

Appendix J

*Response to Comments on the Updated Draft Revised and
Recirculated EIR*

RESPONSES TO COMMENTS ON THE UPDATED DRAFT REVISED AND RECIRCULATED EIR

INTRODUCTION

The Agoura Village Specific Plan Final Environmental Impact Report (EIR) was certified by the City Council of Agoura Hills in 2006. Per a Writ of Mandate issued in 2007 by the Superior Court of California, County of Los Angeles, the City was directed to set aside its approval of the AVSP, amendments, zone change, and the EIR, and prepare new CEQA documentation related to more specific biological data and clarification of project alternatives. The Draft Revised and Recirculated EIR (RR EIR) was released, and the 45-day public comment period began on May 8, 2008 and closed on June 23, 2008. The document included only those changes to the original Final EIR that were required by the Writ of Mandate to meet judicial review. Those changes involved Section 2.0 Project Description, Section 4.3 Biological Resources, Section 6.0 Alternatives, and the Biological Technical Appendix. As the City has previously circulated a draft of the AVSP EIR in 2006 and responded to comments on that draft, CEQA provides for and the City requested that reviewers limit their comments only to the revised portions of the EIR being recirculated. Since the distribution of the Draft Revised and Recirculated EIR in May 2008, an additional area of the original AVSP boundary at the western end was surveyed for biological resources. This additional biological information has been added to the Draft Revised and Recirculated EIR, and the new document is referred to as the Updated Draft Revised and Recirculated EIR (Updated RR EIR). This was circulated for public comment between June 23rd and August 7th, 2008 (note - late comments were accepted through August 11th). As with the Draft Revised and Recirculated EIR, CEQA provides for and the City has requested that reviewers limit their comments only to the revised portions of the EIR being recirculated, not the 2006 EIR.

The letters in this section of the EIR include the public comments on the Draft Revised and Recirculated Environmental Impact Report (RR EIR) and the Updated Draft Revised and Recirculated Environmental Impact Report (Updated RR EIR) for the proposed Agoura Village Specific Plan Project. The comment letters included herein were submitted by public agencies, citizen groups, and private citizens. Each written comment that the City received is included in this section. Responses to these comments have been prepared to address the environmental concerns and to indicate where and how the Updated RR EIR addresses pertinent environmental issues.

The 2006 Final EIR, the Updated RR EIR and this Comments and Responses report collectively comprise the Final EIR for the Agoura Village Specific Plan Project. Any changes made to the text of the Updated RR EIR correcting information, data or intent, other than minor typographical corrections or minor working changes, are noted in the Final EIR as changes from the Updated RR EIR in underline format.

The comment letters have been numbered sequentially. If a letter includes more than one comment, the individual comments are lettered (1A, for example) and the responses that follow are lettered similarly. References to the responses to comments identify first the letter number, and second, the comment letter (6A, for example). Where comments have been duplicated within a single letter, the



reader is referred to an appropriate response number. This was done to focus the discussion and to help avoid redundancy by duplicating responses on the same topics.

COMMENTERS ON THE UPDATED DRAFT REVISED AND RECIRCULATED EIR

The commenters along with the page number on which their comment letters appear are listed below. Responses to the comment letters immediately follow each letter.

<u>Commenter on the Draft EIR</u>	<u>Page No.</u>
1. Terry Roberts, Director, Governor's Office of Planning and Research, 06/23/08	3
2. Terry Roberts, Director, Governor's Office of Planning and Research, 08/08/08	6
3. Dave Singleton, Program Analyst, Native American Heritage Commission, 05/23/08	9
4. Dave Singleton, Program Analyst, Native American Heritage Commission, 07/09/08	12
5. Roger P. Root, Assistant Field Supervisor, United States Department of Interior Fish and Wildlife Service, 08/07/08	15
6. Edmund Pert, Regional Manager, California Department of Fish and Game, 08/11/08	28
7. Neal L. Clover, Civil Engineering Assistant, Las Virgenes Municipal Water District, 06/21/08	32
8. Jacob Lieb, Program Manager, Southern California Association of Governments, 06/12/08	34
9. Nazir Lalani, Deputy Director, County of Ventura Public Works Agency Transportation Department, 06/06/08	40
10. Scott E. Franklin, 06/03/2008	43
11. Serena Friedman, (resubmittal of 04/17/2000 letter addressed to Members of the Los Angeles Regional Planning Commission) 06/05/2008	49
12. Pat Riley, 06/29/2008	54
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14. Charles W. Cohen, Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 08/07/08	61
15. Travis Cullen, Chief Operating Officer, Envicom Corporation 07/25/2008	64
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17. Mary E. Wiesbrock, Chairperson, Save Open Space, 07/16/2008	70
18. Mary E. Wiesbrock, Chairperson, Save Open Space 08/07/08	80
19. Mary E. Wiesbrock, Chairperson, Save Open Space 08/08/08	99
Comments Received at the 06/05/08 Planning Commission CEQA Hearing	111



Letter 1



STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

June 23, 2008

RECEIVED
JUN 25 2008
BY: *A. Cook*

Allison Cook
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

Subject: Agoura Village Specific Plan
SCH#: 2003111051

Dear Allison Cook:

The State Clearinghouse submitted the above named Revised Environmental Impact Rep to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 20, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2003111051
Project Title Agoura Village Specific Plan
Lead Agency Agoura Hills, City of

Type RIR Revised Environmental Impact Rep
Description Buildout of a Specific Plan to guide future development. Full buildout of the Specific Plan would include 235-293 multi-family dwelling units; up to 576,458 square feet of new office, retail, restaurant, community center, hotel; redevelopment of an existing 372,042 square feet of office and retail with the same uses and residential. This revised and recirculated EIR provides additional information regarding biological resources and alternatives. Only these revised sections are being provided for public review.

Lead Agency Contact

Name Allison Cook
Agency City of Agoura Hills
Phone (818) 597-7310 **Fax**
email
Address 30001 Ladyface Court
City Agoura Hills **State** CA **Zip** 91301

Project Location

County Los Angeles
City Agoura Hills
Region
Lat / Long 34° 7' 30" N / 118° 45' W
Cross Streets Kanan and Cornell Roads, Kanan and Agoura Roads
Parcel No. Multiple
Township 1N **Range** 18W **Section** 24, 26 **Base**

Proximity to:

Highways 101
Airports
Railways
Waterways Medea Creek, Lindero Canyon Creek, Palo Comado Creek
Schools
Land Use General Plan: SP, CG, OS-R, BP-O/R
 Zoning: SP, SP-AV, CRS-FC-AV, CRS-D-AV, OS, BP-OR-AV

Project Issues Biological Resources

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 4; Department of Parks and Recreation; Native American Heritage Commission; Integrated Waste Management Board; Office of Historic Preservation; Department of Fish and Game, Region 5; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Cal Fire; Department of Toxic Substances Control; Santa Monica Bay Restoration

Date Received 05/07/2008 **Start of Review** 05/07/2008 **End of Review** 06/20/2008

Letter 1

COMMENTER: Terry Roberts, Director, Governor's Office of Planning and Research, State Clearinghouse

DATE: June 23, 2008

RESPONSE:

Response 1

The State Clearinghouse acknowledges receipt of the Updated RR EIR for state review and notes that it distributed the document to 12 agencies. This acknowledgement is noted. No response is necessary.



Letter 2



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

August 8, 2008

Allison Cook
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

Subject: Agoura Village Specific Plan
SCH#: 2003111051

Dear Allison Cook:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 7, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures

cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2003111051
Project Title Agoura Village Specific Plan
Lead Agency Agoura Hills, City of

Type EIR Draft EIR
Description Buildout of a Specific Plan to guide future development. Full buildout of the Specific Plan would include 235-293 multi-family dwelling units; up to 576,458 square feet of new office, retail, restaurant, community center, hotel; redevelopment of an existing 372,042 square feet of office and retail with the same uses and residential. The current EIR provides additional information regarding biological resources and alternatives. Only these revised sections are being provided for public review. Also, a prior Draft EIR was circulated recently, and submitted to SCH on May 2, 2008. This DEIR supersedes the May 2, 2008 EIR.

Lead Agency Contact

Name Allison Cook
Agency City of Agoura Hills
Phone (818) 597-7310
email
Address 30001 Ladyface Court
City Agoura Hills
State CA **Zip** 91301
Fax

Project Location

County Los Angeles
City Agoura Hills
Region
Lat / Long 34° 7' 30" N / 118° 45' W
Cross Streets Kanan and Cornell Roads, Kanan and Agoura Roads
Parcel No. Multiple
Township 1N **Range** 18W **Section** 24, 26 **Base**

Proximity to:

Highways 101
Airports
Railways
Waterways Medea Creek, Lindero Canyon, Palo Comado Creeks
Schools
Land Use General Plan: SP, CG, OS-R, BP-O/R
 Zoning: SP, SP-AV, CRS-FC-AV, CRS-D-AV, OS, BP-OR-AV

Project Issues Biological Resources

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Integrated Waste Management Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; Santa Monica Bay Restoration

Date Received 06/23/2008

Start of Review 06/23/2008

End of Review 08/07/2008

Letter 2

COMMENTER: Terry Roberts, Director, Governor's Office of Planning and Research, State Clearinghouse

DATE: August 08, 2008

RESPONSE:

Response 2

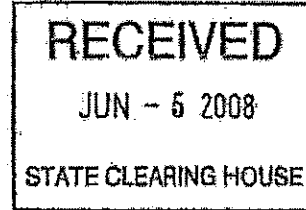
The State Clearinghouse acknowledges receipt of the Updated RR EIR for state review and notes that it distributed the document to 14 agencies. This acknowledgement is noted. No response is necessary.



Letter-3

NATIVE AMERICAN HERITAGE COMMISSION

916 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



May 23, 2008

Clear
6-20-08
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Ms. Allison Cook, Senior Planner/Environmental Analyst
CITY OF AGOURA HILLS
30001 Ladyface Court
Agoura Hills, CA 91301

Re: SCH#2003111051: CEQA Notice of Completion: Revised and Recirculated Environmental Impact Report (EIR) for the Agoura Hills Specific Plan: City of Agoura Hills, Los Angeles County, California

Dear Ms. Cook:

The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278) / <http://www.ohp.parks.ca.gov>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resource may be known only to a local tribe(s).
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

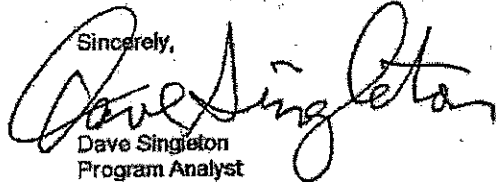
* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

✓ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Letter 3

COMMENTER: Dave Singleton, Program Analyst, Native American Heritage Commission

DATE: May 23, 2008

RESPONSE:

Response 3

The commenter states that the City is required to assess whether the proposed project would have an adverse impact on a historical and/or archaeological resource, and if so, to mitigate that effect. The commenter recommends several actions be taken to prevent impacts to historical resources.

This comment is noted. The commenter is referred to Section 4.6, *Historic and Archaeological Resources*, of the 2006 EIR, which discuss historic and archaeological resources, potential impacts and mitigation measures in detail. This section assessed whether the proposed project would have an adverse impact on a historical and/or archaeological resource, and where appropriate, prescribed mitigation measures. Additionally, as noted above in the introduction, the Updated RR EIR included only those changes to the 2006 Final EIR that were required by the Writ of Mandate to meet judicial review. Those changes involved Section 2.0 Project Description, Section 4.3 Biological Resources, Section 6.0 Alternatives, and the Biological Technical Appendix. The City has determined that pursuant to CEQA Guidelines Section 15088.5(f)(2) only those comments regarding recirculated sections of the EIR are appropriate for discussion at this time. Since no changes were ordered in Section 4.6, *Historic and Archaeological Resources*, it was not included in the Updated RR EIR. This comment pertains to other sections of the EIR not recirculated, for which the comment period closed on January 3, 2006.



Letter 4

STATE OF CALIFORNIA

Arnold Schwarzenegger, GOVERNOR

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net



July 9, 2008

Clear
 8-7-08
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RECEIVED

JUL 17 2008

STATE CLEARING HOUSE

Ms. Allison Cook, Senior Planner
CITY OF AGOURA HILLS
 30001 Ladyface Court
 Agoura Hills, CA 91310

Re: SCH#2003111061: CEQA Notice of Completion; Revised and Recirculated Environmental Impact Report for the Agoura Hills Specific Plan Mixed-Use Development; City of Agoura Hills; Los Angeles County, California

Dear Ms. Cook:

The Native American Heritage Commission (NAHC) is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278) <http://www.ohp.parks.ca.gov>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors, also, when professional archaeologists or the equivalent are employed by project proponents, in order to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave sites.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

√ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

-Please feel free to contact me at (916) 653-6251 if you have any questions:

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Letter 4

COMMENTER: Dave Singleton, Program Analyst, Native American Heritage Commission

DATE: July 09, 2008

RESPONSE:

Response 4

The commenter states that the City is required to assess whether the proposed project would have an adverse impact on a historical and/or archaeological resource, and if so, to mitigate that effect. The commenter recommends several actions be taken to prevent impacts to historical resources.

This comment is the same form letter as dated May 23, 2008. The commenter is referred to Section 4.6, *Historic and Archaeological Resources*, of the 2006 EIR, which discuss historic and archaeological resources, potential impacts and mitigation measures in detail. This section assessed whether the proposed project would have an adverse impact on a historical and/or archaeological resource, and where appropriate, prescribed mitigation measures. Additionally, as noted above in the introduction, the Updated RR EIR included only those changes to the 2006 Final EIR that were required by the Writ of Mandate to meet judicial review. Those changes involved Section 2.0 Project Description, Section 4.3 Biological Resources, Section 6.0 Alternatives, and the Biological Technical Appendix. The City has determined that pursuant to CEQA Guidelines Section 15088.5(f)(2) only those comments regarding recirculated sections of the EIR are appropriate for discussion at this time. Since no changes were ordered in Section 4.6, *Historic and Archaeological Resources*, it was not included in the Updated RR EIR. This comment pertains to other sections of the EIR not recirculated, for which the comment period closed on January 3, 2006.



Letter 5



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
2008-FA-0068

August 7, 2008

Allison Cook, Senior Planner/Environmental Analyst
Planning and Community Development Department
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301

Subject: Comments on the Updated, Revised, and Recirculated Draft Environmental Impact Report for the Agoura Village Specific Plan, City of Agoura Hills, Los Angeles County, California

Dear Ms. Cook:

This letter provides the U.S. Fish and Wildlife Service's (Service) comments on the updated, revised, and recirculated draft environmental impact report (rDEIR) for the Agoura Village Specific Plan (AVSP). We received a copy of the rDEIR in our office on June 23, 2008. The proposed project is located on 233 acres in and around the intersection of Agoura and Kanan Roads in the southern portion of the city of Agoura Hills. The rDEIR contains alternatives that are designed to guide future development in the project area. The preferred alternative in the rDEIR proposes a mix of residential, commercial, office, and restaurant uses and would result in development of 235 to 293 residential units, up to 576,458 square feet (sf) of commercial and office space, and redevelopment of 372,042 sf of existing office and retail space. Approximately 137 acres along the southern boundary of the project area is proposed as open space. The site supports a mix of developed lands, ornamental landscaping, annual grassland, perennial grassland, willow riparian woodland, oak willow woodland, mixed chaparral, and coastal sage scrub. Two federally-listed species are known to occur within the project area: the endangered Lyon's pentachaeta (*Pentachaeta lyonii*) and threatened Agoura Hills dudleya (*Dudleya cymosa* spp. *agourensis*).

The Service's responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally-listed endangered or threatened species. Section 3(18) of the Act defines "take" to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides

for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways. If a project is to be funded, authorized, or carried out by a Federal agency, and may affect a listed species, the Federal agency must consult with the Service pursuant to section 7(a)(2) of the Act. If a proposed project does not involve a Federal agency but may result in the take of a listed animal species, the project proponent should apply to the Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Act.

As it is not our primary responsibility to comment on documents prepared pursuant to the California Environmental Quality Act (CEQA), our comments on the rDEIR for the AVSP do not constitute a full review of project impacts, nor do they represent consultation with the Service. Rather, our comments describe our concerns regarding potential impacts of the proposed project on the Lyon's pentachaeta and Agoura Hills dudleya, particularly as they relate to compliance with the Act and its implementing regulations. We previously submitted comments on the draft environmental impact report in a letter, dated January 12, 2006, to the City of Agoura Hills (City) Planning and Community Development Department. We offer the following additional comments and recommendations to aid you in the conservation of sensitive wildlife and habitats and federally listed species that are known to or could occur on the site, and to assist you in complying with pertinent Federal laws and regulations.

Comments

- 5A 1. Comments and concerns stated in our previous comment letter (dated January 12, 2006) regarding potential impacts to federally-listed species have not been fully addressed in the rDEIR dated June 2008. Particularly, federally-listed plant species occur and have been mapped on the project site and within the development area of the proposed project, yet direct impacts to those areas would result from implementation of all but one of the alternatives described in the rDEIR. Mitigation Measure BIO-1(a) states that if avoidance of listed plants during project-related activities is not feasible, on-site mitigation (translocation) is preferred with the preparation of a mitigation restoration plan. We do not typically support relocation of plants as a conservation measure. As noted in our 2006 comment letter, previous attempts to relocate Lyon's pentachaeta plants, seeds, and seedlings in new locations have failed (Service 1999) and, as acknowledged in the rDEIR, "Most of the attempts to re-establish Lyon's pentachaeta have failed (R. Burgess, pers. com. 2007), with the only known at least partially successful re-establishment being along Potrero Road" (p. 1-20 of the Biological Technical Appendix). Therefore, we strongly recommend avoidance of areas occupied by listed plant species and do not consider relocation of listed plants as an appropriate conservation measure because the likelihood of success is considered to be very low.
- 5B 2. The rDEIR still does not adequately identify and analyze indirect impacts of the proposed project to the federally-listed plant species that occur on-site. Indirect impacts associated with the edges of human development include increases in invasive, weedy plant species; trampling and soil compaction from human recreation; increases in seed predators; changes in hydrology; introduction of chemical pollutants that affect plants or pollinators; and changes in fire frequency

(Conservation Biology Institute 2000). To minimize these effects, buffers between development areas and listed plant species and appropriate land management practices should be incorporated into the project design. The proposed hiking and equestrian center would likely result in equestrian use of the open space in the project area. The federally-listed plant species are sensitive to trampling and could be impacted by equestrian and hiking activities. Even if these activities do not directly impact the listed plants (as the rdEIR predicts, p. 1-11 of the Biological Technical Appendix), the indirect effects from them (e.g., soil compaction, increase in invasive species, and alteration of hydrology) could adversely affect these species and these impacts have not been adequately addressed in the rdEIR.

