the Mitigated Negative Declaration (MND) for this project. Our Conservation Director contacted your offices by email August 11, 2016, after learning about the Cornerstone project and close of public comment period for the Notices of Intent and Preparation August 8. A request to be informed of all public review releases is documented in this packet. Our organization received neither response nor public announcements after making this request. Public testimony given by two CNPS boardmembers, along with that of other individuals at the Planning Commission meeting January 5 explained the lack of communication. We ask for an extended period to fully review the MND.

2. The project design is not suited for the site and elements approved in the Agoura Village Specific Plan. The edifices are not in the village theme, remove the beauty of the existing hillside, panorama, and open space. The design urbanizes, hardscapes, and modern architecture the otherwise thematic small town aesthetics that constitute the important anchor stated in the Specific Plan. We ask that plan review reconsider a lower-profile development at the site.
3. Environmental review at the planning level should be considered for this project. First, the approved EIR for the Specific Plan does not preclude full environmental review of any one individual project within the Plan sphere of influence. Second, California Environmental Quality act clearly states the order in which project impacts must be considered and stated within the environmental document associated with the proposed project. Attention in the following order must be given to possible harm: avoidance, onsite mitigation, offsite mitigation. The multiple impacts that your Department states are significant clearly dictate a more extensive, thorough, and comprehensive environmental review by development of an Environmental Impact Report for Cornerstone. The failings of the MND for this project cannot be understated and beg further investigation.

As examples, there are ten special or protected plant populations or areas are identified on or adjacent to the site. Individually, each is special at the biological level. Collectively, the ecosystem services they provide to the onsite, adjacent, and watershed habitat are significant.

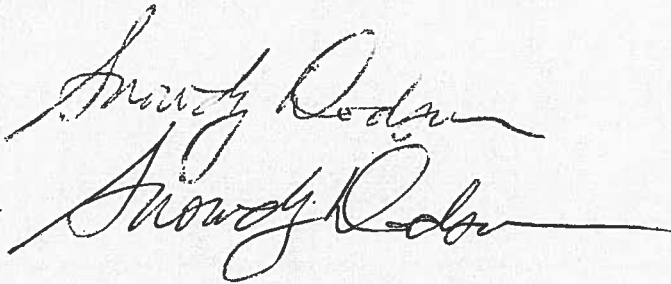
- a. The Agoura Hills *Dudleya* has been a federally threatened species since 1997. Sixty-three percent of the population of 142 individuals located within the development footprint will be taken.
- b. Lyon's *pentachaeta* was listed as state endangered in 1992 and federally endangered in 1995. These listings are the most elevated within the California and federal Endangered Species Acts. The cavalier approach stated in the MND that the one individual plant located at the project site 'is significant but mitigatable' affronts the state and federal protections for this plant.
- c. Ojai *navarettia* is listed by the California Native Plant Society criteria that California Department of Fish and Wildlife uses to assess significance of species. The plant is designation as 1B1.S2.G2 – 'Seriously endangered in California; imperiled in the State and globally.' It is important that since the designation of this plant in 2005, the State has not given hearings to new listings due to infrastructural reorganization. The first new listing in over ten years was authorized in 2016. The elevated designation of the Ojai *navarettia* makes it a future candidate for State and federal listing consideration.
- d. Coast live and interior oaks at the project site are protected and should be retained on site under the City Oak Protection Ordinance. Ample scientific evidence is available to show the proposed mitigation measures, combined with infill, compaction, artificial irrigation, and planting of cultivated replacement trees do not ensure longterm viability of the oaks.
- e. The scrub oak community slated for take onsite are protected and should be retained onsite under the City Oak Protection Ordinance. The biological role of these trees cannot be understated. Offsite mitigation does not ensure success and environmental services provided by the scrub oaks.
- f. The sage scrub habitat on the parcel is the most endangered habitat type in the state. Over 95% of sage scrub has been lost the last century. This habitat type supports hundreds of fauna ranging from soil microbes to insects, birds, and mammals. The historic loss of this habitat significantly contributes to the demise of plant and animal populations, as is reflective of numerous special plant designations in the historic range of sage scrub. The take of this habitat at Cornerstone is not mitigatable.
- g. The Cornerstone project site was part of Significant Ecological Area 22A prior to incorporation of the City. The jurisdictional change from County to City did not alter existing special plants and habitat at the site. Therefore, the entire project site should be considered Environmentally

Sensitive Habitat Area, which is subject to different planning and design elements than the currently-proposed development.

- h. Cornerstone is located within a significant documented wildlife corridor that extends from the coast through the Kanan watershed, Oak Park, Simi Hills, Angeles and Los Padres National Forests to the Temblor and Tehachapi Ranges. The MND does not consider the ecological role of the site to the corridor.
- i. The project site is adjacent to the Santa Monica Mountains Significant Ecological Area (SEA). The MND fails to consider project impacts to the SEA.

California Native Plant Society requests through this Cornerstone Appeal more time to comprehensively comment on the MND. We ask the City Planning Commission and staff to review their analyses, considerations, and due diligence under the California Environmental Quality Act for this project and reflect how this premier anchor project of Agoura Village better fit the Plan and local place.

Sincerely,

The image shows two handwritten signatures in cursive ink. The top signature is 'Snowy Dodson' and the bottom signature is also 'Snowy Dodson'. Both signatures are written in a fluid, cursive style.

Snowy Dodson, Chair
Los Angeles/Santa Monica Mountains Chapter
California Native Plant Society



Native Conservation <native.conservation@gmail.com>

Request to be Added to Public Announcement/Environmental Listserv

1 message

Thu, Aug 11, 2016 at 4:07 PM

Native Conservation <native.conservation@gmail.com>

To: dhooper@ci.agoura-hills.ca.us

Cc: conservation@lacnps.org

Good afternoon, Mr Hooper,

Kindly include our organization in all future public review releases.

Thank you,

—
Julie Clark De Blasio
Conservation Chair
Los Angeles/Santa Monica Mountains Chapter
California Native Plant Society



CALIFORNIA
NATIVE PLANT SOCIETY

Los Angeles /Santa Monica Mountains Chapter

15811 Leadwell Street
Van Nuys, California 91406-3113

Mayor Denis Weber
Pro Tem Mayor William Koehler
Councilmember Illece Buckley Weber
Councilmember Linda Northrup
Councilmember Harry Schwarz

VIA EMAIL: dweber@ci.agoura-hills.ca.us
wkoehler@ci.agoura-hills.ca.us
ibuckleyweber@ci.agoura-hills.ca.us
lnorthrup@ci.agoura-hills.ca.us
hschwarz@ci.agoura-hills.ca.us

January 10, 2017

**RE: CORNERSTONE MULTI-USE PROJECT
PROPOSED WITHIN THE
AGOURA VILLAGE SPECIFIC PLAN AREA
URGENT REQUEST FOR *DE NOVO***

Dear Mayor, Mayor *Pro Tem*, and Councilmembers;

California Native Plant Society (CNPS) is a science and policy based interest group formed a half century ago. CNPS works hard to protect California's native plant heritage and preserve it for future generations. We collaborate closely with governance, planners, lands managers, and policymakers to ensure appropriate and environmentally prudent land uses. Our chapter geographic sphere of influence includes the entire Santa Monica Mountains range, in which Agoura Hills is located.

We respectfully submit the following concerns about the stated project following approval by the Agoura Hills Planning Commission on January 5, 2017. CNPS requests City Council consider an urgent emergency session to discuss the Cornerstone project, reopen the public comment period and require full environmental review of this project.

Inadequate Public Notice

California Native Plant Society learned about the proposed development August 11, 2016 from concerned community members. The public comment period for the Notices of Intent and Preparation of the Mitigated Negative Declaration (MND) for the project closed August 8, 2016. We submitted electronic request August

11, 2016 to City Planning Director Hooper requesting to be added to the City Listserv for all public and environmental announcements (Attachment A. – Request to be Added). No notifications of any type were received between August 11, 2016 and today.

A community member contacted us January 3, 2017 sharing the Cornerstone development was scheduled for a vote the City Planning Commission on January 5. Two of our Chapter Boardmembers participated in the public hearing with the Commission by testifying and submitting public comment letters. Several community members shared our same experience of requests to be notified that were not honored.

Our Boardmembers requested at the Commission meeting an extension of the comment period for the reasons of not being notified adding our organization has grave concerns about the environmental review process regarding this project. Project siting, design, grading, construction, and cumulative effects are some of the topics we would like the opportunity to address.

Mitigated Negative Declaration (MND)

The environmental impacts of this project are significant, as stated in the MND document. Particularly highlighted are effects to air quality, biological, cultural, and geological resources. The MND language states the proposed mitigation measures (MMs) will ameliorate these significant impacts. Not only do we find the MMs scientifically unsupportable, we believe most of the measures to be both inadequate and inappropriate for the project and area.

Comment letters received to date about the Cornerstone project highlight planning, design, and environmental concerns that appeared not to be thoroughly considered, analyzed, and responded. Of particular note are letters submitted by the Los Angeles Regional Water Quality Control Board, Santa Monica Mountains Conservancy, and Resource Conservation District of the Santa Monica Mountains. The expressed concerns of these agencies are salient, law and science based. The points illuminated through these letters can neither be dismissed nor resolved by project permits or mitigation measures, as stated by staff and consultant.

The numerous and high-level significance of impacts by the Cornerstone project disqualify it as a Mitigated Negative Declaration project. Cornerstone design, place, impacts, and land use commend full environmental review under CEQA. The requirement of an Environmental Impact Report is the appropriate environmental review tool for this project.

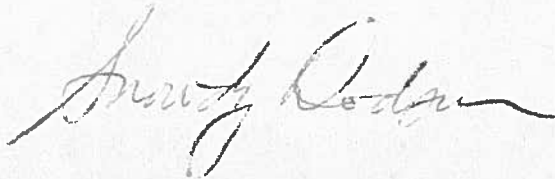
Agoura Village Specific Plan

The discussion at the Planning Commission meeting January 5 alluded throughout the evening the fact the Village Specific Plan has an associated Environmental Impact Report, therefore implying the Cornerstone project is part of the EIR 'umbrella' of the Specific Plan and not subject to its own thorough scrutiny. The certification of the Specific Plan EIR does not exempt any individual projects located within the Village area from full environmental review, if conditions warrant.

Cornerstone is a highly impactful project and begs thorough and expanded scrutiny. It is also the first development within the Specific Plan area and thus sets precedent for all subsequent projects in the Village. Great care, attention, and sensitivity should be given before ground breaking this anchor site.

Kindly consider our requests to hold an urgent emergency meeting of City Council, require full CEQA review and extend the public comment period for Cornerstone. Thank you for your thoughtful consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Snowdy Dodson". The signature is written in dark ink and has a fluid, connected style.

Snowdy Dodson, Chair
Los Angeles/Santa Monica Mountains Chapter
California Native Plant Society

Attachment A – Request to be Added



CALIFORNIA
NATIVE PLANT SOCIETY

Los Angeles /Santa Monica Mountains Chapter

15811 Leadwell Street
Van Nuys, California 91406-3113

Planning Commission
City of Agoura Hills
30001 Ladyface Court
Agoura Hills CA 91301

VIA HAND DELIVERY & PUBLIC TESTIMONY

January 5, 2017

**RE: FINAL CORNERSTONE MIXED-USE PROJECT IS-MND
CITY OF AGOURA HILLS CASE NOS.: 07-AVDP-002 and TPM 70559
REQUEST FOR CONTINUANCE**

Dear Commissioners;

California Native Plant Society (CNPS) is a science and policy based interest group formed a half century ago. CNPS works hard to protect California's native plant heritage and preserve it for future generations. CNPS actively promotes the use of science in land use and management decisions through our *Online Rare Plant Inventory* and essential reference book: *Manual of California Vegetation*, 2nd Edition, both of which are the most advanced resources available for identifying and managing critical habitat in California. We work closely with decision-makers, scientists, and local planners to advocate for well-informed and environmental friendly policies, regulations, and land management practices.

Our chapter sphere of influence includes the Santa Monica Mountains. We are locally active with issues both in urban and open space areas. We are concerned with habitat, native plants, and environmental impacts with this project. We respectfully request a continuance in order to adequately share knowledge pertinent to the project. Below are categorical points with regard to this project to consider under the California Environmental Quality Act:

Public Notification

CNPS learned about the proposed Cornerstone Mixed-use Development August 11, 2016 after being contacted by community members. This was after the closing date for public comment for the Notices of Intent and Preparation for this project. We immediately contacted Planning Director Hooper by email to request all future public notification for this project. CNPS received no updates. We learned January 3,

2017 about the Planning Commission meeting to make determination for this project. For the record, this is not the first project we've requested to notified to no avail.

CEQA Review

This project does not qualify as a Mitigated Negative Declaration due to the potential of the project to affect the environment based on current design. It is clearly a full CEQA project requiring an Environmental Impact Report:

- connectivity to the Significant Ecological Areas of the Kanan, Oak Park, Simi Valley, Transverse Ranges Corridors
- existing Environmentally Sensitive Habitat Area on the parcel
- presence of two federally-threatened plant species (*Dudleya*) and one state endangered plant (*Pentachaeta*) within the development footprint
- planned destruction of significant oak woodland as part of the development
- considerable earth moving and grading activities of 100,000+ cubic yards material
- impacts to climate change, greenhouse gas emissions, carbon release & associated environmental degradation due to earth disturbance, habitat destruction from both construction and development activities
- cumulative effects from the construction and longterm implications of this project
- this project is not subject to an MND because the Agoura Village Specific Plan is stale. It is almost ten years old. It does not adequately address cumulative impacts under CEQA. It fails to address climate change, greenhouse gas emissions, and carbon release/sequestration.
- finally, the impacts of the epic drought of the last six years must be considered with regard to the Cornerstone and all Agoura Village proposed development

The Los Angeles/Santa Monica Mountains Chapter is deeply concerned about the environmental threats imposed by this project. The taking of 8+ acres that are pristine and diverse in this sub-watershed belie the protections for the quality of life in and natural resources of the great Santa Monica Mountains. This project is symptomatic of incremental and cumulative encroachment into and demise of the Wildland Urban Interface.

