



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

TO: PLANNING COMMISSION

**FROM: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY
DEVELOPMENT**

DATE: JUNE 5, 2008

**SUBJECT: PUBLIC HEARING TO RECEIVE COMMENTS ON THE
REVISED AND RECIRCULATED DRAFT EIR FOR THE
AGOURA VILLAGE SPECIFIC PLAN**

I. PURPOSE AND BACKGROUND

The purpose of this hearing is to receive public comments on the *Revised and Recirculated Draft Environmental Impact Report (DEIR)* prepared for the *Agoura Village Specific Plan (AVSP)*, which is currently available for public review. Pursuant to the California Environmental Quality Act (CEQA), the 45-day public comment period for the DEIR began on May 8, 2008 and ends on June 23, 2008 at 5:00 PM.

The DEIR has been prepared pursuant to CEQA, and in response to a Writ of Mandate issued by the Superior Court of California, County of Los Angeles, relating to a court case brought against the City. The Writ was granted on April 20, 2007, directing that the City set aside its June 2006 City Council approval of the AVSP, its associated Final EIR, and the related zoning and General Plan amendments. The Writ indicated that for the project to go forward, the City would need to prepare additional biological data, including surveys and information relating to the success of replanting efforts for sensitive species. Per the Writ, the City would also need to provide more discussion on the reduced footprint alternative described in the original EIR, and why the alternative does not meet the project objectives. The *Revised and Recirculated DEIR* focuses solely on these two items, although some minor clarifications were necessary to the project description. The changes from the original EIR are shown in strikeout/underline mode.

As the City has previously circulated a Draft EIR on the AVSP in December 2005 and January 2006, and responded to comments on the draft, current comments are to be limited to only the revised chapters or portions of the EIR that are being recirculated. The purpose of this meeting, and the role of the Planning Commission, is to conduct a public hearing to receive comments on the adequacy of the *Revised and Recirculated DEIR*, but

not on any other portions of the original EIR, nor on the merits of the AVSP. The City is not required to respond to oral comments made at this hearing. However, City staff will be available to respond to procedural and technical questions, and will record the comments and respond to them in writing at the end of the public review period, as part of the Response to Comments phase of the EIR process, and as part of the Final EIR preparation.

In addition to providing oral comments at this meeting, City staff encourages members of the public to prepare written comments and submit them to the Planning and Community Development Department prior to the close of the public comment period.

II. SUMMARY OF EIR

A full discussion of the supplemental biological analysis can be found in Section 4.3 Biological Resources in the *Revised and Recirculated DEIR*. The following are the highlights of the findings.

Detailed surveys for biological resources were performed in the spring of 2007. No additional types of sensitive protected plant species were found in the most recent biological surveys beyond what was identified in the 2006 EIR. However, additional locations for two listed sensitive plants, Lyon's pentachaeta (Federal and State Endangered) and Agoura Hills dudleya (Federal Threatened), were discovered. For the Lyon's pentachaeta, in addition to the location in Zone G-B, it was recently discovered in Zone F and Zone G-E. With regard to sensitive habitats, Valley Needlegrass Grassland was newly found in Zone E; previously, it had just been limited to Zone G-B. Zone G is restricted to open space uses, however Zone F and Zone E allow development.

With regard to sensitive wildlife, the additional surveys revealed two new sensitive species observed onsite: the Southwestern Pond Turtle and the bird species White Tailed Kite. The Southwestern Pond Turtle was found in the Lindero Canyon Creek in Zone B, and the White Tailed Kit was observed foraging in Zone F.

Like in the original 2006 EIR, sensitive species and habitats found in Zone G would be avoided due to Zone G's open space status. For those found in the developable zones of the AVSP, the EIR mitigation measures would protect them or compensate for any impacts to them due to development.

No new potentially significant impacts were identified as a result of the recent studies. The plant and wildlife discoveries did not warrant any changes to the individual impacts listed in the 2006 EIR. The text discussion pertaining to each listed impact, however, was amended to specifically address the types of impacts to the newly found plants and wildlife.

Similarly, no additional mitigation measures were added or deleted from the original EIR. Nonetheless, some mitigation measures were augmented, clarified, and essentially made more protective. The mitigation measures now call out even further details related to

protection of the two sensitive plant species noted above. However, the basic requirements of the mitigation measures remain, including a preference for avoidance of impacts, and a description of how to restore the species elsewhere, if avoidance is not possible. The mitigation measure pertaining to buffer zones now includes specific methods to protect the Southwestern Pond Turtle. Lastly, Mitigation Measure BIO-3(d) pertaining to oak tree planting arrangements was added to the text of the document. This mitigation measure was formally incorporated into the original 2006 EIR as part of the Responses to Comments, but was not placed in the Biological Resources section specifically until now.

In Section 6.0 Alternatives, the text was revised to incorporate the findings of the additional biological work, which did not change any conclusions. The discussions of some of the alternatives were augmented, explaining the purpose of the roundabout in meeting the project objectives, and also the importance of a balance between the non-residential and residential uses and the concentration of development uses in Agoura Village to achieve a successful pedestrian-oriented environment, economic viability and meet project objectives.

III. ADDITIONAL BIOLOGICAL SURVEYS

An additional portion of the AVSP area, which was included in the project description by way of the legal description and accompanying map in the 2006 approval of the AVSP and EIR documents, was inadvertently left out of the area surveyed in 2007 for biological resources. This additional area is a continuation of Zone F westerly to the end of the parcel line, which is coincident with the AVSP boundary. The previous surveys had stopped just short of the full extent of Zone F in this location. The City's biological consultant has just commenced further surveys in this area, and will be updating the *Revised and Recirculated DEIR* that has recently been provided to you. To provide sufficient time for public review of any additional information that arises from the further surveys, City staff would distribute the amended *Revised and Recirculated DEIR* once it becomes available, and re-establish the 45-day review period as beginning again from the point of the amended DEIR distribution. The amended document is expected to be available the third week of June 2008. A second Planning Commission hearing to take public comments would be scheduled during this second 45-day comment period.

IV. AVAILABILITY OF DOCUMENT

Copies of the DEIR were provided to the Commission during the week of May 19, 2008. The DEIR is currently available for review at the Planning Counter at City Hall and at the Agoura Hills Library, as well as online at www.ci.agoura-hills.ca.us. Additionally, copies of the DEIR (printed and electronic) can be purchased at the Planning Counter at City Hall. A notice of the availability of this document, along with the hearing date, was distributed to about 180 individuals or agencies, and published in *The Acorn*.

V. REVIEW AND APPROVAL PROCESS

Once the public review period, including the extended period as noted above, is completed, City staff would prepare the Responses to Comments and finalize the EIR. A joint City Council and Planning Commission hearing would be held in late Summer 2008 to consider approval of the AVSP and certification of the *Revised and Recirculated DEIR*.

VI. RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing to receive public comments on the *Revised and Recirculated Draft EIR* for the *Agoura Village Specific Plan*.

ATTACHMENT:

Revised and Recirculated Draft EIR (April 2008) (previously provided)

CASE PLANNER: Allison Cook, Senior Planner