

REPORT TO CITY COUNCIL

DATE: AUGUST 24, 2005

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: DISCUSSION ON HESCHEL WEST SCHOOL PROJECT

The purpose of this item is two-fold. First, it is to update the City Council regarding recent coordination among City staff, County staff, and applicants/representatives of the Heschel West School Project. Second, it is to seek further direction from the City Council regarding its position on the Heschel West School project.

Attached Exhibit A is a chronology of events and meetings. To summarize, on May 18, 2005, staff presented the Heschel West School project to the City Council as an information and discussion item. Staff's position was that while all the entitlement permits for the Heschel School will be issued by the County, many of the impacts and mitigations, and, in fact, all the traffic mitigations measures would be implemented within the city limits of Agoura Hills. Therefore, it is vitally important that these traffic improvements be acceptable to the City of Agoura Hills. Moreover, the City was not adequately consulted in preparation of the Draft Environmental Impact Report (DEIR). For these reasons, it is important that greater coordination and communication be established with the County and with the applicant prior to the County Regional Planning Commission taking action on this project. In order to allow more time to review the information, the City Council continued the discussion until June 8, 2005 at which time the Council took the following positions:

- Recommend that the Regional Planning Commission continue its public hearing until City staff, County staff, and applicant can meet to further discuss and resolve important technical matters, especially traffic.
- That the City Council opposes the project due to deficiencies in the DEIR.
- That the letters prepared by the Director of Planning & Community Development and the City Attorney reflect the Council position regarding adequacy of the DEIR.

The Regional Planning Commission conducted a public hearing on May 25, 2005 and on June 15, 2005. A letter signed by the Mayor, dated June 13, 2005, outlining the Council's position, was presented to the County Regional Planning Commission at the June 15, 2005 hearing. The County Regional Planning Commission decided to continue the Heschel West School project

until its September 7, 2005 hearing, in part to provide more time for County staff and the applicant to meet and to coordinate with the City of Agoura Hills. Since then, City staff has met a number of times with representatives of Heschel and the County. In addition, City staff has met separately with the County staff. The meetings have occurred to discuss the environmental impacts of the proposed project, as identified in the DEIR. The main topic of discussion has been traffic/circulation impacts within the City of Agoura Hills.

Staff continues to believe that the Draft EIR is inadequate. The revisions that we have requested (in letters dated May 16, 2005 and May 18, 2005 from the Director of Planning and Community Development and the City Attorney) are those that are necessary to make the EIR an informative and defensible document the City could use, if necessary, as a responsible agency. If the project is approved, the City as a “responsible agency” is responsible for implementing mitigation measures that fall within the city limits (such as traffic) and, therefore, we must rely on the information in the EIR in acting on the project. Heschel’s attorney has written a letter to the Regional Planning Commission (dated June 14, 2005) responding to the City’s two comment letters on the DEIR. Staff responded to that letter (see letter from City Attorney dated July 14, 2005 and letter from Director of Planning and Community Development dated August 8, 2005) and continues to believe that the DEIR must be revised and appropriate mitigation measures identified, and that certain sections of the DEIR (mainly traffic) be re-circulated.

In the event that the DEIR is not revised accordingly, the City presented County staff with a letter (dated August 9, 2005) outlining a list of conditions that must be incorporated into the project should the Regional Planning Commission certify the DEIR and approve the project. Of particular note are the recommended Public Works conditions of approval related to streets and traffic (see memo from Jim Thorsen dated August 11, 2005). With regards to traffic, City staff has met with the applicant and County staff to review the proposed mitigation measures and potentially identify any new alternatives. The traffic issues are focused on the access to the school.

Specifically, the current DEIR identifies two mitigation measures, and through our discussions with Heschel, a potential third mitigation measure has been identified that would allow access to the school. These mitigation measures and their related issues are as follows, and staff will be prepared to outline these alternatives at the meeting:

- **Traffic Signals:** The DEIR states that a “dual” signal system could be installed at Palo Comado Road and the westbound off-ramp, and also at Canwood Street. The City has requested the County remove this as a potential mitigation measure as it would create an unsafe intersection and impede traffic flow.
- **Roundabout:** The applicant has identified a roundabout as potential traffic mitigation for the intersection of Palo Comado Canyon Road and the westbound freeway off ramps. City staff feels that a roundabout at this intersection may mitigate their traffic and allow an access to their project from the Canwood Street extension. However, the design as shown in the DEIR has been found not to be acceptable to the City because of safety concerns. The City has recently hired California’s roundabout expert, Leif Ourston, to provide us with a preliminary design of how a roundabout for this intersection should be

constructed. Mr. Ourston is scheduled to be at the meeting to discuss roundabout alternatives and potentially share his preliminary design. The roundabout would also require Caltrans approval which typically requires several years for design review and approval.