We thank the City of Agoura Hills Planning Commission for taking time to seriously consider points presented in this letter and consider granting a continuance for the Cornerstone Mixed-use Development.

Sincerely,

Snowdy Dodson, Chair
Los Angeles/Santa Monica Mountains Chapter
California Native Plant Society

Appeal Application: Reasons for the appeal follow:

A full EIR is needed as alternatives to current proposed project need exploring. The MND is inadequate.

Aesthetics –Story poles need to be put up for full public disclosure, aerial view artist rendering doesn't reflect on how resident's will view it, grading map with % slopes needed overlain by bldg. footprints, acknowledgement of significant impact on hillside, loss of 29 oak trees , natural vegetation, and altered topography. How will the Rim of Valley trail be impacted by project?

Biological- mapped location of LA County's 1976 SEA #6, description of its vegetation ecosystem and disclosure of any impacts from buildings and fuel mod zones ; inadequate 2013 (dry year) survey of mammals and birds (not nesting) done in winter month of December-(only a mere 5 mammals actually observed!); map and supplementing Table 2 (appendix, page 19) needed showing fuel mod zones and impact on identified endangered/sensitive plants.

Cultural: Site boundary needs to be determined of CA-LAN-1352 and how project will impact it.

Hydrology/Water Quality:-Need now a description and location of required structure which will clean up run off which goes into Chesebro Channel, information on actual sheet flow and volume from mountainside before/after project is needed, and how project complies with new MS4 regulations.

Transportation/Traffic- New studies needed for 3 pm new peak (considerable wait time at impacted intersections) and summer beach traffic am and pm peaks to be defined (considerable wait time at intersections), 25% reduction in parking requirements is not warranted, truck trip routes shown and daily truck trip volume added to these new required traffic studies, and new traffic study impacts determined with alternative scaled down project. Public Safety issues are ignored on the issue of directly backing out on busy 2 lane Agoura and Cornell roads. The Rim of Valley Trail, located along Agoura Road directly adjacent to project, needs discussion on whether this is the safest and best location.

Lighting- needs to be dimmer than the new lights on Cornell and Agoura Road. Stricter Lighting standards need to be in this Santa Monica Mts. Zone area and entrance road way to our national park.

Land Use/Density-The 7 buildings and parking lot subordinate the scenic hillside. Impact at transitions to open space ignored. Map showing present OS-R zoning is needed. Growth Inducing/Precedent setting impacts ignored on remaining east hillside and Agoura Road width. Impact of this Project in the Santa Monica Mountains Zone (State law: Section 33105) not analyzed. Scaled down project alternatives need exploring with less grading, less earth movement off site and less daily truck trips.

Inadequate Planning Commission Notice-Notifications not sent to people who signed up for AV notifications and also those on the official notification list.

Inconsistencies- Project is inconsistent with Agoura Hills General Plan and Agoura Village Specific Plan Policies. City Council hearing needs to be de novo including, but not limited, to all the issues raised at the Planning Commission hearing and public comments to date.

SOS SAVE OPEN SPACE

SANTA MONICA MOUNTAINS

JT1 OF 6011 ALL
2016 JAN 10 AM 11:47
CITY CLERK

January 10, 2017

Dear entire City Council- Mayor Weber, Mayor pro tem Bill Koehler, Buckley Weber, Northrup and Schwarz:

Save Open Space/Santa Monica Mountains (SOS) respectfully requests that you appeal the Planning Commission decision on Cornerstone in a de Novo hearing with all the issues raised by the public heard.

SOS's comments to the Planning Commission (enclosed with rebuttal to our comments on the MND) raised issues which we feel are significant to the residents of Agoura Hills and Agoura Hills' scenic east mountainside. The Agoura Village Specific Plan is not "set in stone" per Office of Planning and Research legal guidelines for specific plans. Circumstances have changed since 2008 and this proposed project can be modified. The old AVSP maps never reflected the steep hillside and never analyzed the impacts on the steep hillside. The market has changed and retail here -surrounded by two shopping centers which have empty stores- is no longer a compatible or viable use for this property site.

Our issues remain:

Traffic: The traffic volume on the Kanan Bridge, Kanan Road, Agoura Road, and Cornel Road has changed since 2008. The MND failed to analyze the traffic at peak am and pm peak hours during the summer. The traffic study only analyzed traffic am and pm peaks in March and October. Our Planning Commissioner asked the right question, but I believe was given an insufficient answer by the consultant's traffic engineer. If you do not live here, you would not realize this unforeseen impact and it should be added to the scope of the environmental document. Agoura residents are furious as we are now stuck on Agoura Road here and the Kanan Bridge in summer. This will directly impact any new retail in AVSP projects along Kanan as people will just not go there in the summer because of this unmitigated traffic impact. The main Road to Zuma Beach is Kanan since now it has been widened to 4 lanes in many areas and is safer to take and is the most direct route to the beach for San Fernando Valley residents. The latest figure for Zuma beach is now 6 million visitors in the summer.

Aesthetics: We request story poles so all the residents can view how high up those proposed buildings will be going and get a picture of the impact on this major scenic mountainside in Agoura Hills. Alternative designs should be explored. Alternatives should be considered. A design which eliminates the retail component and replaces it with residential dwellings while eliminating the buildings up too high and at the same time protecting the sensitive and endangered plants should be considered.

Water Quality/Hydrology: Water quality issues remain. The MND is inadequate as it fails to discuss the water treatment structure which will be used. How does this hillside project comply with the new MS 4 regulations? How much run off will there be? Because this hillside is steep, the buildings will need retaining walls higher than 6 feet. Retaining walls help halt erosion. This variance will be needed.

Growth Inducing/Precedent Setting: If these buildings are allowed to go up that high on Agoura Hills' scenic east mountainside, then all along Agoura Road to Palo Comado, other builders will want to follow suit. This precedent setting impact needs to be part of the decision making and disclosed to the public. The residents of Agoura Hills do not want to have the rest of rural oak studded Agoura Road 4 laned.

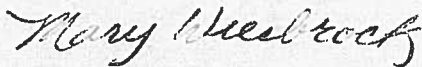
OS-R: Where is this zoning in relation to project?

Geology: Add the Liberty Canyon Fault to this discussion. It is a known fault and it is in our city and it should be disclosed to the public.

Biological/Endangered biota: The sensitive and endangered plants should be mapped showing the fuel mod zone. Agoura Hills EIR on the now Fran Pavley Meadow did this type of mapping. It needs to be fully disclosed where the endangered and sensitive plants are in the fuel mod zone, and alternative design needs to be considered which removes any endangered and sensitive plants from the fuel mod zone. Also, ^{is} needed a description of Los Angeles County's SEA which was set up on this mountainside in 1976.

Please do a "urgent action" appeal (de Novo) of this Cornerstone project, and let me know that your appeal makes the legal deadline per an email to me: marywiesbrock@sbcglobal.net.

Sincerely,



Mary Wiesbrock, Chair

Cc Alyse Lazar, *efg*

(part of record - turned in at
Planning Commission. MW)

January 5, 2016

Dear Planning Commission:

This MND is inadequate. Please continue this hearing to make this document adequate. Also, put up story poles as Calabasas did with their scenic hillsides.

SCENCIC- Hillside: Aesthetics: First and foremost, the proposed 7 building project with the first floor highest building at 935 ft and the top of the ridgeline is 1050 ft. This scenic hillside is mostly obliterated. Agoura Hills residents will be shocked when the bulldozers take away this hillside, a major scenic view, in our city of Agoura Hills. This project violates General Plan policy NR.21 : "designed to maintain visual quality of the hills" and minimize altering topography". It also violates AVSP mandate as these buildings up this high are not "subordinate" to the hillside. But the buildings become the prominent feature. So the residents of Agoura Hills will hold you accountable if you vote (this is a discretionary vote) for this proposed high density hillside obliterating project tonight. Save Open Space requests that you continue this hearing until the environmental document is made adequate and explore project design alternatives with the landowner.

ALTERNATIVES: Alternatives need to be considered.

Project use needs to change to meet current market needs. Retail Mixed use makes no sense here. In front at Whizzins and on the east are centers with empty stores. This site separated from the bulk of Agoura Village. There will be no market for retail here. But what is needed are 3 bedroom townhomes for our young families, and 1-2 bedroom condos on one level for our seniors. I know of individuals looking for this and would like in Agoura but can not find this housing type available.

Project design needs to change to protect this major scenic hillside in our city. We request that the top two buildings are removed to provide a better buffer for the endangered and sensitive plants as a proper mitigation getting them out of the fuel mod area.

TRAFFIC: The traffic study did not analyze am and pm peaks in the summer months when the beach traffic gridlocks Kanan Bridge and the intersection of Kanan Road and Agoura Road. It only analyzed peak hour traffic in October and March of 2014. Besides being grossly inadequate, the traffic study fails to properly disclose and mitigate the impacts during

summer beach traffic gridlock. This study must be done this summer as this project's daily trips will impact the bridge and Cornell Road where the Cornell Road people cut through to get out as Kanan road is jammed in the beach season. Peak hours may differ than peak school and commute hours. School buses take the children from southern Santa Monica Mountain residences to Las Virgenes schools so it is not such a problem as Kanan Road north of the freeway..

The truck route of the 45 round trip trucks a day needs to be identified.

Also, as you are taking your life in your hands when you try to back out along Roadside in front of Whizzens so also is backing out on Agoura and Cornell will be a public safety issue.

BIOLOGICAL: The map is not clear exactly where the required fuel modification zone is and where the endangered and sensitive plants are. A new clearer map, as was seen in the Equine Estates EIR is required for proper public disclosure. Why was this property and or part of this property put in SEA #6 in 1976 by LA County in 1976? The sensitive ecosystem that they found there needs to be positively identified and shown on a clear map disclosing how the buildings and fuel modification will impact this special ecosystem. Just because our city to date as failed to incorporate the county's Significant Ecological Areas does not make these sensitive ecosystems disappear.

GEOLOGY/HYDROLOGY: Site specific geology study should show where the Conejo Volcanics geology is located. No blasting can be allowed as this MND does not allow this impact and or discuss the noise impact. Also, the steepness of this hillside (% slope) needs to be disclosed. Discussion of the water reclamation device and how it will strip all the contaminants from the new anticipated run off needs to be disclosed and a discussion of the storm drains involved and their capacity.

GROWTH INDUCING: This overly dense, high up the hillside project is growth inducing. There is only left one little corner of AVSP property left. Then all along the southern border of Agoura Road to the East, other properties will want to follow suit. The growth inducing aspect needs to be disclosed in this environmental document.

ZONING OSR: A map should be in the study showing where the OSR is located on this project site.

Mary Wiesbrock, Chair

Rebuttal to Responses to SOS letters:

Letter #9.

Rebuttal 1: Glare and protecting knolls does not mitigate the aesthetic blight and destruction of this scenic hillside.

Rebuttal 2: It is not balanced on site grading. This is not what residents envisioned for our city and protection of this major scenic hillside.

Rebuttal 4: The traffic studies require determining and disclosing unacceptable (Los D and F) conditions at intersections. Weekend and weekday summer beach traffic impacts need to be part of this study. It is inadequate to only have studies done in the months of March and October.

Rebuttal 5: The SEA #6 was set up in 1976 by Los Angeles County before we became a city. The land is still a significant ecological area that did not change just because we became a city. "If the biotic resources of significant ecological areas are to be protected, and preserved in a pristine state, they must be left undisturbed. ...removal of large areas of natural vegetation are clearly incompatible uses" Where is this SEA#6 area as it was defined and mapped in 1976. What is the natural vegetation that SEA #6 was designed to protect. Please disclose these facts.

Letter #10

Rebuttal 1: Los determination can not ignore weekend and weekday beach traffic. The studies were done in March and October and completely miss the beach months. Residents are very upset at being

caught in this gridlock. It needs to be analyzed how this project's traffic will impact what already is a gridlocked situation.

This project is being given a 25% reduction in parking. Why? There is no requirement that the apartments have rent control charging around \$600 a month so that they can live and work in the same building. Retail clerks need affordable housing. There will not be enough parking with the 25% reduction. Residents are upset that new developments in Agoura Hills do not have enough parking. Inadequate parking will happen if this project is allowed the 25 % reduction. (In December especially)

Rebuttal 2: Eliminating 2 of the building will save more of this sensitive habitat including the oaks. Alternatives need to be looked at now since the old 2008 specific plan EIR is out of date. Project Alternatives are required to be in this environmental document.

Rebuttal 4: The fault map should add the Liberty Canyon Fault as it is the closest fault, it is a fault within the city, and it goes underground south along the 101.

Another comments: This OSR zoning does not live up to Government Code section 65560-65570 in the state requirements on OS.

The project violates General Plan policies: LU-8.3-Integration of Development with Natural Setting and LU 19.4 Conserve Natural Hillsides.

