2 cont.

conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent should delay all clearance/construction disturbance activities in suitable nesting habitat or within 200 feet of nesting habitat (within 500 feet for raptor nesting habitat) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 200 feet of the nest (within 500 feet for raptor nests) shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel should be instructed on the sensitivity of the area. The project proponent should 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.

O

The Department recommends that the above concerns be addressed prior to lead agency approval of the proposed project to further assist in reducing impacts to biological resources below significant levels under CEQA.

P

Thank you for this opportunity to provide comment. Questions regarding this letter and further coordination on these issues should be directed to Ms. Kelly Schmoker, Staff Environmental Scientist, at (626) 335-4369.

Sincerely,

Helen R. Birss

for Edmund J. Pert
Regional Manager
South Coast Region

Enclosed: NOP Attachment 1
NOP Attachment 2

cc: Ms. Helen Birss, Los Alamitos
Ms. Terri Dickerson, Laguna Niguel
Ms. Kelly Schmoker, Glendora
Mr. Scott Harris, Pasadena
HabCon-Chron, Department of Fish and Game
State Clearinghouse, Sacramento

EP:ks

2 cont.

# Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities

State of California
THE RESOURCES AGENCY
Department of Fish and Game
December 9, 1983
Revised May 8, 2000

The following recommendations are intended to help those who prepare and review environmental documents determine **when** a botanical survey is needed, **who** should be considered qualified to conduct such surveys, **how** field surveys should be conducted, and **what** information should be contained in the survey report. The Department may recommend that lead agencies not accept the results of surveys that are not conducted according to these guidelines.

1. Botanical surveys are conducted in order to determine the environmental effects of proposed projects on all rare, threatened, and endangered plants and plant communities. Rare, threatened, and endangered plants are not necessarily limited to those species which have been "listed" by state and federal agencies but should include any species that, based on all available data, can be shown to be rare, threatened, and/or endangered under the following definitions:

A species, subspecies, or variety of plant is "endangered" when the prospects of its survival and reproduction are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, or disease. A plant is "threatened" when it is likely to become endangered in the foreseeable future in the absence of protection measures. A plant is "rare" when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens.

Rare natural communities are those communities that are of highly limited distribution. These communities may or may not contain rare, threatened, or endangered species. The most current version of the California Natural Diversity Database's List of California Terrestrial Natural Communities may be used as a guide to the names and status of communities.

2. It is appropriate to conduct a botanical field survey to determine if, or to the extent that, rare, threatened, or endangered plants will be affected by a proposed project when:

a. Natural vegetation occurs on the site, it is unknown if rare, threatened, or endangered plants or habitats occur on the site, and the project has the potential for direct or indirect effects on vegetation; or
b. Rare plants have historically been identified on the project site, but adequate information for impact assessment is lacking.

3. Botanical consultants should possess the following qualifications:

a. Experience conducting floristic field surveys;
b. Knowledge of plant taxonomy and plant community ecology;
c. Familiarity with the plants of the area, including rare, threatened, and endangered species;
d. Familiarity with the appropriate state and federal statutes related to plants and plant collecting; and,
e. Experience with analyzing impacts of development on native plant species and communities.

4. Field surveys should be conducted in a manner that will locate any rare, threatened, or endangered species that may be present. Specifically, rare, threatened, or endangered plant surveys should be:

a. Conducted in the field at the proper time of year when rare, threatened, or endangered species are both evident and identifiable. Usually, this is when the plants are flowering.

When rare, threatened, or endangered plants are known to occur in the type(s) of habitat present in the project

2 cont.)

area, nearby accessible occurrences of the plants (reference sites) should be observed to determine that the species are identifiable at the time of the survey.

b. Floristic in nature. A floristic survey requires that every plant observed be identified to the extent necessary to determine its rarity and listing status. In addition, a sufficient number of visits spaced throughout the growing season are necessary to accurately determine what plants exist on the site. In order to properly characterize the site and document the completeness of the survey, a complete list of plants observed on the site should be included in every botanical survey report.

c. Conducted in a manner that is consistent with conservation ethics. Collections (voucher specimens) of rare, threatened, or endangered species, or suspected rare, threatened, or endangered species should be made only when such actions would not jeopardize the continued existence of the population and in accordance with applicable state and federal permit requirements. A collecting permit from the Habitat Conservation Planning Branch of DFG is required for collection of state-listed plant species. Voucher specimens should be deposited at recognized public herbaria for future reference. Photography should be used to document plant identification and habitat whenever possible, but especially when the population cannot withstand collection of voucher specimens.

d. Conducted using systematic field techniques in all habitats of the site to ensure a thorough coverage of potential impact areas.

e. Well documented. When a rare, threatened, or endangered plant (or rare plant community) is located, a California Native Species (or Community) Field Survey Form or equivalent written form, accompanied by a copy of the appropriate portion of a 7.5 minute topographic map with the occurrence mapped, should be completed and submitted to the Natural Diversity Database. Locations may be best documented using global positioning systems (GPS) and presented in map and digital forms as these tools become more accessible.

5. Reports of botanical field surveys should be included in or with environmental assessments, negative declarations and mitigated negative declarations, Timber Harvesting Plans (THPs), EIR's, and EIS's, and should contain the following information:

a. Project description, including a detailed map of the project location and study area.
b. A written description of biological setting referencing the community nomenclature used and a vegetation map.
c. Detailed description of survey methodology.
d. Dates of field surveys and total person-hours spent on field surveys.
e. Results of field survey including detailed maps and specific location data for each plant population found. Investigators are encouraged to provide GPS data and maps documenting population boundaries.
f. An assessment of potential impacts. This should include a map showing the distribution of plants in relation to proposed activities.
g. Discussion of the significance of rare, threatened, or endangered plant populations in the project area considering nearby populations and total species distribution.
h. Recommended measures to avoid impacts.
i. A list of all plants observed on the project area. Plants should be identified to the taxonomic level necessary to determine whether or not they are rare, threatened or endangered.
j. Description of reference site(s) visited and phenological development of rare, threatened, or endangered plant(s).
k. Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms.
l. Name of field investigator(s).
m. References cited, persons contacted, herbaria visited, and the location of voucher specimens.

2 cont.

**Sensitivity of Top Priority Rare Natural Communities in Southern California**

Sensitivity rankings are determined by the Department of Fish and Game, California Natural Diversity Data Base and based on either number of known occurrences (locations) and/or amount of habitat remaining (acreage). The three rankings used for these top priority rare natural communities are as follows:

S1.# Fewer than 6 known locations and/or on fewer than 2,000 acres of habitat remaining.

S2.# Occurs in 6-20 known locations and/or 2,000-10,000 acres of habitat remaining.

S3.# Occurs in 21-100-known locations and/or 10,000-50,000 acres of habitat remaining.

The number to the right of the decimal point after the ranking refers to the degree of threat posed to that natural community regardless of the ranking. For example:

S1.1 = very threatened
S2.2 = threatened
S3.3 = no current threats known

**Sensitivity Rankings (February 1992)**

| Rank | Community Name |
|---|---|
| S1.1 | Mojave Riparian Forest |
| | Sonoran Cottonwood Willow Riparian |
| | Mesquite Bosque |
| | Elephant Tree Woodland |
| | Crucifixion Thorn Woodland |
| | Allthorn Woodland |
| | Arizonan Woodland |
| | Southern California Walnut Forest |
| | Mainland Cherry Forest |
| | Southern Bishop Pine Forest |
| | Torrey Pine Forest |
| | Desert Mountain White Fir Forest |
| | Southern Dune Scrub |
| | Southern Coastal Bluff Scrub |
| | Maritime Succulent Scrub |
| | Riversidean Alluvial Fan Sage Scrub |
| | Southern Maritime Chaparral |
| | Valley Needlegrass Grassland |
| | Great Basin Grassland |
| | Mojave Desert Grassland |
| | Pebble Plains |
| | Southern Sedge Bog |
| | Cismontane Alkali Marsh |

2 cont.