3C 3. Continuing impacts to Lyon's pentachaeta and its habitat throughout its range have reached a cumulative level such that we have significant concerns regarding the conservation and recovery of this annual plant species. The implementation of this project, as proposed, may preclude the conservation and recovery of Lyon's pentachaeta. We recommend that the City and applicant work with the Service at the earliest possible stage to design a project that avoids and minimizes impacts to listed species to the maximum extent feasible, and to identify suitable minimization strategies for those impacts determined to be unavoidable. We recommend that the rdEIR fully re-address potential impacts to Lyon's pentachaeta with specific attention directed towards its range-wide status and level of cumulative impacts to this species.

5D 4. Consideration of Alternatives under CEQA Section 15126.6(c) Selection of a Range of Reasonable Alternatives requires that "The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." The impacts of the proposed project on wildlife and listed species could be reduced or avoided through alternative project design. Buildings, roads, and infrastructure could be sited in areas of lower concentration of biological resources. This would also include maximizing the distance of development from sensitive areas and water courses to the extent practical.

5E 5. While mitigation measures are proposed in the rdEIR, these measures are very generally worded, have not resulted from coordination with the Service, and do not adequately address all of the project-specific impacts (i.e., direct, indirect, and cumulative). Also, the conclusion that proposed mitigation measures for listed plant species (particularly Lyon's pentachaeta) would reduce significant effects to a level that is less than significant is predicated on the assumption that translocation efforts would be successful as there are no contingency measures included if this effort is not successful. Due to the proposed bridge crossing over Medea Creek and the restoration components of the project in Lindero Canyon and Medea Creeks, certain aspects of the project may require a Federal (i.e., Clean Water Act) permit through the U.S. Army Corps of Engineers' (Corps) regulatory program. As noted previously, section 7 of the Act requires Federal agencies to consult with the Service on any activity that they authorize, fund, or carry out and that may affect a federally-listed species.

Allison Cook

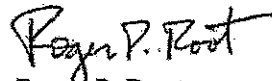
4

Migratory Birds

5 F For both the Agricultural Residential Cluster Subdivision and Future Development Program, we are concerned about potential impacts to migratory birds in the proposed project area. The Service has conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act of 1918, as amended (MBTA) (16 U.S.C. 703 et. seq.). Any land clearing or other surface disturbance associated with proposed actions should be timed to avoid potential destruction of bird nests or young of birds that breed in the area, as such destruction may be in violation of the MBTA. Under the MBTA, nests with eggs or young of migratory birds may not be damaged, nor may migratory birds be killed. If this seasonal restriction is not possible, we recommend that a qualified biologist survey the area for nests or evidence of nesting (e.g., mated pairs, territorial defense, carrying of nesting material, transporting food, etc.) prior to the commencement of land clearing activities. If nests or other evidence of nesting are observed, a protective buffer should be delineated and the entire area avoided to prevent destruction or disturbance to nests until they are no longer active.

We appreciate the opportunity to provide comments on the rdEIR for the Agoura Village Specific Plan and look forward to working with you regarding the conservation of federally-listed species at the proposed project site. If you have any questions regarding the contents of this letter, please contact Mark A. Elvin of my staff at (805) 644-1766, extension 258.

Sincerely,



Roger P. Root
Assistant Field Supervisor

cc:

Mary E. Meyer, California Department of Fish and Game

REFERENCES CITED

- City of Agoura Hills. 2008. Updated revised and recirculated draft environmental impact report for the Agoura Village specific plan, City of Agoura Hills, Los Angeles County, California. June 2008. 302 pp.
- Conservation Biology Institute. 2000. Review of potential edge effects on the San Fernando valley spineflower (*Chorizanthe parryi* var. *fernandina*). San Diego, California.
- U.S. Fish and Wildlife Service. 1999. Recovery plan for six plants from the mountains surrounding the Los Angeles Basin. Portland, Oregon. 62 pp.
- U.S. Fish and Wildlife Service. 2006. Comment letter to City of Agoura Hills regarding the updated draft revised and recirculated environmental impact report for the Agoura Village specific plan, City of Agoura Hills, Los Angeles County, California. Dated January 12, 2006.

Letter 5

COMMENTER: Roger P. Root, Assistant Field Supervisor, United States Department of the Interior Fish and Wildlife Service

DATE: August 07, 2008

RESPONSE:

The commenter notes that it is not the primary responsibility of Fish and Wildlife Service (USFWS) to comment on documents prepared pursuant to the California Environmental Quality Act (CEQA) and that comments on the Updated RR EIR do not constitute a full review of project impacts, nor do they represent consultation with the Service. Rather, comments describe USFWS concerns regarding potential impacts of the proposed project on Lyon's pentachaeta and Agoura Hills dudleya. The commenter notes that FWS previously submitted comments on the 2006 Draft EIR in a letter dated January 12, 2006.

Response 5A

The commenter states the opinion that the comments provided in the January 12, 2006 letter from USFWS regarding potential impacts of the AVSP on federally-listed plant species have not been fully addressed in the Updated RR EIR. The commenter goes on to reiterate points made in the 2006 letter written by Carl T. Benz, Assistant Field Supervisor, USFWS.

Mr. Benz's comments were addressed in the 2006 Response to Comments, which is included in the 2006 Final EIR. The current mitigation measure BIO-1(a) reflects changes made based on the comments of Mr. Benz, other commenters on the 2006 EIR, information brought to light in the biological studies of the Specific Plan area in 2007 and 2008, and comments on the Updated RR EIR.

In 2006 Carl T. Benz, Assistant Field Supervisor, United States Department of the Interior Fish and Wildlife Services, commented that that listed plant species should be avoided and that relocation, either onsite or offsite, of listed species would not likely succeed because of their specific habitat requirements. The commenter cited a US FWS failed attempt to relocate Lyon's pentachaeta in 2000. Therefore, the commenter noted a preference for avoidance of those areas occupied by listed plant species rather than consideration for relocation of listed plants.

The revised mitigation measure BIO-1(a) (as provided in the Updated RR EIR) requires that known locations of Lyon's pentachaeta be avoided (which is defined as a minimum of a 200 foot setback or as appropriate based on the recommendations of USFWS and/or CDFG with an active maintenance and management program), unless avoidance is not feasible. If avoidance is not feasible, a mitigation restoration plan shall be prepared by a qualified plant ecologist that identifies the number of plants to be replanted and the methods that will be used to preserve this species in the on- or off-site mitigation location. Restoration efforts shall be coordinated with applicable federal, state, and local agencies. The required level of success for Agoura Hills dudleya and Lyon's pentachaeta shall be defined at a minimum as a demonstration of five consecutive years of growth of a population equal to or greater than that which would be lost

due to the project. This level of success shall be achieved prior to removal of the impacted population.

Thus, the mitigation measure would require a successful restoration effort prior to commencement of any construction activities. In the event that an applicant's restoration attempt fails, they would be forced to avoid areas occupied by listed plant species. Further, the measure requires the involvement of USFWS and CDFG throughout much of the process. Based on additional comments on the Updated RR EIR mitigation measure BIO-1(a) was refined further to state:

"The required level of success for Agoura Hills dudleya and Lyon's pentachaeta shall be defined at a minimum as a demonstration of five consecutive years, or a period as deemed appropriate by the permitting agencies (USFWS and/or CDFG), of growth of a population equal to or greater than that which would be lost due to the project."

Thus, the mitigation as revised and provided for currently requires avoidance and would seem to meet the commenter's objectives and satisfy his and Mr. Benz's recommendations.

Response 5B

The commenter states that the Updated RR EIR does not adequately identify and analyze indirect impacts of the proposed project to the federally-listed plant species that occur on-site. The commenter notes that to minimize effects, buffers between development and listed plant species and appropriate land management practices (buffer areas) should be incorporated into project design.

Indirect impacts were addressed in detail in the Updated RR EIR in the Biological Technical Appendix (BTA). The BTA accompanied the Updated RR EIR to support a review of project impacts, mitigation and alternatives. The BTA provides a "complete and accurate record of the location, extent and nature of biological resources," and further meaningful review of the potential biological impacts, mitigation measures, and alternatives of the project. The BTA was included as part of the Updated RR EIR and includes an analysis of indirect impacts. Specifically, the commenter is referred to pages 1-15 through 1-21 and 3-14 through 3-15 of the BTA for detailed discussions of indirect impacts to both listed plant and wildlife species. This discussion includes an analysis of the following indirect impacts:

- Non-native, invasive plant and animal species;
- Vegetation clearing for fuel management or creation of trails;
- Trampling;
- Increased water supply due to suburban irrigation and runoff;
- Chemicals (e.g., herbicides, pesticides, fertilizers); and
- Increased fire frequency.

The commenter references a 2000 article by the Conservation Biology Institute, *Review of potential edge effects on the San Fernando Valley spineflower (SFVS)*. The Updated RR EIR BTA discusses this article in detail as SFVS is considered a corollary plant to Lyon's pentachaeta. Thus, the Updated RR EIR provided a detailed analysis of edge effects.



With regards to buffers between listed plant species and development, the Updated RR EIR mitigation measure BIO-1(a) requires a 200 foot buffer from Lyon's pentachaeta and Agoura Hills dudleya. Specifically the measure reads:

"For Lyon's pentachaeta and Agoura Hills dudleya, avoidance is defined as a minimum 200 foot setback unless an active maintenance plan is implemented for the known occurrence. With implementation of an active maintenance and management program, the buffer width may be reduced further based on review and approval by the jurisdictional agencies (USFWS and/or CDFG). For other sensitive species avoidance shall be determined based on the specific plant pursuant with the recommendations of a qualified plant ecologist, and with the coordination of USFWS and/or CDFG for state or federally listed plants. The maintenance and management plan must be approved by the appropriate jurisdictional agencies prior to issuance of a grading permit."

Mitigation measure BIO-4(e) provides for further appropriate land management practices to minimize effects between development (and human use) areas and sensitive plants and plant communities.

"Fencing. Solid barrier fencing onsite shall be prohibited around areas that border open spaces or routes of animal movement, specifically riparian areas. Fencing in these areas shall consist of "ranch style" post fencing. Fencing shall allow at least one-foot of clearance above ground to permit wildlife movement. Fencing between creekside trails and the creeks shall be designed to limit human entry into significant habitat. Such fencing or vegetative barrier shall be at least four feet in height and shall be planted with spinescent plants such as wild rose, blackberry, or other suitable native species in a dense bramble."

Further, the EIR requires that a minimum buffer zone of 50-100 feet of native vegetation shall be maintained between urban development and adjacent sensitive native habitats. Mitigation measure BIO-2(a) goes on to say:

"Further, equestrian trails shall be located no less than 10 to 20 (preferred) feet from the edge of the exterior riparian canopy."

Thus, the EIR has considered edge effects, incorporated minimization measures such as appropriate buffers, and addressed impacts related to the placement of the equestrian trails onsite. Mitigation measure AQ-4, which has not changed from the 2006 EIR, and thus was not recirculated, requires a feasibility study for an equestrian center within the Specific Plan area.

"The study shall include provisions for a maintenance plan of both the equestrian center and related trails. The maintenance plan shall include the following measures, at a minimum:

- *Organic debris/waste shall be properly disposed of or sold offsite on a regular basis,*
- *BMPs shall be instituted to prevent dust from moving offsite,*
- *BMPs (to include necessary bioswales or erosion control measures) shall be instituted to prevent organic waste, or associated nutrients from organic waste, from entering nearby water bodies."*

It is important to note that the proposed equestrian trail would extend from an existing equestrian trail terminal point along Medea Creek and extend to the southern boundary of the

project area. Lyon's pentachaeta and Agoura Hills Dudleya are not currently known to occur within or nearby the areas proposed for the equestrian trail alignment (Refer to Figure 4.3-3, Special Status Plants, of the Updated RR EIR). The equestrian center would be located within Zone G, south of Medea Creek and northwest of Cornell Road and more than 200 feet from any known occurrence of listed species. The occurrences closest to the equestrian trail would be located on the eastern, and opposite, side of Cornell Road (and outside of the project boundary). Equestrian use within the dedicated trail through the Specific Plan would not impact those known occurrences along Cornell Road.

The commenter states that even if activities do not directly impact the listed plants the indirect effects (i.e. soil compaction, increased invasive species, and alteration of hydrology) could adversely affect these species.

The equestrian trail would be sufficiently distanced from listed plants, approximately 200 feet, away from Cornell Road and substantially downslope from the rock outcrops and drainages where they occur. Although sufficiently distanced from the known locations of these plants, equestrian use along the proposed trail would also be subject to mitigation measure AQ-4, above, which would require a maintenance plan. This plan, at a minimum, would include removal of organic debris, BMPs to prevent dust from moving offsite, and erosion control measures. Thus, the location of the trail and implementation of the prescribed maintenance plan would minimize any potential indirect effects.

Response 5C

The commenter states that impacts to Lyon's pentachaeta and its habitat throughout its range have reached a level where the USFWS has significant concerns regarding the conservation and recovery of the species. The commenter states that the implementation of the proposed project may preclude the conservation and recovery of the species and recommends that the City and applicant work with the Service at the earliest possible stage to design a project that avoids and minimizes impacts to the species to the maximum extent feasible.

The commenter has reiterated points made regarding avoidance in comment 5A, above. However, as noted in Response 5A, the mitigation measure BIO-1(a) would require a successful restoration effort for Lyon's pentachaeta prior to commencement of any construction activities. In the event that an applicant's restoration attempt fails, he/she would be forced to avoid areas occupied by listed plant species. The USFWS noted in its January 12, 2006 comment letter on the Agoura Village Specific Plan Draft EIR that previous attempts in 2000 to relocate Lyon's pentachaeta plants, seeds and seedlings had failed. Therefore, the USFWS recommended avoidance rather than relocation as the appropriate conservation measure for this species. In response to this comment, the Final EIR Mitigation Measures BIO-1(a), BIO-2(b) and BIO-2(c) were amended to require the restoration plan and minimum performance criteria as described above, ensuring avoidance until, and unless, appropriate replacement was in place and successful. And, as noted above in 5A, to further address comments on the Updated RR EIR measure BIO-1(a) will be refined to state:

"The required level of success for Agoura Hills dudleya and Lyon's pentachaeta shall be defined at a minimum as a demonstration of five consecutive years, or a period as deemed appropriate by the

permitting agencies (USFWS and/or CDFG), of growth of a population equal to or greater than that which would be lost due to the project."

Measures BIO-1(a), BIO-2(b) and BIO-2(c) also require the involvement of USFWS and CDFG throughout much of the process. Specifically, mitigation measures BIO-1(a) and BIO-1(b) require coordination with USFWS and CDFG for federally or state listed species, and when applicable, the mitigation restoration plan shall be submitted to the appropriate regulatory agencies for review and approval prior to issuance of a grading permit for the area of concern. With regards to minimization measures, please refer to Response 5B above.

With regards to the commenter's concern for the conservation and recovery of the species in terms of cumulative impacts to the species, the Updated RR EIR BTA discusses the regional conservation and recovery status of the species in detail. Page 1-20 of the BTA refers to the USFWS Designation of Final Critical Habitat (USFWS, November 2006) for *Lyon's pentachaeta*, for Unit 6 located south of the Specific Plan area in the County of Los Angeles. As noted in the BTA, Unit 6 is known:

*"to contain more than 3 million plants on 233 acres (and) was excluded from critical habitat designation for economic reasons. This area was in part excluded because consultation already in process regarding potential impacts of the proposed development of this area (the Triangle Ranch project) on *P. lyonii* is intended to ensure the continued persistence of the species within Unit 6. As part of this consultation, the landowner has proposed to preserve the majority of the *P. lyonii* that occurs on the property in open space, in perpetuity, and implement a management plan to ensure the continued persistence of the species. Since this consultation process ongoing with the Triangle Ranch property would involve both "take" and a decrease in the amount of available habitat for the *Lyon's pentachaeta*, it is surmised that the much smaller effects of the proposed Specific Plan can similarly be adequately mitigated."*

Thus, the Updated RR EIR has taken into account the recovery and conservation status of the species, in part based on the determination made by the USFWS during the designation of critical habitat for the *Lyon's pentachaeta*. Because the designation included all areas needed to conserve the species, but did not include the Agoura Village Specific Plan area, the USFWS has already found that sufficient area is present in designated critical habitat to preserve the species with respect to cumulative impacts. Therefore, the Updated RR EIR determined that impacts to this endangered species would be reduced to a less than significant level with implementation of recommended mitigation measures BIO-1(a), BIO-2(a) and BIO-6(b) (including a contingency measure that does not allow development if a population is not re-established).

Response 5D

The commenter notes that CEQA requires that an EIR consider a range of reasonable alternatives that include those that could feasibly accomplish most basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The commenter further notes that impacts of the proposed project on wildlife and listed species could be reduced or avoided through alternative project design and that buildings, roads, and infrastructure could be sited in areas of lower concentration of biological resources.



As noted in the CEQA Section (15126.6) cited above, "an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." However, this section goes on to state "an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation."

The Updated RR EIR analyzes five reasonable alternatives, Section 6.0, *Alternatives*, which would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant effects of the project. Each alternative analysis in the EIR describes in detail the location, square footage per zone, boundaries, and development type as compared with the proposed Specific Plan. Each alternative is illustrated in a graphic which delineates the boundary and buildable square footage per zone. Additionally, a table summarizing, per zone, the total area; existing development square footage; proposed developable square footage and number of residential units; and the total combined allowable square footage and residential development is provided for each alternative. Further, each alternative was analyzed for the following impacts: aesthetics, air quality, biological resources, geology, hazards, historic and archaeological resources, hydrology and water quality, land use, noise, public services, and transportation and circulation. Thus, the EIR has considered a range of reasonable alternatives. Because the exact extent of development is not known at this time, the impact and alternatives analysis cannot be delineated exactly, but instead is delineated in accordance with the CEQA guidelines for a programmatic EIR, as described above. Additionally, an alternative proposed by the SMMC was not chosen for analysis in the EIR, but the document clearly states that the alternative was considered and rejected as it would fail to meet most of the basic objectives of the project.

It is also important to note here that the EIR is a programmatic EIR intended to identify programmatic mitigation. As defined in the CEQA guidelines, Section 15168 (a)(3), "a program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related...in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program." This approach was chosen pursuant to CEQA guidelines as it allows the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts. Further, as noted in CEQA Section 15146, the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. Thus, as the project is a Specific Plan the EIR attempts to provide reasonable assumptions for use in analyzing impacts of the project site design, and building, road, and infrastructure siting. As noted in the EIR, these are assumptions. Therefore, as the exact distribution of allowed uses cannot be determined at this time, the EIR's examination of a range of potential uses and a worst case scenario based on full buildout of the Specific Plan illustrates the EIR's efforts at full disclosure in light of factors such as the magnitude of the project at issue and the severity of its likely environmental impacts. Further, the EIR has prescribed mitigation measures which would reduce impacts on wildlife and listed species and provide guidance in siting development to areas with lower concentrations of biological resources (Refer to Mitigation Measures BIO-1(a) through BIO-6(b)). As noted in Section 15204 of the CEQA guidelines "comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways

to avoid or mitigate the significant environmental effects.” Without a clear suggestion of what alternatives or mitigation measures the commenter feels should be included, this comment cannot be addressed further.