1/18/2017

Print

Subject: Fwd: Cornerstone
From: Samuel Unger (samuelunger80@gmail.com)
To: marywiesbrock@sbcglobal.net;
Date: Tuesday, January 17, 2017 7:51 PM

----- Forwarded message -----

From: "Samuel Unger" <samuelunger80@gmail.com>
Date: Jan 4, 2017 9:58 PM
Subject: Cornerstone
To: <dhooper@ci.agoura-hills.ca.us>
Cc:

Dear Mr. Hooper - Thank you for speaking with me yesterday about Cornerstone. Please find my letter attached and add to the record. Please call with any questions at 818-661-0427. I hope to see you at the meeting tomorrow night. Sam Unger

Attachments

- Hooper4.docx (16.59KB)

#7

January 5, 2017

Mr. Doug Hooper, Planning Director
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

Subject: Cornerstone Project

Dear Mr. Hooper:

As a resident of Agoura Hills (City), CA, I appreciate the opportunity to comment on the City's request for the Planning Commission to approve an Agoura Village Development Permit and Tentative Parcel Map to construct a mixed-use commercial and multi-family residential project ("Cornerstone") and to adopt an Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act at a public hearing on January 5, 2017 as noticed by the City on December 22, 2016.

The Planning Commission should take note that the Mitigation Monitoring and Reporting Program for Cornerstone as posted on the City's website is deficient and flawed because the Initial Study addresses only wastewater and water supply issues; it fails to address water quality impacts from Cornerstone itself. Similarly, the Water and Hydrology Mitigation Measure/Condition of Approval (HYD-2) fails to address water quality impacts from Cornerstone. HYD-2 addresses mitigation of only hydrology and flood control impacts from Cornerstone. HYD-2 fails to address the water quality impacts that Cornerstone will impose, both during its construction and after completion of Cornerstone construction as discussed below.

Water quality impacts from replacing a natural earthen surface with impervious surfaces, such as those planned by Cornerstone, are well known. It appears that mitigating and reporting water quality impacts from the discharge of wastes during and after construction of Cornerstone is absent from the Mitigation Monitoring and Reporting Program.

The City should be well aware of these impacts and its requirements to mitigate and report water quality impacts from developments such as Cornerstone both during and post construction. The City, including development projects within its jurisdiction, is subject to requirements of at least two National Pollutant Discharge Elimination System (NPDES) permits to mitigate these impacts: the Municipal Separate Storm Sewer System (MS4) permit for Los Angeles County and the State General Construction Stormwater Permit. These permits regulate discharges of waste from projects such as Cornerstone in

both wet and dry weather. NPDES requirements include implementation of Best Management Practices and water quality monitoring, as well as other NPDES to meet total maximum daily load (TMDL) requirements. The Water and Hydrology Mitigation Measure/Condition of Approval for Cornerstone fails to discuss these NPDES requirements, nor does it discuss how the NPDES requirements will be met. The Reporting Program for Cornerstone also fails to address how water quality impacts from the will be evaluated and reported. The failure to include mitigation and monitoring for water quality can cause water quality degradation that could violate state and federal standards.

In addition to the deficiencies of the Initial Study and HYD-2 noted above, I would ask your consideration of the adequacy of the notice period for the Planning Commission Hearing on Cornerstone as it was noticed on December 22, 2016 for tonight's hearing, January 5, 2017. The Planning Commission thereby provided only four business days for public review of the environmental documents. Given that the time between the Notice on December 22 and the Hearing January 6 is commonly considered a holiday period; there are only four business days from the time of Notice to the Planning Commission hearing for members of the public to review Cornerstone documents. The Notice provides limited times and location for viewing Cornerstone Documents, and does not provide the internet site where documents can be viewed by the public.

We discussed this matter on January 3, 2017 and you staunchly defended your decision to provide the minimal comment period that is legally required. I am not disputing the legality of the minimum comment period over the holiday season, but I do ask the Planning Commission to consider whether providing the minimum comment period over the end-of-the year holiday season is the type of government that the City wishes to provide to the residents and citizens of Agoura Hills. It certainly represents a big step backwards from the legacy of good, fair and open government for which the City of Agoura Agoura Hills is well known.

January 9, 2017

Subject: Planning Commission January 5 approval of Agoura Village Development Permit and Tentative Parcel Map, hereinafter "Cornerstone"

Dear Mayor Weber, Mayor pro tem Bill Koehler, Councilmembers Buckley Weber, Northrup and Schwarz:

We write to you as eight former mayors of this city to express our serious concerns over the approval by the Planning Commission of the "Cornerstone" application, and to request that you appeal the approval to the full Council for a de novo hearing.

Notice of the hearing was insufficient

While the notice provided may have been legally adequate, actual notice to the public for a January 5 hearing was lacking. The sign posted on the subject property went up on December 22 right on the eve of the Hanukkah, Christmas and New Year holidays when people are at their busiest and least likely to be engaging in municipal affairs. For anyone who did wish to learn more, city hall was closed on Friday, December 23, Monday, December 26, Friday, December 30 and Monday, January 2. The Agoura Village Specific Plan has been the subject of considerable public interest and great excitement since it was formally adopted in 2008, yet at the hearing of the first development application the Council chambers were virtually empty.

The Initial Study and Mitigation Monitoring and Reporting Program for water quality impacts of Cornerstone is deficient

Resident Sam Unger testified regarding numerous deficiencies in the Mitigation Monitoring and Reporting Program -- impacts not addressed in the EIR. He stated that projects like Cornerstone are "typically subject to requirements of at least two NPDES permits.... and that it appears that mitigating and reporting water quality impacts from Cornerstone itself are absent from both of the Environmental Documents." Further, he believes that the finding of No Significant Impacts is wrong. An MND may not be legally adequate. Because he had only three minutes, he was unable to respond to some comments back from staff, although he would like to have had that opportunity.

10

In order to judge the actual visual impact of the highest buildings on this hill on the mountains and ridgelines, story poles should have been required, both for the deciders, whether the Planning Commission or the City Council, and for the public. They have been required on projects being built close to street level. Why not for Cornerstone that steps up the hill to nearly the maximum allowable elevation to build anything? We hope that the Council will require them on the appealed project, and for all subsequent applications in Agoura Village as a matter of course.

Conclusion

This project warrants appeal for a full, well-publicized, de novo hearing by the City Council based on the multiple insufficiencies in the MND, and we hereby make formal request to you.

We also believe that this is an appropriate time for the city to hold a community presentation and workshop on the Agoura Village Specific Plan as a whole. Our city has grown and changed since 2008, and we believe that a reintroduction of the vision to all our residents, both long-time and new, would be of great interest.

Thank you.

Respectfully submitted,

Former Agoura Hills Mayors

Ed Corridori, Jack Koenig, Dan Kuperberg, Darlene McBane, Fran Pavley
Jeff Reinhardt, Louise Rishoff, Joan Yacovone

ATTACHMENT 2

(Resolution for Adoption
of IS/MND and MMRP)

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RESOLUTION NO. 17-1837

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION; MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED ON THE SOUTHEAST CORNER OF AGOURA ROAD/CORNELL ROAD (CASE NOS. 07-AVDP-002 AND TPM 70559)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. An application was duly filed by Doron Gelfand with respect to the real property located at the southeast corner of Agoura Road/Cornell Road (Assessor Parcel Nos. 2061-029-(008-017); 2061-029-029; and 2061-030-(001-013), requesting approval of an Agoura Village Development Permit (Case No. 07-AVDP-002) to construct a mixed-use commercial and multi-family residential project consisting of 35 residential apartment units comprising 47,858 square feet, and commercial office space comprising 68,918 square feet, including a Conditional Use Permit for hillside development; a Tentative Parcel Map (No. 70559) to subdivide the property into two parcels; and an Oak Tree Permit to remove 29 oak trees and 21,271 square feet of scrub oak habitat, as part of the Cornerstone Mixed-Use Project (the "Project").

Section 2. The above noted application request has been processed in the time and manner prescribed in state and local law, including the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and the City's Local CEQA Guidelines, and, pursuant to CEQA, the City is the Lead Agency for the project.

Section 3. In accordance with CEQA, the CEQA Guidelines, and the City's Local CEQA Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared. The following environmental issue areas were addressed in the IS/MND: aesthetics; agriculture resources; air quality; biological resources; cultural resources; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation and traffic; and utilities and service systems. The following issue areas were found to have potentially significant impacts that can be reduced to a less than significant level with incorporation of mitigation measures identified in the IS/MND: aesthetics, air quality, biological resources; cultural resources; geology and soils; greenhouse gas emissions, hydrology and water quality, noise; public services, and transportation and traffic. All other issues areas had either no impacts or less than significant impacts.

Section 4. A Notice of Availability/Notice of Intent (NOA/NOI) to adopt the IS/MND was circulated for public review from July 8, 2016 to August 8, 2016, as required by law. The NOA/NOI, with the availability of the IS/MND for public review noted, was duly noticed in the local newspaper, and posted at City Hall, the City Recreation Center, and the Agoura Hills Library in accordance with state law. A copy of the IS/MND was made available for review on the City's website, at the Planning Counter at City Hall, and at the Agoura Hills Library. The IS/MND was circulated to the State Clearinghouse of the State of California's Office of Planning and Research.

Section 5. The City accepted and responded in writing to comments on the IS/MND received during the public review period. Both the comments and the City's written responses thereto were incorporated in the Final IS/MND. Only minor changes to the Initial Study and Sections I (Aesthetics); IV (Biological Resources); X (Land Use and Planning); and XIV (Public Services) of the IS/MND for clarification purposes were required as a result of the comments. The changes do not substantially revise, introduce new information or otherwise affect the conclusions of the IS/MND, and do not require recirculation of the document for public review pursuant to CEQA Guidelines Section 15073.5. The Final IS/MND consists of the IS/MND, comments and responses to the comments, and the Mitigation Monitoring and Reporting Program (MMRP), and is attached hereto as Exhibit A.

Section 6. On January 5, 2017, the Planning Commission conducted a duly noticed public hearing to consider the Final IS/MND and the Project, during which opportunity was given to address the adequacy of the Final IS/MND. All comments regarding the Final IS/MND raised during the hearing were considered by the Planning Commission.

Section 7. The Planning Commission found that the IS/MND was completed in compliance with the provisions of CEQA and the CEQA Guidelines promulgated pursuant thereto, and the City's Local CEQA Guidelines, and is legally adequate. The Planning Commission reviewed and considered the contents of the Final IS/MND, along with any comments received during the public comment period, prior to deciding whether to approve the application for the Project.

Section 8. The Planning Commission found, on the basis of the whole record before it, that there is no substantial evidence that the Project will have a significant effect on the environment. Feasible mitigation measures have been incorporated into the Project IS/MND that reduce potential impacts to a less than significant level.

Section 9. The Planning Commission added clarification language to at the end of the second paragraph on page 81 of the Project IS/MND, stating: "Federal, State and local law currently address the requirements set forth in this paragraph and are therefore already assumed to be incorporated into the proposed project. In addition, the AVSP EIR concluded that the preparation of the SWPPP and required BMPs during construction and compliance with a SUSMP would reduce potential stormwater quality impacts to a less than significant level. Although these stormwater quality measures have already

been incorporated into this proposed project, a new mitigation measure, HYD-4, has been added to memorialize these project components." Mitigation Measure HYD-4 was added to the Project by the Planning Commission after circulation of the IS/MND. HYD-4 is not required by CEQA, does not create new significant environmental effects, and is not necessary to mitigate an avoidable significant impact. Mitigation Measure HYD-4 simply incorporates into the Mitigation Monitoring and Reporting Program conditions of approval that were already required by Federal, State, and local law relating to water quality and included as conditions of approval for the Project's Agoura Village Development Permit as Conditions 87 through 90. Moreover, the inclusion of Mitigation Measure HYD-4 is not necessary to mitigate an avoidable significant impact because the AVSP FEIR previously analyzed water quality impacts as Impacts HYD-1 and HYD-4, and similar requirements were to be incorporated into individual projects in accordance with Federal, State, and local law, and found the impacts to be less than significant. A similar analysis was conducted in the IS/MND under Impact HYD-2. Therefore, the Planning Commission found that the addition of Mitigation Measure HYD-4 did not require the IS/MND to be recirculated pursuant to CEQA Guidelines Section 15073.5(c)(3).

Section 10. The Planning Commission deleted Mitigation Measures AQ-3(d) and AQ-4 from the Mitigation Monitoring and Reporting Program. The Planning Commission made this determination after holding a public hearing and finding that their deletion will not cause any potentially significant effect on the environment, in accordance with CEQA Guidelines Section 15074.1(b). The IS/MND determined that these measures were not required or relevant to the Project because neither bus stops nor an equestrian center are Project components. Therefore, no further equivalent or more effective measure was necessary, as the deletion of these Mitigation Measures was merely intended to make the Mitigation Monitoring and Reporting Program consistent with the IS/MND.

Section 11. The Final IS/MND reflected the Planning Commission's independent judgment and analysis, and following consideration of the entire record of information received at the public hearing, the Planning Commission adopted Resolution No. 17-1178, adopting Final IS/MND and Mitigation Monitoring and Reporting Program for the Cornerstone mixed-use project.

Section 12. On January 19, 2017, Snowdy Dodson of the Los Angeles/Santa Monica Mountains Chapter of the California Native Plant Society, filed an appeal of the Planning Commission's approval of the Project for the City Council's de novo review of the Project.

Section 13. The City Council of the City of Agoura Hills considered the Project application at a public hearing held on March 8, 2017, at 6:00 p.m. in the City Hall City Council Chambers, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given.

Section 14. 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.

