



"Gateway to the Santa Monica Mountains National Recreation Area"

August 8, 2005

Wayne Rew, Chairman
Los Angeles County Regional Planning Commission
Hall of Records, Room 1390
320 West Temple Street
Los Angeles, CA 90012

SUBJECT: COUNTY PROJECT NO. 98-062, CUP NO. 98-062, SCH NO. 1998101060;
HESCHEL WEST SCHOOL PROJECT REVISED DEIR

Dear Chairman Rew and Honorable Commissioners:

This letter is a response to the letter sent to you by Jeffer Mangels Butler & Marmaro (JMBM) on behalf of the Heschel West School, dated June 14, 2005, of which the City received a copy (attached). It appears that the purpose of the JMBM letter was to respond to the issues raised by the City in two letters (dated May 16, 2005 from myself and May 18, 2005 from the City Attorney) regarding the project's Draft Environmental Impact Report (DEIR). These two City letters were submitted to the County as part of the DEIR public review period.

The JMBM letter raises some issues that we would like to clarify. For the most part, the JMBM letter dismisses much of the City's comments regarding adequacy of the CEQA document, and often only addresses small portions of entire comments. We believe that adequate responses to our comments still need to be provided. The following paragraphs indicate where additional information is still warranted to create an adequate CEQA document. However, please note that the following text is not a complete response to all of the issues raised in the JMBM letter. Rather, we have focused on the most important items. In any case, we understand that, pursuant to CEQA, formal responses to all public comments received on the DEIR will be prepared by the County or by the DEIR consultant on behalf of the County.

A1. We appreciate that Exhibits A and B have been prepared, which identify the phasing of the project's development and traffic measures. The exhibits should be included as part of the DEIR. However, the letter does not respond to additional requests for clearer project information that the City made as part of this same Comment 1. They are as follows:

The specific development data of each phase (particular buildings/facilities and other improvements or infrastructure with square footage, location and height of each) should be clearly outlined in a table format. An exhibit highlighting the specific development in each phase would also be extremely useful. In order to accurately analyze potential impacts as the project is gradually developed through these phases, a separate impact/mitigation measure discussion by environmental issue area should be provided for each phase, and assessed cumulatively as the phases proceed. This is of particular importance, since there is no guarantee that subsequent phases would actually be constructed. Therefore, each phase's impacts should be mitigated at the time of implementation. Equally important is identifying who will be responsible for implementing and paying for these mitigations.

A2. Additional information regarding the types of events is provided and appreciated. However, the letter does not respond to the City's request in Comment 2 for a clear impact analysis of these special events, as noted below:

The DEIR needs to specifically address... how these special events would impact noise, parking and traffic in the area. The estimated type, size, frequency and location of the special events needs to be stipulated and parameters/restrictions placed around the events to ensure that there are no adverse significant impacts. Page 2.0-10 notes that evening events attracting more than 150 persons would be limited to 24 occurrences annually. This equates to every other week, which is a substantial amount of large special events. No mention is made of the limitations on daytime events attracting more than 150 persons. Therefore, it is assumed that the daytime large events would be in addition to these evening events.

A5. Neither the DEIR Figure 2.0-5 nor the additional Exhibit C included as part of the JMBM letter identify the portable buildings.

A6 and A10. We again request that the text on page 3.0-6 of the DEIR "Surrounding Land Use" strike the words "suburban in nature" to describe the character of Old Agoura. Also, on page 3.0-27, we request that the words "suburban residential" be deleted. Emphasis should be placed on the special character of Old Agoura.

A7. The clarification regarding distance from adjacent structures should be provided in the DEIR, since the DEIR provides inconsistent information regarding this issue.

A11. While the letter states that "numerous design features of the proposed project clearly advance specific policies enumerated in the Land Use and Housing Element of the North Area Plan," the City's Comments 9 and 11 demonstrate that the project is not consistent with NAP policies regarding maximum cut slopes and cutting of significant ridgelines. The DEIR analysis regarding policy consistency still needs to be corrected.

A12. We believe that the text on Page 3.0-33 inaccurately portrays the *Agoura Hills Ventura Freeway/Canwood Corridor Visions Plan* as a regulatory document. To clarify this for the benefit of the reader, we believe that the text should briefly note that it is a

conceptual design study commissioned by the City for the sake of creating a development vision for the north freeway corridor.