Response 5E

The commenter states his opinion that the mitigation measures provided in the Updated RR EIR do not adequately address all of the project-specific impacts (i.e. direct, indirect, and cumulative).

This comment is noted; however, the CEQA Guidelines provide the standard of adequacy on which an EIR is based (Section 15204):

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but, the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.

As noted in Responses 5A – 5D above, the EIR has provided specific programmatic mitigation measures for avoidance and conservation of the listed species within the Specific Plan area in accordance with the provisions and analyses recommended through the USFWS Designation of Final Critical Habitat (USFWS, November 2006) for *Lyon's pentachaeta*. The EIR has evaluated the environmental effects of the proposed project in light of what is reasonably feasible; it has summarized the main points of any disagreement among experts; and has made a good faith effort at full disclosure. As the commenter has not provided a suggestion for an additional mitigation measure or alternative which is not already provided for in the EIR, this comment cannot be addressed further. The EIR consultant notes that the pedestrian bridge over Medea Creek is planned for a portion of the creek that is already channelized and so would not alter riparian habitat and would probably not be within Corps jurisdiction. Further, the two federal listed plants under discussion in this section are both upland species and so would not be within the Corps of Engineers jurisdictional area, and therefore Corps permit actions would not require a Section 7 consultation with specific respect to these species; such consultation may be required with respect to other species.

Response 5F

The commenter notes concern regarding potential impacts to migratory birds in the proposed project area. The commenter suggests that disturbance activities should be timed to avoid impacts to nesting birds.

This comment is noted. Mitigation measure BIO-1(c) specifically addresses impacts to nesting birds by requiring that surveys be conducted by a qualified ornithologist prior to any vegetation clearing during the bird breeding season (February 1 through August 31). If bird species are observed nesting within 500 feet of construction/grading areas, the measure requires that all construction or grading activities will be postponed or halted at the discretion of the biologist



until the nest is vacated and the juveniles have fledged. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. This distance shall be at least 300 feet for raptors and at least 100 feet for all other bird species. Construction personnel should be instructed on the sensitivity of the area. The applicant 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. Thus, the EIR has already addressed requirements of the Migratory Bird Treaty Act and incorporated appropriate minimization measures to protect nesting birds.

Letter 6

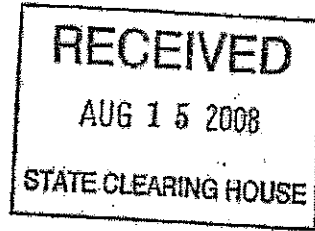
State of California - The Resources Agency

ARNOLD SCHWARZENEGGER, Governor



DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201



August 11, 2008

Ms. Allison Cook
Senior Planner
City of Agoura Hills
Planning and Community Development Department
30001 Ladyface Court
Agoura Hills CA 91301

Clear
8-7-08
late

SCN # 2003111051

Subject: Agoura Village Specific Plan Updated Draft Revised and Recirculated
Environmental Impact Report (RDEIR), Case No: 06-GPA-001, 06-ZOA-001, and
06-SPA-001

Dear Ms. Cook:

A

The Department of Fish and Game (Department) regrets that we are unable to provide comments on the above referenced project in the timeframe determined by CEQA. Due to staff shortages in our mailing and document distribution center, the RDEIR was not received by our reviewing staff until early last week. Staff Environmental Scientist Kelly Schmoker contacted you by telephone on Tuesday, August 6 and requested additional time for us to complete our review. We appreciate the additional time, however, it is not enough to complete our review. The Department will complete our review and provide appropriate comments within the next three weeks.

B

Due to the presence of a state listed endangered plant species (Lyon's Pentachaeta, *Pentachaeta lyonii*) and stream channels within areas proposed for both direct and indirect development impacts, the project applicant will need to obtain a Department-issued Incidental Take Permit pursuant to Fish and Game Code Section 2081(b) and will also need to notify the Department of potential modifications to the bed, bank or channel of on-site streams, including adverse impacts to associated riparian vegetation and wildlife habitat. As such, the Department is a responsible agency for this project pursuant to the California Environmental Quality Act, Section 15096.

We appreciate your understanding in this delay. For further coordination on this project, please contact Mary Meyer, Staff Environmental Scientist at (805)640-8019 or Kelly Schmoker, Staff Environmental Scientist (626)335-4369.

Sincerely,

Edmund Pert
Regional Manager
South Coast Region

Allison Cook
August 11, 2008
Page 2 of 2

cc: Mary Meyer, Ojai
Scott P. Harris, Pasadena
Kelly Schmoker, Glendora
Jamie Jackson, Pasadena
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ARNOLD SCHWARZENEGGER
GOVERNOR

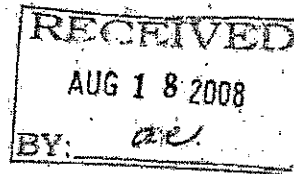
STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

August 15, 2008

Allison Cook
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301



Subject: Agoura Village Specific Plan
SCH#: 2003111051

Dear Allison Cook:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on August 7, 2008. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2003111051) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

Letter 6

COMMENTER: Edmund Pert, Regional Manager, California Department of Fish and Game

DATE: August 11, 2008

RESPONSE:

As noted by the SCH (see letter attached), this comment was submitted after the review period for the Updated RR EIR ended. Although CEQA does not require lead agencies to respond to late comments, these comments were incorporated and considered in finalizing the environmental document.

Response 6A

The commenter notes that the Department of Fish and Game is unable to provide comments on the project within the timeframe allotted by CEQA due to staff shortages.

This comment is noted. No further response is necessary.

Response 6B

The commenter notes that due to the presence of a state listed endangered plant species (*Lyon's pentachaeta*) and stream channels within areas proposed for both direct and indirect development impacts the applicant will need to obtain a Department issued incidental Take Permit pursuant to Fish and Game Code Section 2081 (b) and will also need to notify the Department of potential modifications to the bed, bank or channel of on-site streams and riparian vegetation. As such, the department is a responsible agency for this project pursuant to CEQA.

This comment is noted. The Updated RR EIR addressed each of the commenter's points as follows: Mitigation Measure BIO-1(a) requires that CDFG be notified if any development is proposed within 200 feet (area of avoidance) of Lyon's pentachaeta; further Impact BIO-4 discusses CDFG regulatory authority over work within the stream zone (which could extend to the 100-year flood plain); Impact BIO-4 and Section 4.3.1(a) discuss CDFG jurisdiction and issuance of a Streambed Alteration Agreement; and lastly, CDFG was listed as a responsible agency in Section 2.7 of the Project Description.



Letter 7

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MEMBER AGENCY OF THE
METROPOLITAN WATER
DISTRICT
SOUTHERN CALIFORNIA

June 21, 2008

City of Agoura Hills
Planning and Community
Development Department
30001 Ladyface Court
Agoura Hills, CA 91301

Attention: **Allison Cook, Senior Planner/
Environmental Analyst**

Subject: **Environmental Impact Report
Agoura Village Specific Plan (AVSP)**

Dear Ms. Cook:

The District would reiterate that our comments concerning the Agoura Specific Plan remain valid in our two letters dated December 7, 2005 and October 10, 2006. Full build out of the Specific Plan would result in the development of residential, office, retail, restaurant, community center and hotel development.

If you have any questions concerning this matter, please feel free to contact me at any time. Thank you.

Very truly yours,

Neal L. Clover
Civil Engineering Assistant

NLC:nlc

agouraspecplan0808



Letter 7

COMMENTER: Neal L. Clover, Civil Engineering Assistant, Las Virgenes Municipal Water District

DATE: June 21, 2008

RESPONSE:

Response 7

The District reiterated that its comments on the Specific Plan, provided in letters dated December 7, 2005 and October 10, 2006, remain valid. It also reiterated that full build out of the Specific Plan would result in the development of residential, office, retail, restaurant, community center and hotel development.

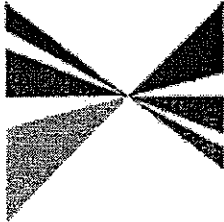
The December 7, 2005 letter, signed by Eugene Talmadge, which the commenter refers to was responded to in the 2006 Final EIR as Response Letter 8 in the Response to Comments. In the 2005 letter the commenter acknowledged that the Draft EIR reasonably estimated the project demand and local availability of wastewater and potable water capacity. This was noted. The commenter also advocated for strict water conservation measures and that recycled waterlines should be extended to serve the project for irrigation and water conservation purposes. The 2006 response to this comment noted that each of these points was addressed under Impact PS-2 of the EIR. The letter dated October 10, 2006 was submitted subsequent to the 2006 certification of the EIR. The letter generally reiterated the points made in the December 2005 letter.

As noted above in the introduction, the Updated RR EIR included only those changes to the 2006 Final EIR that were required by the Writ of Mandate to meet judicial review. Those changes involved Section 2.0 Project Description, Section 4.3 Biological Resources, Section 6.0 Alternatives, and the Biological Technical Appendix. No changes were necessitated in Section 4.10, *Public Services*, and it was therefore not included in the Updated RREIR.



Letter 8

SOUTHERN CALIFORNIA



ASSOCIATION of GOVERNMENTS

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June 12, 2008

Ms. Allison Cook, Senior Planner
City of Agoura Hills, Planning and Community Development Dept.
30001 Ladyface Court
Agoura Hills, CA 91301
(818) 597-7310 / acook@ci.agoura-hills.ca.us

RE: SCAG Comments on the Revised and Recirculated Draft Environmental Impact Report (DEIR) for the Agoura Village Specific Plan - SCAG No. I20080273

Dear Ms. Cook

Thank you for submitting the Revised and Recirculated Draft Environmental Impact Report (DEIR) for the Agoura Village Specific Plan - SCAG No. I20080273, to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12372 (replacing A-95 Review). Additionally, pursuant to Public Resources Code Section 21083(d) SCAG reviews Environmental Impacts Reports of projects of regional significance for consistency with regional plans per the California Environmental Quality Act Guidelines, Sections 15125(d) and 15206(a)(1). SCAG is also the designated Regional Transportation Planning Agency and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP) under California Government Code Section 65080 and 65082. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

SCAG staff has reviewed this project and determined that the proposed project is regionally significant per California Environmental Quality Act (CEQA) Guidelines, Sections 15125 and/or 15206. The proposed project is intended to guide future development within a portion of the City of Agoura Hills. Full build-out of the Specific Plan would result in the development 235-293 residential units with a total of up to 576,458 square feet of building area. As requested in the Notice of Availability, SCAG staff comments have been limited to the recirculated portions of the draft, revised EIR only. Specifically, Section 2.0 Project Description, Section 4.3 Biological Resources, Section 6.0 Alternatives, and the Biological Technical Appendix. Other parts of the Agoura Village Specific Plan EIR have been previously approved.

We have evaluated this project based on the policies of SCAG's Regional Comprehensive Plan and Guide (RCPG), Regional Transportation Plan (RTP), and Compass Growth Vision (CGV) that may be applicable to your project. The RCPG, RTP and CGV can be found on the SCAG web site at: <http://scag.ca.gov/igr>. The attached detailed comments are meant to provide guidance for considering the proposed project within the context of our regional goals and policies. Please provide a copy of the Final Environmental Impact Report (FEIR) for our review. If you have any questions regarding the attached comments, please contact Christine Fernandez at (213) 236-1923. Thank you.

Sincerely,

Jacob Lieb, Program Manager
Environmental Planning Division

DOCS#146297

**COMMENTS ON THE REVISED AND RECIRCULATED DRAFT
ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE AGOURA
VILLAGE SPECIFIC PLAN - SCAG NO. I20080273**

PROJECT DESCRIPTION

Adoption of the Agoura Village Specific Plan (AVSP) is intended to guide future development within a portion of the City of Agoura Hills. Full buildout of the Specific Plan would result in the development 235-293 residential units; a total of up to 576,458 square feet of building area, which could include office, retail, restaurant, community center and hotel development, and redevelopment of the existing 372,042 square feet of office and retail space. Full buildout potential of the project area is 948,500 sf.

About 129 acres of the total planning area (175 acres) is currently vacant and undeveloped. Three creeks, Medea, Lindero (both are blue line streams), and Chesebro Creek flow through the western and central portions of the project area. Two tributaries flow to Medea Creek. The western tributary is located in the southwest portion of the project area and flows south just west of Kanan Road to Medea Creek. The eastern tributary is located within the south-central portion of the project area. The creeks onsite provide well-developed wetland and riparian ecosystems. The legislative actions required to approve the project include: Agoura Village Specific Plan adoption, Zoning Ordinance Amendment and Map Change, Ladyface Mountain Specific Plan Amendment, and General Plan Amendment.

The site is located in the southern portion of the City of Agoura Hills. The project area includes property on both the north and south side of Agoura Road, from about 1,400 feet west of Kanan Road to about 750 feet east of Cornell Road and includes approximately 86 acres of proposed development area and public rights-of-way. Roadside Drive and U.S. Highway 101 border much of the project to the north. Open space areas border the area along the south.

Site Size	435-175 acres with 86 acres in proposed development zones (inclusive of public infrastructure)
Current Land Use	403-129 acres vacant, 32-46 acres developed with commercial uses including retail, restaurant, office, theatres, and services and public infrastructure

CONSISTENCY WITH REGIONAL COMPREHENSIVE PLAN AND GUIDE POLICIES

The Growth Management Chapter (GMC) of the Regional Comprehensive Plan and Guide (RCPG) contains the following policies that are particularly applicable and should be addressed in the Final EIR.

Regional Growth Forecasts

The Final EIR should reflect the most current SCAG forecasts, which are the 2008 RTP (May 2008) Population, Household and Employment forecasts. The forecasts for your region, subregion, and cities are as follows:

Adopted SCAG Regionwide Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	19,418,344	20,465,830	21,468,948	22,395,121	23,255,377	24,057,286
Households	6,086,986	6,474,074	6,840,328	7,156,645	7,449,484	7,710,722
Employment	8,349,453	8,811,406	9,183,029	9,546,773	9,913,376	10,287,125

Adopted Las Virgenes- Malibu Council of Governments (LV-MCOG) Subregion Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
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Population	94,525	97,304	101,622	105,898	110,027	113,960
Households	32,571	33,610	35,259	36,584	37,841	38,874
Employment	316,766	326,071	339,071	351,525	363,635	374,847

Adopted LV-MCOG Unincorporated Subregion Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	21,925	22,910	25,541	28,047	30,529	32,888
Households	7,241	7,526	8,452	9,174	9,872	10,447
Employment	16,723	17,077	17,304	17,570	17,854	18,126

Adopted City of Agoura Hills Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	23,348	23,357	23,401	23,439	23,472	23,501
Households	7,486	7,544	7,605	7,652	7,698	7,736
Employment	11,942	12,277	12,491	12,743	13,011	13,269

1. The 2008 RTP growth forecast at the regional, county and subregional level was adopted by the Regional Council in May 2008. City totals are the sum of small area data and should be used for advisory purposes only.

GMC POLICIES RELATED TO THE RCPG GOAL TO IMPROVE THE REGIONAL QUALITY OF LIFE

The Growth Management goals to attain mobility and clean air goals and to develop urban forms that enhance quality of life, that accommodate a diversity of life styles, that preserve open space and natural resources, and that are aesthetically pleasing and preserve the character of communities, enhance the regional strategic goal of maintaining the regional quality of life. The evaluation of the proposed project in relation to the following policies would be intended to provide direction for plan implementation, and does not allude to regional mandates.

- 3.15 *Support local jurisdictions' strategies to establish mixed-use clusters and other transit-oriented developments around transit stations and along transit corridors.*
- 3.16 *Encourage developments in and around activity centers, transportation corridors, underutilized infrastructure systems, and areas needing recycling and redevelopment.*

SCAG Staff Comments: As presented in the draft, revised EIR, the Agoura Village Specific Plan is intended to create a pedestrian-oriented community that will reduce the need for auto travel through planned growth, mixed-use development, and incorporation of the natural landscape. Several areas (zones) would allow for retail and office uses as well as mixed use and standalone residences. Multiple elements to promote walk-ability through the entire project site such as a unified streetscape, storefronts lining Agoura Road, and lane reduction along Agoura road are included as part of the project [Chapter 2.4.2: Planning Components]. It would be helpful if the proposed project addressed the issue of transit accessibility since the proposed project does not seem to be situated along a transit corridor nor mention transit availability that would reduce the need for auto travel from neighboring communities. The other elements of walk-ability and mixed use are generally consistent with SCAG's regional policy of improving the regional quality of life.

- 3.18 *Encourage planned development in locations least likely to cause adverse environmental impact.*
- 3.19 *Support policies and actions that preserve open space areas identified in local, state, and federal plans.*

- 3.20 *Support the protection of vital resources such as wetlands, groundwater recharge areas, woodlands, production lands, and land containing unique and endangered plants and animals.*
- 3.23 *Encourage mitigation measures that reduce noise in certain locations, measures aimed at preservation of biological and ecological resources, measures that would reduce exposure to seismic hazards, minimize earthquake damage, and to develop emergency response and recovery plans.*

SCAG Staff Comments: Under the proposed project, a total of 89 acres of the project site (currently undeveloped) would remain undeveloped and given an open space designation in the proposed specific plan. Chapter 6.1.3 Biological Resources states, "The proposed Specific Plan would increase the acreage designated for Open Space from about 1.5 acres under the current General Plan to about 32 acres." Except for Zone F, and portions of Zone B & E, development is restricted to already disturbed areas. As mentioned in chapter 6.1.3 even with restrictions of developable areas, "full build out of the Specific Plan would impact locally and regionally significant natural communities, including Southern Arroyo Willow Riparian/Southern Willow Scrub and Valley Needlegrass Grassland." Additional impacts would include the loss of individual oak trees and stands and impacts to Coastal Sage Scrub habitat. However, a number of mitigation measures have been included to preserve open space and avoid impacts to existing biological and ecological resources in developable areas which make the proposed project generally consistent with SCAG regional policies 3.18 to 3.20 and 3.23.

OPEN SPACE AND CONSERVATION CHAPTER

The Open Space and Conservation Chapter goals related to the proposed project include:

- 9.01 *Provide adequate land resources to meet the outdoor recreation needs of the present and future residents in the region.*
- 9.08 *Develop well-managed viable ecosystems or known habitats of rare, threatened and endangered species, including wetlands.*

SCAG Staff Comments: See Staff comments for GMC Policies Related to the RCPG Goal to Improve the Regional Quality of Life. Mitigation measures have been included which make the proposed project generally consistent with the goals of the Open Space and Conservation Chapter. These measures include, but are not limited to, avoidance of native habitat in the developable areas, preparation of an oak tree preservation program, preparation of a riparian habitat and creek protection program, and avoidance of invasive species for landscaping.