Section 15. No comments or any additional information submitted to the City have produced any substantial new information requiring additional environmental review or re-circulation of the IS/MND under CEQA because no new significant environmental impacts were identified, nor was any substantial increase in the severity of any previously disclosed environmental impacts identified.

Section 16. The City Council finds that the IS/MND was completed in compliance with the provisions of 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 Final IS/MND, along with any comments received during the public comment period, prior to deciding whether to approve the application for the Project.

Section 17. The City Council finds, on the basis of the whole record before it, that there is no substantial evidence that the Project will have a significant effect on the environment. Feasible mitigation measures have been incorporated into the Project IS/MND that reduce potential impacts to a less than significant level.

Section 18. The Final IS/MND reflects the City Council's independent judgment and analysis.

Section 19. The City Council of the City of Agoura Hills, California, exercising its independent judgment and analysis, and after considering the administrative record, hereby adopts the Final IS/MND and Mitigation Monitoring Program for the Project, attached herein as Exhibit A, attached to this Resolution and incorporated herein as though set forth in full.

Section 20. The findings in this Resolution are based upon the information and evidence set forth in the IS/MND and MMRP and upon other substantial evidence that has been presented at the hearings and in the record of the proceedings. The documents, staff reports, technical studies, appendices, plans specifications, and other materials that constitute the record of proceedings on which this Resolution is based are on file for public examination during normal business hours at the City Clerk Department. 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 City of Agoura Hills, 30001 Ladyface Court, Agoura Hills, CA 91301.

Section 21. The City Clerk shall certify to the passage, approval and adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 8th day of March, 2017, by the following vote to wit:

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

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

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EXHIBIT A

**Initial Study/Mitigated Negative Declaration and
Mitigation Monitoring and Report Program**

(Initial Study/Mitigated Negative Declaration Incorporated by reference)

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MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires adoption of a reporting or monitoring program for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). The Mitigation Monitoring and Reporting Program (MMRP) is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Initial Study-Mitigated Negative Declaration (IS-MND), specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in the MMRP.

The IS-MND included 56 mitigation measures to address potential impacts related to aesthetics, air quality, biological resources, cultural resources, geology/soils, greenhouse gases, water and hydrology, noise, public services and transportation/traffic. The following table will be used as the checklist to determine compliance with this measure.



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Comerstone Mixed Use Project
 Mitigation Monitoring and Reporting Program

Mitigation Measure /Condition of Approval	Monitoring Action Required	When Monitoring to Occur	Monitoring Frequency	Agency or Party Responsible for Monitoring	Compliance Verification		
					Initial	Date	Comments
<p>AESTHETICS</p> <p>AES-1 Retaining Wall Design. In the event any proposed retaining walls are visible from designated scenic roadways, the City's Architectural Review Board shall determine whether they are consistent with the City's Architectural Design Standard and Guidelines (1992). If any wall is found to be inconsistent with the Guidelines, the Architectural Review Board shall recommend additional design features to bring the wall(s) into compliance. Possible design features may include the use of textured retaining walls with more natural features, such as those that simulate rocks or boulders. Additionally, design features may include the planting of landscape vegetation along the wall facing south toward the freeway. This landscape vegetation should include plants that provide vertical wall coverage, in order to enhance the visual character of the wall and break up the area of the wall that is visible from scenic corridors. Such retaining wall, landscaping and other related design features shall be shown on the project plans and verified by City Planning and Community Development Department Staff prior to issuance of a Grading or Building Permit.</p>	<p>Review site plan and related photos (could include visual simulations) showing whether retaining walls are visible from scenic roadways. If visible, send to Architectural Review Board for review and approval of design.</p>	<p>Prior to issuance of grading or building permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

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<p>AES-3 Avoidance of Knolls. The applicant shall avoid development, removal, or reduction (to include grading or blasting) of that knoll located south and east of the intersection of Agoura and Kanan Road. Although development of the knoll is unlikely, given that the Specific Plan would identify this area as Zone "G," the applicant shall minimize earthwork in this area in order to avoid substantially modifying a scenic resource. Additionally, the applicant shall minimize grading (subject to approval of City Community Planning and Development Department) of the knoll located south and east of the intersection of Agoura and Cornell Road. Although development and minor modifications would be allowed on the knoll, the majority of the knoll shall be preserved.</p> <p>AES-4 Glare Reduction. Project design and architectural treatments shall incorporate additional techniques to reduce glare, such as:</p> <ul style="list-style-type: none"> • Use of low reflectivity glass • Use of plant material along the perimeter of structures to soften views • Brush-polishing metal surfaces and/or use of metal surfaces that are not highly reflective <p>Plans for new development shall indicate the architectural treatments and/or landscaping to be implemented to reduce glare that could be generated by new development. Plans shall be reviewed by City staff and the Architectural Review Panel, for compliance with this standard</p>	<p>Review grading plan to ensure that grading of the knoll is avoided or minimized.</p>	<p>Prior to issuance of grading permits</p>	<p>Once</p>	<p>City of Agoura Hills</p>			
<p>AES-4 Glare Reduction. Project design and architectural treatments shall incorporate additional techniques to reduce glare, such as:</p> <ul style="list-style-type: none"> • Use of low reflectivity glass • Use of plant material along the perimeter of structures to soften views • Brush-polishing metal surfaces and/or use of metal surfaces that are not highly reflective <p>Plans for new development shall indicate the architectural treatments and/or landscaping to be implemented to reduce glare that could be generated by new development. Plans shall be reviewed by City staff and the Architectural Review Panel, for compliance with this standard</p>	<p>Architectural plans must be reviewed and approved by City Staff and Architectural Review Panel.</p>	<p>Prior to issuance of building permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

Note: This department is currently called the Planning Department

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<p>prior to issuance of a Grading Permit or Building Permit.</p> <p>AES-4 Glare Reduction. Project design and architectural treatments shall incorporate additional techniques to reduce glare, such as:</p> <ul style="list-style-type: none"> • Use of low reflectivity glass • Use of plant material along the perimeter of structures to soften views • Brush-polishing metal surfaces and/or use of metal surfaces that are not highly reflective <p>Plans for new development shall indicate the architectural treatments and/or landscaping to be implemented to reduce glare that could be generated by new development. Plans shall be reviewed by City staff and the Architectural Review Panel, for compliance with this standard prior to issuance of a Grading Permit or Building Permit.</p>	<p>Architectural plans must be reviewed and approved by City Staff and Architectural Review Panel.</p>	<p>Prior to issuance of building permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>	<p>Initial</p>	<p>Date</p>	<p>Comments</p> <p>Prior to issuance of building permit.</p>
<p>AIR QUALITY</p> <p>AQ-1(a) Fugitive Dust Control Measures:</p> <ul style="list-style-type: none"> • Water trucks shall be used during construction to keep all areas of vehicle movements damp enough to prevent dust from leaving the site. At a minimum, this will require twice daily applications (once in late morning and once at the end of the workday). Increased watering is required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph. • The amount of disturbed area shall be minimized and onsite vehicle speeds shall be limited to 15 mph or less. • If importation, exportation and stockpiling of fill material is involved, 	<p>Review plans to ensure the measures are included as notes on all building or grading permits issued for the project.</p>	<p>During grading and construction.</p>	<p>Continuous</p>	<p>City of Agoura Hills</p>	<p>Initial</p>	<p>Date</p>	<p>Comments</p>

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<p>earth with 5% or greater silt content that is stockpiled for more than two days shall be covered, kept moist, or treated with earth binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard.</p> <ul style="list-style-type: none"> After clearing, grading, earth-moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading earth binders until the area is paved or otherwise developed. All material transported offsite shall be securely covered to prevent excessive amounts of dust. 							
<p>AQ-1(b) NOx Control Measures:</p> <ul style="list-style-type: none"> When feasible, electricity from temporary power poles on site shall be utilized rather than temporary diesel or gasoline generators; When feasible, on site mobile equipment shall be fueled by methanol or natural gas (to replace diesel-fueled equipment), or, propane or butane (to replace gasoline-fueled equipment) Aqueous Diesel Fuel or biodiesel (B20 with retarded fuel injection timing), if available, shall be used in diesel fueled vehicles when methanol or natural gas alternatives are not available. 	<p>Review plans to ensure the measures are included as notes on all building or grading permits issued for the project.</p>	<p>During construction.</p>	<p>Continuous</p>	<p>City of Agoura Hills</p>			
<p>AQ-1(c) VOC Control Measure:</p> <ul style="list-style-type: none"> Low VOC architectural and asphalt coatings shall be used on site and shall comply with AQMD Rule 1113-Architectural Coatings. 	<p>Plans showing the type of coatings must be submitted and approved before construction.</p>	<p>Prior to issuance of building permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			
<p>AQ-2 Decrease Emissions of diesel particulate matter during site grading by</p>	<p>Review plans to ensure the measures are included</p>	<p>Prior to issuance of</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

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<p>implementing one of the following approaches.</p> <ul style="list-style-type: none"> Construction contractors shall not operate more than two pieces of heavy-duty diesel-powered equipment within 600 feet of any residence at any time. Construction contractors shall use biodiesel fuel in all on-site diesel-powered equipment. Biodiesel that is blended with low sulfur diesel fuel shall be used if available. Construction contractors shall use only Tier 2 diesel-powered earth moving equipment. At least 80% of the diesel-fueled construction equipment in terms of brake-horsepower shall have DPFs installed, or all equipment shall be equipped with diesel oxidation catalysts. Construction contractors shall limit the movement of large trucks to off-peak commute hours. 	<p>as notes on all building or grading permits issued for the project.</p>	<p>grading or building permit.</p>						
<p>AQ-3(a) Energy Consumption. Onsite structures shall reduce energy consumption by at least 20% below current Federal guidelines as specified in Title 24 of the Code of Federal Regulations. Potential energy consumption reduction measures include, but are not limited to, the use of photovoltaic roof tiles, installation of energy efficient windows, and the use of R-45 insulation in the roof/fattic space of all onsite structures.</p>	<p>Review and approve report and calculations showing that the proposed plans would meet threshold.</p>	<p>Prior to issuance of a building permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>				
<p>AQ-3(b) Landscape Equipment. Multi-family residential developments shall be encouraged to utilize electrical powered landscape maintenance equipment, and exterior outlets shall be installed at the front</p>	<p>Architectural plans must be reviewed and approved showing installments of exterior outlets.</p>	<p>Prior to issuance of a building permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>				

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<p>and rear of residences.</p> <p>AQ-3(c) Shade Trees. Shade trees shall be planted to shade onsite structures to the greatest extent possible in summer, reducing indoor temperatures, and reducing energy demand for air conditioning. The City's ARB shall review project landscaping plans for consistency with this mitigation measure.</p>	<p>ARB must review and approve landscaping plans.</p>	<p>Prior to issuance of building permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>		
<p>BIOLOGICAL RESOURCES</p>						
<p>CS-BIO-1 Listed Plant Survey and Protection Plan. To avoid or minimize potentially adverse impacts on rare plants, the applicant shall offset the loss of individual Lyon's pentachaeta and Agoura Hills dudleya plants through onsite restoration (salvage and replanting), offsite preservation, offsite enhancement, or another method approved by the City of Agoura Hills Planning Director, in consultation with CDFW and USFWS. Prior to issuance of a grading permit surveys for listed plant specifically Agoura Hills dudleya, and Lyon's pentachaeta, shall be performed by a qualified plant ecologist. These surveys shall be performed during the blooming period (April - June), and shall be valid for not more than two years. If a species is found, avoidance shall be required unless the applicant provides substantial documentation that avoidance would not be feasible or would compromise the objectives of the Specific Plan. For Lyon's pentachaeta and Agoura Hills dudleya, avoidance is defined as a minimum 200-foot setback unless an active maintenance plan is implemented for the known occurrence. With implementation of an active maintenance and management program, the buffer width may be reduced</p>	<p>Surveys and plans showing avoidance and minimized impact must be submitted and approved.</p>	<p>Prior to issuance of a grading permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>		

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<p>further based on review by USFWS and/or CDFW. If avoidance is not feasible, onsite mitigation is preferred if suitable habitat is present that can be isolated from human disturbance.</p> <p>If avoidance is not feasible, a restoration plan shall be prepared by a qualified plant ecologist that identifies the number of plants to be replanted and the methods that will be used to preserve this species in this location. The plan shall also include a monitoring program so that the success of the effort can be measured. If offsite mitigation is proposed, the Ladyface Mountain Specific Plan area may contain appropriate habitat and may be a preferred location. Restoration efforts shall be coordinated with applicable federal, state, and local agencies. The required level of success for Agoura Hills dudleya and Lyon's pentachaeta shall be defined at a minimum as a demonstration of three consecutive years of growth of a population equal to or greater than that which would be lost due to the project. The success criteria may be adjusted based on the recommendations of qualified plant ecologist, as approved by the Planning Director in consultation with USFWS and/or CDFW for state and federally listed plants. This level of success shall be determined prior to removal of the impacted population. The restoration plan shall be implemented prior to completion of the project.</p> <p>Salvage and relocation activities shall include seed and/or topsoil collection, germination of seed by a qualified horticulturist in a nursery setting, and hand transplanting seedlings, and hand</p>							