A13. The City still contends that the discussion of impacts in this section (particularly on page 4.1-26) needs to include an overall analysis of the proposed landscape design in the context of the surrounding community, not just as viewed from certain vantage points. The landscape design should be naturalistic in approach, although trees in some areas (e.g., parking lots) would resemble an orchard-like layout. It is important that these design elements be clearly specified as components of the project in the DEIR, or at least be outlined in the DEIR as mitigation measures. Mitigation Measure 4.1-1 on page 4.1-24 needs to describe the types of vegetation to be planted (Valley Oaks, species of other plants and shrubs, etc. - native species should be used) and the specific locations (an exhibit would be highly useful) along the site perimeters in order to verify that there will be adequate screening for aesthetic purposes, and potentially significant impacts would be mitigated. The JMBM letter contends that the simulations of just a few viewpoints are adequate, and that further landscape information would be provided prior to issuance of a Grading Permit. We understand that a complete and detailed landscape plan is not necessary to prepare at this time, however, the limited information provided does not offer a clear enough picture for CEQA analysis purposes – that is, to determine the level of project impacts from a visual resources standpoint. Absent additional design information, the document should at least include mitigation measures that identify certain landscape and visual buffer treatments to be employed to ensure that there are no impacts.

A14. The City's comment requested that Figures 4.1-5 through 4.1-6 in the DEIR depict expected views of the project site from various off-site locations via photo-simulation techniques, and incorporate proposed landscaping. The text should note the number of years after planting that the vegetation is depicted to gain a better understanding of the potential visual impacts at different stages in time. Further, it would be useful to provide a photo-simulation exhibit of the vegetation just after installation, approximately three years later, and at full maturation (with the estimated year). The JMBM letter calls this request superfluous. However, such information is commonly provided during the project review process in various agencies so that decision makers can become informed as to whether the proposed landscaping that is to serve as a buffer will indeed be adequate in terms of growth habit and how long it may take for the vegetation to reach the desired height and width. This is especially important considering that the Heschel West School site will be located in close proximity to the backyards of homes along Chesebro Road. These homes now enjoy the open views on the proposed site. (See also Comment A18, below).

A15. The City requested changes to Mitigation Measure 4.1-3(6) that require "motion sensor devices on all security lighting. If such devices are not feasible, then an alternate, low-level lighting fixture should be utilized. The intensity of the security lighting should be as minimal as practical, especially on exterior portions of the site adjacent to open space and residential areas." As now written, the mitigation measure requires motion sensor devices "to the extent feasible." This clause often dilutes the intent of the mitigation measure. Many applicants can claim that something is infeasible for various reasons. If the measure is found to be infeasible, does that mean that the impact is no longer potentially

significant? It appears that the impact would continue to be significant, but possibly not mitigated. The City's suggested changes acknowledge that if found to be infeasible, another option involving a low-level lighting fixture, not just down lighting, should be required. Currently, there is no requirement in the CEQA document that security lighting be as low intensity as possible. This seems like a logical requirement that could easily be added to the mitigation measure to ensure that the impact is fully mitigated. Any lighting mitigation measure should be intended to be sensitive to Old Agoura, which promotes dark skies where there are no street lights and traffic lights.

A16. Low lighting levels in Old Agoura help define this community's special semi-rural character. Therefore, it is important that the DEIR contain sufficient analysis and mitigation regarding proposed project lighting. The City's comment, repeated below, was for the most part disregarded:

Page 4.1-28, 1st paragraph and Mitigation Measure 4.1-3(2): The text in the first paragraph on page 4.1-28 should include a discussion of the various "lighting zones" and how they are defined in terms that the reader can readily understand. Reference is made to Lighting Zone 4 in this paragraph, and Mitigation Measure 4.1-3(2) references Lighting Zone 2. However, no explanation of Lighting Zone 2 is provided. The paragraph notes that studies have shown that the average lighting power density for school parking lots and roadways is 0.05 watts/square foot, while that for campus security lighting is 0.10 watts/square foot. Consequently, Mitigation Measure 4.1-3(2) stipulates that the parking lots should have no more than 0.05 watts/square foot. However, the semi-rural setting of the project site, surrounded by designated open space areas and a low-density residential neighborhood with equestrian uses, should be a significant consideration when determining the appropriate wattage for the parking lot. The school site is not typical of areas where schools are normally located, which is often within an existing urban environment, and the allowed wattage should be reduced accordingly. Therefore, this mitigation measure should stipulate wattage less than 0.05, and the mitigation measure should also stipulate wattage less than 0.10 for security lighting and wattage less than 0.08 for walkway lighting. Additionally, the EIR should explore parking lot lighting alternatives to the typical light pole standards that are lower in scale and prominence, such as bollards. A low (about three feet), decorative wall around the perimeter of the parking lot near the existing residences to shield vehicle headlights should also be added to the project. As proposed, Mitigation Measure 4.1-3 is not adequate, and additional measures could further reduce impacts.