GROWTH VISIONING

The fundamental goal of the Compass Growth Visioning effort is to make the SCAG region a better place to live, work and play for all residents regardless of race, ethnicity or income class. Thus, decisions regarding growth, transportation, land use, and economic development should be made to promote and sustain for future generations the region's mobility, livability and prosperity. The following "Regional Growth Principles" are proposed to provide a framework for local and regional decision making that improves the quality of life for all SCAG residents. Each principle is followed by a specific set of strategies intended to achieve this goal.

Principle 2: Foster livability in all communities.

- GV P2.2 *Promote developments, which provide a mix of uses.*
- GV P2.3 *Promote "people scaled," walkable communities.*

Principle 4: Promote sustainability for future generations.

- GV P4.1 *Preserve rural, agricultural, recreational, and environmentally sensitive areas.*

June 12, 2008
Ms. Cook

SCAG No. I20080273

SCAG Staff Comments: See Staff comments for GMC Policies Related to the RCPG Goal to Improve the Regional Quality of Life and the Open Space and Conservation Chapter. The proposed project is generally consistent with Growth Visioning Principles GVP 2.2, GVP 2.3, and GVP 4.1.

CONCLUSION

All feasible measures needed to mitigate any potentially negative regional impacts associated with the proposed project should be implemented and monitored, as required by CEQA.

When a project is of statewide, regional, or areawide significance, transportation information generated by a required monitoring or reporting program shall be submitted to SCAG as such information becomes reasonably available, in accordance with CEQA, Public Resource Code Section 21018.7, and CEQA Guidelines Section 15097 (g).

Letter 8

COMMENTER: Jacob Lieb, Program Manager, Southern California Association of Governments

DATE: June 12, 2008

RESPONSE:

Response 8

The commenter states that the Final EIR should reflect the most current SCAG forecasts, which are the 2008 RTP (May 2008) population, Household and Employment forecasts. The commenter also suggests that it would be helpful if the project addressed the issue of transit accessibility. Lastly, the commenter notes that the other elements of walk-ability and mixed use are generally consistent with SCAG's regional policy of improving the regional quality of life.

The City of Agoura Hills has recirculated revised portions of the 2006 EIR for this project in response to the writ of mandate described in the introduction. The City has determined that pursuant to CEQA Guidelines Section 15088.5(f)(2) only those comments regarding recirculated sections of the EIR are appropriate for discussion at this time. This comment pertains to other sections of the EIR not recirculated, for which the comment period closed on January 3, 2006 and the City will not be providing a response regarding transit accessibility.

Further, pursuant with Section 15125 of the CEQA Guidelines "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." Thus, as the Updated RREIR included only those changes to the 2006 Final EIR that were required by the Writ of Mandate, Section 2.0 Project Description, Section 4.3 Biological Resources, Section 6.0 Alternatives, and the Biological Technical Appendix, it is unnecessary to update population, Household and Employment forecasts. As provided for in the CEQA Guidelines, the numbers used in the Updated RR EIR represent the best available information at the time of the notice of preparation of the EIR. It is further important to note that given that the project is generally consistent with SCAG's regional policy of improving the regional quality of life, updating of the requested information would not result in any new significant environmental effects.

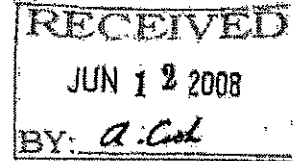


Letter 9



**PUBLIC WORKS AGENCY
TRANSPORTATION DEPARTMENT
Traffic, Advance Planning & Permits Division**

MEMORANDUM



DATE: June 6, 2008

TO: Resource Management Agency, Planning Division
Attention: Kari Finley

FROM: Nazir Lalani, Deputy Director

SUBJECT: **REVIEW OF DOCUMENT 08-501, AGOURA VILLAGE SPECIFIC PLAN.**
Notice of Availability and Notice of Intent to a Adopt and Public Hearing Draft
Revised and Recirculated Environmental Impact Report.
Southern portion of the City of Agoura Hills, on Agoura Road, Los Angeles County.
Lead Agency – City of Agoura Hills

*via e-mail from
Kari Finley*

The Public Works Agency – Transportation Department has reviewed the Revised and Recirculated Draft Environmental Impact Report (EIR) for the Agoura Village Specific Plan (AVSP). The project proposes the adoption of the AVSP to guide future development within a portion of the City of Agoura Hills. Full buildout of the AVSP would result in the development of 235-293 residential units; a total of up to 576,458 SF of building area, which could include office, retail, restaurant, community center, and hotel development; and redevelopment of the existing 372,042 SF of office and retail space. The 135-acre site is located in the southern portion of the City of Agoura Hills. The project area is located around the intersection of Agoura and Kanan Roads.

We have these comments:

- A
1. We generally concur with the comments in the Mitigated Negative Declaration and Initial Study for those areas under the purview of the Transportation Department. However, no project specific impacts on County roadways were identified in the Draft EIR.
- B
2. The cumulative impact of this project, when considered with the cumulative impact of all other approved (or anticipated) development projects in the County, is potentially significant. The agreement between the City of Agoura Hills and the County of Ventura dated February 2, 1992, as attached, requires the City to condition projects to mitigate the traffic and circulation impacts. If the project cumulative impacts are not mitigated, current General Plan (GP) policy will require County opposition to this project.

Page 2-6 of the Revised and Recirculated Draft EIR, dated April 2008, provides that the project would be primarily implemented and funded by private developers owning parcels in the Specific Plan area. When developments are proposed, the City of Agoura Hills should require projects to mitigate any site specific or cumulative impacts to Ventura County Regional Road Network. To address the cumulative adverse impacts of traffic on the Regional Road Network, the projects should be required to pay a Traffic Impact Mitigation Fee (TIMF) to the County in accordance

with the Ventura County TIMF Ordinance 4246 and the County GP Policy 4.2.2. This approach is consistent with the position taken by the City of Agoura Hills in a letter dated April 25, 2002, when commenting on the Ahmanson Ranch Supplemental EIR (a copy of the letter is attached).

Our review is limited to the impacts this project may have on Ventura County's Regional Road Network.

Please call me at 654-2080 if you have questions.

email c: Allison Cook, Planning and Community Development Department, City of Agoura Hills
acook@ci.agoura-hills.ca.us

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Letter 9

COMMENTS: Nazir Lalani, Director, County of Ventura Public Works Agency,
Transportation Department

DATE: June 06, 2008

RESPONSE:

Response 9A

The commenter states that the County (Ventura County) "generally concurs with the comments in the Mitigated Negative Declaration and Initial Study for those areas under the purview of the Transportation Department. However, no project specific impacts on County roadways were identified in the DEIR."

The commenter refers to a MND and IS; however, the document circulated for public comment was an Updated Revised and Recirculated EIR. The Updated RR EIR included only those changes to the 2006 Final EIR that were required by the Writ of Mandate to meet judicial review. Those changes involved Section 2.0 Project Description, Section 4.3 Biological Resources, Section 6.0 Alternatives, and the Biological Technical Appendix. The 2006 EIR discussed traffic impacts and mitigation in Section 4.11, *Transportation and Circulation*. No changes were necessitated in Section 4.11 and it was therefore not included in the Updated RR EIR. The comment does not pertain to the recirculated sections of the EIR and therefore no further response is necessary.

Response 9B

The commenter notes that the cumulative impact of this project, when considered with the cumulative impact of all other approved (or anticipated) development projects in the County is potentially significant. Further, the commenter identifies an agreement that is in place between the City of Agoura Hills and the County of Ventura dated February 2, 1992, which requires the City to condition projects to mitigate traffic and circulation impacts. If the project cumulative impacts are not mitigated, current County of Ventura General Plan policy would require County opposition to the project.

As noted above, the City of Agoura Hills has recirculated revised portions of the 2006 EIR for this project in response to the writ of mandate described in the introduction. As such, the City has requested only those comments regarding recirculated sections of the EIR be provided. CEQA Guidelines Section 15088.5(f)(2). This comment pertains to Section 4.11, *Transportation and Circulation*, which has not changed from the 2006 Final EIR and was not recirculated. The comment period for the 2006 EIR closed on January 3, 2006.



Letter 10

Scott E. Franklin
International Consultant
Urban Wildland Fire Management
25059 Highspring Ave.
Santa Clarita, CA 91321
(661) 254-2376
fax (661) 254-2376
email Scott@Fireconsult.net
web page: www.fireconsult.net

June 3, 2008

Agoura Hills City Council
c/o Allison Cook
30001 Ladyface Court
Agoura, CA 91301

Via Certified Mail

RE: Agoura Village Specific Plan Environmental Impact Report ("EIR")

Council Members:

Thank you for the opportunity to comment on the Agoura Village Specific Plan EIR. My services were requested and acquired by residents who live near the project. They are concerned the EIR does not appropriately address their concerns related to the threat of wildfire in their area. They are concerned the proposed project increases their threat of wildfire, and the EIR does not address this significant threat, nor introduce any mitigation measures that would reduce this threat, in particular to emergency evacuation. The following are my comments as an expert in this field.

Agoura Village Specific Plan EIR

Agoura Village Specific Plan is a proposed development within the Wildland Urban Interface (WUI) of the Santa Monica Mountains. In addition, the project is within a "High Hazard Fire Severity Zone", as identified by the State of California and the County of Los Angeles.

GA In my study of the EIR, I found it to be completely deficient in identifying or providing mitigation measures for the catastrophic wildfire threat that has historically occurred in the Agoura/Calabasas area.

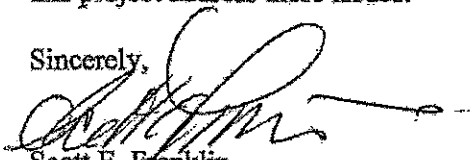
The Agoura Village Specific Plan (Final EIR March 2006) is deficient in the following ways:

- EIR fails to identify project is within a HIGH HAZARD FIRE SEVERITY ZONE. (State of California, County of Los Angeles).

- EIR fails to identify project is within a designated "HISTORICAL WILDFIRE CORRIDOR".
- EIR fails to mention "Historical Wildfire" history of the area.
- EIR provides NO FIRE RESOURCE ELEMENT.
- EIR fails to address cumulative CATASTROPHIC WILDFIRE impact upon local residents, south of proposed development.
- EIR fails to address cumulative impact upon "NATURAL RESOURCE AREAS" directly south of proposed development.
- EIR fails to address "EMERGENCY EVACUATION" of residents south of development, associated with historical catastrophic wildfire.
- EIR fails to address or provide any mitigation, including funding, for the above identified historical catastrophic wildfire impacts.
- EIR fails to address "EMERGENCY MEDICAL RESPONSE REQUIREMENTS" for this significant urbanization impact.
- EIR fails to address required long term "VEGETATION MANAGEMENT" as required in HIGH FIRE HAZARD SEVERITY ZONES.
- EIR is deficient in identifying proposed development landscape plan that is required in a Specific Plan within a HIGH HAZARD FIRE SEVERITY ZONE.

The fact this plan is in a high fire hazard severity zone and in a historic wildfire corridor means the plan's impact is significant in regard to fire safety. Federal, State, and local laws, in addition to the California Environmental Quality Act requires the EIR supporting this project address these issues.

Sincerely,



Scott E. Franklin
Scott Franklin Consulting

Scott E. Franklin
International Consultant
Urban Wildland Fire Management
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Santa Clarita, CA 91321
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website <http://www.c-s.net/fireconsult>

OBJECTIVE

To provide services with regard to Urban-Wildland Fire Management planning, including vegetation, environmental impacts and land use; expert testimony concerning urban wildland fire protection, prevention, suppression and management.

PROFESSIONAL EXPERIENCE

1991-Present: Proprietor and manager of an independent consulting firm specializing in urban wildland interface -"I" Zone vegetative fuel treatment including prescribed fire, crushing and burning, strategic recycling and vegetation enhancement. Expert consultation regarding wildfire litigation.

1981-1991: Fire Captain and Vegetation Management Officer, County of Los Angeles Fire Dept. Developed and supervised Los Angeles County Prescribed Burn Program, burning over 32,000 acres of chaparral in the Areas of Santa Monica Mountains, including Bel-Air, Topanga Cyn., Santa Clarita Valley, San Gabriel Mountains, Whittier and Baldwin Hills.

1962-1981: Fire Captain, LACoFD; Fire suppression supervision and training.

1959-1962: Fire Apparatus Engineer, LACoFD; Responsible for driving specialized Wildland Fire equipment as well as structural fire apparatus.

1955-1959: Firefighter, LACoFD; working in wildland fire areas of Los Angeles County.

CERTIFICATION

Prescribed Fire Manager and Chaparral Management Instructor, California Dept. of Forestry (CDF).

BEHAVE Fire Behavior and Fuel modeling System Instructor, CDF & USDA Forest Service.

Advanced Fire Behavior, S-490; CDF & USDA.

Archaeological Site recognition; CDF.

Smoke Management Techniques, CDF.

PROFESSIONAL RECOGNITION AND AFFILIATIONS

2006-Present, San Diego County CEQA Consultant, Fire Protection Planning

2005-Present, Member Association of Environmental Professionals (AEP)

1993-94 Member, Wildfire Safety Panel, County of Los Angeles

1993-Present: Member, California Urban Forests Council.

1990-Present: Member, California Native Plant Society.

1978-82-Chairperson, California Water Commission.

1980 Member, Governor's Task force on Fire Flood Cycle.

Scott E. Franklin
International Consultant
Urban Wildland Fire Management
25059 Highspring Ave.
Santa Clarita, CA 91321
(661) 254-2376
Fax (661) 254-2376
email Scott@Fireconsult.net
website <http://www.c-s.net/fireconsult>

SELECTED PUBLICATIONS, PRESENTATIONS AND REPORTS

- 1995 Presenter, Brush Fires in California - Fuel Management, Fire Behavior and Prescribed Burning. U.C. Irvine.
- 1995 Presenter to IAWF, Chaparral Management Techniques for Development: Public and Government Perceptions. Coeur d'Alene ID.
- 1993 Presenter to IBAMA, Brazil. Wildland Fire and Management Techniques, Brasilia Brazil.
- 1992 Presenter to Assoc. of Bay Area Govnts (ABAG) Oakland Hills Fire - Liability and Fuel management Issues. Oakland, CA.
- 1990 Presenter to the University of Menendez, The Role of Fire in Mediterranean Type Ecosystems, Valencia, Spain.
- Fremontia, October 1993 Chaparral Management Techniques: An Environmental Perspective.
- California's I Zone 1996-Urban wildland Fire prevention and Mitigation :Fuel Management. Prepared for California Department of Forestry and Fire Protection, State Fire Marshal.

INNOVATIONS

Developed Fire Service/Community participation for brush removal and hazard abatement in Los Angeles County.
Developed Fuel Management techniques to reduce chaparral fuel loading in and around Wildland Urban Interface Communities.

AREAS OF INTEREST

Preparation of Fire Safe planning Criteria for residential development in the wildland Urban Interface.
Chaparral Management in an Urbanized setting, with specific attention to environmental concerns.
Expert Assessment, Urban Wildland Fire Litigation.

REFERENCES AND TESTIMONY

California Department of Forestry and Fire Protection
County of Los Angeles Fire Dept.
City of Los Angeles Fire Dept.

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Santa Barbara County Fire Dept.
San Bernardino City Fire Dept.
San Diego County Department of Planning and Land use
City of Laguna Beach Fire Dept
Collins Law Firm, Santa Monica, CA

Development Projects: Roger Van Wert Project Expediter (310) 850-5675
In excess of ten projects in Los Angeles County termed "High Risk"
Michael Huff, Dudek & Associates: (760) 947-5147 (City of Chula Vista, CA)
Peter Hummel, Anchor Environmental, Seattle, WA (Sedgwick Reserve, UC Santa
Barbara)
John Polito, Project Expediter, (805) 494-0764
Michael Williams, PhD, Sedgwick Reserve Director (805) 686-1941
Dr. Phil Riggan USDA-forest Service, Fire Lab, Riverside, CA

Letter 10

COMMENTER: Scott E. Franklin, International Consultant, Urban Wildland Fire Management

DATE: June 03, 2008

RESPONSE:

Response 10

The commenter states that his services were requested and acquired by residents who live near the project, due to their concern that the proposed project increases their threat from wildfire, and that the EIR does not address this significant threat, nor introduce any mitigation measures that would reduce this threat, particularly with regards to emergency evacuation.

As noted above, the City of Agoura Hills has recirculated revised portions of the 2006 EIR for this project in response to the writ of mandate described in the introduction. The City has determined that pursuant to CEQA Guidelines Section 15088.5(f)(2) only those comments regarding recirculated sections of the EIR are appropriate for discussion at this time. This comment mainly pertains to Sections 4.5, *Hazards and Hazardous Materials*, and 4.10, *Public Services and Utilities*, which have not changed from the 2006 Final EIR and were not recirculated. The comment period for the 2006 EIR closed on January 3, 2006. Note, other wildfire hazards and related impacts (i.e. fuel modification) and measures were also addressed in Sections 4.7, and 4.8 of the 2006 Final EIR. Emergency evacuation was addressed in Sections 4.5 and 4.10. As this comment pertains to impacts already addressed in portions of the EIR which were not updated or recirculated, no further response is necessary.

Letter II
*

ALSO
Submitted 6/5/08
to Agoura Hills Planning
Commission


Serena Friedman, M. D.
28705 Wagon Road
Agoura, Ca. 91301

April 17, 2000

FAX SENT APRIL 17, 2000 then SENT CERTIFIED

Lee Stark
Renee Campbell - Chairperson
Members of the Los Angeles Regional Planning Commission
320 West Temple Street
Los Angeles, Ca 90012

Dear Regional Planning Board,



Please consider the enclosed information before your final vote on the North Area Plan. As you should be well aware the land south of the Ventura 101 Freeway in the area of Kanan Road and its adjacent areas are uniquely different from the vast majority of land in the North Area Plan. Zoning which may be appropriate for the City of Agoura Hills or even parts of Calabasas cannot and should not be applied to the Cornell-Kannan Corridor and to the Las Virgenes SEA Number 6 (Significant Ecologic Area). Clustered housing as is proposed to be permitted with "bonus densities" and urbanization by curbed streets, traffic lights, no side yards, and mass clustering are out of character with the intended land use within these refreshing mountain vistas, sloping terrain and virgin slopes. A recent Biota Report analysis shows Federally endangered plant species (The Lyon's pentachaeta and the Dudleya cymosa) and State and Federally threatened animals and plants (including the the Cooper's hawk, the rufous-crowned sparrow, The San Diego Desert Woodrat, whiptails, and the San Diego homed lizard to just name a few) to exist within the land within and adjacent to The Las Virgenes SEA #6. This area has been identified as the route for animal migration through the Santa Monica Mountains. Wildlife corridors and habitat linkages to maintain ecosystem stability are extremely important. Preservation of the riparian habitat is, of course, a mandate for the identified goals of preservation of the Santa Monica Mountains set more than 20 years ago when I attended the meetings of the Santa Monica Mountains Conservancy Advisory Board.