| | |
|---|---|
| S1.2 | Southern Foredunes<br>Mono Pumice Flat<br>Southern Interior Basalt Flow Vernal Pool |
| S2.1 | Venturan Coastal Sage Scrub<br>Diegan Coastal Sage Scrub<br>Riversidean Upland Coastal Sage Scrub<br>Riversidean Desert Sage Scrub<br>Sagebrush Steppe<br>Desert Sink Scrub<br>Mafic Southern Mixed Chaparral<br>San Diego Mesa Hardpan Vernal Pool<br>San Diego Mesa Claypan Vernal Pool<br>Alkali Meadow<br>Southern Coastal Salt Marsh<br>Coastal Brackish Marsh<br>Transmontane Alkali Marsh<br>Coastal and Valley Freshwater Marsh<br>Southern Arroyo Willow Riparian Forest<br>Southern Willow Scrub<br>Modoc-Great Basin Cottonwood Willow Riparian<br>Modoc-Great Basin Riparian Scrub<br>Mojave Desert Wash Scrub<br>Engelmann Oak Woodland<br>Open Engelmann Oak Woodland<br>Closed Engelmann Oak Woodland<br>Island Oak Woodland<br>California Walnut Woodland<br>Island Ironwood Forest<br>Island Cherry Forest<br>Southern Interior Cypress Forest<br>Bigcone Spruce-Canyon Oak Forest |
| S2.2 | Active Coastal Dunes<br>Active Desert Dunes<br>Stabilized and Partially Stabilized Desert Dunes<br>Stabilized and Partially Stabilized Desert Sandfield<br>Mojave Mixed Steppe<br>Transmontane Freshwater Marsh<br>Coulter Pine Forest<br>Southern California Fellfield<br>White Mountains Fellfield |
| S2.3 | Bristlecone Pine Forest<br>Limber Pine Forest |

*Letter 2*

**COMMENTER:** Edmund J. Pert, Regional Manager, South Coast Region, California Department of Fish and Game

**DATE:** April 15, 2008

**RESPONSES:**

Response 2A

The commenter states that the California Department of Fish and Game (CDFG) reviewed the Draft MND for the proposed project and prepared comments pursuant to their authority as the Trustee Agency and Responsible Agency. Specific comments are addressed in responses 2B through 2P.

Response 2B

The commenter states that a complete, recent floral and faunal species compendium, with an emphasis on identifying endangered, threatened and locally unique species, should be conducted at the appropriate time of year. The commenter also states an opinion that the Biological Constraints Analysis (BCA) does not include documentation which supports the determination that no rare, threatened or endangered (RTE) species occur on the project site and that the habitat assessment was conducted outside of the appropriate season to detect most sensitive plant species.

Impact Sciences conducted a BCA in October 2006 and later revised the BCA in August 2007. The BCA included a comprehensive site visit, query of the CNDDB and CNPS databases, a literature review of a Master's thesis for the Liberty Canyon Wildlife Corridor and the placement of two infrared cameras in the wildlife corridor for approximately three weeks. As stated in Section IV, *Biological Resources*, Rincon Consultants, Inc. conducted a field survey of the project site on December 31, 2007, to supplement Impact Sciences' BCA. Both the Impact Science's survey and the Rincon survey were conducted pursuant to CDFG protocol. The analysis of impacts to biological resources was based on the BCA and the Rincon field survey. As such the discussion of impacts to biological resources in the MND serves as documentation to support the determination that no RTE species were observed on the project site, with the exception of a southern California black walnut that would not be adversely affected as this species are located within the defined bed and bank of the creek where development would not occur. As stated in Section IV, *Biological Resources*, there is the potential for special-status plant species, including, but not limited to round-leaved filaree, slender mariposa-lily and Plummer's mariposa-lily to occur onsite. However, implementation of Mitigation Measure BIO-1 would reduce impacts to special-status plant species to a less than significant level.

Response 2C

The commenter states an opinion that focused surveys for sensitive plants and wildlife should be conducted prior to finalization of any CEQA documents and that specific mitigation measures should be identified to reduce impacts to sensitive species occurring on the project site. The commenter also states that a mitigation monitoring plan needs to be included in the CEQA document.

As discussed in Section IV, *Biological Resources*, Rincon Consultants, Inc. conducted a field survey of the project site on December 31, 2007, to supplement Impact Sciences' Biological Constraints Analysis (BCA). Plant and wildlife were the subjects of both the Rincon field survey and the BCA. No sensitive plant or wildlife species were observed on the project site, with the exception of a southern California black walnut that would not be adversely affected, and the potential for occurrence of additional sensitive species onsite is low due to the disturbed nature of the project site and the surrounding land uses. The project site is bordered to the north by US 101, to the south by Agoura Road, to the east by Liberty Canyon Road and to the west by a previously disturbed parcel of land that contains an abandoned building. As noted by the commenter, Mitigation Measure BIO-1 requires pre-construction plant and wildlife surveys and specifies performance standards in the event that sensitive plant and wildlife species are observed. Mitigation Measure BIO-1 specifies that the plant surveys focused surveys shall be conducted during the prior flowering season. As CDFG is aware, the purpose of a pre-construction survey is to confirm that the onsite conditions observed during the biological surveys already conducted remain at the time construction is to occur. Since the close of the public comment period a Final MND has been prepared. As part of the Final MND, a Mitigation Monitoring and Reporting Program (MMRP) has been added. The MMRP is contained in Appendix G of this document.

Response 2D

The commenter states an opinion that CEQA provides protection for any species that meet the criteria for State listing and that many of the species listed in Lists 1A, 1B and 2 of the California Native Plant Society of Rare and Endangered Vascular Plants of California would qualify for listing. The commenter also re-states an opinion that focused surveys should be conducted at the appropriated time of year and recommends visits to a known reference population.

One special status plant species, *Juglans californica* var. *californica* (southern California black walnut) was observed onsite. However, the onsite southern California Black Walnut species are located in an area that would not be adversely affected by the proposed project. No other special status plant species were observed onsite and the potential for occurrence is considered to be low due to the disturbed nature of the project site and the surrounding land uses. Mitigation Measure BIO-1 in Section IV, *Biological Resources*, requires that focused surveys be conducted prior to construction. If special status species are observed onsite during the focused surveys and avoidance is infeasible, BIO-1 describes the required mitigation plan to reduce impacts to a less than significant level.

Response 2E

The commenter states an opinion that environmental document preparers should follow the CDFG protocol when assessing sites for botanical resources. The commenter also states that CDFG does not consider biological assessments over one year old and botanical assessments over two years old as valid. Finally, the commenter states an opinion that an assessment of rare natural plant communities that follows CDFG's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities needs to be completed.

As discussed in Response 2B the botanical resource assessments conducted by Impact Sciences (see Appendix C) and Rincon Consultants were consistent with CDFG protocol. The botanical resource assessments conducted for the project sites are both less than one year old; Impact Science's Biological

Constraints Analysis was completed in August 2007 and the supplementary site survey conducted by Rincon Consultants was conducted in December 2007. Assessments of rare plant communities, consistent with CDFG's Guidelines, were included as part of the site surveys conducted by both Impact Sciences and Rincon Consultants.

Response 2F

The commenter states that the MND indicates that several special status wildlife species have the potential to occur onsite, but focused surveys were not completed for incorporation into the MND. The commenter also states that no mitigation is provided in the MND in the event that special status species, including special status bat species, are observed onsite during a pre-construction survey. Finally, the commenter states an opinion that mitigation for special status species in not adequate to justify a MND and indicates that, without knowing if special status species occur onsite, it would be difficult to plan for avoidance and appropriate mitigation measures once the project has been designed and grading is about to commence.

As discussed in Response 2B the botanical resource assessments conducted by Impact Sciences (see Appendix C) and Rincon Consultants were consistent with CDFG protocol. With the exception of the Southern California black walnut that would not be adversely affect by the propose project, no special status wildlife species were observed onsite during the site surveys. While the CNDDB indicates that 6 special status species (including the western mastiff bat and the western red bat) have the potential to occur onsite, the potential is low due to the disturbed nature of the property and land uses onsite and in surrounding areas. The project site is surrounded by urban/suburban development. Mitigation Measure BIO-1 requires that focused pre-construction surveys be conducted onsite to determine the presence or absence for special status wildlife species. The purpose of a pre-construction survey is to confirm that the conditions observed in site surveys, which reported that no special status wildlife species are known to occur onsite, remain. Mitigation Measure BIO-1 describes measures to mitigate impacts to special-status wildlife if any species are observed during pre-construction surveys.