- **Mid-Block:**

- In lieu of an access to the project from the Canwood Street extension, an alternative to the roundabout would be a mid-block intersection. This alternative would require Heschel to construct a signal at the westbound freeway off-ramp, and then access the site from a private property access easement located north of the Alliance gas station. This new private driveway would be located within the City and because this is on a hillside lot, would require the applicant to receive approval of a Conditional Use Permit from the City of Agoura Hills. In addition to this private driveway, the City is requesting the applicant realign the southerly leg of Canwood Street to align with the driveway. This realignment would relieve traffic congestion at the four-way stop on Driver Avenue. The City is requesting that Heschel be responsible for all the off-site improvements including the acquisition of land necessary for the Canwood realignment.
- A second option for this mid-block alternative would be to construct these improvements in a “phased” approach. A phased approach would include construction of the applicant’s driveway and not construct the realignment of the southerly leg of Canwood Street. This phased approach to the improvements would be conditional upon limiting student enrollment at the project site to an acceptable level wherein signal warrants are not met for the mid-block intersection.

From the perspective of our staff, these conditions are those that we would want to impose on a project of this magnitude if it was located inside the City. Staff’s opinion is that any project that gets approved on that site must completely mitigate its own impacts and it should do so in a way that will not require the expenditure of the City’s resources. It is felt that the applicant should be responsible for acquiring all right-of-way to mitigate their improvements. It is known that if the applicant is unable to obtain the right-of-way, it will very likely put a burden on the City to either use eminent domain to acquire the property or relieve the applicant of the condition. The use of eminent domain would be a City Council decision.

The intent of staff’s conditions regarding the roundabout or the mid-block intersection, as well as all of our recommended conditions outlined in the August 9, 2005 letter from the Director of Planning and Community Development, and the August 11, 2005 memo from the Assistant City Manager, is to ask the County that it impose that level of protection for the City since we really do not have any opportunity to do it ourselves, given that the project is entirely outside the city limits.

Finally, on August 11, 2005, City staff met with County staff, and a representative from Supervisor Yaraslovsky’s office. At that meeting, City staff presented our recommended

conditions and restated our position regarding the DEIR. During that meeting, questions were raised as to the City's opinion about a smaller school which may not require the same level of traffic mitigation. Staff finds that while less mitigation may be necessary, further analysis would be required to assess the impacts and to develop appropriate mitigations.

RECOMMENDATION

Staff has identified the following options if the City Council is to take further formal action on the Heschel West School project. However, the Council is not limited to these positions and could choose to take no action.

1. That the City Council supports the project as proposed, regardless of the mitigation measures. If the City Council chooses this position, it is recommended that the Council direct staff to prepare and submit a letter to the Regional Planning Commission to this effect. County staff will be preparing a set of draft conditions of approval, including mitigation measures, for the Regional Planning Commission to consider at its meeting on September 7, 2005. However, it is not known at this time how much of the City's recommended conditions will be included in the draft conditions of approval.
2. That the City Council support a smaller project which may not require the same level of traffic mitigation. Staff finds that while less mitigation may be necessary, further analysis would be required to assess the impacts and to develop appropriate mitigations. If the City Council chooses this position, it is recommended that the Council direct staff to prepare and submit a letter to the Regional Planning Commission recommending that the Council is prepared to consider a smaller project, with the understanding that less mitigation may be necessary. Further traffic and environmental analysis would be necessary and must be prepared by the County.
3. That the City Council oppose the Heschel West School project unless the project includes all the conditions and mitigations requested by the City. This would include placing the responsibility on the applicant to design and construct full roundabout or mid-block intersection improvements as identified in staff's recommended conditions. If the City Council chooses this position, it is recommended that the City Council direct staff to prepare and submit a letter to the Regional Planning Commission reiterating that the City believes that the DEIR is inadequate, requesting that the DEIR be made adequate, and in the event that does not occur, requesting that the proposed conditions of approval as stated in the August 9, 2005 letter from the Director of Planning and Community Development and the August 11, 2005 memo from the Assistant City Manager be incorporated into the project.
4. That the City Council opposes the project outright. The County General Plan and Zoning Ordinance designate this property for low density residential use, but a private school is conditionally permitted, subject to approval of a Conditional Use Permit. In order for the Regional Planning Commission to approve the project, it must make certain findings related to neighborhood compatibility, protection of health, safety, and welfare of the neighborhood, and the provision of sufficient public infrastructure to serve the use. If

this position is taken by the City Council, it is recommended that the Council direct staff to prepare a letter to this effect with specific suggested findings for denial by the Regional Planning Commission.

Attachments:

- Exhibit A – Heschel Chronology of Events and Meetings
- Site Plan
- Phase 1 Plan
- Roundabout/Mid-block Intersection Aerial Exhibit
- Letter from Mayor, dated June 13, 2005.
- Letter from City to County Regional Planning Commission, dated August 8, 2005
- Letter from City Attorney to County Regional Planning Commission, dated July 14, 2005
- Letter from Benjamin Reznik to County Regional Planning Commission, dated June 14, 2005
- Letter from City to County staff Kim Szalay, dated August 9, 2005.
- Memo from Assistant City Manager, dated August 11, 2005