April 19, 2000

Page 2

I have a complete copy of this Biota Report, which identified the species which are endangered and has additional significant information. I can provide you with the full report and its updates on your request. In fact it would be foolish and short sighted to vote to change the permitted zoning, allowing clustered density housing within this area, with out the fullest understanding of what irreversible harm you could potentially do to this magnificent natural resource. In late February I went to personally speak to Dr. Koutnik who is the Los Angeles County resource person for information about SEA's. He offered me the 1976 SEA 6 Report, which identified plants found no where else in the Santa Monica Mountains, but the information I have supersedes this and needs to be reviewed in detail by the county. It was prepared by the very reputable Envicom Inc., in Agoura Hills. It is extraordinary in how comprehensive it is and the implications it has would affect zoning AND area planning decisions for the next century. Please contact me for a copy of this report. The Board of Supervisors, likewise, will need to thoroughly review this report before any finalization of Area Plan changes. Review of proposed buildouts in this area by the City of Agoura Hills (correspondence to James Hartl and Tabitha Lam in your Dept. of Regional Planning, dated March 10th, 1999) stated this area (next to and within Sea 6) "is seriously constrained by the SEA designation, the presence of resources ranging from rare and endangered plant species to significant archaeological deposits." In fact, they recommended reduced alternatives to high-density buildout in this area. "This alternative should ensure preservation of more of the habitat supporting rare and endangered plants, oak woodlands, and riparian areas ..." "This alternative should delete construction within the Medea Creek Riparian Corridor which may have the potential to result in riparian habitat impacts ..." and they emphasized the "environmental sensitivity" of this area. Overall North Area Plan decisions now could direct the future permit process in an "environmentally sensitive) manner for any construction in this area and along Lady Face Mountain (Kanan Road near Cornell Road) in Agoura.

TRAFFIC IMPACTS

In the letter dated 3-10-99 from Steve Craig, Environmental analyst for the City of Agoura Hills, addressing the Live Oak Project No. 97-178 he analyzed existing traffic data and concluded "with the exception of one small portion of the property the Santa

April 19, 2000

Page 3

Monica Mountains Comprehensive Plan designates the proper development density for this property as one unit per 20 to 40 acres (density dependent on environmental constraints)." The City of Agoura Hills and all of us who live in this immediate area feel the impact of traffic with permitted construction of higher than one unit per 20 to 40 acres will impact and exceed the carrying capacity of the intersections of the 101 Freeway and Agoura Road at Kanan Road and also East and West of this intersection. The data to prove this is readily available.

On 9-28-99 a Traffic Analysis was prepared for the City of Agoura Hills by Traffic Engineers Linscott, Law, and Greenspan. The existing conditions of Level of Service during AM and PM peak travel hours are level of service (LOS) D (significant delays and many vehicles have to stop) and LOS F (intersection is jammed, traffic backs up, called gridlock - standstill traffic). This data covers the intersections of Lindero Canyon Road and Agoura Road, the 101 freeway and offramps Reyes Adobe and Kanan Road, Canwood Street parallel and north of the 101 Freeway and Kanan Road as well as Kanan Road and Agoura Road, parallel to the 101 Freeway and south of it. As if that were not enough with ambient growth and with related proposed projects all nine study intersections are incrementally increased by the addition of traffic generated by these projects. Peak hour traffic consequently in 9 out of 12 intersections moves to LOS E (cars cannot get through a green light, long queues form, substantial delays take place in all directions) and LOS F (excessive delays, lines, standstill traffic, back-ups everywhere.) The remaining three intersections will still be very poor at LOS D. This does not take into consideration the massive beach traffic seasonally along Kanan Road. There is no immediate solution or mitigation measure, which could resolve this problem for the short term.

It would be very short sighted for a Regional Planning Board to not strongly consider this information and address it in revising the North Area Plan. The City of Agoura Hills and we, the residents of the Area, wish you to consider preservation of the rural streetscapes, uncurbed and unlit roads which are not excessively widened in this area and which give it its rural character compatible with preservation of open space. Agoura Hills warns in its traffic report that excessively wide streets here and widening of Kanan Road south of the 101 Freeway "will require the conversion of unnecessary open space and encourage the enhancement of infrastructure that is likely to be growth inducing.....proposed

April 19, 2000

Page 4

project(s) should be adjusted to respect the existing roadway capacity and design."

As you are aware you closed your period for public oral commentary and despite the fact that changes were made in the North Plan in the final weeks prior to this closing you did not permit me to speak at your 2-28-00 hearing. I did submit comments in a prior written correspondence. Preserving this scenic corridor and riparian habitat at Lady Face Mountains and the entry into the Santa Monica Mountains was a goal established twenty years ago. Please seriously acknowledge how your Area Plan decisions today will set allowances for the preservation of these irreplaceable resources.

Cordially yours,



Serena Friedman, M. D.
818-702-9962

also
submitted
6/5/08
to Agoura Hills City
Planning Commission

Letter 11

COMMENTER: Serena Friedman, M.D.

DATE: April 17, 2000

RESPONSE:

Response 11

The commenter submitted a letter dated April 17, 2000. The letter was addressed to the Los Angeles County Regional Planning Commission in regards to the Santa Monica Mountains North Area Plan (SMMNAP), adopted October 24, 2000 by the County of Los Angeles. The SMMNAP includes several disjunct portions of Los Angeles County excluding the City of Agoura Hills, and subsequently the Agoura Village Specific Plan area.

CEQA Guidelines (Section 15204, Focus of Review) state that "in reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated." The commenter's letter does not pertain to the environmental effects of the Agoura Village Specific Plan EIR and, therefore, no further response is necessary.

Note, Dr. Friedman also provided oral comments at a public hearing on June 5, 2008. These comments are addressed at the end of this document.

Letter 12

From: Esqteach3@aol.com [mailto:Esqteach3@aol.com]
Sent: Sunday, June 29, 2008 5:13 PM
To: Allison Cook
Subject: Agoura Village- no more apartments please. Condos and mixed use okay

Dear Ms. Cook,

I called the other day to find out about the Agoura Village development and want to thank you for the informative message you left on my voicemail. I later saw the Public Notice in the Acorn about the EIR. I have been unable to access the EIR re Agoura Village at the Agoura Hills city site, so I am afraid my comments are made without the benefit of knowing things that may already in the report; but, as a resident of Agoura Hills for 21 years, I wanted to chime in.

I am not adverse to development. I want to see the young people, many of whom were raised in Agoura and want to stay and settle here, be able to do so. I actually think the mixed use concept is an innovative, good idea because it would spread traffic use more evenly, bring some tax revenue to the city, and provide more housing.

A I strongly favor the development of condominiums rather than apartments, however. PLEASE NO MORE APARTMENTS. Individual ownership of a home or condominium brings with it a personal investment in and commitment to the community that we need. Corporate owners and apartment dwellers rarely share the same commitment to the quality of life in the city.

My other concerns would be:

- 1. Sufficient parking (2 spaces each unit plus guest parking available);
- 2. Parking shielded from street view;
- 3. Utilities be underground,;
- 4. 2 story height restriction;
- 5. Wildlife preservation and migration;
- 6. Open spaces and greenbelts provided; and
- 7. Traffic concerns.

I don't know whether you want this type of comment or more technical responses to the report, but I think these are the practical concerns of Agoura Hills residents. Thank you for listening.

Sincerely,

Pat Riley

Letter 12

COMMENTER: Pat Riley

DATE: June 29, 2008

RESPONSE:

The commenter notes that they have not been able to review the environmental document, and have provided comments without the benefit of knowing things that may already be in the report.

Response 12A

The commenter states that they are in favor of the development of condominiums rather than apartments, noting that individual ownership of a home or condominium brings with it a personal investment in and commitment to the community. This comment is noted; however, it does not pertain to the adequacy of the environmental document. Therefore, no further response is necessary.

Response 12B

The commenter notes a concern in regards to sufficient parking, parking location (shielded from street view), underground utilities, two story height restriction, and traffic concerns.

As noted above in the introduction, the Updated RR EIR included only those changes to the original Final EIR that were required by the Writ of Mandate to meet judicial review. Those changes involved Section 2.0 Project Description, Section 4.3 Biological Resources, Section 6.0 Alternatives, and the Biological Technical Appendix. The City has determined that pursuant to CEQA Guidelines Section 15088.5(f)(2) only those comments regarding recirculated sections of the EIR are appropriate for discussion at this time. The commenter's concerns were addressed in the 2006 EIR in Sections 4.1, *Aesthetics*; 4.8, *Land Use and Planning*; 4.10, *Public Services and Utilities*; and 4.11, *Traffic and Circulation*. This comment pertains to other sections of the 2006 EIR not recirculated, for which the comment period closed on (January 3, 2006) and therefore, no further response is required.

Response 12C

The commenter notes a concern in regards to wildlife preservation and migration, and open spaces and greenbelts.

The comment is noted; however, the CEQA Guidelines (Section 15204, Focus of Review) state that "in reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated." Section 4.3 of the Updated RR EIR discusses wildlife movement corridors and migratory species with the potential to utilize the site in detail in the environmental setting and under Impacts BIO-1 and BIO-5. This section assessed whether the proposed project would have an adverse impact on



wildlife corridors, wetlands, oak trees, sensitive communities, and sensitive species, and where appropriate, prescribed mitigation measures. Open space resources are also thoroughly characterized in Section 2.0, *Project Description*, as well as in Section 4.3, *Biological Resources*. It is noted that most of the Specific Plan area will be designated as open space (Zone G).

As the commenter does not address a specific environmental concern and does not address the adequacy of the EIR, this comment is noted, but does not require further analysis under CEQA.

Letter 13

July 24, 2008

CITY OF AGOURA HILLS

2008 JUL 17 PM 7:06

CITY CLERK

Agoura Hills Planning Commission and Planning
Director Mike Kamino
30001 Ladyface Court
Agoura Hills, CA 91301

RE: Supplemental EIR Agoura Village

Dear Agoura Hills Planning Commission:

Happy Summer. I just thought I would submit my comments as I cannot stay long at the planning commission meeting tonight.

A
B
I trust you are in receipt of Fire Expert Scott Franklin's comments regarding the Environmental Impact Report for Agoura Village Specific Plan. Because you chose the first comment period over the holidays not last year but the year before, we were taken aback by the sheer massive size of the project, and could not really believe you were entertaining a project of this size, thus missed commenting on some obvious flaws in the draft EIR. I trust you will correct the errors in the report in regard to the extreme fire danger you are subjecting the surrounding neighbors to, and that you will find ways to mitigate this serious threat.

C
D
I hope the planning commission will take a stand, as they did in Ventura County with the Ahmanson Ranch project, and vote a symbolic "no" on this harmful project. Attached are letters from our local "Acorn" newspaper regarding the Kanan 101 interchange, and how, you know we all thought the cloverleaf would do much more to alleviate the traffic than it did. Common sense tells you to scale down the massive size of "Agoura Village" now to avoid serious traffic problems that the EIR did not adequately address. The traffic report supposes the "fix" of the interchange did way more than it actually did.

E
Just also want to point out from an economic standpoint, you are completely missing the mark on the recreation potential of this area. You are in effect *adding competing businesses* to what we already have in Agoura, rather than zoning an attraction like a water park with pools, slides, and cabanas for people who do not want to drive all the way to the beach for recreation, thus allowing and encouraging our existing restaurants, movie theatre and stores to flourish.

You are turning "our town" into an Azusa or some other non-descript freeway town destroyed and overcrowded, and in 50 years, could be blighted like the valley. You will even kill the existing popular "night life" on Agoura Road as people drive there to "escape" the valley.

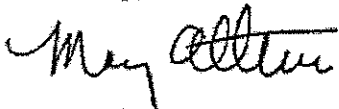
Needless to say you are also gambling with people's property values, as the reason why Agoura Hills has not lost it's value is because it is still a relatively safe community. By adding this massive development, you will be attracting the crime and degradation people hope to avoid.

If the City is in trouble financially, you must find other ways to overcome this. Destroying the place with overdevelopment in hopes of the pittance you raise in taxes is not the answer.

F Finally, we come to the issue near and dear to my heart: the fact this project is in a significant wildlife corridor in a significant biological area. I trust the agencies will comment and you will take these comments seriously this time.

All I ask is you talk to your wives and neighbors about this project. Everyone I talk to thinks you are either bought off, greedy, or insane. This isn't some crap shoot that could work or could not; this is our home. This is our town. This is important.

Sincerely,



Mary Altmann
Citizens for Sensitive Development

Letter 13

COMMENTER: Mary Altmann, Citizens for Sensitive Development

DATE: July 24, 2008

RESPONSE:

Response 13A

The commenter notes her surprise in 2006 at the size of the project.

This comment is noted.

Response 13B

The commenter refers to a letter submitted by Fire Expert Scott Franklin and notes that there are errors in the EIR regarding fire danger.

This letter was responded to under Response Letter 6.

Response 13C

The commenter states that she hopes that the Planning Commission will vote a symbolic "no" on this project and refers to such a vote made on the Ahmanson Ranch project.

This comment is noted; however, it does not address a specific environmental concern nor does it address the adequacy of the EIR. Therefore, the comment does not require further analysis under CEQA.

Response 13D

The commenter attached five articles from the local "Acorn" newspaper regarding the Kanan Road 101 interchange. The commenter states her opinion along with those from the newspaper that the Kanan/101 interchange improvement project has done less to alleviate traffic than was anticipated. Because of this, the commenter notes that Agoura Village should be scaled down now to avoid serious traffic problems that in the commenter's opinion the EIR did not adequately address.

The City of Agoura Hills has recirculated revised portions of the 2006 EIR for this project in response to a court decision. The City has determined that pursuant to CEQA Guidelines Section 15088.5(f)(2) only those comments regarding recirculated sections of the EIR are appropriate for discussion at this time. This comment pertains to Section 4.11 of the 2006 EIR, *Transportation and Circulation*, which was not recirculated. The comment period for the 2006 DEIR closed on January 3, 2006. The comment does not pertain to the recirculated sections of the EIR and therefore no further response is necessary.



Response 13E

The commenter states her opinion that from an economic standpoint the project is “completely missing the mark on the recreational potential of this area.” Further, the commenter states an opinion that the proposed project will attract crime and degradation to the area and provides an opinion regarding the tax return to the City with respect to the project.

Section 15131 of the State CEQA Guidelines addresses how economic and social effects are to be examined in an EIR. This section indicates that economic or social information may be included in an EIR or may be presented in whatever form the agency desires. However, the analysis in the EIR is focused on the physical effects on the environment. Specifically, this section states that;

“Economic or social effects of a project shall not be treated as significant effects on the environment.....The focus of the EIR analysis shall be on the physical changes to the environment.”

Although the EIR does not treat economic or social effects of the project as significant effects, Section 5.0, *Growth Inducing Impacts*, provides a detailed examination of population, housing and job growth estimates for the City; however, as discussed in the introduction, this section has not been updated or changed and was not recirculated. No further analysis or response is required.

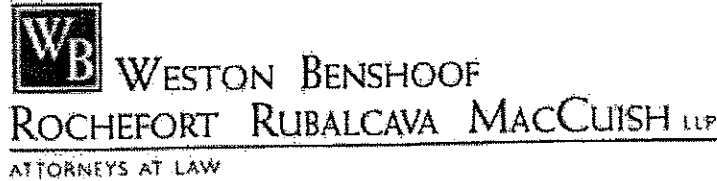
Response 13F

The commenter states that the project is in a significant wildlife corridor in a significant biological area.

This comment is noted. Section 4.3, *Biological Resources*, discusses the potential for habitat linkages in detail on pages 4.3-41 through 4.3-45, and 4.3-66 through 4.3-68. As stated under Impact BIO-5, “The eastern most portion of the Specific Plan area is directly adjacent to open space lands and a Los Angeles County Significant Ecological Area (SEA #6). However, the proximity of this area to existing urban uses, the small size of the project area, and the odd shape of this piece of land in the context of the larger surrounding area of open space, would make it an unlikely movement corridor for wildlife. Although there is no waterway traversing this expanse of the Specific Plan area, Cheseboro Creek traverses the developed portion of the Specific Plan area to the north. The Creek extends from the east, from Cheseboro Canyon. Also channelized, Cheseboro Creek provides no vegetative cover and would not serve as an important wildlife corridor. Overall, the Specific Plan would not disrupt the regional movement of wildlife; and therefore, is considered to have a less than significant impact with respect to wildlife corridors.” It is further noted that the Specific Plan would place most of the Specific Plan area into designated open space (Zone G).

Section 4.3 of the 2006 Final EIR also discussed existing conditions of, as well as potential impacts to, wildlife habitat (including riparian and aquatic habitats), vegetation communities, and the presence of sensitive species and communities of concern. Further, this information is supported with recent studies and additional data outlined in the Updated RR EIR and BTA.

Letter 141



(805) 230-2301
ccohen@wbcounsel.com

August 7, 2008

VIA E-MAIL

Allison Cook
Senior Planner
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301
acook@ci.agoura-hills.ca.us

Re: Agoura Village Specific Plan/Mitigation Measure BIO-1

Dear Ms. Cook:

On July 25, 2008, Envicom, on behalf of The Martin Group, submitted comments on the June 2008 Updated Revised and Recirculated Draft EIR for the Agoura Village Specific Plan (the "Draft EIR") and in particular Mitigation Measure BIO-1 (Sensitive Plant Survey and Protection Plan). This letter, also on behalf of The Martin Group, supports these comments.

Mitigation Measure BIO-1(a) provides:

The required level of success for Agoura Hills dudleya and Lyon's pentachaeta shall be defined at a minimum as a demonstration of five consecutive years of growth of a population equal to or greater than that which would be lost due to the project. This level of success shall be achieved prior to removal of the impacted population.

(emphasis added). As Envicom noted, the consequences of this mitigation measure are severe. Any property owner within the Specific Plan area will be required to wait a minimum of five years before removing existing dudleya or pentachaeta populations. Should restoration efforts not succeed the initial instance, it is possible that a development project would be required to wait more than five years before removing the dudleya or pentachaeta.