Response 2G

The commenter states that to reduce unavoidable impacts to special status species and their habitats to a less than significant level under CEQA, mitigation measures must be considered and adopted in a MND and that a Mitigation Monitoring and Reporting Program (MMRP) must be adopted. The commenter also states that the MMRP should specify target dates to ensure mitigation measures are completed before discretionary approvals are granted. Finally, the commenter states that impact to State listed species would require further consultation with CDFG prior to project approval.

As noted in previous responses, implementation of mitigation measures included in the MND would reduce impacts to special status species and their habitats to less than significant level. No unavoidably significant impacts were identified and no evidence suggesting that identified significant impacts cannot be mitigated to below a level of significance has been provided. The decision-making body is required to adopt the proposed MND and MMRP prior to approving the proposed project. The MMRP, contained in Appendix G of the Final MND, specifies the action required, when mitigation monitoring shall occur and the agency or party responsible for monitoring. As discussed under Mitigation Measure BIO-1, if a special-status wildlife species is observed onsite during pre-

construction surveys, the biological monitor, City, and appropriate regulatory agency shall be notified to implement all measures necessary to protect the sensitive species. This required notification would include notifying CDFG if appropriate. In order to provide clarify when CDFG notification is required, the following has been added to Mitigation Measure BIO-1, under the *Construction Monitoring* subsection:

> *Pursuant to the California Endangered Species Act, if pre-construction surveys determine that impacts to State-listed wildlife species could occur, CDFG shall be consulted prior to project approval.*

Impacts to special status species and their habitats would remain less than significant with implementation of Mitigation Measure BIO-1.

Response H

The commenter states an opinion that lost habitat for special status species should be mitigated in kind and preserved in perpetuity from further development under a conservation easement deeded to a local land conservancy. The commenter also states that CDFG does not consider salvage and translocation of special status species as viable mitigation due to it low success rate and that seed salvage should only be used as a last resort and should only be used as a means to protect the genetic record in a herbarium for the onsite population that would be destroyed.

As discussed in Section IV, *Biological Resources*, the proposed project would not adversely affect special status species as the only special status species observed onsite, California black walnut, is located in an area that would not be disturbed. As discussed in the *Project Description*, the Liberty Canyon Wildlife Corridor along with the SMMC-owned area just northwest of the project site (which is adjacent to the corridor), would be preserved and enhanced as part of the project. The enhancement would include the removal of existing pavement and replanting with native plants conducive to continual wildlife movement through the area, as shown on the project landscape plans. Mitigation measures BIO-6 and BIO-7 in Section IV, *Biological Resources*, incorporate and augment the restoration that the applicant is proposing to conduct along the northern edge of the site, as shown on the project landscape plans. As described in Measure BIO-1, if special status plant species are observed during preconstruction surveys, avoidance of sensitive plant species shall be the primary mitigation measure. Based on the biological surveys conducted in support of the MND, sensitive plant species are not known to occur onsite. Nevertheless, seed salvage and translocation measures are included in BIO-1 to ensure the long-term survivability of the species in the vicinity to mitigate the loss of special status plant species if such species are observed during pre-construction surveys. In order to clarify the purpose of seed salvage, the following has been added to Mitigation Measure BIO-1:

> *Seed salvage shall only be used only if avoidance is determined to be infeasible and shall only be used as a means to protect the genetic record in a herbarium for the onsite population that would be destroyed.*

Impacts to sensitive plant species would remain less than significant with implementation of Mitigation Measure BIO-1.

Response 2I

The commenter states an opinion that potential impacts to the Liberty Canyon Wildlife Corridor are not clearly listed in the MND and that in some places the MND states that there would be no impact to drainage but in other places it is states that there may be impacts and mitigation would be proposed at a later date, including a wildlife corridor restoration plan. The commenter also states an opinion that the MND should more clearly describe impacts to the wildlife corridor and mitigation to reduce impacts to a less than significant level. Finally, the commenter specifically requests that information regarding building setback requirements in relation to the wildlife corridor be provided.

As stated in *Project Description* and Section IV, *Biological Resources*, the wildlife corridor would be preserved and enhanced as part of the project, thereby improving the wildlife habitat in the corridor. However, in the spirit of preventative conservation, the impacts to the wildlife corridor were identified as potentially significant. Mitigation measures BIO-6 and BIO-7 incorporate and augment the restoration of the wildlife corridor that the applicant is proposing. Therefore, the proposed project would have a beneficial effect to the wildlife corridor. It should be noted that the SMMC has been involved in the design of the project and the Corridor Restoration Plan.

It is not anticipated that construction activity associated with the proposed project would occur within the onsite drainage. However, in the unlikely event that activity within the drainage does occur, unforeseen impacts to riparian species could occur. Therefore, in the spirit of preventative conservation, the impacts to wetlands were identified as potentially significant unless mitigation incorporated. Mitigation Measures BIO-3 through BIO-5 would reduce unforeseen impacts to wetlands to a less than significant level.

The proposed site plan (Figure 4), landscape plan (Figures 6A and 6B), and grading plan (Figures 7A and 7B) show the locations of the proposed buildings in relation to the wildlife corridor.

Response 2J

The commenter states an opinion that it is unclear where the 48 oak trees proposed for the site would be planted and states an opinion the CDFG does not consider oak trees planted as landscaping as adequate mitigation for loss of oak woodland. The commenter requests that more detail regarding where oak tree impacts would occur and where the replacement oaks would be planted, as well as how this would provide adequate mitigation for oak tree removal.

As discussed in Section IV, *Biological Resources*, the most important onsite Valley Oak Woodland is located within ephemeral drainage onsite that would not be disturbed by project development. Additional Valley Oak Woodland exists as clusters of trees scattered throughout the undeveloped areas of the property. The City believes that Mitigation Measures BIO-8 and BIO-9 would adequately reduce impacts to oak trees to a less than significant level by requiring the planting of 48 oak trees onsite and complying with recommendations contained in the Oak Tree Report contained in Appendix C. CDFG can place additional mitigation in the SAA if required.

As discussed in Section IV, *Biological Resources*, and the Oak Tree Report, of the 50 existing onsite oak trees the 12 oak trees would be removed the protected zones of 27 oak trees would be encroached. The Oak Tree Report details which oak trees would be affected. As shown in the proposed landscape plan (see Figures 6A and 6B), oak trees would be planted throughout the project site and the wildlife corridor.

Response 2K

The commenter states an opinion that the MND does not provide adequate information on the riparian resources present on the project site and does not discuss specific mitigation measures. Additionally, the commenter addressed that impacts of the project on Waters of the State should be known at the MND stage.

The MND and the BCA both contain descriptions regarding the natural vegetation of the adjacent riparian channel. As discussed in Section IV, *Biological Resources*, the drainage extends through the site in a north to south direction and then meanders offsite into the adjacent restoration area to the west, at the southwest corner of the site. This drainage diverts flows from the unincorporated open space areas north of Highway 101 through an approximately 5-foot-diameter culvert that extends underneath Highway 101 and underneath the existing onsite building. The culvert terminates at the south side of the building, where flows are then directed into an open channel. This drainage is dominated by valley oak with other canopy contributors including coast live oak, southern California black walnut, Fremont cottonwood and California sycamore. Additionally, the BCA includes a description and aerial of the project site and the riparian channel. As noted in Section IV, *Biological Resources*, construction activity would not occur within the onsite drainage. However, in the spirit of preventative conservation, the impacts were identified as potentially significant to account for the unforeseen disturbance of the onsite drainage and additional mitigation was included. Therefore, Mitigation Measures BIO-3 through BIO-5 were included to protect jurisdictional sensitive resources in the unlikely event that the onsite drainage is disturbed. Mitigation Measure BIO-3 specifically addresses avoidance measures of the riparian creek.