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<p>broadcasting seed into the appropriate habitats. Seed salvage shall only be used as a last resort and shall only be used as a means to protect the genetic record in a herbarium for the onsite population that would be directly removed.</p> <p>The restoration plan shall be submitted to the City of Agoura Hills for approval prior to issuance of a grading permit. If a restoration plan is approved, annual monitoring and reporting for at least five years shall also be required to ensure no-net-loss of acres of habitat for these species. [Adapted from mitigation measure BIO-1(a) of the AVSP FEIR.]</p> <p>CS-BIO-2 Fuel Modification Zone. Prior to fuel modification activities in habitat known to contain the State and federally Endangered Lyon's pentachaeta, the federally-listed, Threatened Agoura Hills dudleya, or the Sensitive Ojai Navarretia, a qualified biologist shall locate and flag Agoura Hills dudleya Lyon's pentachaeta, and Ojai Navarretia within the fuel modification zone, and shall demarcate an appropriate buffer(s) of at least 10 feet and develop/implement protocols in consultation with the Los Angeles County Fire Department that would protect the species from direct or inadvertent harm during fuel modification activities, while meeting fire protection requirements. The qualified biologist shall monitor all fuel modification activities in these areas. Upon completion of each fuel modification effort, the biological monitor shall remove flagging used to demarcate the locations of the plants.</p>	<p>A qualified biologist must monitor the activities within the fuel modification zone.</p>	<p>Prior to issuance of building or grading permit, as well as throughout construction and grading.</p>	<p>Continuous</p>	<p>City of Agoura Hills</p>			

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<p>CS-BIO-3 Ojai Navarretia Mitigation/Restoration Plan. The applicant shall offset the loss of individual Ojai navarretia plants (approximately 74 within the limits of grading, seven within the limits of landscaping, and 163 within the limits of fuel modification) at a 2:1 ratio by onsite restoration (salvage and replanting), offsite preservation, offsite enhancement, or another method approved by the City of Agoura Hills Planning Director. A Mitigation/Restoration Plan (Plan) shall be submitted to the City of Agoura Hills and CDFW that identifies the location and methodology for satisfying the required offset ratio. Onsite restoration is preferred, with offsite preservation permitted only if the applicant demonstrates that onsite preservation is either not feasible or not as likely to be successful.</p> <p>Onsite Restoration (Salvage and Replanting). Onsite restoration would involve the collection of seed from inside the development footprint (grading envelope and fuel modification zone) and replanting the seed in a suitable area outside the development footprint. If the applicant proposes to undertake onsite restoration, the Plan, prepared by a qualified plant ecologist, shall detail the approach and timing associated with seed salvage, propagation, planting, irrigation, maintenance, coverage requirements, monitoring requirements, and contingency planning to achieve the performance standard of a 2:1 replacement. The Plan shall identify several on-site locations for replanting (in the event that one area doesn't achieve specified success criteria work). The applicant shall maintain and</p>	<p>Surveys and plans showing avoidance and minimized impact must be submitted and approved.</p>	<p>Prior to issuance of building or grading permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

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<p>monitor the plants for a minimum of five years. Prior to issuance of the grading permit, the applicant shall obtain approval for the Plan from the City of Agoura Hills, and secure a bond for an amount equal to the cost of the restoration effort. The bond shall be released by the City upon satisfaction of the approved performance criteria.</p> <p><i>Offsite Preservation.</i> Offsite preservation would consist of locating a population of Ojai Navarretia containing at least two times the number of individuals and a seed bank by the project and preserving the population in perpetuity via placement of a conservation easement or purchase of the land and dedication to the City or an approved conservation organization. The preserved population should be located on an area of sufficient size to create a preserve core and be located at least 350 feet away from existing or proposed development, paved roads, v-ditches, and irrigated areas. Additionally, the preserve population should exhibit connectivity to other protected open space or hillside areas (preferably, a minimum of 25 percent of the preserved habitat should connect directly to natural habitat areas). If the applicant proposes to mitigate via offsite preservation of the species, the Plan shall include a Preservation Plan that identifies the number of individual preserved, ownership of the land, parties involved, and the preservation methodology (e.g., conservation easement or dedication to an approved conservation organization). The applicant shall implement the approved offsite preservation and monitor the population for a minimum of five years.</p>							

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<p>Under the preservation approach, the applicant shall obtain approval for the Preservation Plan from the City of Agoura Hills and shall complete the transaction, prior to issuance of the grading permit.</p> <p><i>Offsite Enhancement.</i> Offsite enhancement would consist of locating disturbed poor quality population of Ojai navarretia containing at least two times the number of individuals and occupied habitat impacted by the project and enhancing the conditions of the habitat to prevent further disturbance and/or promote the long-term viability of the population. The applicant shall submit an Enhancement Plan, prepared by a qualified ecologist, which identifies the location of the population and the need for enhancement, as well as the enhancement methodology that details the approach and timing associated with enhancement, maintenance, monitoring requirements, and contingency planning in order to achieve the 2:1 offset ratio performance standard. The applicant shall implement the approved enhancement plan and monitor the enhanced population for a minimum of five years. If the population proposed for enhancement were to be located on land owned by a public agency, or a conservation organization approved by the City of Agoura Hills, the applicant may enter into an in-lieu fee agreement with the conservation organization to implement and monitor the approved Enhancement Plan. Prior to issuance of the grading permit, the applicant shall obtain approval for the Enhancement Plan from the City of Agoura Hills, and secure a bond for an amount equal to the cost of the enhancement effort. The bond shall be released by the City</p>							

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<p>upon satisfaction of the approved performance criteria. If the Enhancement Plan is to be accomplished via an in-lieu fee agreement, the agreement must be executed and fees conveyed prior to issuance of the grading permit. The performance bond shall not be required if the mitigation is accomplished via an in-lieu fee agreement.</p> <p>CS-BIO-4 Special-Status Wildlife Survey. Beginning no more than two weeks prior and ending no more than three days prior to ground disturbing construction at the project site, three pre-construction surveys for special status species, including (but not limited to) the coast horned lizard, coast patch-nosed snake, burrowing owl, San Diego dessert woodrat, San Diego black-tailed hare, and roosting special-status bats shall be conducted by a qualified biologist and submitted to the City Planning and Community Development Department. The pre-construction surveys shall incorporate appropriate methods and timing to detect the special-status wildlife species that could occur at the site. If a special-status species 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 in the open space areas either onsite or directly adjacent to the project site. This shall be performed only by a qualified, approved biologist. The CDFW and City Planning and Community Development Department shall be formally notified and consulted regarding the presence of any sensitive 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</p>	<p>Surveys and plans showing avoidance and minimized impact must be submitted and approved.</p>	<p>Prior to issuance of building or grading permit or ground disturbance.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

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<p>acquired prior to any relocation activity [Adapted from mitigation measure BIO-1(b) from the AVSP FEIR].</p> <p>CS-BIO-5 Bird Nesting Surveys. If vegetation clearing (including tree pruning and removal) or other project construction is to be initiated during the bird breeding season (February 1 through August 31), pre-construction/grading surveys shall be conducted by a qualified ornithologist 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 Game Code Sections 3503, 3503.5, or 3511 are present in the construction zone or within 500 feet of the construction zone. Surveys shall begin 30 days prior to initial disturbance activities and shall continue weekly, with the last survey being conducted no more than three days prior to the initiation of clearance/ construction work. If active nests are found in the survey area, construction activities shall stop until consultation with the City, 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 inside 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 recommended protective</p>	<p>Surveys and plans showing avoidance and minimized impact must be submitted and approved.</p>	<p>Prior to issuance of building or grading permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

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<p>measures described above to document compliance with applicable State and federal laws pertaining to the protection of native birds.</p> <p>Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing. Construction personnel should be instructed on the sensitivity of the area. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and federal laws pertaining to the protection of native birds [Adapted from mitigation measure BIO-1(c) from the AVSP FEIR].</p>							
<p>CS-BIO-6 Native Grassland Restoration Plan. If avoidance of sensitive communities is not feasible, onsite mitigation is preferred if suitable habitat is present that can be isolated from human disturbance. In this event, a restoration plan shall be prepared by a qualified plant ecologist that identifies the location and acreage to be replanted and the methods that will be used to preserve this community in that location. The plan shall also include a monitoring program so that the success of the effort can be measured. The required level of success, at a minimum, shall be defined as a demonstration of three consecutive years of at least 50 percent native grass dominance within the mitigation area. If off-site mitigation is proposed, the Ladyface Mountain Specific Plan area may contain appropriate habitat and may be a preferred location. Restoration efforts shall be coordinated with applicable federal, state, and local agencies. The restoration plan shall be submitted for review as part of the</p>	<p>Plans showing avoidance and minimized impact must be submitted and approved.</p>	<p>Prior to issuance of grading or building permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

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<p>application process with the City Planning Department. In addition, final plans shall be subject to review and approval by the City Planning Director. The Grassland Restoration Plan shall include, but not be limited to, the following components:</p> <p>The applicant shall submit a Native Grassland Restoration Plan for review and approval by the City Planning and Community Development Department, the Los Angeles County Fire Department, and as necessary, a qualified biologist or landscape specialist. Native Grassland habitat shall be replaced at a minimum ratio of three to one for native grassland lost and shall utilize native species from onsite habitats. Target sites for mitigation plots shall be sampled for soil type and habitat criteria sufficient for the establishment and growth of the native grassland lost. No species identified as invasive (e.g., CNPS, Channel Islands Chapter Invasive Plants List, IPC lists) shall be utilized in the landscape plans. The plan shall include, but not be limited to, the following components:</p> <ul style="list-style-type: none"> • <i>Performance criteria (i.e., what is an acceptable success level of revegetation to mitigate past impacts)</i> • <i>Monitoring effort (i.e., who is to check on the success of the revegetation plan, and how frequently)</i> • <i>Contingency planning (i.e., if the effort fails to reach the performance criteria, what remediation steps need to be taken)</i> • <i>Irrigation method/schedule (i.e., how much water is needed, where, and for</i> 							

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<p><i>how long)</i></p> <ul style="list-style-type: none"> Plant species, seed mixes, weed suppression and planting methodology [Adapted from mitigation measure BIO-2(b) of the AVSP FEIR] <p>From preliminary observations, it appears that potential target areas to perform mitigation for the loss of native grassland exist on the northern slopes of Ladyface Mountain, in the open space of Zone G in the southwest corner of the AVSP boundary. These areas need testing to confirm that they meet the soil and habitat requirements for native grassland species. If sufficient mitigation area does not exist onsite, offsite mitigation or in lieu fees to an offsite local or regional mitigation bank shall be done.</p>	<p>Surveys and plans showing avoidance and minimized impact must be submitted and approved.</p>	<p>Prior to issuance of building or grading permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			
<p>CS-BIO-7 Bushy Spikemoss- California Buckwheat Scrub/High-Value Coastal Sage Scrub Restoration Plan. The acreage of Bushy Spikemoss- California Buckwheat Association that is disturbed by fuel modification shall be enhanced at a 2:1 ratio in area(s) to be preserved as permanent open space. To the extent possible, this shall be accomplished by onsite enhancement of disturbed in-kind habitat. If onsite enhancement is not possible, compensation for disturbance to the high-value Bushy Spikemoss – California Buckwheat Association may be accomplished by off-site enhancement of in-kind habitat, preservation of intact habitat equivalent at a 2:1 ratio, or by a contribution to a CDFW approved in-lieu fee program approved by the City Planning Director.</p> <p>A Mitigation and Monitoring Plan shall be developed by a qualified biologist.</p>							

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<p>restoration ecologist or resource specialist, and approved by the Director of Planning prior to issuance of the grading permit for the project. In broad terms, at a minimum the plan shall include:</p> <ul style="list-style-type: none"> • <i>Description of the project/impact and mitigation sites</i> • <i>Specific objectives</i> • <i>Success criteria</i> • <i>Plant palette</i> • <i>Implementation plan</i> • <i>Maintenance activities</i> • <i>Monitoring plan</i> • <i>Contingency measures</i> <p>Success criteria shall, at a minimum, be based on appropriate survival rates and percent cover of planted native species and control of invasive plant species in the mitigation area. Monitoring shall be initiated prior to development of the project, and shall be implemented over a five-year period (or longer, if success criteria are not met). The mitigation project shall incorporate an iterative process of annual monitoring and evaluation of progress, and allow for adjustments to the mitigation project, as necessary, to achieve desired outcomes and meet success criteria. Annual reports discussing the implementation, monitoring, and management of the mitigation project shall be submitted to the City Planning Department and the CDFW. Five years after the project start, a final report shall be submitted to the City Planning Department and the CDFW, which shall at a minimum discuss the implementation, monitoring, and management of the mitigation project</p>							

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<p>over the five-year period, and indicate whether the mitigation project has, in part, or in whole, been successful based on established success criteria. The mitigation project shall be extended if success criteria have not been met at the end of the five-year period to the satisfaction of the City Planning Director [Adapted from mitigation measure BIO-2(b) of the AVSP FEIR].</p> <p>CS-BIO-8 Lighting Requirements. The project shall incorporate lighting design features to the extent possible that will 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. Security lighting from the site should not exceed 1 foot-candle at the edge of the fuel modification zone [Adapted from mitigation measure BIO-4(f) from the AVSP FEIR].</p> <p>CS-BIO-9 Oak Tree Replacement. Oak tree replacement mitigation for impacts to the sensitive Valley Oak Woodland Alliance shall consist of the protection of oak trees during construction and replacement of oak trees removed for development pursuant to the City of Agoura Hills' oak tree protection ordinance. Every attempt shall be made to mitigate the loss of oak habitat on-site. Four (4) oak trees shall be planted to replace each tree that is approved for removal as follows, per the City Oak Tree Protection Ordinance:</p> <p>a) two (2) 24-inch box specimens; b) one (1) 36-inch or sixty-inch-box as</p>	<p>A lighting design must be submitted and approved.</p> <p>Landscape plans must be submitted and approved.</p>	<p>Prior to issuance of a building permit.</p> <p>Prior to issuance of building or grading permit.</p>	<p>Once</p> <p>Once</p>	<p>City of Agoura Hills</p> <p>City of Agoura Hills</p>			