The City's current mitigation measure language already acknowledges, and appropriately so, that removal of impacted populations is potentially permissible (subject to the constraints

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20273631

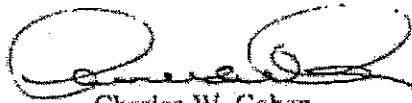
www.wb.com/ef.com

Allison Cook
August 7, 2008
Page 2

contained in Mitigation Measure BIO-1). Envicom's proposed amendment calls for the intended restoration and preservation presently demanded by the Draft EIR while also providing the City and Agoura Village property owners with the requisite flexibility to ensure that the objectives of the Specific Plan, if approved by the City Council, are timely accomplished. Consequently, we request that City staff consider and adopt Envicom's alternative language and revise the Draft EIR accordingly.

Thank you for your consideration.

Very truly yours,



Charles W. Cohen

WESTON, BENSHOOF,
ROCHFORD, RUBALCAVA & MacCUISH LLP

cc: Craig Steele, Agoura Hills City Attorney
Ted Snyder, The Martin Group

Letter 14

COMMENTER: Charles W. Cohen, Weston, Benshoof, Rochefort, Rubalcava & MacCuish
LLP

DATE: August 7, 2008

RESPONSE:

Response 14

The commenter notes that on behalf of the Martin Group, Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP reiterates those points made in Envicom Corporation's July 25, 2008 comment letter. The commenter requests that the City consider and adopt Envicom's alternative language and revise the Draft EIR.

This comment is noted, and no further response is necessary. Please refer to Response 15A.



Letter 15



Environmental Analysis & Compliance

Urban Planning & Design

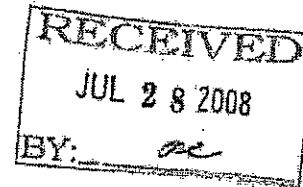
Real Estate Development & Entitlement

Environmental Restoration

Real Estate Economics & Valuation

July 25, 2008

City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301



Attn: Ms. Allison Cook

Subj: Comment Letter Regarding Draft Agoura Village Specific Plan EIR

Dear Ms. Cook:

The Martin Group has asked Envicom Corporation to conduct a focused review of the Updated Revised and Re-circulated Draft Agoura Village Specific Plan EIR. Our review was limited to the mitigation measures associated with potential impacts to Lyon's pentachaeta and does not include a third party technical review of the entire document. Envicom has no stake or vested interest in this project. Based on our assessment, the following presents our comments:

A

- 1) Page 4.3-52, paragraph 2: Mitigation measure BIO-1 (a) requires the applicant of a project that would disturb occupied areas of Lyon's pentachaeta and/or Agoura Hills dudleya to commission a qualified plant ecologist to prepare a mitigation restoration plan that would: identify the number of plants to be replanted, locate a suitable on- or off-site mitigation site, and propose methods to propagate and preserve the plants, as well as prepare a monitoring program to measure the performance of the effort. These restoration and monitoring plans are required to be coordinated with, and approved by, applicable Federal, State, and local agencies prior to issuance of a grading permit. In our professional experience, these requirements appear to be consistent with commonly applied mitigation measures for the subject species.

However, the mitigation measure also requires the applicant to achieve the restoration success criteria prior to removal of the impacted population. In a best-case scenario, the current language would require the applicant to carry the cost of the project for a minimum of five years of successful restoration and monitoring prior to disturbance of the resource.

As an alternative to the current mitigation language, we suggest a revision to the mitigation measure to read as follows:

"This level of success shall be achieved prior to the removal of the impacted population, unless either, (i) the project applicant posts a performance bond for the duration of the approved restoration plan for a period of up to five (5) years, or (ii) a permit has been issued for a restoration plan in compliance with the California Department of Fish and Game code and other applicable agencies, if any."

28328 Agoura Road
Agoura Hills, California 91301

Tel. (818) 879-4700
Fax (818) 879-4711

www.envicomcorporation.com

July 25, 2008
Letter to Ms. Allison Cook
Comment Letter Regarding Draft Agoura Village Specific Plan EIR
Page 2 of 2



In conclusion, we intend these comments to be constructive and hope they can be integrated into the Final EIR document. Should you have any questions, we are open to further discussion regarding the contents of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Travis Cullen', with a large, stylized flourish at the end.

Travis Cullen
Chief Operating Officer

cc: Craig Steele

Letter 15

COMMENTER: Travis Cullen, Chief Operating Officer, Envicom Corporation

DATE: July 25, 2008

RESPONSE:

The commenter notes that the Martin Group has asked Envicom Corporation to conduct a focused review of the Updated RR Draft EIR for the Agoura Village Specific Plan. The commenter notes that his comments are limited to the mitigation measures associated with potential impacts to Lyon's pentachaeta and does not include a third party technical review of the entire document.

Response 15A

The commenter notes that requirements of mitigation measure BIO-1(a) appear to be consistent with commonly applied mitigation measures for the subject species. However, the commenter offers two alternatives to the mitigation measure's success criteria. The commenter suggests the mitigation measure be revised to read as follows:

"This level of success shall be achieved prior to the removal of the impacted population, unless either (i) the project applicant posts a performance bond for the duration of the approved restoration plan for a period of up to five (5) years, or (ii) a permit has been issued for a restoration plan in compliance with the California Department of Fish and Game code and other applicable agencies, if any."

With regard to the posting of a performance bond, this alternative does not guarantee success and replacement of the Lyon's pentachaeta. Under this alternative scenario, take would be allowed before a successful replacement population may be established. Although funding would be set aside to establish a replacement population, there is no guarantee that such replacement effort will be successful. Although such measures are acceptable for more readily replaceable species and communities (i.e. wetlands) which have proven to be replaceable and an industry standard for replacement has been established, such proven methods do not exist for Lyon's pentachaeta, which has been shown to be more difficult to replace. Because success cannot be proven/guaranteed under this alternative mitigation measure, it would not sufficiently mitigate the level of impact to less than significant. For this reason, this alternative has not been included under mitigation measure BIO-1(a) as requested.

The second suggested modification to mitigation measure BIO-1(a) would allow the appropriate permitting agencies (California Department of Fish and Game or U.S. Fish and Wildlife Service) discretion in establishing the appropriate success criteria or period for proving restoration success prior to removal of Lyon's pentachaeta. As the agencies would have approval authority over the maintenance and management program, the mitigation restoration plan, and any necessary "take" authorizations, it is appropriate to provide the agencies with direct control (and knowledge) of the species to issue judgement over the required level of protection and/or restoration success.



Therefore Mitigation Measure BIO-1(a) has been revised to read in full as follows (revision is underlined) :

BIO-1(a) Sensitive Plant Survey and Protection Plan. Prior to approval of individual development applications within the residual natural areas of Zones A south, B, E, and F, surveys for sensitive plant species, including but not limited to Agoura Hills dudleya and Lyon's pentachaeta, should be performed by a qualified plant ecologist. These surveys shall be performed during the blooming period (April - June). If a sensitive species is found, avoidance shall be required unless the applicant provides substantial documentation that avoidance would not be feasible or would compromise the objectives of the Specific Plan. For Lyon's pentachaeta and Agoura Hills dudleya, avoidance is defined as a minimum 200 foot setback unless an active maintenance plan is implemented for the known occurrence. With implementation of an active maintenance and management program, the buffer width may be reduced further based on review and approval by the jurisdictional agencies (USFWS and/or CDFG). For other sensitive species avoidance shall be determined based on the specific plant pursuant with the recommendations of a qualified plant ecologist, and with the coordination of USFWS and/or CDFG for state or federally listed plants. The maintenance and management plan must be approved by the appropriate jurisdictional agencies prior to issuance of a grading permit.

If avoidance is not feasible, on-site mitigation is preferred if suitable, unoccupied, habitat is present that can be isolated from human disturbance. Otherwise, an offsite location would be considered; the Ladyface Mountain Specific Plan area may contain appropriate habitat and may be a preferred location. A mitigation restoration plan shall be prepared by a qualified plant ecologist that identifies the number of plants to be replanted and the methods that will be used to preserve this species in the on- or off-site mitigation location. The plan shall also include a monitoring program so that the success of the effort can be measured. Restoration efforts shall be coordinated with applicable federal, state, and local agencies. The required level of success for Agoura Hills dudleya and Lyon's pentachaeta shall be defined at a minimum as a demonstration of five consecutive years, or a period as deemed appropriate by the permitting agencies (USFWS and/or CDFG), of growth of a population equal to or greater than that which would be lost due to the project. This level of success shall be achieved prior to removal of the impacted population. Success criteria for other sensitive species will be determined on an individual basis pursuant with the recommendations of a qualified plant ecologist, and with the coordination of USFWS and/or CDFG for state or federally listed plants. When applicable the mitigation restoration plan shall be submitted to the appropriate regulatory agencies for review and approval, with the approved plan then submitted to the City of Agoura Hills prior to issuance of a grading permit for the area of concern.



Letter 16

From: Ellen Naumann [mailto:ellen@leimarketing.com]
Sent: Monday, August 04, 2008 3:32 PM
To: Allison Cook
Subject: Updated Draft Revised and Recirculated EIR

Dear Ms. Cook,

We are against any further development on the proposed project site located in the southern portion of the City of Agoura Hills. Please note our opposition in your records.

Thank you,
Ellen & Jeffrey Naumann
29825 Vista Del Arroyo
Agoura Hills, CA 91301
O. 818-706-3143

Letter 16

COMMENTER: Ellen and Jeffrey Naumann

DATE: August 4, 2008

RESPONSE:

Response 16

The commenters note that they are against any further development on the proposed project site located in the southern portion of the City of Agoura Hills.

This comment is noted; however, it does not pertain to the adequacy of the environmental document. Therefore, no further response is necessary.



Letter 17



Save Open Space ♦ P. O. Box 1284 ♦ Agoura, CA 91376

July 16, 2008

RE: Supplemental EIR Agoura Village

Agoura Hills Planning Commission and Planning Director Mike Kamino
30001 Ladyface Court
Agoura Hills, CA 91301

RECEIVED
JUL 16 2008
BY: AC/mk

Dear Agoura Hills Planning Commission:

A

Save Open Space/Santa Monica Mountains (SOS) has not been notified concerning the Supplemental EIR on Agoura Village and scheduled hearings. SOS officially was involved in the hearings and commented extensively on Agoura Village. SOS should have been on the mailing list. According to fair notification procedures of CEQA, please give us at least a 10-day notice on any Planning Commission hearing on Agoura Village? Would you please send SOS a copy of the new supplemental document? I just heard of this hearing yesterday from a friend. I was not aware that the supplemental EIR was even available. SOS needs at least 45 days to properly comment in a timely matter.

B

Also, SOS requests that the item be put first on the agenda. Agoura Village appears to be one of the largest ever developments in Agoura Hills. Agoura Village's total square footage is several times the square footage of the huge COSTCO complex in Westlake Village. Due to its massive size and significant biological impacts in an area that is the gateway to the Santa Monica Mountains NRA, the Agoura Village Specific Plan warrants being put first on any Planning Commission/City Council agenda.

In addition, please reschedule this week's hearing and send out notices to all groups and individuals who turned in comments and testified on the earlier hearings on Agoura Village. Please respond to these requests by SOS in writing.

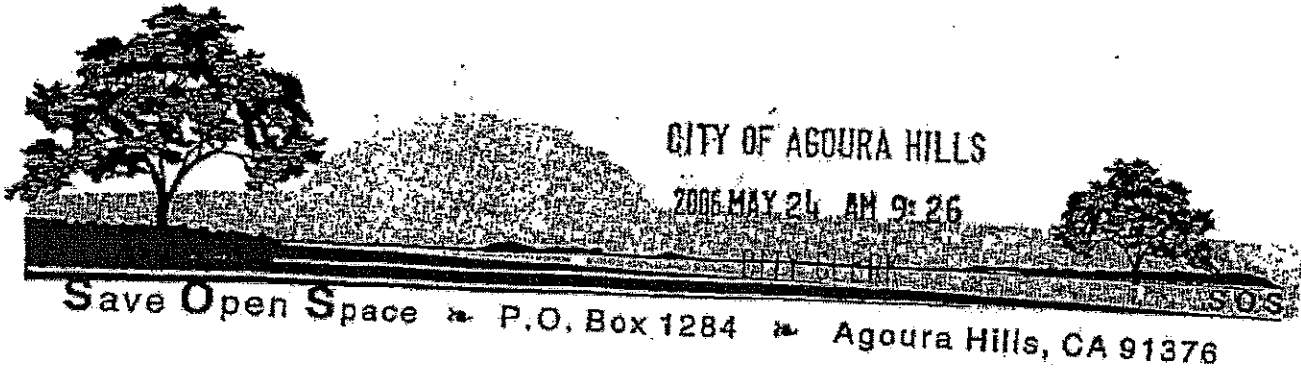
C

Did the new biological survey/Supplemental EIR only cover the western end of AVSP? We would like in writing the defined scope of the new biological survey as given to the biological consultants. Also, Area G's biological is inadequate in that it misses that it is part of a Los Angeles County Significant Ecological Area.

Thank you for your kind attention.

Mary E. Wiesbrock
Mary E. Wiesbrock, Chair

Enc.: 2006 SOS comments demonstrate that SOS has a high interest in this project and should be on the mailing list.



May 23, 2006

Agoura Hills City Council
30001 Ladyface Court
Agoura Hills, CA 91301

RE: Agoura Village Specific Plan

Dear City Council Members:

Save Open Space, a regional organization concerned with open space values and general plans, has reviewed the Final Environmental Impact Report (FEIR) for the project known as the Agoura Village Specific Plan. These are our comments we hope you take into consideration before any action is made to approve this large zone change.

Project Overview

The proposed Agoura Village Specific Plan encompasses 135 acres, of which 103 acres are vacant (DEIR, p.2-7). Full buildout of the Specific Plan would result in the development of between 235 and 293 residential units and a total of up to 576,458 square feet of new office retail, restaurant, community center, hotel and building area; and redevelopment of the existing 372,042 square feet of office and retail space with higher density development within the same footprint.

Significance of Project Site

The project area is a major gateway to the Santa Monica Mountains National Recreation area. The project area south of Agoura Road, on the east and west side of Kanan Rd contribute to an east-west habitat linkage across Kanan Rd. The site is also significant because it is part of Lady Face Mountain core habitat. The project site is part of the Malibu Creek watershed, which supports numerous

sensitive species. The a portion of the project site is also known as "Cornell Corners", a favorite place for biologists to log rare and endangered species of plants and flowers.

Need for Avoidance of Significant Adverse Impacts

Of primary concern is the FEIR does not place adequate emphasis on avoidance of significant adverse environmental impacts. The FEIR states the biological impacts are considered significant, but mitigable. The overall significance after mitigation is considered less than significant. Given the regional importance of the location of the project site, the numerous sensitive biological resources on the site, and the potential for numerous significant adverse impacts to biological resources, it appears that these impacts are not being seriously taken into consideration.

To list only three endangered plant species to take into consideration in the final phases of the EIR, rather than all rare and sensitive plants, appears to be a reckless way of dealing with the resources on the site. Please change the language of the zone change to conditions yet unforeseen, for example, if a project must be scaled back to avoid a significant environmental impact. The City is not giving itself a way to protect these critical resources once the zoning is approved. Now is the ideal time to set limits on development to avoid significant adverse impacts, rather than deferring the assessment of impacts and potential mitigation to later CEQA documents for individual projects.

Alternatives

We urge the City Council to take into consideration any alternative that will reduce the impacts of this development. The reduced buildout density without residential development would be considered environmentally superior, and should be entertained by the council as a viable option. Or the alternative of only residential with no commercial should be explored. It is troubling to our organization that this plan has been in the planning stages for years, with a series of workshops for the public, with no mention of this extremely high density. Then this final version comes out, with a drastically higher density than previously expected by the stated vision of the plan. It is being whisked through the EIR process without adequate public input or comment. Please consider holding a workshop for concerned citizens to digest and comment on this too dense of a project before your final vote. You are making a decision which will forever alter this Santa Monica Mountain gateway. We cannot afford to be wrong, and underestimate the impacts that will effect us all and live on for generations to come.

Other Considerations

The traffic still seems to be an area of concern for many residents. The roundabout is a concern for firefighters, emergency workers, police, and drivers in trucks and/or with trailers. How will emergency workers clear the roundabout to get through on heavy traffic days?

The proposed project would generate 17,593 daily primary trips, and 804/1,633 primary trips during AM/PM peak (see Table 4.11-4, Page 4.11-11 of EIR. It is estimated that 1,176 vehicle trips would travel on the SR-101 during the peak hour. To think of an added 1,176 vehicle trips during the peak hour alone is daunting.

On summer weekends the traffic backs up all the way near Troutdale on Kanan Rd. How will the effects of this large project be mitigated to avoid making matters worse? Mitigation for the traffic appears to be doubtful, due to the funding sources for the massive improvements required have not been identified nor does there seem to be any firm commitments for these improvements. Without mitigation, the traffic impacts will be much greater than stated in the EIR.

The removal of the Symphony Development site (zone B) from the protection of the Lady Face Specific Plan is disturbing. When was this decision made? Who was consulted? To remove these safeguards from zoning is a dangerous proposition for the creek, and the wildlife effected by the encroachment of development. It is wrong for the City now to undo the good work done by previous councils. The Lady Face Specific Plan provides an essential buffer zone for the wildlife.

In summation, we feel the EIR does not meaningfully address the many issues raised by the United States (U.S.) Department of the Interior, U.S. Fish and Wildlife Service, U.S. National Parks Service, U.S. Department of Fish and Game, the Santa Monica Mountains Conservancy, Los Angeles County Regional Planning, and citizens at large. We respectfully request the Agoura City Council to direct staff to reconsider the entire project in a public forum. This decision is too great to be made hastily, at the developer's request.

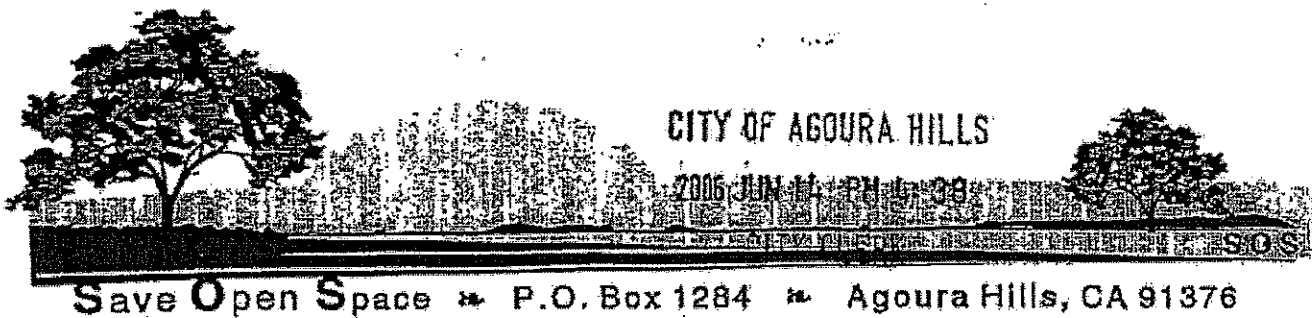
Some of our members who reside in Agoura were asking about the survey regarding how residents feel about development that was sent out last August or so. The City of Agoura website said the results would be shared with the community in April. What are those results? We believe many people share the values of open space, less traffic, and less pollution. Please release the results of

this survey before you make this monumental decision, and let the people of Agoura have a say in this matter.