Response 2L

The commenter states that the CDFG does not agree that if impacts to jurisdictional riparian resources were to occur, leaving a 5-foot construction buffer around the riparian corridor, as proposed in Mitigation Measure BIO-3, would be adequate mitigation. Mitigation Measure BIO-3 in Section IV, Biological Resources states:

> 1. *A minimum of a 10-foot buffer from the top of bank, or at least five feet from the outside of any riparian canopy (whichever is greater), along the open channel/drainage shall be protected. The edge of the buffer area shall be fenced with chain link and a silt fence during construction to prevent intrusion into the open channel/drainage culvert. The location of the habitat fencing shall be conducted under the direction of a qualified biologist. The fencing shall be installed to the satisfaction of the City Planning and Community Development Department prior to the start of any grading, vegetation clearing or building. The fencing shall be removed upon completion of construction.*

In the unlikely event that unforeseen potential impacts to the onsite drainage arise, the City believes that the buffer described above, which would be part of riparian habitat and creek protection program, would adequately mitigate impacts to the onsite drainage. If an SAA is required, CDFG can require that additional mitigation be implemented.

Response 2M

The commenter states an opinion that it is unclear how installation of storm drain additions would not adversely affect the riparian area. The commenter requests that direct and indirect impacts be analyzed. Both direct and indirect impacts have been analyzed. As stated in the MND in Section VIII, *Hydrology and Water Quality*:

> *Drainage patterns would change slightly with the project. The majority of the drainage would continue to sheet flow on the proposed parking lots and would be collected by catch basins with hydrocarbon filters, connecting to the existing open channel and box culvert. For the western parking lot, the surface of which would be permeable, the runoff would percolate, with any remaining runoff draining to a proposed concrete swale in the parking lot that enters a vegetated filter at the southwest corner of the parking lot on SMMC* [Santa Monica Mountains Conservancy] *land. The SMMC has indicated its acceptance of this excess drainage onto its site as a means of sustaining habitat.*

According to Westland Civil, Inc., the two proposed commercial buildings with associated parking areas would result in an increase by 0.14 cubic feet per second for a 10-year storm event, which is considered less than significant (see appendix D for complete Hydrology Report). The increased runoff would be captured in the swale; and therefore, drainage patterns resulting from the proposed project would have less than significant impacts on the riparian area.

Response 2N

The commenter states that a streambed alteration agreement (SAA) is required and includes additional guidelines and suggestions including the review of the project documents that analyze impacts to riparian resources and its avoidance, mitigation measures, and monitoring commitments. No impact to the riparian area is anticipated as no construction activities are proposed for the riparian area. If the potential for unforeseen impacts within the riparian area arises, an SAA would be completed in accordance with CDFG regulations.

Response 2O

The commenter states how pre-construction bird surveys are to be completed. As stated in Mitigation Measure BIO-2, the bird surveys would be conducted in accordance with the Migratory Bird Species Act and includes all of those items identified by the commenter. In order to clarify the required steps under the Migratory Bird Species Act, the following has been added to Mitigation Measure BIO-2 in Section IV, *Biological Resources*:

> *The project proponent shall record the results of the abovementioned protective measures to document compliance with applicable State and federal laws pertaining to the protection of native birds.*

Impacts related to migratory birds would remain less than significant.

Response 2P

The commenter recommends that the comments contained in the letter be addressed prior to lead agency approval of the project to further assist in reducing impacts to biological resources below

significant levels under CEQA. The comments provided by CDFG have been addressed. Please see responses 2B through 2O. In several cases, as mentioned above, clarification was added to mitigation measures based on comments provided by CDFG. Impacts to biological resources remain less than significant with mitigation incorporated.

3

Dear Ms. Darbouze,

Good afternoon. Thank you for sending me the Draft Initial Study and Mitigated Negative Declaration for the Liberty Canon Office Expansion Project. I have briefly reviewed the document and have the following comments:

Primary Concerns
- Liberty Canyon/Vendell Road wildlife corridor
- Oak trees
- Parking areas

The scale of the proposed project results in impacts to the wildlife corridor and oak trees that are not adequately mitigated. While the proposed mitigation measures do attempt to minimize impacts, it would be better to prevent the need for the mitigation. Expanding with only one new building, constructed on the southeast corner of the parcel where a parking lot is proposed, will eliminate several issues connected with both the wildlife corridor and the oak trees. A

I did not read that green building principles are going to be used for the new parking areas. Here are some suggestions:

Within the parking lot:
- Use depressed planter areas and curb cuts to allow for drainage into the planter areas: helps reduce runoff by directing runoff into planter boxes / maintaining water onsite
- Use permeable surfaces for walkways (open-grid pavers, porous concrete, etc): helps reduce runoff by allowing infiltration / maintaining water onsite
- Planting trees (specifically trees rather than, or in addition to other types of vegetation): provides shade, reduces heat island affect

For actual parking areas:
- Use light colored/high albedo paving materials for walkways (i.e., concrete, concrete mixed with traditional black top). Paving materials have a Solar Reflectance Index of at least 29: reduces heat island affect
- Use porous materials (i.e., open-grid pavement system, porous concrete): helps reduce runoff by allowing infiltration / maintaining water onsite

B

We know that impacts to oak trees are certainly not mitigated in the short term, and often not in the long term. Impacts to the wildlife corridor cannot truly be mitigated. Reducing the project to one new building instead of two will help retain the site's mature oak trees, which are a super resource, and reduce impacts to the wildlife corridor. C

Thank you for your consideration of my suggestions.

Gina M. Natoli, AICP
Supervising Regional Planner
Los Angeles County Dept. of Regional Planning
320 West Temple Street 13th Floor
Los Angeles CA 90012-3223
213/974-6422

*Letter 3*

**COMMENTER:** Gina M. Natoli, Supervising Regional Planner, Los Angeles County Department of Regional Planning

**DATE:** April 1, 2008

**RESPONSES:**

Response 3A

The commenter states an opinion that the proposed mitigation measures would not adequately mitigate the project's impacts to the wildlife corridor and oak trees. The commenter suggests that scaling back the project to only one building located in the southeast portion of the site (presumably as a mitigation measure or project alternative) would eliminate several issues connected with both the wildlife corridor and the oak trees. As discussed in Section IV, *Biological Resources*, a three-week wildlife movement study conducted by Impact Sciences, which utilized two infrared movement cameras placed on the project site, did not detect mammals using the wildlife corridor. Nonetheless, as part of the project, the applicant is proposing to restore the wildlife corridor to a better condition than existing, which would improve the wildlife habitat. Mitigation Measures BIO-6 and BIO-7 incorporate and augment the restoration that the applicant is proposing, and would thus further ensure that impacts to the wildlife corridor would be less than significant. As also discussed in Section IV, *Biological Resources*, grading, paving, site construction and road widening would require the removal of 12 oak trees, and demolition, grading and site clearing would encroach upon the protected zones of 27 oak trees. Impacts to oak trees would be less than significant with implementation of Mitigation Measures BIO-8 and BIO-9 which would replace oak trees at a 4 to 1 ratio and protect and maintain new and existing oak trees. If the project were to be reduced to one building in the southeast corner of the project site, as suggested by the commenter, impacts to the wildlife corridor and oak trees could be incrementally decreased compared to the proposed project. However, because all impacts associated with the proposed project, including impacts to the wildlife corridor and oak trees, can be mitigated to a less than significant level, reducing the project to the extent suggested is not necessary.

It should be noted that under item *e* in Section IV of the Mitigated Negative Declaration, *Biological Resources*, several oak tree identification numbers for trees to be removed were incorrectly listed and the overall loss in trunk diameter was incorrectly reported. The number of oak trees to be removed remains the same while the overall loss in trunk diameter is substantially less than previously reported. The oak tree identification numbers and overall trunk diameter have been corrected in the MND (see page 28). The incorrect text that has been deleted is shown below in strikethrough and the new corrected text is underlined. These corrections do not change the environmental analysis or require further analysis.

> e. Oak trees (*Quercus* spp.) within the City of Agoura Hills are protected by the City's Oak Tree Ordinance (City Council Resolution No. 374). For an oak tree larger than two inches in diameter, measured 3.5 feet above the tree's natural grade, a permit is required to cut, move, or remove any oak tree. In addition, a permit is required for encroachment within a qualified

oak tree's protected zone, which is defined as extending five feet beyond the dripline, and in all cases shall be at least 15 feet from the trunk.