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<p>follows: In the case of landmark trees, (trees whose diameter exceeds 48 inches), the applicant shall obtain a nursery-grown oak tree of equivalent caliper to the tree removed or provide two (2) container grown, 60-inch box trees for each healthy landmark tree approved for removal; and,</p> <p>c) one (1) 15-gallon size oak tree.</p> <p>For impacts involving 10 percent or less of oak tree removal, resulting from grading and project development, each oak tree shall be replaced with specimen oak trees of the same species as the tree that was removed at a ratio and dimension specified in the City's Zoning Ordinance. This mitigation is to occur onsite. For impacts involving greater than 10 percent removal resulting from grading and project development, mitigation shall either be onsite with requirements as listed above, or an in-lieu fee may be paid to the City to be used to acquire land and/or install oak trees on another site, preferably in as close proximity to the area of removal as possible. The sum of the calipers of all oak trees planted must be at least equal to that removed. The locations of the replanted trees shall be indicated on the project plans submitted to the City for review by the City's oak tree consultant. Trees shall be planted so that mature trees will have a continuous canopy. Every attempt shall be made to plan oak trees according to species-specific habitat requirements: valley oaks at lower elevations in alluvial soils; and coast live oaks in mesic north-facing slope locations. Each oak tree removed by grading and project development shall be replaced with two 36-</p>							

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<p>inch box and two 24-inch box specimen oak trees of the same species as the tree that was removed. Additionally, all naturally occurring native vegetation in the areas proposed for oak tree mitigation shall be identified. This includes surveys for ephemeral plants and bulbs/Oak tree planning, shall not cause the removal or destruction of existing native vegetation without replacement in the same locations.</p> <p>The City may consider the payment of an in-lieu fee, in an amount determined by the City per ISA standards, to mitigate for the loss of oak trees if the City determines there is insufficient space available on-site for oak tree replacement. The in-lieu fee may be paid to the City to be used to acquire land and/or install oak trees on another site, preferably in as close proximity to the area of removal as possible. The locations of the replanted oak trees shall be indicated on the project plans for review by the City Oak Tree Consultant and approval by the Planning Director. The oak trees shall be planted in an area to be preserved as permanent open space. Trees planted for mitigation shall be clustered and planted at an appropriate site such that the trees planted will provide natural habitat and replace the oak woodland habitat removed by the project. Oak trees shall be planted according to species-specific habitat requirements: valley oaks at lower elevations in alluvial soils and coast live oaks on mesic north-facing slope locations. Additionally, all naturally occurring native vegetation in the areas proposed for oak tree mitigation shall be identified. This includes surveys for ephemeral plants and bulbs. Oak tree planting shall not cause the</p>							

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<p>removal or destruction of existing native vegetation without the replacement in the same locations.</p> <p>To mitigate the removal of 21,271 square feet of scrub oak habitat, the land plan shall include at least 213 five-gallon scrub oak trees planted at ten feet on-center. Should the Planning Director and the City Oak Tree Consultant determine that the required number of oak trees cannot be planted on the subject site in a practical fashion, equivalent alternative mitigation shall be established through the establishment of an equivalent in-lieu fee which the applicant shall pay into the City Oak Tree Mitigation Fund for the deficit. The amount of the in-lieu fee for the scrub oaks shall be based on the cost of the purchase, installation and maintenance for a period of three years of one (1) 24-inch box size live oak tree for every five remaining scrub oaks to be planted. [Adapted from mitigation measures BIO-3(c) and BIO-3(d) of the AVSP FEIR].</p>	<p>An oak tree survey and oak tree report must be submitted and approved.</p>	<p>Prior to issuance of a grading permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			
<p>CS-BIO-10 Oak Tree Preservation Program. To mitigate impacts to Valley Oak Woodlands and comply with the City of Agoura Hills Oak Tree Preservation Guidelines, the applicant shall submit a tree consultant prior to issuance of a grading permit. The project shall be developed and operated in compliance with the approved Oak Tree Preservation Program and any other conditions determined to be necessary by the City oak tree consultant. The program shall include</p>							

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<p>but not be limited to the following components:</p> <ul style="list-style-type: none"> No grading or development shall occur within five feet from the driplines of oak trees that occur in the construction area. All specimen oak trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to the City for the duration of all grading and construction activities. The fencing shall be installed six feet outside the dripline of each specimen oak tree, and shall be staked every six feet. No construction equipment shall be parked, stored or operated within six feet of any specimen oak tree dripline. No fill soil, rocks, or construction materials shall be stored or placed within six feet of the dripline of a specimen oak tree. Pervious paving and other materials are allowed, as approved by the City. No artificial surface, pervious or impervious, shall be placed within six feet of the dripline of any specimen oak tree, except for project access roads. Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a City approved arborist/oak tree consultant. Any trenching required within the dripline or sensitive root zone of any specimen tree shall be done by hand. In addition, trenching the protected zone needs to preserve roots over one 							

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<p><i>inch in diameter by tunneling.</i></p> <ul style="list-style-type: none"> <i>No permanent irrigation shall occur within the dripline of any existing oak tree.</i> <i>Any construction activity required within three feet of a specimen oak tree's dripline shall be done with hand tools.</i> <i>A certified arborist shall perform all pruning cuts according to the International Society of Arborists' Best Management Practices: Tree Pruning and according to American National Standards Institute (ANSI) A300 pruning standard. Work shall be performed in accordance with the ANZI Z133.1 safety standard.</i> <i>Watering should not occur during the months of June, July, and August unless the root system has been compromised by damage to some of the roots. If recommended by an arborist, water should be applied no more than once or twice a week and allowed to drain thoroughly before more water is applied.</i> <i>Fertilization of these native oak trees is not ordinarily recommended and should not be done unless approved by the City Oak Tree Consultant and Planning Director.</i> <i>Prior to construction, the vigor of the saved trees shall be assessed. Any trees in a weakened condition shall be treated to invigorate them, as deemed necessary by the City arborist.</i> <i>During all phases of construction, the health of the trees shall be monitored for signs of disease. If determined to exist, problems shall be addressed to</i> 							

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<ul style="list-style-type: none"> remedy them. Exploratory trenching shall be done by hand or with great care by digging equipment under the observation of the consulting arborist for all trees proposed to be encroached by this project. This shall be done in order to minimize the damage to the root system by digging and to allow the proper pruning of the roots that are found. If any roots two inches or larger are encountered, they shall be saved (except in a grading cut situation) and covered with a layer of plastic cloth until backfilled. Grade stakes should not be nailed to trees. Nothing that causes damages to the tree shall be attached to the trees. No planting, irrigation, or utilities should be installed within 15 feet of any native oak tree unless approved by the Planning Director. Chemicals or herbicides should not be applied with 100 feet of the dripline of any native oak tree. Dust accumulation onto the tree's foliage from construction shall be hosed off periodically during construction, under the recommendation of the consulting arborist. Copies of the oak tree report, oak trees permit, and City-approved site plan and irrigation plan shall be kept onsite for reference during construction. A certification letter should be submitted to the City Planning Department within five working days of project completion. [Adapted from 							

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<p><i>mitigation measures BIO-3(a) and BIO-3(b) of the AVSP FEIR.</i></p> <p>CULTURAL RESOURCES</p> <p>CS-CR-1 Mitigation Monitoring for Archaeological and Paleontological Resources. Monitoring of all project related ground disturbing activities of sediments that appear to be in a primary context shall be conducted by a qualified archaeologist and/or paleontologist [and Native American and/or paleontologist approved by the Gabrieleno resources] approved by the City Planning Department. Archaeological monitoring shall be performed under the direction of an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (NPS 1983). Paleontological monitoring shall be performed by a paleontologist meeting the Society of Vertebrate Paleontology's Paleontological Resource Monitor (SVP 2010). A cross-trained monitor meeting both of these requirements may also be used. Archaeological monitoring is required until excavation is complete or until a soil change to a culturally sterile formation is achieved, to be determined by the archaeologist. The archaeologist and/or paleontologist may reduce or stop monitoring depending on observed conditions. Paleontological monitoring is required until excavation is complete or until ground disturbance is no longer occurring in the Topanga or Monterey Formations, to be determined by the paleontologist. If archaeological/paleontological resources</p>	<p>Proof of archaeological and paleontological monitoring must be submitted.</p>	<p>During grading, paving, and construction.</p>	<p>Continuous</p>	<p>City of Agoura Hills</p>			

² If Native American monitor is required, per a Cultural Resources Report.

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are encountered during ground-disturbing activities, the City Planning Department shall be notified immediately, and work shall stop within a 100-foot radius until the archaeologist has assessed the nature, extent, and potential significance of any remains pursuant to the California Environmental Quality Act (CEQA). In the event such resources are determined to be significant, appropriate actions are to be determined by the archaeologist consistent with CEQA (PRC Section 21063.2) and the City General Plan, in consultation with the City Planning Department.							
CS-CR-2 Discovery of Human Remains. In accordance with Health and Safety Code 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). The MLD 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.	In the event human remains are unearthed, a proper professional must be contacted and proof of plans must be submitted and reviewed.	During construction, paving and grading.	Continuous	City of Agoura Hills			
CS-CR-3 Phase III Data Recovery. If avoidance of CA-LAN-1352 is not possible, the project applicant shall complete a	Show proof of avoidance of CA-LAN-1352. If avoidance of CA-LAN-	Prior to ground disturbance.	Once	City of Agoura Hills			

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<p>Phase III data recovery excavation program prior to project-related ground disturbance. The Phase III data recovery program should be completed by a professional archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for prehistoric archaeology (qualified archaeologist) and include the preparation of a work plan/research design, fieldwork, laboratory analysis of recovered artifacts and ecofacts, special studies if appropriate, the preparation of a technical report, and curation of recovered materials. The technical report shall include a mitigation monitoring and reporting plan. The Phase III fieldwork shall be conducted by a Native American monitor qualified to identify Chumash and Gabrieleno resources.</p>	<p>1352 is not possible, the project applicant shall complete a Phase III data recovery excavation program and technical report that is reviewed and approved.</p>						
GEOLOGY/SOILS							
<p>GEO-1(a) Building Design. All buildings shall be engineered to withstand the expected design basis ground acceleration that may occur at the project site. All critical facilities shall be designed to withstand the upper bound earthquake ground motion. The design shall take into consideration the most current and applicable seismic attenuation methods that are available. All onsite structures shall comply with applicable provisions of the California Building Code and Chapter 1 of Article 8 of the Agoura Hills Municipal Code. Compliance with these requirements shall be verified by the City Building Official prior to issuance of a Building Permit or Grading Permit.</p>	<p>Building design must comply with CBC, and plans must be submitted and approved by ARB.</p>	<p>Prior to issuance of building or grading permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			
<p>GEO-1(b) Geotechnical Recommendations. Future development shall require, and comply with, all</p>	<p>A site specific study must be reviewed and approved. Building design</p>	<p>Prior to issuance of building or</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

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<p>recommendations contained in site-specific geologic, geotechnical, and structural design studies prepared for subsequent development activities. Subsequent subsurface investigations shall determine the possible presence of seismically induced hazards and appropriate means of mitigating such hazards. Recommendations contained in these site-specific studies shall be reviewed and approved by the City Building Official and incorporated into final grading and structural design plans, as deemed appropriate by the City Building Official. At a minimum, any buildings considered essential facilities, as defined in the Uniform or California building codes, shall be designed to withstand upper bound earthquake ground motion. All onsite structures shall comply with applicable provisions of the California Building Code. The calculated design base ground motion for the site shall take into consideration the soil type, potential for liquefaction, and the most current and applicable seismic attenuation methods that are available.</p> <p>GEO-3(a) Geotechnical Evaluation. Individual developments shall provide site-specific geotechnical evaluations and geological reports that address onsite soils and slope stability hazards as part of the initial application process. Prior to approval of a specific development plan, these studies shall be submitted to the City Planning Department and/or consultants hired by the City for review and approval as part of the initial application process. These evaluations shall determine the potential for adverse soil stability impacts and shall identify appropriate mitigation techniques. All mitigation recommendations identified in site-specific studies shall be implemented</p>	<p>plans must be reviewed and approved.</p> <p>A geotechnical evaluation must be submitted and approved.</p>	<p>grading permit.</p> <p>Prior to issuance of building or grading permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

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<p>as a condition of future development. Such measures may include avoidance of development in areas found to have unmitigable soil or geologic hazards, soil or grading modifications to ensure acceptable slope stability on manufactured slopes, structural measures to ensure slope stability, drainage control facilities to collect and direct water off of slopes, removal of loose cobbles and boulders from adjacent slopes, and/or other measures deemed appropriate to ensure proper slope stability. If site-specific geologic mitigation measures are found to cause secondary environmental effects not addressed herein (excessive import or export of soil material, retaining walls, blasting, etc.), subsequent environmental analysis may be required.</p>							
<p>GEO-3(b) Erosion Control Plan. A site-specific erosion control plan that incorporates best management practices shall be prepared by individual applicants and approved by the City prior to the granting of any grading permits for an individual development in the project area. Measures identified in such plans shall be implemented. Such measures may include slope protection measures, netting and sandbagging, landscaping and possibly hydroseeding, temporary drainage control facilities such as retention areas, etc. Landscaping shall be designed by a licensed landscape architect with final landscaping plans to be reviewed and approved by the City Building Official prior to project approval.</p>	<p>A site specific erosion control plan and landscaping plan must be submitted and approved.</p>	<p>Prior to project approval.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			
<p>GEO-3(c) City Oversight and Approval. The City Engineer or equivalent shall inspect a project after the final grading report has been filed. The project shall not be approved for construction by the City</p>	<p>Proof of monitoring by City Engineer must be submitted.</p>	<p>After final grading report has been filed.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