The reason why the City requests explanation of the various lighting zone definitions is because the specific zones are identified in the DEIR and important to the discussion of impacts, however no explanation of these zones is provided in the DEIR text or in the Appendix. We are pleased that there is a *Model Outdoor Lighting Ordinance Classification of Outdoor Areas* available for the layperson to read. This document should be referenced in the DEIR, but this does not eliminate the need to provide a simple explanation of technical terms used in an EIR – either in the text or in an Appendix. The DEIR continues to rely on mitigation measures that require more information to be provided at a later date for County staff review. This approach is acceptable if the potential impacts are clearly

identified and the mitigation measures outline methods to reduce impacts for which County staff would need to verify some conditions. However, an adequate CEQA analysis would need to outline specific mitigation measures so that the layperson/reader can understand how the impact would be sufficiently reduced. Mitigation Measure 4.1-3 does indeed note that the County would need to review and approve the final lighting orientation and design. However, the measure also stipulates wattages that seem unnecessarily high given the context of the school in a semi-rural residential area and adjacent to open space land.

A18. JMBM's response to the City's comment regarding the need to assess potential aesthetic impacts according to phases of construction and to ensure that the impacts are mitigated by phase reinforces the need for the DEIR to show how the vegetative buffer would be sufficiently effective over time in obscuring aesthetic impacts, as requested in the City's comment #A14 (see above). JMBM's response to Comment #18 relies on the effectiveness of the landscape screen, "which will become increasingly dense and effective." JMBM's response also includes the statement that, "By the time the first two-story buildings are constructed (approximately 3 to 5 years after Phase I) the 50-foot-deep landscape buffer will have grown sufficiently to further mitigate the impacts of the larger buildings." If the DEIR reader is not aware of the particular species to be used in this planting plan and there are no visual simulations of what the vegetative screen would resemble after the various phases of construction are complete, the reader cannot ascertain that impacts would indeed be fully mitigated. (For example, some oak species are listed, along with a reference to planting "native grasslands". However, what is the spacing of the trees? Grasses are often low growing – will they provide sufficient coverage? Perhaps denser planting will provide a far superior screening effect). Moreover, the JMBM response states that all visual resource mitigation measures will be in place by Phase II, and that no further visual resource mitigation is required for Phases III and VI. However, what if only Phase I is constructed, and no other phases follow? Will there be sufficient mitigation completed by Phase I to account for Phase I impacts? The fact that this remains a question is indicative of the need to have the DEIR clearly enumerate impacts and mitigation measures by phase of construction. As presented in the DEIR, the impacts and mitigation are not clearly connected.

A23. The DEIR notes that the open space area proposed on the western edge of the site, between the school parking lot and the existing Old Agoura residences, would be retained in a natural, undeveloped state (see page 4.1-23 – "the site plan incorporates a minimum 100-foot buffer between adjacent residential uses..."). We are not clear why the JMBM letter indicates there is, "no reasoned basis, beyond the strict controls of the CUP, to require the 'dedication' of this area as permanent open space or to impose similar permanent limitations on Heschel West's ability to develop, donate, or cooperatively use those other portions of the site which are not of particular aesthetic nor natural-resource value." If the applicant is willing to stipulate as part of the project description that this area shall be used as an open space buffer, the seriousness of the applicant's intent to reserve this area, and not develop it at a later date, would be indicated by the willingness to record an easement or deed restriction or other legal agreement that specifies that this area will not be developed in the future. Without this assurance, the project could result in

potentially significant aesthetic impacts to adjacent residences. This potential would have to be analyzed in the DEIR.