According to the City's Landscape and Oak Tree Consultant, there are 50 oak trees onsite (see full oak tree report contained in Appendix C). Of the 50 existing onsite oak trees:

- *Grading, paving, site construction and road widening would require the removal of 12 oak trees (Tree numbers T-11, T-13, T-19, T-29, T-30, T-33, T-42, T-43, T-44, T-47, T-48 and T-50 ~~T-22, T-24 to T-26, T-28, T-45, and T-46~~);*

- *Demolition, grading and site clearing would encroach upon the protected zones of 27 oak trees (Tree numbers T-1 to T-10, T-12, T-17, T-18, T-21, T-23, T-27, T-31, T-32, T-34 to T-41, and T-49); and*

- *11 oak trees would be protected in place with no impacts or encroachments.*

The removal and encroachment of oak trees, as detailed above, would result in the loss of 171 ~~787~~ inches of trunk diameter and would adversely affect approximately 24% of the oak canopy onsite, which exceeds the 10% allowance per the Zoning Code. Therefore, impacts to oak trees would be **potentially significant unless mitigation incorporated.**

Response 3B

The commenter states that she did not read that green building principles would be used for the new parking areas. The commenter suggests several green building techniques for parking areas. As discussed in Section VIII, *Hydrology and Water Quality*, the surface of the western parking lot would be permeable, allowing stormwater to percolate. Any remaining runoff would drain to a proposed concrete swale in the parking lot that enters a vegetated filter at the southwest corner of the parking lot on SMMC land. The SMMC has indicated its acceptance of this excess drainage onto its site as a means of sustaining habitat. In addition, as shown in the landscape plan on Figures 6A and 6B, trees and other vegetation would be planted in and around the parking areas. These trees would provide shade in the parking lot. Therefore, the proposed project includes green building techniques. This comment is noted and the letter, which included the list of suggested green building principles, will be provided to members of the Planning Commission when the proposed project comes before them.

Response 3C

The commenter summarizes her previous comments regarding impacts to the wildlife corridor and oak trees and the reduced project suggestion. These comments are addressed above in Responses 3A and 3B.

# Appendix G

Mitigation Monitoring and Reporting Program

Liberty Canyon Office Expansion Project

# MITIGATION MONITORING AND REPORTING PROGRAM

City of Agoura Hills

April 2008

# FINAL
# MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that a reporting or monitoring program be adopted 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 is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Mitigated Negative Declaration, 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 Mitigation Monitoring and Reporting Program (MMRP).

To implement this MMRP, the City of Agoura Hills will designate a Project Mitigation Monitoring and Reporting Coordinator ("Coordinator"). The coordinator will be responsible for ensuring that the mitigation measures incorporated into the project are complied with during project implementation. The coordinator will also distribute copies of the MMRP to those responsible agencies identified in the MMRP, which have partial or full responsibility for implementing certain measures. Failure of a responsible agency to implement a mitigation measure will not in any way prevent the lead agency from implementing the proposed project.

The following table will be used as the coordinator's checklist to determine compliance with required mitigation measures.

| Mitigation Measure/Condition of Approval | Action Required | When Monitoring to Occur | Monitoring Frequency | Responsible Agency or Party | Compliance Verification | | |
|---|---|---|---|---|---|---|---|
| | | | | | Initial | Date | Comments |
| ***AESTHETICS*** | | | | | | | |
| **AES-1 Light and Glare.** The proposed project shall adhere to the City's Lighting Standards and Guidelines. These may include, but are not limited to the following:<br>•Lighting shall be kept to the minimum necessary to ensure adequate illumination of the project site, particularly the portions of the project fronting U.S. 101, along the wildlife corridor.<br>•Lighting pole heights and other fixture heights shall be limited.<br>• All lighting shall be focused downward and designed to minimize light spillover and glare affecting adjacent areas.<br>• Fixtures and poles shall be designed and placed in a manner consistent and compatible with the overall site and building design. | Plan Check. | Prior to issuance of a grading or building permit. | Once | PCD | | | |
| **AES-2 Lighting Plan.** A final lighting plan and photometric plan shall be submitted for review and approval to the Planning and Community Development Department prior to issuance of a Building Permit. | Plan Check. | Prior to issuance of a grading or building permit. | Once | PCD | | | |
| ***AIR QUALITY*** | | | | | | | |
| **AQ-1 Dust Minimization.** Pursuant to Rule 403 of the SCAQMD, the following dust minimizing measures shall be implemented.<br>a) The simultaneous disturbance of the site shall be minimized to the extent feasible.<br>b) The project proponent shall comply with all applicable SCAQMD Rules and Regulations, including Rule 403 insuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive | Incorporate requirements into contractor's notes. Plan Check. | Prior to issuance of a grading or building permit. | Once | PCD | | | |

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|---|---|---|---|---|---|---|---|
| | | | | | Initial | Date | Comments |
| dust emissions from any active operation, open storage pile or disturbed surface area visible beyond the property line of the emission source. Particulate matter on public roadways is also prohibited.<br>c) The project proponent shall comply with all SCAQMD established minimum requirements for construction activities to reduce fugitive dust and PM-10 emissions.<br>d) Adequate watering techniques shall be employed to mitigate the impact of construction-related dust particulates. Portions of the site that are undergoing surface earth moving operations shall be watered such that a crust will be formed on the ground surface, and then watered again at the end of each day. Site watering shall be performed as necessary to adequately mitigate blowing dust.<br>e) Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.<br>f) Any construction access roads (other than temporary access roads) shall be paved as soon as possible and cleaned up after each work day. The maximum vehicle speed on unpaved roads shall be 15 mph.<br>g) Grading operations shall be suspended during first stage ozone episodes or when winds exceed 25 mph. A high wind response plan shall be formulated for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.<br>h) Any construction equipment using direct internal | | | | | | | |

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|---|---|---|---|---|---|---|---|
| | | | | | Initial | Date | Comments |
| combustion engines shall use a diesel fuel with a maximum of 0.05 percent sulfur and a four-degree retard.<br>i) Construction operations affecting off-site roadways shall be scheduled by implementing traffic hours and shall minimize obstruction of through traffic lanes.<br>j) The engines of idling trucks or heavy equipment shall be turned off if the expected duration of idling exceeds five (5) minutes.<br>k) On-site heavy equipment used during grading and construction shall be equipped with diesel particulate filters unless it is demonstrated that such equipment is not available or its use is not cost-competitive.<br>l) All haul trucks leaving or entering the site shall be covered or have at least two feet of freeboard.<br>m) Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered three times daily.<br>n) Any site access points within 30 minutes of any visible dirt deposition on any public roadway shall be swept or washed. | | | | | | | |
| ***BIOLOGICAL RESOURCES*** | | | | | | | |
| **BIO-1 Special-Status Plant and Wildlife Species.** Prior to vegetation trimming/removal, discing and grading associated with fuel management and the proposed project, focused surveys shall be conducted during the prior flowering season to determine the presence or absence of any special-status plants including *California macrophylla* (round-leaved filaree), *Calochortus clavatus var. gracilis* (slender mariposa-lily), and *Calochortus plummerae* (Plummer's mariposa-lily). If no special-status plants are found within the development footprint or fire clearance zone, then no additional mitigation is | **Plants:** Focused bio surveys shall be conducted.<br><br>If sensitive species are found, avoidance of species shall be the primary mitigation | Prior to issuance of a grading permit.<br><br>Prior to issuance of a grading permit. | Once<br><br>Once | PCD<br><br>PCD | | | |