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<p>Engineer or equivalent until all hazards either caused by project grading or associated with adjoining geologic and soils conditions, such as erosion and slope instability, are mitigated to the City's specifications.</p>							
<p>GEO-4(a) Test Blast/Vibration Study & Blasting Plan. Blasting shall be discouraged. However, if a site-specific geologic, geotechnical, or structural design study deems blasting necessary for grading and excavation onsite, the applicant must perform a test blast/vibration study to evaluate the variation in vibratory ground motion intensity with respect to distance from the blast site. It must be shown that the blasting can be done safely with respect to existing improvements.</p> <p>A blasting plan shall be provided as part of the vibration study, and submitted as part of the initial application submittal to the City Planning Department, City Council and Fire Marshall for approval. Blasting permit approval would be subject to the City's discretion and may be denied. If the City were to approve the blasting plan, at a minimum it should be designed to minimize ground shaking away from the blast area. Any areas having unstable slopes or rockfall hazards shall be secured to prevent injury or property damage. If approved, the permittee shall provide sufficient supervisory control as determined by the building official during the grading operation to ensure compliance with approved plans and with the municipal code. When found necessary by the City Building Official, the permittee shall employ a qualified geologist and foundation engineer to assist in supervising the grading operation. If a</p>	<p>If necessary, a test blast/vibration study must be submitted and reviewed. A blasting plan shall be provided as part of the study.</p>	<p>Prior to grading operations.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

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<p>blasting permit is denied by the City, the applicant shall prepare an alternative application for development which excludes the need for blasting.</p> <p>GEO-6(a) Settlement Related Mitigation. Future development shall comply with all recommendations contained in site-specific geologic, geotechnical, and structural design studies as required to be prepared for subsequent development activities. Subsequent subsurface investigations shall determine the required degree of compaction and the proper moisture content and appropriate means of mitigating settlement related hazards. Recommendations contained in these site-specific studies shall be reviewed and approved by the City Planning Department and City Building Official and incorporated into final grading and structural design plans, as deemed appropriate by the City Building Official prior to issuance of a Grading Permit and/or Building Permit. At a minimum, suitable measures to reduce settlement impacts shall include, but not be limited to:</p> <ul style="list-style-type: none"> • Removal of organic material in the area of the proposed grading • Removal of non-engineered artificial fill in areas to receive engineered fill or in areas where structural support is required. • Placement of a keyway at the bottom of all fill slopes a minimum depth of 3 feet and down to the bedrock with the keyway a minimum of 10 feet wide (unless otherwise determined by the site-specific geological study) • Fill soils shall be benched into the hillside 	<p>Site specific studies must be reviewed and approved by the City Planning Department and City Building Official.</p>	<p>Prior to issuance of building or grading permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

**Cornestone Mixed Use Project
Mitigation Monitoring and Reporting Program**

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<ul style="list-style-type: none"> Removal of upper soils to the bedrock <p>After excavation:</p> <ul style="list-style-type: none"> All bottoms of the excavations and areas to receive slabs shall be scarified and compacted to 90% All fills and backfills should be placed in horizontal layers less than 8 inches in loose thickness Soils shall be compacted to a minimum of 90% of the maximum density rendered by the latest ASTM version Moisture content should not vary more than 2% from the optimum moisture content, although the grading process will be more easily accomplished with the soils being 1 – 2% wetter than optimum moisture content Any utility trenches will need to be properly backfilled as detailed above Any import soils should be approved by a qualified geologist Slope faces shall be compacted to at least 90% of maximum compaction <p>GEO-6(b) Additional Environmental Review. If individual developers are unable to find a disposal site for construction cut within 12.5 miles of the Specific Plan area, or if processed soil is not suitable for fill, then individual projects may require additional environmental analysis. Individual developers must demonstrate a means for disposal of excess cut materials, within 12.5 miles of the project site, prior to approval by the City.</p>	<p>A report of disposal must be submitted and approved.</p>	<p>Prior to approval by the city.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

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GREENHOUSE GASES						
CS-GHG-1 GHG Reduction Measures. The applicant shall incorporate the following measures to reduce GHG emissions: <ul style="list-style-type: none"> • Exceed adopted Title 24 energy requirements by a minimum of 20 percent (in accordance with mitigation measure AQ-3(a)) • Install high efficiency lighting • Use built-in energy efficient appliances • Use water-efficient irrigation systems • Implement employee trip reduction program to achieve an eight percent reduction in vehicle trips 	A greenhouse gas reduction plan must be submitted and approved.	Prior to issuance of building or grading permit.	Once	City of Agoura Hills		
WATER AND HYDROLOGY						
HYD-2 Final Drainage Plans. Individual project applicants shall be required to prepare and submit a final drainage plan, prior to issuance of a grading permit, to the City's Planning and Community Development Department and Los Angeles County Flood Control for approval. Plans shall include detailed design and hydraulic analysis of the drainage facilities that capture and convey on- and off-site runoff. Each developer shall be required to evaluate the extent of potential flood hazards present utilizing the Modified Rational Method (or the latest model approved by Los Angeles County Flood Control) and to implement mitigation measures required to reduce such impacts to a level of insignificance. The drainage plan for each project shall include post development designs for runoff detention and on site infiltration to reduce 50-year frequency storm peak discharge to the pre development level. These drainage facilities	Final drainage plans must be submitted and approved.	Prior to issuance of grading permit.	Once	City of Agoura Hills		

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<p>shall meet the design requirements and capacities of the <i>Master Plan of Drainage for the City of Agoura Hills, The Los Angeles County Department of Public Works Hydrology Manual and the Hydrology and Sedimentation Appendix</i>, or other revised hydraulic analyses as determined by the City Engineer, and shall not increase the base flood elevation above or below the project site. Additionally, mitigation shall meet all interim peak flow standards, or the most up to date standards, as established by the LACDPW. The plans shall be subject to review and approval by the City Engineer.</p> <p>HYD-4 Water Quality Permits and Plans. Prior to approval a grading plan and issuance of a grading permit, a completed Low Impact Development (LID) Plan shall be submitted to and approved by the City's Engineering Department. The LID Plan shall comply with the requirements of the LID Ordinance of the City of Agoura Hills and Los Angeles County LID Standards Manual. The LID Plan shall include all documentation and information requested by the Engineering Department and all such documentation and information requested in a condition of approval for the proposed project.</p> <p>The applicant shall obtain coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity. Proof of filing a Notice of Intent (NOI) with the State for coverage under this permit is required prior to approval of any grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Dischargers Identification Number (WDID)</p>	<p>Final LID plan and SWPPP shall be submitted to City and approved. City shall verify receipt of WDID for General Construction Permit.</p>	<p>Prior to issuance of grading permit.</p>	<p>Once for plan approvals, and as necessary to ensure compliance with LID and SWPPP.</p>	<p>City of Agoura Hills</p>			

Cornerstone Mixed Use Project
Mitigation Monitoring and Reporting Program

Mitigation Measure /Condition of Approval	Monitoring Action Required	When Monitoring to Occur	Monitoring Frequency	Agency or Party Responsible for Monitoring	Compliance Verification		
					Initial	Date	Comments
<p>for coverage under the General Construction Permit to the Public Works/Engineering Department.</p> <p>The applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP Handbook for Construction. A copy of the adopted SWPPP shall be maintained at the construction site office at all times during construction and the Site Superintendent shall use the plan to train all construction site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site. The SWPPP shall comply with all minimum requirements required by the Engineering Department and such standards set forth in any condition of approval for the proposed project.</p>							
NOISE							
<p>N-1 Construction Hours. Onsite construction activity, including blasting, or involving the use of equipment or machinery that generates noise levels in excess of the 55 dBA standard shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Saturday pursuant to City Ordinance 9656 and City Municipal Code Section 9666.4. No construction activity shall occur between 8 p.m. and 7 a.m. that generates noise in excess of the 50 dBA standard. No construction activity shall take place on Sundays or legal holidays.</p>	<p>Note on building or grading permit.</p>	<p>Continuous compliance through construction.</p>	<p>Continuous</p>	<p>City of Agoura Hills</p>			
<p>CS-N-1 Interior Noise. At a minimum, all onsite structures shall include the following or equivalent to achieve an acceptable interior noise level of 45 CNEL:</p>	<p>Note on building or grading permit.</p>	<p>Continuous compliance through construction.</p>	<p>Continuous</p>	<p>City of Agoura Hills</p>			

Cornerstone Mixed Use Project
 Mitigation Monitoring and Reporting Program

Mitigation Measure /Condition of Approval	Monitoring Action Required	When Monitoring to Occur	Monitoring Frequency	Agency or Party Responsible for Monitoring	Compliance Verification		
					Initial	Date	Comments
<ul style="list-style-type: none"> Party wall and floor/ceiling assemblies between separate residential units and other occupied spaces shall be acoustical/laboratory-rated for a minimum of 50 STC noise reduction. Floor/ceiling assemblies between separate residential units and other occupied spaces shall be acoustical/laboratory-rated for a minimum of 50 IIC impact noise reduction. Where any penetrations occur in sound-rated party walls or party floor/ceiling assemblies, the space between the partition and the penetrating object must be properly isolated and insulated to not compromise the sound rating of the partition. Exterior entry doors to living areas shall meet or exceed a laboratory rating of 25 STC (including sliding glass doors and French doors that have any frontage view of Agoura and Cornell Roads). All windows in the design shall be dual-glazed [adapted from AVSP FEIR Mitigation measure N-3(a)]. 	Note on building or grading permit	Continuous compliance through construction.	Continuous	City of Agoura Hills			
<p>CS-N-2 Construction Hours. Onsite construction activity, including blasting, or involving the use of equipment or machinery that generates noise levels in excess of the 55 dBA standard shall be limited to between the hours of 7 a.m. and 7 p.m., Monday through Saturday pursuant to the City Municipal Code. No construction activity shall occur between 7 p.m. and 7 a.m. that generates noise in excess of the 50 dBA standard. No construction activity shall take place on Sundays or legal</p>							

Cornerstone Mixed Use Project
Mitigation Monitoring and Reporting Program

Mitigation Measure /Condition of Approval	Monitoring Action Required	When Monitoring to Occur	Monitoring Frequency	Agency or Party Responsible for Monitoring	Compliance Verification		
					Initial	Date	Comments
holidays [adapted from AVSP FEIR mitigation measure N-1]. N-3(a) Acoustical Study. A site-specific acoustical study shall be submitted to the City Planning and Community Development Department as part of the initial application for any residential project located within the project area that is exposed to freeway or arterial traffic noise. This study shall contain specific structural and site design recommendations to be incorporated into the project design to mitigate any noise levels that exceed the City's residential exterior standard of 65 CNEL and interior standard of 45 dBA.	An acoustical study must be submitted and approved by City Planning and Community Development.	Prior to issuance of building or grading permit.	Once	City of Agoura Hills			
N-3(b) Operating Hours. Loading dock and delivery truck (i.e. refrigerator trucks, trash and recycling pick-ups) and parking lot sweeping hours shall be restricted to daytime operating hours (7:00 a.m. to 7:00 p.m.). Delivery trucks entering and leaving the site shall not block driveways and shall be allowed to idle no more than 15 minutes in any half hour period.	Note on building or grading permit.	Continuous compliance through construction.	Continuous	City of Agoura Hills			
N-3(c) Loading Dock Location. To the degree feasible, loading docks and delivery areas shall be located out of line of sight and/or oriented away from nearby residences.	Note on building or grading permit.	Continuous compliance through construction.	Continuous	City of Agoura Hills			
N-3(d) Ventilation Noise. Parapets that reduce noise from rooftop ventilation systems shall be installed on all project structures.	Note on building or grading permit.	Continuous compliance through construction.	Continuous	City of Agoura Hills			
N-3(e) Parking Lot Noise. Surface-texturing materials and landscaping shrubs and trees shall be used in the parking areas to reduce parking lot related noise.	Note on building or grading permit.	Continuous compliance through construction.	Continuous	City of Agoura Hills			
N-3(f) Mechanical Equipment. All exterior mechanical equipment shall be oriented away from adjacent residential uses and shall be fitted with sound-rated parapets.	Note on building or grading permit.	Continuous compliance through construction.	Continuous	City of Agoura Hills			