A24-A31. As currently designed, some of the DEIR proposed traffic solutions are not acceptable to the City of Agoura Hills, and would not be approved by the City. It is important to note that the traffic impacts would affect areas within City boundaries, and the improvements outlined in the mitigation measures would occur within City limits. Therefore, acceptance of these mitigations, approval of their design, and issuance of encroachment permits from the City of Agoura Hills would be necessary. While the City acknowledges that a roundabout could feasibly work at the Palo Comado Canyon Road/U.S. 101 Westbound ramps, the City has reservations about the specific roundabout design proposed, particularly with regard to number of lanes and turning radius. The potential need to acquire additional land for the roundabout right of way needs to be assessed in the DEIR as a possible secondary environmental impact from the potential mitigation measure. Additionally, the City continues to believe that some of the proposed signals at the NB freeway off ramps are infeasible and would result in impeding traffic flow and unsafe conditions. It is requested that the signals not be considered a potential mitigation measure. City and County planning and transportation staff and the applicant have been meeting and will continue to meet to discuss possible transportation mitigation related to the project.

A32. The City's comments have still not been addressed. The DEIR does not contain sufficient data to substantiate the conclusion that parking supply will be sufficient to meet the daily demands of faculty, staff and visitors, in addition to special events. An adequate analysis does not consist of identifying the number of proposed parking spaces with the conclusion that the parking consultant notes that the number is adequate for special events, which is what is provided in the DEIR. To back this up, the generation figures need to be stated. What are the likely events? What is the parking demand generated by the events, and is there adequate parking, taking into account other concurrent events? The DEIR should analyze the project demand for parking for each type of use (identifying the demand factors), assess the impacts accordingly, and recommend appropriate mitigation measures. For example, to manage special events, mitigation measures could include retaining special event personnel to direct traffic flow or there could be off-site, remote parking with a shuttle system to the campus. Also, special events should be required to be scheduled during non-peak traffic periods and to avoid conflicting with other large events in the area.

A33. Exhibit D, the TDM Plan, would be helpful to reference in the DEIR and include as an Appendix so that reader understands the general components of the plan.

A35. The City believes that residential streets can and should be avoided to minimize impacts on nearby residents. Mitigation Measure 4.3-3 states that construction truck traffic shall avoid residential areas and other sensitive receptors to the extent feasible. The text should note which residential streets are being referred to, and possible alternate haul routes. Some of these roads, such as Chesebro, are narrow country roads unsuitable for carrying dump trucks. Given the site location and access, and surrounding roadway network, it would be feasible to avoid residential areas. Therefore, this measure should be

revised to delete the last phrase “to the extent feasible.” The possibility of utilizing residential roadways should not be an option.

A36. The City still believes that parking lot noise has not been analyzed sufficiently in the document. The text states that “these noise levels occur intermittently and are no different from noise already occurring on the streets, driveways, and parking area that exists in the adjacent community.” While some of the *types* of noise generated might be similar, the noise from this project would increase the ambient noise level by adding additional uses. Moreover, the project would add a large parking lot in close proximity to existing residences, which has the potential to be more disruptive than simply adding to ambient noise levels in the area. Additionally, the project would result in the following parking lot noises that are not currently ambient: car doors opening and closing, car alarms, engine start up. The DEIR needs to assess the incremental impact of the parking lot noise.

A37. The JMBM response is inadequate, as is the DEIR regarding noise impacts, and does not address the City’s comment. The noise section does not adequately analyze potential noise impacts from athletic events, and other cultural or special events that are noted in Section 2.0 Project Description (pages 2.0-2 and 2.0-9 through -10) as potentially occurring. A more detailed discussion of the range of possible events, including maximum attendance, as well as impacts and mitigation measures, needs to be provided. Mitigation measures could include limiting the number of attendees at events, limiting the frequency of special events, or incorporating other specific noise attenuation measures into certain events. Page 4.3-20, 3rd paragraph, notes that “noise would be generated during scheduled events such as graduation night, back to school night, or on parent teacher conferences. Such noise would be an annoyance but is not considered a significant impact given that these noise levels are not expected to exceed 45 dB(A) for a cumulative period of 30 minutes in one hour.” This text does not address other special recreational or cultural events, nor does it substantiate why the noise levels would not exceed the standard. More specific data needs to be provided.

A38. The JMBM letter states that there would be no amplified sound permitted on the site between 8:00 PM and 8:00 AM. But, what about at other times? Besides bells/buzzers, would there be a loudspeaker/public announcement system at the school operating during the day? In particular, would there be such a system for the outdoor athletic events? If so, the DEIR should analyze potential noise impacts from this system and propose mitigation measures as necessary.