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|---|---|---|---|---|---|---|---|
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| required.<br><br>If any special-status plant species are found during the pre-construction survey, avoidance of sensitive plant species shall be the primary mitigation measure. If avoidance is not feasible, then a mitigation and monitoring program, including a salvage and relocation program shall be prepared and implemented. The restoration plan shall identify the number of plants to be replanted and the methods that will be used to preserve this species in this location. The plan shall include the measures necessary for the establishment of self-sustaining populations in suitable open space areas designated by the City to ensure the long-term survivability of the species in the vicinity. Salvage and relocation activities will include: seed and/or topsoil collection, germination of seed by a qualified horticulturist in a nursery setting, transplanting seedlings, and hand broadcasting seed into the appropriate open space 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 destroyed. Annual monitoring for at least five years will also be required to ensure no-net-loss of acres of habitat for this species. The acreage ratio of lost special-status plant species habitat to habitat replaced shall be no less than 1:1.<br><br>Prior to grading activities associated with the proposed project, focused surveys shall be conducted to determine the presence or absence of any special-status wildlife that may potentially occur onsite, including Santa Monica grasshopper (*Trimerotropis occidentiloides*), coast (*San Diego*) horned lizard (*Phrynosoma coronatum [blainvillii population]*), two-striped garter snake (*Thamnophis hammondii*), western mastiff bat (*Eumops perotis californicus*), and western red bat (*Lasiurus blossevillii*). | measure.<br><br>If mitigation is not feasible, a mitigation monitoring program shall be implemented. Additionally, annual monitoring would occur.<br><br>**Wildlife:**<br>Focused bio surveys shall be conducted.<br><br>Survey results shall be submitted to the City and other appropriate regulatory agencies for review and approval. Construction shall not commence until approval of appropriate regulatory agencies.<br><br>If sensitive species are found a mitigation plan shall be developed and | Prior to issuance of a grading permit.<br><br>Annually for at least five (5) years.<br><br>Prior to issuance of a grading permit.<br><br>Prior to any construction activities.<br><br>Prior to construction activities. | Once<br><br>Annually for at least five (5) years.<br><br>Once<br><br>Once<br><br>Once | PCD<br><br>PCD<br><br>PCD<br><br>PCD and other necessary regulatory agencies.<br><br>PCD | | | |

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| | | | | | Initial | Date | Comments |
| If no special-status wildlife species or sign of special-status wildlife species are found within the development footprint or fire clearance zone, then no mitigation is required.<br><br>If any special-status wildlife species are found during pre-construction surveys, a mitigation plan shall be developed and implemented to minimize impacts to any special-status wildlife species and to ensure successful mitigation for impacts to special-status wildlife species. The mitigation plan shall include measures to safely relocate the sensitive wildlife species (may include trapping), to allow wildlife species to escape from harm, and to ensure installation of appropriate temporary fencing prior to development to prevent re-entry.<br><br><u>Take Permits</u>. If any state or federal endangered or threatened species are detected during the pre-development survey, the City and respective regulatory agencies shall be immediately notified, and development shall not be permitted until such time as a letter of no-effect or the appropriate take permit(s) is issued.<br><br><u>Construction Monitoring</u>. If a special-status wildlife species is found, construction monitoring by a qualified biologist shall be conducted to ensure no harm or impacts to special-status wildlife species occurs during construction activities. If any wildlife species, including special-status wildlife species, is observed during construction activities, the contractor shall allow the animal to escape or a qualified biologist shall relocate the animal to a preserved/undeveloped area with similar required habitat. If a special-status wildlife species is observed onsite, the biological monitor, city, and appropriate regulatory agency shall be notified to implement all measures necessary to protect the sensitive species. Pursuant to the California | implemented.<br><br>Regulatory agencies shall be notified immediately in the event state or federal endangered threatened species are detected.<br><br>CDFG shall be consulted if preconstruction surveys determine that impacts to State-listed wildlife species could occur.<br><br>If any special-status species is found, a qualified biologist shall monitor construction activities. If any species if observed, appropriate agencies and contacts shall be notified. Construction equipment | Prior to any construction activities.<br><br>Prior to construction<br><br>Daily during construction. | Once<br><br>Once<br><br>Daily | PCD and other necessary regulatory agencies.<br><br>CDFG<br><br>Qualified Biologist satisfactory to the City's EA | | | |

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| Endangered Species Act, if pre-construction surveys determine that impacts to State-listed wildlife species could occur, CDFG shall be consulted prior to project approval. The equipment operators shall be informed of the species' presence and/or be provided with pictures in order to help avoid impacts to this species to the maximum extent possible.<br><br>The project proponent shall record the results of the abovementioned protective measures to document compliance with applicable State and federal laws pertaining to the protection of native birds.<br><br>Once the pre-construction special-status wildlife species surveys are conducted by a qualified biologist during the proper seasons, the report results, including survey dates, exact species observed and location of species onsite, shall be submitted to the City and other necessary regulatory agencies for review and approval. No construction shall begin prior to this approval. | operators shall be briefed on wildlife species to better identify them. | | | | | | |
| **BIO-2 Migratory Bird Species Act.** To avoid the accidental take of any migratory bird species or raptors, such as Cooper's hawk (*Accipiter cooperii*), the removal or pruning of trees shall be conducted between September 15 and February 15, outside of the typical breeding season, as feasible. Should avoidance of the nesting season not be feasible, a qualified biologist/ornithologist satisfactory to the City's Environmental Analyst shall conduct focused nesting surveys weekly for 30 days prior to grading or initial construction activity. The results of the nest survey shall be submitted to the City within one week of completion for review via a letter report prior to initiation of grading or other construction activity with the last survey conducted no more than three days prior to any clearance of vegetation or other construction activity. In the event that | Removal/Pruning of trees shall occur outside of the typical breeding season.<br><br>If avoidance of breeding season is not feasible, a qualified biologist shall conduct nesting surveys for 30 days prior to grading or initial construction activity. Results | Prior to issuance of a grading or building permit for plan check.<br><br>Prior to grading or initial construction activity. | Once<br><br>Weekly for 30 days. | PCD<br><br>EA approved biologist/ornithologist | | | |

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| a nesting migratory bird species or raptor is observed in the habitat to be removed or in other habitat within 300 feet of the construction work areas (500 feet for raptors), the applicant has the option of delaying all construction work in the suitable habitat area or within 300 feet thereof (500 feet for raptors), until after September 15, or continuing focused surveys in order to locate any nests. If an active nest is found, clearing and construction within 300 feet (500 feet for raptors) of the nest shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the ecological sensitivity of the area.<br><br>Once the pre-construction bird/bat surveys are conducted by a qualified biologist during the proper seasons, the report results, including survey dates, exact species observed and location of species onsite, shall be submitted to the City and other necessary regulatory agencies for review and approval. No construction shall begin prior to this approval. | of survey shall be sent to City.<br><br>If nesting birds or raptors are observed, construction shall be delayed, or limited to areas outside of bird and raptor zones, until the nest is vacated. Construction personnel shall be informed of sensitivity of area.<br><br>Review and approval of surveys. | Prior to any construction activities.<br><br>Prior to any construction activities. | Once<br><br>Once | PCD<br><br>PCD | | | |
| **BIO-3 Creek Protection Program.** A riparian habitat and creek protection program for onsite and adjacent offsite areas prepared by a qualified biologist shall be implemented. The program shall include, but not be limited to, the following components:<br><br>1. A minimum of a 10-foot buffer from the top of bank, or at least five feet from the outside of any riparian canopy (whichever is greater), along the open channel/drainage shall be protected. The edge of the buffer area shall be fenced with chain link and a silt fence during construction to prevent intrusion into the open channel/drainage culvert. | A riparian habitat and creek protection program shall be prepared. | Prior to the issuance of a grading permit. | Once | EA approved biologist, PCD | | | |