Millions of people will be forever effected by your decision here. Please make it wisely, and with the utmost consideration for your constituents and the environment.

Sincerely, *Mary E. Wiesbrock*

Mary E. Wiesbrock, Chair



Re: Agoura Village

June 14, 2006

Dear Agoura Hills City Council:

This project as proposed is inconsistent with the Agoura Hills General Plan, which dictates a height limit of 35 ft. SOS requests that you not approve this project with buildings higher than 35 ft. One suggestion is to eliminate the floors that are business office. The buildings should just have retail on the bottom floor and residential on the top. Then these buildings will be consistent with the laws of the City of Agoura Hills. The Business office component is not revenue producing so this type of use is not needed. In addition, the increased square footage of the business office produces more unwanted traffic.

The height needs to be reduced now before it becomes a permanent part of this Specific Plan. Why not reduce the buildings now before the unwanted and inconsistent heights of 45 ft become a permanent part of this Specific Plan? These tall buildings are not what the residents of Agoura Hills desire in their community. That is why there is a 35 ft high limit in our city. In addition, the 45-foot high buildings create a precedent for future developers. It makes no sense to have to amend the Specific Plan later down the road when it contains a component, which the residents whom you represent oppose. SOS also opposes these tall buildings which violate the General Plan and planning documents of the City of Agoura Hills.

Please scale down the height of the buildings, as this is the Kanan Road entrance to the Santa Monica Mountains National Recreation Area. Tall buildings will detract from this scenic. This proposed project violates the intent of Santa Monica Mountains Scenic Parkways &

Wanted -

Scenic Corridor Plan. (Map Enclosed) and the Santa Monica Mountains Comprehensive Plan.

Please "reopen" the public hearing to make appropriate changes and vote to:

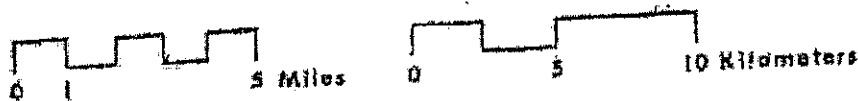
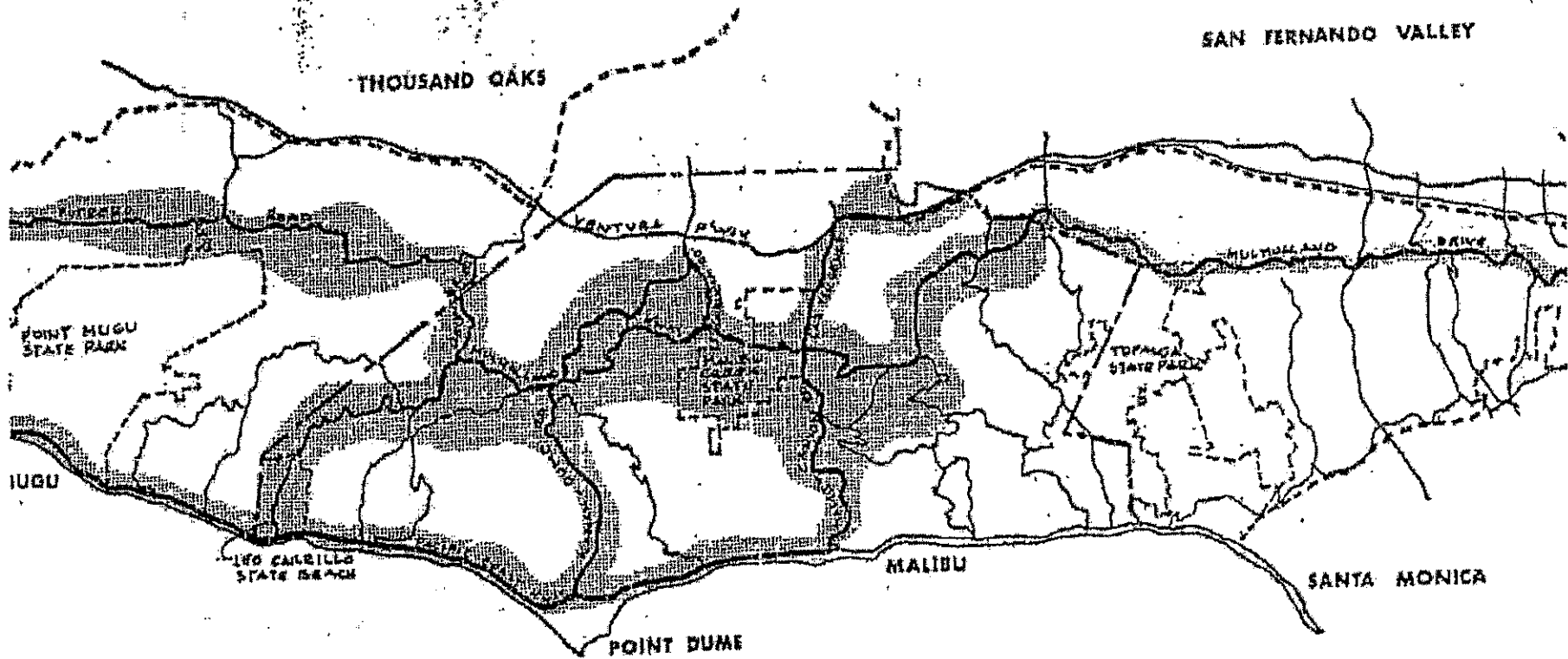
- 1) eliminate the 45 ft tall buildings,
- 2) scale down the overall density which will really mitigate traffic
- 3) require the funding for a full traffic light with turn arrows in every direction at this intersection of Agoura and Kanan Roads,
- 4) follow the requests of Paul Edelman of the Santa Monica Mountains Conservancy and Melanie Beck of the National Park Service.

Please incorporate by reference the Agoura Hills General Plan, all the City of Agoura Hills' planning documents and the Santa Monica Mountains Comprehensive Plan and its maps.

Thank you for your kind attention.

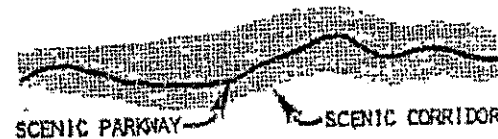
Mary E. Wiesbrock
Mary E. Wiesbrock

Enclosure: Scenic Parkways Map of Santa Monica Mountains Comprehensive Plan



State of California
 ANTA MONICA MOUNTAINS
 COMPREHENSIVE PLANNING
 COMMISSION

COMPREHENSIVE
 MAP No. 5
 SCENIC PARKWAYS &



Letter 17

COMMENTER: Mary E. Wiesbrock, Chair, Save Open Space

DATE: July 16, 2008

RESPONSE:

Response 17A

The commenter states that "Save Open Space/Santa Monica Mountains" (SOS) was not notified concerning the Supplemental EIR on Agoura Village and scheduled hearings. The commenter notes that SOS was involved in the 2006 hearings and commented extensively during the 2006 EIR process. The commenter attached two letters commenting on the original EIR (dated May 23, 2006 and June 14, 2006) which were provided to the City Council after the close of the EIR comment period on January 3, 2006.

CEQA Guidelines Section 15087, Public Review of Draft EIR, states that

"The public notice shall be given as provided under Section 15105 (a sample form is provided in Appendix L). Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and shall also be given by at least one of the following procedures:

- (1) Publication at least one time by the public agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.
- (2) Posting of notice by the public agency on and off the site in the area where the project is to be located.
- (3) Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.

The City developed a mailing and distribution list of approximately 200 recipients for the Agoura Village Specific Plan EIR consisting of appropriate agencies, relevant Home Owner's Associations, land owners and tenants within the Agoura Village Specific Plan area, and individuals or groups commenting on the EIR (orally or in writing) during the public comment period. In addition to distributing direct notices to these individuals/groups, the City provided public noticing for the Updated RR EIR in several formats: a digital copy of the Updated RR EIR was posted on the front page of the City of Agoura Hills website at www.ci.agoura-hills.ca.us; a notice of public hearings was also posted on the City website in the same form and time as notice for other regularly conducted public hearings (pursuant with CEQA Guidelines Section 15202, Public Hearings); a notice of availability was also published in the Acorn and Star newspapers and posted at City Hall, the City Recreation Center, and the City Library; and the Updated RR EIR was made available at the Agoura Hills Library and at the Planning and Community Development Department.



Response 17B

Commenter requests specific timing for consideration on the Planning Commission agenda.

Comment does not pertain to the adequacy of the Updated RR EIR; no further response is necessary.

Response 17C

Commenter questions what the scope of the updated biological surveys were and states that consideration of Area G's biological sensitivity is inadequate as the EIR misses that it is in a Los Angeles County Significant Ecological Area (SEA).

The scope of the biological analyses is detailed in the Biological Technical Appendix (BTA) attached to the Revised and Recirculated EIR. The EIR specifically addresses the location of the Significant Ecological Area on page 4.3-40 in Section 4.3, *Biological Resources*. The SEA does not include the Agoura Village Specific Plan, but is located adjacent to Zone G along the southwestern portion of the Plan area. This is discussed in detail in the BTA.



Letter 18



Save Open Space ✧ P. O. Box 1284 ✧ Agoura, CA 91376

Re: Agoura Village comments

August 7, 2008

RECEIVED
AUG 08 2008
BY: *ac*

Agoura Hills Planning Commission and City Council
3001 Ladyface Court
Agoura Hills, Ca 91301

Dear Planning Commissioners and City Council:

A The EIR for Agoura Village (AV) remains uncertified per the Writ of Mandate. Changes by decision makers can be made to make this Agoura Village Specific Plan (AVSP) better.

New Issues for 2008/Issues not Known

B1 Traffic

There are new issues of significance that were not present in 2005. The first is traffic. At 3:30 in the afternoon (not at the peak traffic hours as studied in the uncertified 2005 EIR), one has to wait through 3 light changes to turn from Agoura Road to go north on Kanan. This constitutes a new unidentified gridlock situation. (F) This is because of summer beach traffic. This intersection must function at an acceptable level because of Coastal Act law. This is a major beach access point for the entire Conejo area. Kanan Road provides the most direct cross-mountain link between the Malibu coastline and the Conejo Valley. A recent Appellate Court decision supporting public access applies to vehicular public beach access. The AVSP as proposed would adversely affect public access to the coast via Kanan Road.

B If a round-about is put in, it must be of huge circumference and take in more of the private land at this intersection to be able to handle this ever increasing beach traffic. The AV map needs to be changed to reflect this new required taking.

There is a constant stream of cars coming from the beach at beach traffic hours, which are not peak traffic hours. Under this new traffic issue, the total amount of estimated grading needs to be known in order to estimate the number of truck trips impacting this now gridlocked intersection. This new fact that there are peak hours in the summer for beach goes that makes this existing intersection an F level.

B2 It also becomes absolutely necessary for a developer requirement to fund an overhead walkway to move pedestrians safely over this intersection to the existing restaurants in the northwest area. This overhead pedestrian walkway should be depicted in the new maps in this updated and revised EIR.

B3
 B4
 B5
 Bicycle Route
 Another issue of new significance is that this area has become a major bicycle route. It has been planned to be as depicted as such in the Santa Monica Mountains Comprehensive Plan Map (Enclosure #1). Now in 2008, Agoura Road has become a major recreational bicycle route. The Agoura Village Specific Plan can be made better by moving back the buildings fronting Agoura Road, which will preserve the scenic quality of Agoura Road and allow safe bicycle lanes on the Agoura frontage road. The street side parking which is incompatible for bicycles should be moved into the areas labeled "additional mixed use development" (back side of zones A and B) Providing these areas for parking will eliminate the need for the "may be" parking garage which will change suburban Agoura Hills character into dense Los Angeles city type development. The street side buildings should also be moved back from Agoura Road in order to protect the scenic views from Agoura Road. Agoura Road is designated as such in Agoura Hills General Plan Scenic Highway Element. (See enclosure #2)

B6
 Density Bonus
 Another new issue of significance is the recent approval of the density bonus for middle to low-income housing. (Depending on city's definition of what constitutes low income). One of these landowners was at that hearing to support this new allowable bonus in number of housing units. The Project Description of a max of 293 units then changes. These changes bring changes in the traffic estimates. Multifamily residential units can generate up to 5 to 7 new trips a day per unit. All the changes in project effects including air quality, traffic, student generation, water usage, etc must be analyzed by applying this new density bonus recently approved by the city.

B7
 Water Supply for Existing Customers
 Now, in 2008 there are two new water issues. There is the drought and Delta cases which have impacted our water supplies. This new information impacts on whether existing customers will have an adequate supply. It may not be possible provide adequate water to this huge massive AV development as proposed. This new information of significance must be analyzed. Will there be enough water for this AV project at this huge density of more than one half million new square feet of commercial and way over 300 new residential units? (With the new density bonus factored in)

Agencies Notified List Needed

C
 Were the appropriate agencies notified of this AV recirculated EIR? Please list in this new EIR document which agencies were notified of this new draft EIR. The following agencies have a stake in the happenings in the Santa Monica Mountains Zone per state law: California Fish and Game, Santa Monica Mountains National Park Service, Santa Monica Mountains Conservancy, and Native Plant Society. There are two federally

listed plant species. Federal agencies requiring to be notified include the federal Fish and Wildlife and Army Corp of Engineers. The wetland issues involve jurisdiction of the California Department of Fish and Game and the Army Corp. Were all these agencies notified? The notification list should be a part of this updated EIR.

Project Description

D The two new parcels added by the errata process in 2005 are located west along Kanan Road. The impacts of these buildings, which as part of the AVSP can go over the 35-foot height limit of the Agoura Hills General Plan -need to be analyzed for view shed impacts in relation to keeping Kanan Road as a local and secondary county scenic highway. Safe bicycle lanes must also be part of the plan all along Kanan Road as depicted in the Santa Monica Mountains Comprehensive Plan.

E F As a pedestrian community serving Agoura Hills residents, there is a complete lack of enough walking paths to ~~for~~ fill this project goal. Sidewalks and walking paths must be depicted all around this AV complex. These walkways can not be required later if they are not a part of this plan. A walking path all around AV needs to be an integral part of AV. Existing culverts in the creeks must be required to be removed and the dirt paths opened up to walkers unless flood conditions are present. The existing chanelized creeks (Chesebro, Lindero, and Media) must have development conditions which shall keep these creeks in their natural state and which shall require sufficient 700 foot to 1000-foot buffers in Media and Lindero creek areas in order to protect the Southwestern Pond Turtle.

G The AV plan is inadequate in that it is not shown where there is adequate parking for the over one half million square feet of building. The maps in the EIR must reflect the parking.

Public's Env If the restaurants and entertainment facilities are to be successful, AV needs to be a place where all the Agoura Hills residents will want to visit as a town center. AV needs to add walking paths around the entire complex and incorporate walking paths to the existing creeks areas that are not sensitive habitat for the Southwestern Pond turtle. This positive addition to the AV project will be complying with the new 2008 nationwide mandate to increase exercise activities for the entire family. These walking paths will serve to make this a successful pedestrian center getting people out of their cars for a meal and enjoyable recreational walk. These walkways need to be put in the AV SP and the area depicted on maps because it will be very difficult to require the walking areas to be set aside later. Right now, it appears that the maps do not show set aside walking paths.

H The project name needs to be reconsidered. This corner was previously called Malibu Junction and Cornell Corners. The project name should reflect that three different creeks are included in the AV boundaries. The project name should also compliment the fact that this scenic corner with the Lady Face Mountain backdrop is the Gateway to the Santa Monica Mountains National Recreation Area. A few suggestions include Creekside Corners and/or Creekside Junction. With 3 different creeks all within the Agoura Village

SP boundaries, the name should reflect this noteworthy environmental feature. At the same time, the name should capitalize on the fact that this is the gateway to a national recreation area.

Biological

I
J
The AV project area (Zones E and G-E) includes a Significant Ecological Area #6 "Las Virgenes". (Enclosures #3 Maps) This SEA #6 needs to be discussed in relation to its identified biological resources like California juniper. These are the only 2 California Junipers in our entire Santa Monica Mountains area. It appears that AVSP does not go all the way to the ridgeline. If so, Zones G, E and G-E should be expanded to include all the way to the scenic ridge top. It also appears that there is a notched area left out. The notched area on the map should continue all the way to this ridge top. Years ago that landowner expressed a desire to sell this hard to develop property as parkland because of its steepness. This steep notched area addition should be designated as open space, scenic ridgeline, and biological resource area.

K
The impacts to the biological can not be analyzed without evaluating the AV project total amount of grading. An analysis of the grading and its impacts on the biological needs to be a part of this EIR.

L
M
The riparian buffer mitigation measure protection plan appears to be too flexible. The decision makers and agencies will support redesign to avoid endangered/sensitive plant and animal species/habitat. It is up to the decision makers/responsible agencies to ask the project be redesigned with adequate buffers to protect the native plants and animals. As written the mitigation measures allow the developer/applicant to decide not to redesign to avoid biological resources, and/or to leave only a 20 foot buffer. This would make biological impacts on plants/plant communities and animals to be a Class I impact. Oak trees are protected in the city's oak tree ordinance. Applicants/developers are not allowed to remove more than 10% of the oaks onsite of any given development. City officials need to be able to require project design to avoid oak trees. It appears that the mitigation measures are inadequate in this area.

N
A 700 to 1000 foot riparian buffer is needed to protect the Southwestern Pond turtle. The female migrates 700 to 1000 feet to lay eggs on land areas. This 700 to 1000 feet setback is necessary to protect the pond turtle. If the 700 to 1000 foot riparian buffer is not required as mitigation to protect these turtles and their reproduction needs, then this is a Class I impact requiring a mandatory finding of significance. Also, putting in the 700 to 1000 foot buffer will be protecting the most significant natural topographic feature of the AV SP, the beautiful creeks which run through it.

O
The open space wildlife corridor as depicted in the Agoura Hills General Plan needs to be mentioned. (Enclosure #4) This corridor follows Media Creek and is an additional layer of protection. This information added to this biological analysis of riparian corridor will aide in setting aside the 700 to 1000 foot riparian buffer as needed for the continued existence of the Southwestern Pond turtle. Also, the 700 to 1000-foot riparian buffers

enhance the natural topographic features of our town center making it a more desirable place to visit.

Alternatives

A real reduced project alternative needs to be discussed. A real reduced project alternative will significantly reduce impacts to the pond turtle, riparian areas, and now the new traffic and water issues.