A42. The JMBM letter states that “potential jurisdictional resources are at the extreme east and southeast corners of the site, significantly removed from the proposed development.” According to the DEIR, that statement is incorrect. Page 4.5-40, Item 3 Analysis and pages 4.5-49 through -50: The text notes that seven drainage features on-site may be considered regulatory jurisdiction of the ACOE, CDFG, RWQCB and NRCS. However, no jurisdictional delineation of the resources has yet been conducted. To sufficiently determine the extent of project impacts, the jurisdictional analysis needs to be conducted as part of the DEIR. Additionally, potential impacts from mitigation of any such habitat needs to be assessed in the DEIR, particularly if valuable but non-wetland habitats are replaced

by wetland habitats. We understand that a final mitigation plan cannot be provided as part of the DEIR, given that regulatory agency review and approval would occur after the CEQA analysis. However, an assessment of potential impacts to wetlands could and should be provided as part of the DEIR, along with a preliminary estimate of possible mitigation approaches. As presented, the analysis provided in the DEIR is too open-ended, especially considering that many of the concerns can be assessed and addressed at this time.

A43. The City would appreciate specific information be provided in the DEIR on why this project is exempt from the County Ridgeline Protection Ordinance.

A44. The JMBM response is not clear. The City's question remains:

Page 4.6-15: The text states that maximum cut slopes of 60 feet and maximum fill slopes of 20 feet are proposed, and acknowledges that such cuts and fills are not consistent with the NAP. It further states that the 50-foot slope at the back of the development is "largely not visible from public view." Is this because it would be screened by the buildings? Since the majority of the grading is to be completed during Phase I and the construction of the buildings occur in later phases, would not the 50-foot high cut slope be visible until such time as the buildings are completed in a later phase? Please clarify this in the DEIR.

A50. The JMBM letter argues that the construction of homes on this site, as opposed to a school, would likely be larger in scale and mass than existing homes in the area, and references CEQA's guidance regarding selecting reasonable alternatives and not using "crystal ball inquiry." The City's comment is listed below:

Page 5.0-4, 3rd paragraph: The text states that the proposed project is superior to Alternative 2 – Subdivision with regard to aesthetic impacts, noting that "given the current market conditions and trends in residential construction in the area, it is likely that these homes would be larger in mass and scale as compared to existing residences along the western site boundary." This may not actually be the case. Residential development, including subdivision layout, if consistent with the NAP and the Old Agoura Overlay District, could be compatible with adjacent residential development, and therefore be aesthetically environmentally superior to the proposed project. Therefore, this discussion needs to be clarified and further researched. In particular, note Policies VI-13 through VI-16 of the NAP stipulating that development be compatible with existing and planned development; provide a transition to surrounding development; limit heights to ensure compatibility with the surrounding setting; and restrict total building square footage and grading to a size that maintains the area's open character. Moreover, Figure 5.0-1 shows a conventional subdivision design. This alternative could easily demonstrate a layout more compatible with the existing natural setting. Also, there would likely not be a need for the road off of Canwood, rather access for the 13 homes could be taken off Chesebro Road, thereby reducing access impacts. These minor and feasible changes to Alternative 2, which would make the

alternative much more preferable from an environmental standpoint, should be addressed in the DEIR.

The City's desire to include a more realistic and likely development package (especially taking into account NAP policies) as an alternative is not asking that the range of alternatives be *exhaustive*, as indicated by JMBM, but indeed *reasonable*, as CEQA indicates.

Thank you for the opportunity to provide these comments. The City Attorney submitted his comments under a separate letter dated July 14, 2005 which is attached. We look forward to reviewing the formal responses to public comments received during the review period for the DEIR, and our comments incorporated into a legally adequate and recirculated DEIR. If you have any questions, please contact Allison Cook, Senior Planner, of my staff at (818) 597-7310.

Sincerely,



Mike Kamino
Planning and Community Development Director

Attachments:

- Letter to the Commission from JMBM, dated June 14, 2005
- Letter to Commission from City Attorney Craig Steele, dated July 14, 2005

cc: Greg Ramirez, City Manager
Craig Steele, City Attorney
Benjamin Reznik – JMBM
Daryl Koutnik – County
Kim Szalay - County