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|---|---|---|---|---|---|---|---|
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| The location of the habitat fencing shall be conducted under the direction of a qualified biologist. The fencing shall be installed to the satisfaction of the City Planning and Community Development Department prior to the start of any grading, vegetation clearing or building. The fencing shall be removed upon completion of construction.<br>2. Riparian areas located outside of the construction footprint shall be indicated on all grading and construction plans. Construction personnel shall be informed of the sensitivity and location of riparian habitat on the project site; and<br>3. All ground disturbances, including grading for buildings, access ways, easements, subsurface grading, and utilities, as well as vegetation removal, shall be prohibited within the fenced riparian area.<br><br>If it is determined that work adjacent to or in the drainage is necessary, including connection of storm water drain facilities, the following Mitigation Measures BIO-4 and BIO-5 would be required: | | | | | | | |
| **BIO-4 Jurisdictional Delineation.** If impacts to the drainage or open channel onsite are anticipated, a jurisdictional delineation shall be conducted by a qualified biologist, prior to any activities that may impact the onsite drainage, to delineate the boundaries of regulated areas. The delineation shall be verified by the regulating agencies, and appropriate mitigation measures shall be established in consultation with the agencies. Specifically, if impacts are proposed within the drainage onsite, the applicant shall obtain a permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, a water quality certification from the Regional Water Quality Control Board | A jurisdictional delineation shall be conducted, if impacts to the drainage or open channel are anticipated.<br><br>Delineation shall be verified by the regulating agencies, and appropriate | Prior to the issuance of a grading permit.<br><br>Prior to the issuance of a grading permit. | Once<br><br>Once | EA approved biologist<br><br>U.S. Army Corps of Engineers, RWQCB, CDFG | | | |

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| | | | | | Initial | Date | Comments |
| (RWQCB) pursuant to Section 401 of the Clean Water Act, and/or a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG) pursuant to Section 1600 et seq. of the California Fish and Game Code for any grading or fill activity within drainages and wetlands and trimming/removal of riparian vegetation. It is recommended that the applicant contact these agencies prior to final plan submittal in order to incorporate any additional requirements into the project design. Evidence of required permits shall be submitted to the City Planning and Community Development Department prior to issuance of a grading or building permit. | mitigation shall be established.<br><br>Evidence of required permits shall be submitted to PCD | Prior to the issuance of a grading permit | Once | PCD | | | |
| **BIO-5 Habitat Mitigation Plan and Monitoring Program.** If CDFG, RWQB or Corps permits are required for any grading or fill activity within the open channel or drainage onsite, a compensatory habitat creation/restoration program shall be required as part of the permitting process to mitigate impacts to jurisdictional areas. The plan shall be written and implemented by a biologist familiar with restoration and mitigation techniques. Compensatory mitigation shall occur onsite (if feasible) using regionally collected native plant material at a minimum ratio of 1:1 (habitat created to habitat impacted). The CDFG and RWQCB may require a higher mitigation ratio. At the discretion of the regulatory agencies, including the City, payment into an in-lieu fee program is occasionally considered acceptable mitigation if onsite mitigation is not feasible. The restoration/mitigation plan shall include, but not be limited to the following components:<br><br>1. Description of the project/impact site (i.e.: location, responsible parties, jurisdictional areas to be filled/impacted by habitat type);<br>2. Goal(s) and performance criteria of the | If grading or fill activity is to occur within the open channel or drainage onsite, a compensatory habitat creation/ restoration program shall be created and implemented. If mitigations is not feasible, payment into an in-lieu fee program could be considered acceptable mitigation. | Prior to the issuance of a grading permit. | Periodically | EA approved biologist, PCD, CDFG, RWQCB | | | |

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|---|---|---|---|---|---|---|---|
| | | | | | Initial | Date | Comments |
| compensatory mitigation project (habitat types, areas, specific functions, and values of habitat to be established, restored, enhanced, and/or preserved);<br>3. Description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site);<br>4. Implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);<br>5. Maintenance activities during the monitoring period (activities, responsible parties, schedule);<br>6. Irrigation method/schedule (i.e., how much water is needed, where and for how long);<br>7. Monitoring plan for the compensatory mitigation-site (performance standards, target functions and values, target hydrological regime, target jurisdictional and non-jurisdictional acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);<br>8. Completion of compensatory mitigation (notification of completion, agency confirmation); and<br>9. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).<br>10. The mitigation and monitoring plan shall be submitted to the City Planning and Community Development Department for review and approval (in addition to any necessary review and approval from the regulatory agencies) prior to issuance of a grading permit. | | | | | | | |
| **BIO-6 Protection of Wildlife Corridor During Construction.** Construction shall be limited to the hours | Construction shall be limited to the | Periodically during | Periodically during | PCD | | | |

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| | | | | | Initial | Date | Comments |
| between 7:00 AM and 5:00 PM. Best Management Practices shall be employed during construction activities. Avoid any obstruction on Vendell Road, such as chain-link fences, cinderblock walls, or hardscape, and no barriers shall be created within the drainage or culvert that traverses the project site. Lighting shall be shielded downward to avoid offsite spillage. | hours between 7:00 AM and 5:00 PM. Best Management Practices shall be employed during construction activities. Obstruction shall be avoided on Vendell Road, and no barriers shall be created within the drainage or culvert. Lighting shall be shielded downward. | construction | construction | | | | |
| **BIO-7 Wildlife Corridor Restoration and Monitoring Plan.** The applicant shall submit a wildlife corridor maintenance and monitoring plan for a minimum of three years for the proposed wildlife corridor and "transition area" (see Item 2 below) restoration plantings. The plan shall be prepared by a qualified biologist, and shall include measurable goals for removal of nonnative plant species. The plan shall also include performance thresholds for planting survival, native plant density, and native plant coverage. Existing native plants shall be tagged prior to demolition for retention by a qualified biologist. The plan shall be submitted to the City for review and approval by the Landscape Consultant and Planning and Community Development Department prior to issuance of a grading permit. The wildlife corridor restoration and monitoring plan shall include, but not be limited to the following measures to enhance and protect wildlife movement: | A wildlife corridor maintenance and monitoring plan of three years shall be submitted. | Prior to construction activities and periodically for at least three years | Periodically | EA approved biologist, PCD, Landscaping Consultant | | | |

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|---|---|---|---|---|---|---|---|
| | | | | | Initial | Date | Comments |
| 1. The wildlife corridor restoration area plant palette shall be revised to be more naturalistic and native. This can be accomplished by increasing the diversity of plantings and by using more native species. In particular, all nonnative and invasive plant species in the wildlife corridor restoration area and the western restoration area shall be replaced with native plant species. The wildlife corridor area between the Caltrans Right-of-Way (ROW) and the new building shall be landscaped with locally native plant material. Since the SMMC notes that wildlife travel throughout the entire site, the parking lot areas throughout the project shall have plant material appropriate to provide habitat and accommodate wildlife travel. Cultivars and hybrids are not allowed. Plant material/seed must come from local sources in the Santa Monica Mountains, and shall be supplied by a nursery specializing in local native plants and restoration. Final approval of the plant palette shall be made by the City's Landscape and Oak Tree Consultant. Native plant materials for restoration planting shall include:<br>•California coffeeberry (*Rhamnus californica*)<br>•Coast live oak (*Quercus agrifolia*)<br>•Toyon (*Heteromeles arbutifolia*)<br>•Purple needlegrass (*Nassella pulchra*)<br>•Nodding needlegrass (*Nassella crenua*)<br>•California melic grass (*Melica californica*)<br>•Narrow-leaved milkweed (*Asclepias fascicularis*)<br>•Heart-leaved bush penstemon (*Keckiella cordifolia*)<br>•California wild rose (*Rosa californica*)<br>•Common phacelia (*Phacelia distans*)<br>•Sticky bush monkeyflower (*Mimulus aurantiacus*) | | | | | | | |

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| •Redberry (*Rhamnus crocea*)<br>•Spreading rush (*Juncus patens*)<br>•Rough sedge (*Carex senta*)<br>•Coyote brush (*Baccharis pilularis*)<br><br>2. The applicant shall restore the area northwest of the project site on SMMC/MCRA land (the "transition zone" adjacent to the walnuts and the oaks). The applicant shall remove the asphalt in this area. Native trees and shrubs used by wildlife shall be planted in this restoration area and shall include the following:<br><br>•Coast live oak (*Quercus agrifolia*)<br>•Valley oak (*Quercus lobata*)<br>•Blue elderberry (*Sambucus mexicana*)<br>•California sycamore (*Platanus racemosa*)<br>•Southern California black walnut (*Juglans californica var. californica*)<br>•Mugwort (*Artemisia californic*a)<br>•California coffeeberry (*Rhamnus californica*)<br>•Leafy California Buckwheat (*Eriogonum fasciculatum var. fasciculatum*)<br>•Toyon (*Heteromeles arbutifolia*)<br>•Spreading rush (*Juncus patens*)<br>•Rough sedge (*Carex senta*)<br>•Narrow-leaved milkweed (*Asclepias fascicularis*)<br>•Foothill penstemon (*Penstemon heterophyllus*)<br><br>3. The wildlife corridor restoration area irrigation system shall be separate from the irrigation for the rest of the project landscaping. The corridor area shall be on valves and controllers separate from the rest of the site. The irrigation shall consist of temporary, aboveground, brown-line irrigation with automated valves on automatic | | | | | | | |