Cornerstone Mixed Use Project
Mitigation Monitoring and Reporting Program

Mitigation Measure /Condition of Approval	Monitoring Action Required	When Monitoring to Occur	Monitoring Frequency	Agency or Party Responsible for Monitoring	Compliance Verification		
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<p>N-3(g) Interior Noise. At a minimum, all onsite structures shall include the following or equivalent to achieve an acceptable interior noise level of 45 CNEL:</p> <ul style="list-style-type: none"> • <i>Air conditioning or a mechanical ventilation system so that windows and doors may remain closed</i> • <i>Double-paned windows and sliding glass doors mounted in low air infiltration rate frames (0.5 cubic feet per minute, per ANSI specifications)</i> • <i>Solid core exterior doors with perimeter weather stripping and threshold seals</i> • <i>Roof and attic vents facing away from Highway 101</i> • <i>Incorporation of these design requirements would be expected to achieve an interior noise level reduction of 25 dB or greater.</i> 	<p>Note on building or grading permit.</p>	<p>Continuous compliance through construction.</p>	<p>Continuous</p>	<p>City of Agoura Hills</p>			
<p>N-2(a) Rubberized Asphalt. In potentially noise impacted areas within the Specific Plan, the City shall consider and, if feasible, use rubberized asphalt paving material for street re-paving projects. Studies have demonstrated that this type of paving materials can substantially reduce roadway noise. A 1992 noise study in the City of Thousand Oaks by Acoustical Analysis Associates, Inc. indicated that the use of an asphalt rubber overlay can achieve a noise reduction of from 2 to 5 dBA as compared to standard asphalt.</p>	<p>Proof of consideration of rubberized asphalt must be submitted and reviewed.</p>	<p>Prior to issuance of grading or building permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			
<p>N-2(b) Sound Wall. If traffic-related noise problems from U.S. 101 arise within the Specific Plan area, the City shall investigate and, if feasible, implement appropriate measures to reduce noise impacts at affected receptor locations. Such measures may include, but are not limited to, the use</p>	<p>Proof of consideration of a sound wall must be submitted and reviewed.</p>	<p>Prior to issuance of grading or building permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

Comerstone Mixed Use Project
Mitigation Monitoring and Reporting Program

Mitigation Measure /Condition of Approval	Monitoring Action Required	When Monitoring to Occur	Monitoring Frequency	Agency or Party Responsible for Monitoring	Compliance Verification		
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<p>of a sound wall along the northern boundary of the Specific Plan area, between Roadside Drive and U.S. 101. It is estimated that a 10-foot high sound wall located adjacent to the southern edge of U.S. 101 would decrease noise levels at the property boundaries on the southern side of Roadside Drive from 78.8 dBA to 69.3 dBA (refer to Appendix E for Sound Barrier Loss Estimation Spread Sheet).</p>							
PUBLIC SERVICES							
<p>PS-3(a) Fuel Modification Plan (FMP). Individual project applicants shall develop a Fuel Modification Plan for all development areas within or adjacent to wildland fire hazard areas. These plans shall be subject to review and approval by the Los Angeles County Fire Department Fuel Modification Unit. The FMP shall be submitted to the City Planning and Community Development Department for approval prior to issuance of a grading or building permit.</p> <p>Funding and execution of all measures required in the FMP shall be the responsibility of individual developers or land owners. Prior to approval of the FMP the City shall confirm that appropriate easements have been secured and that long-term funding mechanisms area in place to ensure successful implementation of the FMP.</p>	<p>A Fuel Modification Plan must be submitted, reviewed and approved.</p>	<p>Prior to issuance of building or grading permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			
<p>PS-3(b) Landscape Palette. The landscape palette for the project shall prohibit the use of highly flammable species near areas of open space.</p>	<p>Note on building or grading permit.</p>	<p>Continuous compliance throughout development</p>	<p>Continuous</p>	<p>City of Agoura Hills</p>			

Cornerstone Mixed Use Project
Mitigation Monitoring and Reporting Program

Mitigation Measure /Condition of Approval	Monitoring Action Required	When Monitoring to Occur	Monitoring Frequency	Agency or Party Responsible for Monitoring	Compliance Verification		
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<p>PS-4(a) Design Approval. Project plans shall be submitted to the Los Angeles County Sheriff's Department Lost Hills Substation for review and comment. All recommendations made by the Department, including, but not limited to, those pertaining to site access, site security, lighting, and requirements for onsite security, shall be incorporated into the design of the project, prior to approval of final building permits.</p>	<p>Project plans shall be submitted, reviewed and approved.</p>	<p>Prior to approval of final building permits.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			
<p>PS-5(a) In Lieu Fees. Individual project applicants shall pay the statutory school fees in effect at the time of issuance of building permits to the appropriate school districts. If permissible, at the time the application is processed, these fees shall include additional District costs associated with impacts to student transportation or other measures to alleviate student transportation overcrowding (e.g. pro-rata contribution to new school transportation systems, student carpooling bulletin boards, etc.)</p>	<p>Proof of payment of statutory fees must be provided.</p>	<p>At the time of issuance of building permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			
<p>PS-5(b) School District Noticing. The applicant shall notify the Las Virgenes Unified School District of the expected buildout date of the project as soon as possible to allow the District to plan in advance for new students.</p>	<p>Proof of notification must be provided.</p>	<p>Prior to issuance of building or grading permit, after project is approved.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

Cornerstone Mixed Use Project
Mitigation Monitoring and Reporting Program

Mitigation Measure /Condition of Approval	Monitoring Action Required	When Monitoring to Occur	Monitoring Frequency	Agency or Party Responsible for Monitoring	Compliance Verification		
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TRANSPORTATION/TRAFFIC							
CS-T-1 US-101 Southbound Ramps/Roadside Drive/Kanan Road. The project applicant shall pay a pro-rata share of the costs of the improvements outlined in mitigation measure T-2(g) of the Agoura Village Specific Plan Final Environmental Impact Report (certified 2006), as determined by the City's Traffic Engineer. The project's contribution to the cumulative traffic volumes forecast for the intersection is 6.20 percent. Payment shall be received by the City prior to Certificate of Occupancy.	Proof of payment must be provided.	Prior to issuance of building permit.	Once	City of Agoura Hills			
T-3(d) Pedestrian Cross Walks. Pedestrian cross-walks should utilize textured and colored surface treatments to clearly distinguish these areas for pedestrian movement. Final design must be approved by the City's Public Works Director.	Design plans must be approved by City's Public Works Director	Prior to issuance of building or grading permit.	Once	City of Agoura Hills			
T-3(e) Individual Access. The design and control of individual access driveways will need to be determined as individual projects are analyzed. Analysis of these individual access driveways should give consideration to traffic volumes to and from each individual site within the Specific Plan and opposing traffic volumes on the adjacent roadway system.	Design plans must be submitted and approved.	Prior to issuance of building or grading permit.	Once	City of Agoura Hills			

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<p>T-3(f) Construction Impacts. Prior to individual project approval, short-term construction impacts shall be examined. Where necessary, a construction vehicle management plan shall be developed and implemented. This plan shall include measures to avoid conflicts with nearby businesses and other land uses (such as construction activity notification and timing so as to minimize conflicts) and to minimize the effects on the local street network.</p>	<p>Survey and plan of short term construction impacts must be submitted and approved.</p>	<p>Prior to project approval.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			
<p>CS-T-1 US-101 Southbound Ramps/Roadside Drive/Kanan Road. The project applicant shall pay a pro-rata share of the costs of the improvements outlined in mitigation measure T-2(g) of the Agoura Village Specific Plan Final Environmental Impact Report (certified 2006), as determined by the City's Traffic Engineer. The project's contribution to the cumulative traffic volumes forecast for the intersection is 6.20 percent. Payment shall be received by the City prior to Certificate of Occupancy.</p>	<p>Proof of payment must be provided.</p>	<p>Prior to issuance of building permit.</p>	<p>Once</p>	<p>City of Agoura Hills</p>			

ATTACHMENT 3

(Resolution for Approval
of AVDP and Conditions of Approval)

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RESOLUTION NO. 17-1838

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING AN AGOURA VILLAGE DEVELOPMENT PERMIT (CASE NO. 07-AVDP-002) FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED AT THE SOUTHEAST CORNER OF CORNELL ROAD AND AGOURA ROAD, INCLUDING A CONDITIONAL USE PERMIT AND AN OAK TREE PERMIT

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. An application was duly filed by Doron Gelfand with respect to the real property located at the southeast corner of Agoura Road/Cornell Road (Assessor Parcel Nos. 2061-029-(008-017); 2061-029-029; and 2061-030-(001-013), requesting approval of an Agoura Village Development Permit (Case No. 07-AVDP-002) to construct a mixed-use commercial and multi-family residential project consisting of 35 residential apartment units comprising 47,858 square feet, and retail, restaurant and office space comprising 68,918 square feet, including a Conditional Use Permit for hillside development and an Oak Tree Permit to remove 29 oak trees and 21,271 square feet of scrub oak habitat, and encroach within the protected zone of six (6) oak trees, as part of the Cornerstone Mixed-Use Project (including Tentative Parcel Map No. 70559 and Initial Study/Mitigated Negative Declaration, collectively the "Project").

Section 2. The Project was processed including, but not limited to a public notice, in the time and manner prescribed by State and local law, including the California Environmental Quality Act.

Section 3. An Initial Study/Mitigated Negative Declaration ("IS/MND") and Mitigation Monitoring and Reporting Program, were prepared for the Project in accordance with the California Environmental Quality Act and the California Environmental Quality Act Guidelines ("CEQA"). Thereafter, a Notice of Availability/Notice of Intent (NOA/NOI) to adopt the IS/MND was circulated for a public review from July 8, 2016 to August 8, 2016, as required by law. The NOA/NOI, with the availability of the IS/MND for public review noted, was duly noticed in the local newspaper, and posted at City Hall, the City Recreation and Event Center, and the Agoura Hills Library in accordance with state law. A copy of the IS/MND was made available for review on the City's website, at the Planning Counter at City Hall, and at the Agoura Hills Library. The IS/MND was circulated to the State Clearinghouse of the State of California's Office of Planning and Research.

Section 4. The Planning Commission of the City of Agoura Hills considered the application for the Project, including the Agoura Village Development Permit, Conditional Use Permit and Oak Tree Permit at a duly noticed public hearing held on January 5, 2017, at 6:30 p.m., at which time the City staff and interested persons had an opportunity to, and did testify either in support of or opposition to this matter, in the City Hall Council Chambers,

City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given and published as required by state law.

Section 5. Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforesaid public hearing.

Section 6. Following consideration of the entire record of information received at the public hearing, the Planning Commission adopted Resolution No. 17-1178, adopting the Initial Study and Negative Declaration and a Mitigation Monitoring and Reporting Program for the Project.

Section 7. Following consideration of the entire record of information received at the public hearings and due consideration of the proposed Project, the Planning Commission adopted Resolution No. 17-1179, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING AN AGOURA VILLAGE DEVELOPMENT PERMIT (CASE NO. 07-AVDP-002) FOR THE CORNERSTONE MIXED-USE PROJECT LOCATED AT THE SOUTHEAST CORNER OF CORNELL ROAD AND AGOURA ROAD, INCLUDING A CONDITIONAL USE PERMIT AND OAK TREE PERMIT.

Section 8. On January 19, 2017, Snowdy Dodson, of the Los Angeles/Santa Monica Mountains Chapter of the California Native Plant Society, appealed the Planning Commission approval of the Agoura Village Development Permit, Conditional Use Permit and Oak Tree Permit, for the City Council's de novo review of the Project.

Section 9. The City Council of the City of Agoura Hills considered the application for the Agoura Village Development Permit, Conditional Use Permit and Oak Tree Permit at a public hearing held on March 8, 2017, at 6:00 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given and published as required by state law.

Section 10. Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the City Council at the aforesaid public hearing.

Section 11. In accordance with the California Environmental Quality Act (CEQA), the City provided public notice of the intent to adopt an Initial Study/Mitigated Negative Declaration (IS/MND) and a Mitigation Monitoring and Reporting Program (MMRP) for this Project. On March 8, 2017, the City Council held a duly noticed public hearing, at which time all interested persons had an opportunity to and did testify either in support or in opposition to this matter. The City Council considered all the testimony and any comments received regarding the Project and the IS/MND and Mitigation Monitoring and Reporting Program, prior to and at the public hearing.

Section 12. Upon the close of the public hearing, the City Council approved Resolution No. 17-1837, adopting the IS/MND, making environmental findings pursuant to CEQA, and adopting the MMRP for the Project. Resolution No. 17-1837 and the findings therein are hereby incorporated by this reference as though set forth in full.

Section 13. All legal preconditions to the adoption of this resolution have occurred.

Section 14. Planned Development District. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the City Council finds, pursuant to Section 9499 of the Agoura Hills Zoning Ordinance, that:

A. All the required findings for a Conditional Use Permit, pursuant to Section 9673.2.E of the Agoura Hills Zoning Ordinance, can be made because:

1. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located, and will comply with each of the applicable provisions of the Zoning Ordinance. The purpose of the Planned Development (PD) zone is to designate certain areas of the City for special development and land use regulations that cannot be addressed through the city-wide zoning ordinances. Specific regulations are necessary to guide development and land uses in an orderly manner such that they are compatible with the existing setting, as well as to ensure that development seamlessly and cohesively integrates uses and buildings. In this case, the Project lies within the boundaries of the Agoura Village Specific Plan (AVSP) and, according to the requirements of the PD zone, the permitted, development standards, and regulations for the site are set forth in the Specific Plan. The Project is in compliance with all such development standards and regulations, including the maximum building coverage, building height requirements and all setbacks from property lines for development in AVSP. The AVSP allows for the development of commercial, office and multi-family residential use on the property. In addition, the portion of the Project located within the Open Space-Restricted (OS-R) zone will not be developed and therefore the Project is consistent with the purposes of the OS-R zone.
2. The proposed use, as conditioned, is compatible with the surrounding properties. The Project includes a mix of commercial, office and residential uses, and provides for sufficient on-site parking without impacting neighboring development. This mixed-use Project is compatible with other uses in the AVSP area in terms of the uses. Surrounding uses include retail centers to the north, northwest and west of the Project site; and a mix of developed residential property and vacant land within the AVSP area and Open Space-Restricted zone to the east. The proposed buildings will be integrated into the hillside and include a variety of earthtone colors and materials, consistent with the varied architectural styles of surrounding developed properties and the architectural design standards of the PD zone, and AVSP. The Project design successfully incorporates the new structures within the