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| controllers. Two quick couplers for the corridor landscape irrigation behind the buildings shall be provided by the applicant to the MRCA for maintenance in perpetuity, and shall be shown on the final landscaping plan. Irrigation shall be installed and maintained by the applicant for a minimum of three years after final acceptance by the City. These irrigation details shall be indicated on project plans that shall be submitted prior to issuance of a grading of building permit.<br>4. The graded slopes adjacent to Liberty Canyon Road shall not exceed 3:1.<br>5. No lighting shall be placed in or bordering the wildlife corridor. All exterior building and parking lot lights shall be on a timer that turns on at sundown and shuts off at midnight. Wall-mounted lighting on the north side of the buildings shall be shielded. The illumination boundaries shall be shown on photometric plans submitted prior to issuance of a grading of building permit. The western parking lot shall be paved with porous concrete that is colored light brown.<br>6. The western parking lot shall be paved with porous concrete that is colored light brown.<br>7. The chain link fence at the northwest corner of the parcel shall be removed prior to commencement of the construction to encourage wildlife across.<br>8. The applicant shall plant natives in the fall season just prior to the first rain event, which should be stipulated in the final planting plans.<br>9. The applicant shall provide proof of a conservation easement or other similar legal agreement acceptable to SMMC/MRCA and the City regarding the wildlife corridor area adjacent to the Caltrans ROW. This agreement shall include a restriction on fencing to allow the free movement of wildlife. As well as stipulate other | | | | | | | |

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| relevant items outlined in these mitigation measures for the "transition zone", at the northwest corner of the site, along with the proposed western parking lot, a restrictive use easement agreement shall be established between the SMMC/MRCA and the applicant. This agreement shall stipulate use of the parking lot and other relevant items as outlined in these mitigation measures. The conservation and restrictive easement boundaries shall include all landscape areas on the perimeter of the property, as well as the internal areas that are free of any buildings and fencing. If the final agreements are not completed, recorded, and filed with the City, the applicant shall produce written evidence from SMMC/MRCA that the agreement is in process to the satisfaction of both parties. All of this shall occur prior to Certificate of Occupancy.<br>10. Any yellow star thistle (*Centaurea solstitialis*) or tocalote (*Centaurea melitensis*) on the SMMC/MRCA (adjacent to the project site on the west) shall be eradicated as part of site preparation and development, with such measures indicated on the landscape plans submitted for a building or grading permit. The applicant shall also completely eradicate all Mexican fan palm (*Washingtonia robusta*) and California fan palm (*Washingtonia filifera*) from the property, and such activity shall be indicated in the final plans submitted for a building or grading permit. The applicant shall replace liquidambar (*Liquidambar styracifula*) and star jasmine (*Trachelospermum jasminoides*) with other appropriate native species (such as those listed above in number 2 and 3) with final approval by the City's Landscape Consultant and Environmental Analyst. | | | | | | | |

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| 11. No trees shall be planted within the canopy of oak trees T-3 and T-36 to avoid competition with the mature trees. | | | | | | | |
| **BIO-8 Oak Tree Replacement.** Per the City's Landscape and Oak Tree Consultant, at least 48 oak trees shall be planted onsite. Of the 48 new oak tree plantings, at least 12 must be 36-inch box size, and at least 24 must be 24-inch box size. This replacement mitigation shall be required in addition to any other code requirements for oak planting. | The planting of at least 48 oak trees onsite. | Prior to issuance of a grading permit. | Once | City's Landscape Consultant and Oak Tree Consultant | | | |
| **BIO-9 Oak Tree Protection.** The applicant shall comply with all City-approved or applicable items listed in the Liberty Canyon Oak Tree Report (Campbell 2006), including those items detailed in the work procedures, tree protection, and construction and maintenance procedures sections. These items are to ensure protection of the oak trees to remain and ensure survival of the oak trees planted. | Compliance with City-approved or applicable items listed in the Liberty Canyon Oak Tree Report (Campbell 2006) | Prior to the issuance of a grading permit. | Once | PCD | | | |
| ***CULTURAL RESOURCES*** | | | | | | | |
| **CR-1 Monitoring.** A qualified archaeologist shall monitor any grading, trenching, excavation, or other subsurface work that occurs in undisturbed soil. If artifacts are discovered, the developer shall notify the City of Agoura Hills' Environmental Analyst immediately, and construction activities shall cease until the archaeologist has documented and recovered the resources. Equipment stoppages prescribed by the archaeologist shall only involve those pieces of equipment that have actually encountered significant or potentially significant resources, and should not be construed to require stoppage of all equipment on the site unless the resources are thought by the archaeologist to be distributed throughout the entire site. The purpose of stopping the equipment is to protect cultural/scientific resources that would otherwise be impacted, and said equipment may | Field monitoring by a qualified archaeologist. | During grading, trenching, excavation, or other subsurface work that occurs in undisturbed soil. | Daily during grading, trenching, excavation, or other subsurface work that occurs in undisturbed soil. | PCD, EA | | | |

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| undertake work in other areas of the site away from the discovered resources. If the find is determined by the archaeologist to be a unique archaeological resource, as defined by Section 2103.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2 of the Public Resources Code with mitigation as appropriate. If the find is determined not to be a unique archaeological resource, no further action is necessary and construction may continue. | | | | | | | |
| **CR-2 Evaluation and Notification.** Should archaeological resources be discovered and avoidance proves infeasible, the importance of the site shall be evaluated by a qualified archaeologist. In general, the following guidelines shall be followed:<br>• Preservation of sites in-place is the preferred manner of avoiding damage to historic and prehistoric archaeological resources.<br>• In the event of discovery of human remains, work shall stop until the coroner has determined that no investigation of the cause of death is required; or, if descendants have made a recommendation of the property owner regarding proper disposal of the remains, or until descendants have failed to make a recommendation within 24 hours of notification. If no recommendation is received, remains shall be interred with appropriate dignity on the property in a location not subject to future development. | Site evaluation by a qualified archaeologist. | Upon discovery of an archaeological resource. | Upon discovery of an archaeological resource. | PCD | | | |
| ***GEOLOGY & SOILS*** | | | | | | | |
| **GEO-1 Design and Construction.** The proposed project shall incorporate design and construction recommendations contained in the Updated | Submission of a letter report from the project | Prior to the issuance of a grading permit. | Once | BD, Project Engineer | | | |

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| Geotechnical Report, conducted by GeoSoils, Inc. on July 17, 2006, and the Responses to the City of Agoura (2007) as accepted by the City Engineer. The reports contains recommendations that address site preparation, soil expansiveness, foundation recommendations, slabs-on-grade specifications, site drainage, manufactured slope construction and maintenance, and retaining wall design. Compliance would be verified by the City of Agoura Hills Building Department prior to issuance of a grading permit, through submission of a letter from the Project Engineer that documents incorporation of all applicable design and construction recommendations. | engineer documenting inclusion of all applicable recommendations contained in the geotechnical reports prepared for this project. | | | | | | |
| ***NOISE*** | | | | | | | |
| **N-1 Construction Activity Timing.** Onsite construction activity involving the use of equipment or machinery that generates noise levels in excess of 60 dB(A) during the daytime shall be limited to between the hours of 7:00 AM and 7:00 PM, Monday through Saturday pursuant to Article IV, Chapter 1, of the City's Municipal Code. No construction activity shall occur between 7:00 PM and 7:00 AM that generates noise in excess of the 50 dBA nighttime standard. No construction activity shall take place on Sundays or legal holidays. | Compliance with noise ordinance. | During Construction. | As necessary during construction. Activity at site to be monitored by City on random basis during construction to determine compliance. | PCD | | | |

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