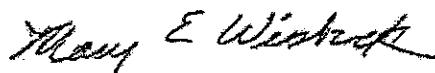
By reducing the AVSP commercial from 580,000 to 240,000 sq feet, there will be less building footprint. Reduced building footprints will reduce the impervious surface required for the buildings and parking. This will mean less run off to impact the Southwestern Pond Turtle and the creek ecosystems.

More business office is not needed in Agoura Hills and it is a drain on our services. The mixed-use buildings should have the bottom level be retail and the top level should be residential. There is no need to add business office on top, which results in taller buildings, which will block scenic views from, designated scenic roads. There is no need to allow these buildings to be 45 ft tall and break the city General Plan of 35 feet. This reduction in building square footage will reduce the impacts to the Southwestern Pond Turtle and the creek ecosystems. With the economy changes and Countrywide being absorbed by Bank of America, there will most likely be a glut of office buildings in our area. Office buildings do not generate good revenues for our city.

By truly reducing the AVSP to one half the commercial density, there will be less traffic and resulting less impact on air quality. Fewer cars will be idling at the Kanan/Agoura Road intersection as they wait to get into the traffic circle and/or idle at the traffic lights. Reducing the air quality impacts by one half will reduce the air quality impacts on the creek ecosystems.

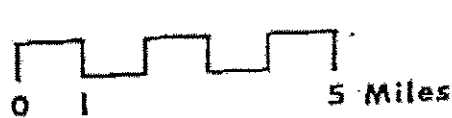
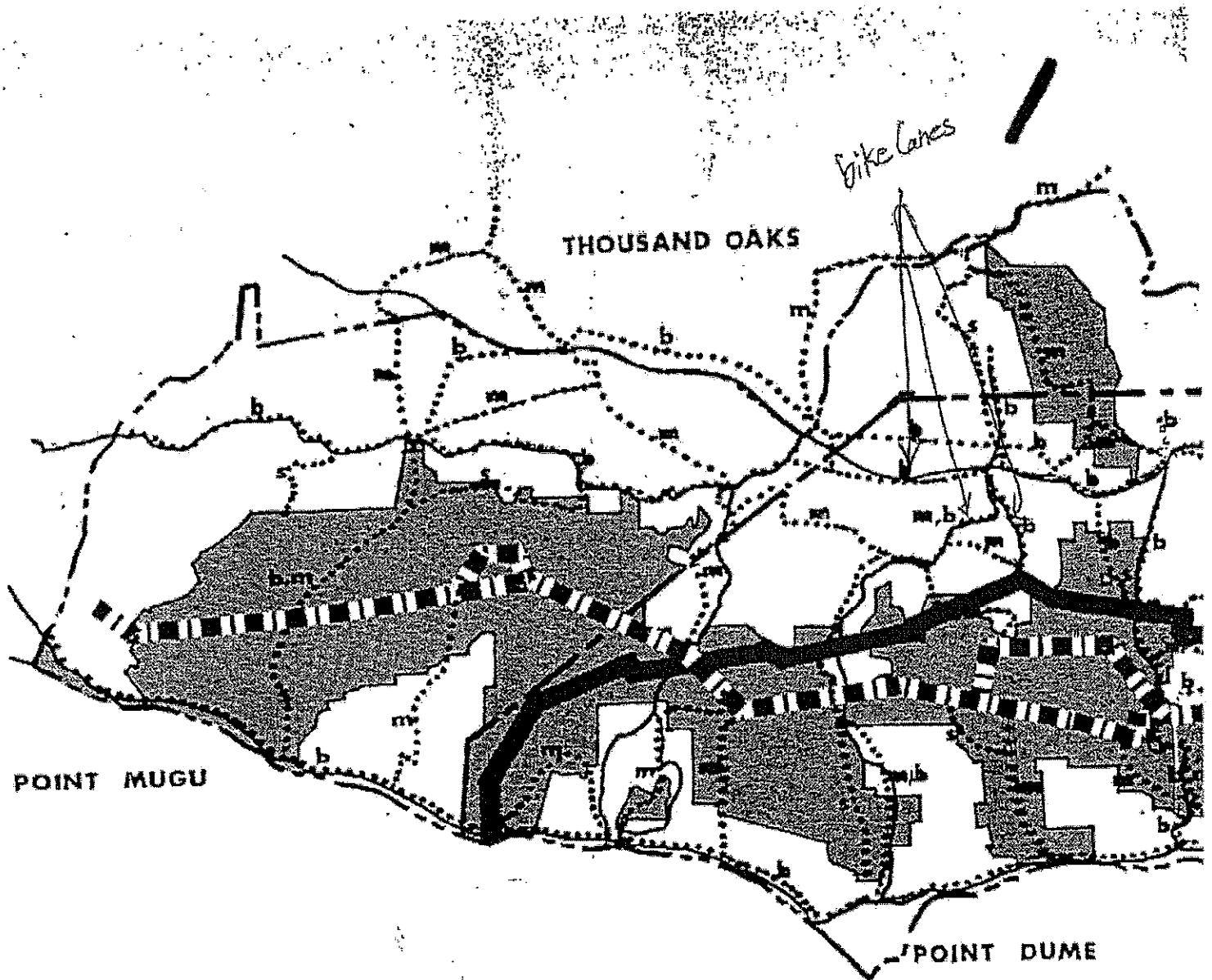
By reducing the AVSP, vertical wise, and bringing the height limit back into compliance to the General Plan's 35 foot height limit, there will be considerably less building square footage generating more parking required. This will also reduce impervious surface runoff impact into the creeks.

Thank you for the opportunity to comment. Hopefully you as decision makers will incorporate these ideas into making this a better project for our city. Community residents want to have a nice town center to visit, shop, and enjoy recreational activities. If you allow AV to be built with its proposed massive density, then too much traffic will be the result. Unfortunately AV will then become a place that the community avoids.

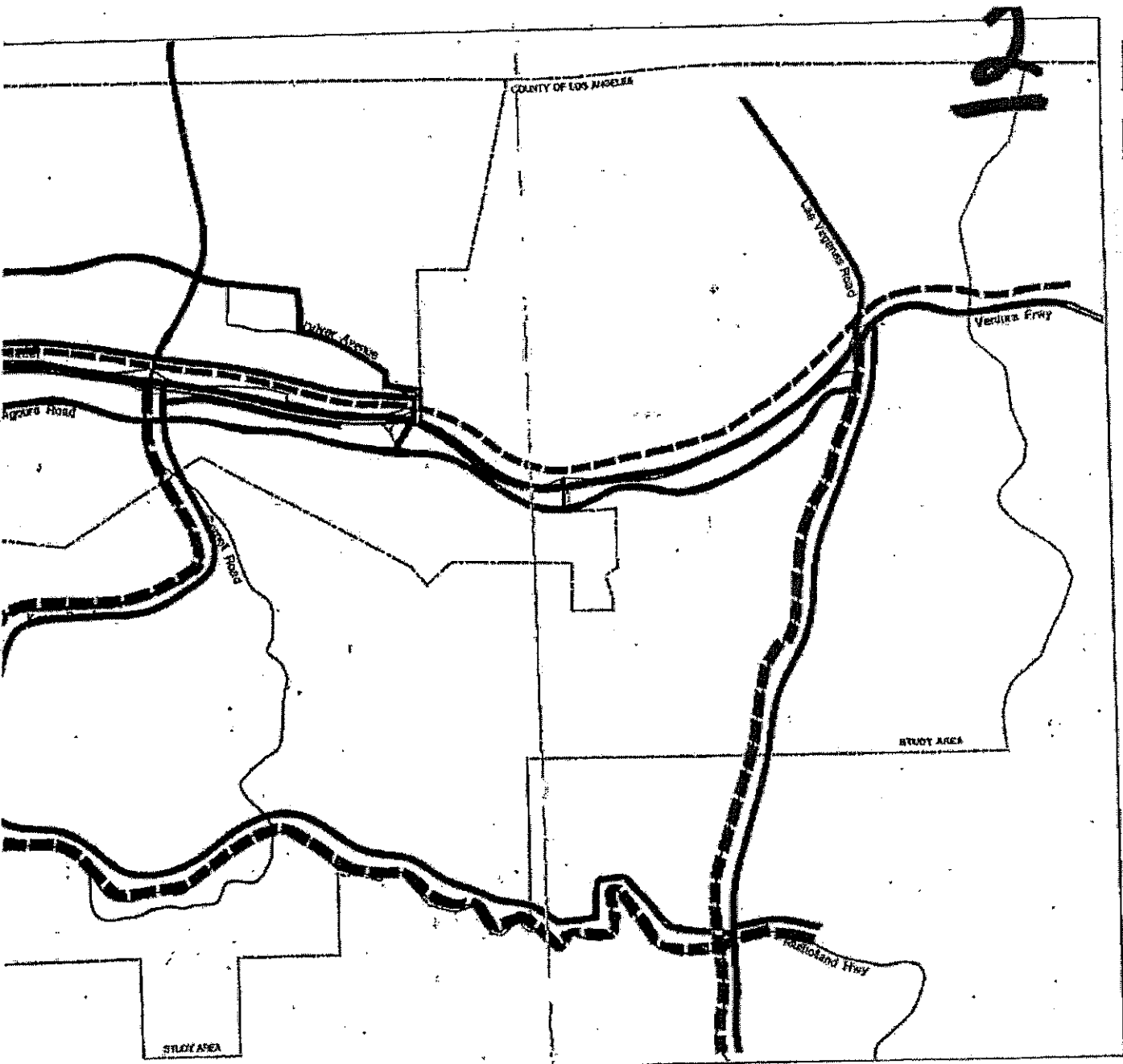


Mary E. Wiesbrock, Chair

Enc.

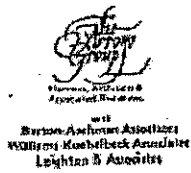
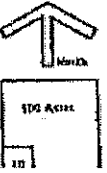
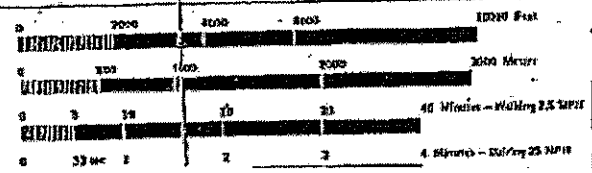


State of California
SANTA MONICA MOUNTAINS
COMPREHENSIVE PLANNING
COMMISSION

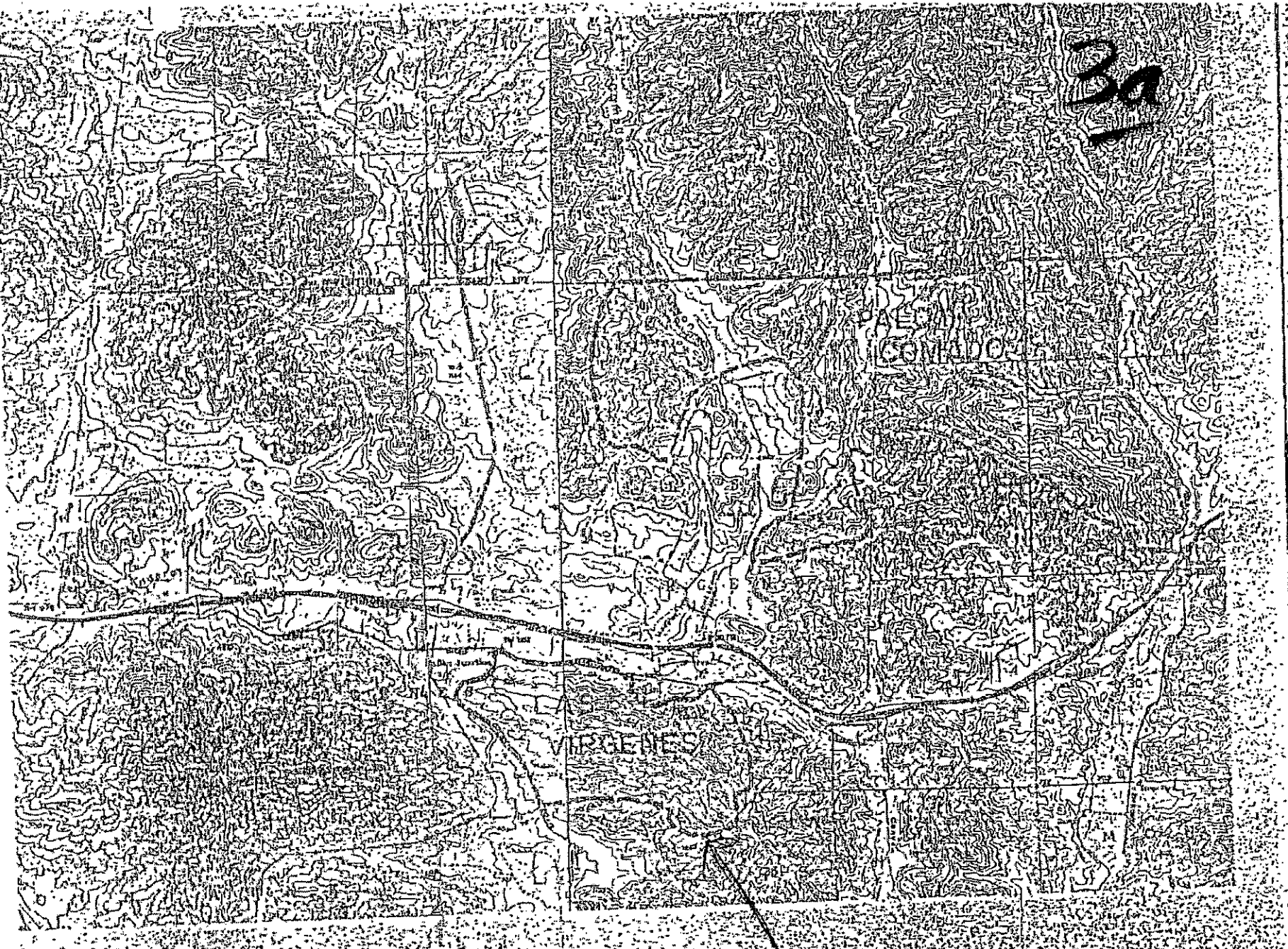


- PRIMARY COUNTY SCENIC HIGHWAY
- SECONDARY COUNTY SCENIC HIGHWAY
- LOCAL SCENIC HIGHWAY

Figure 10.1 SCENIC HIGHWAYS



30



LAS VIRGENES MUNICIPAL WATER DISTRICT

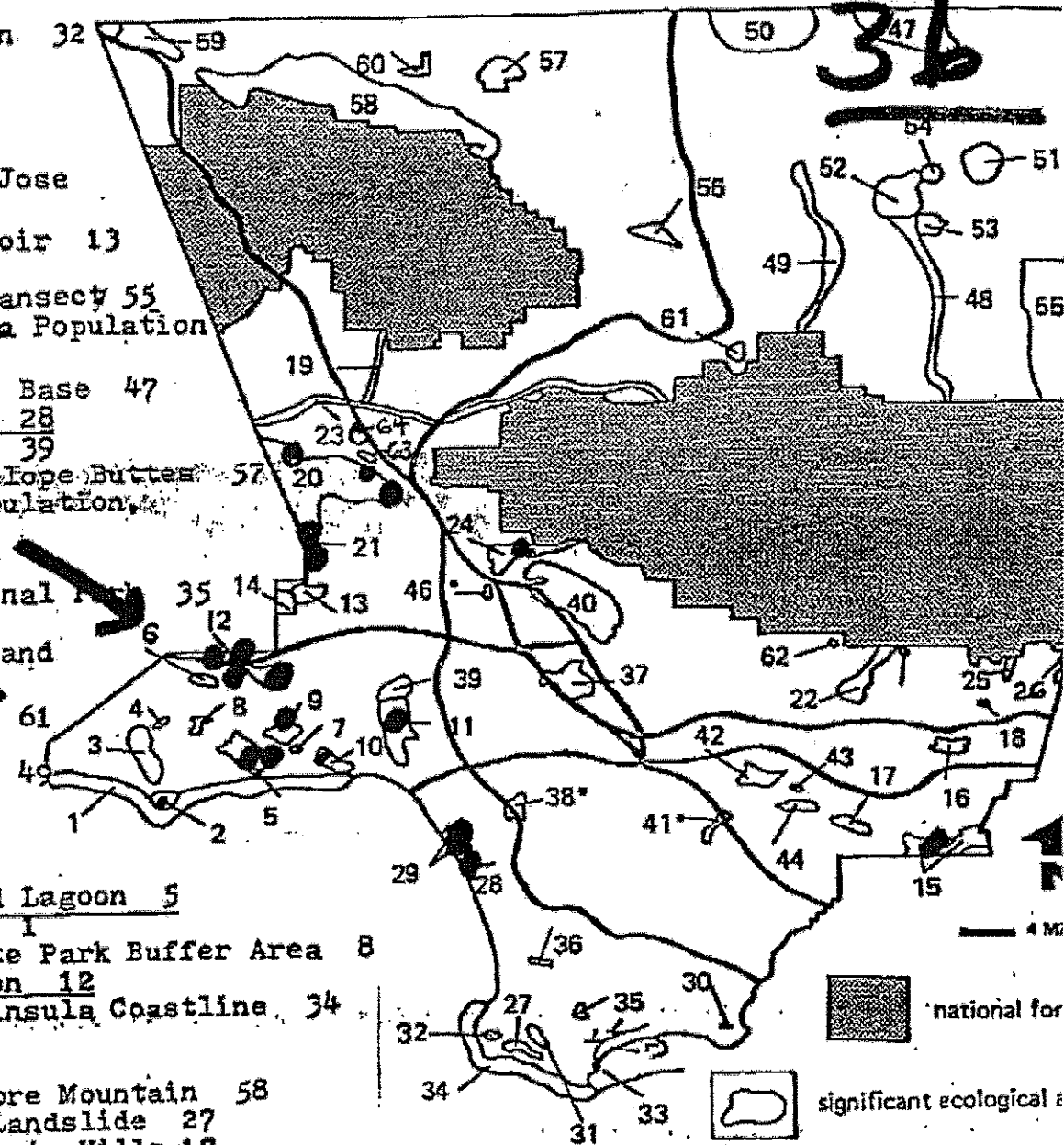
SIGNIFICANT ECOLOGICAL AREAS

AL

SIGNIFICANT ECOLOGICAL AREAS IN LOS ANGELES COUNTY

MAP OF SIGNIFICANT ECOLOGICAL AREAS
IN LOS ANGELES COUNTY GENERAL PLAN

- Agua Amarga Canyon 32
- Alamitos Bay 30
- Alpine Butte 52
- Ballona Creek 29
- Big Rock Wash 48
- Buzzard Peak/San Jose Hills 16
- Chatsworth Reservoir 13
- Cold Creek 9
- Desert-Montane Transect 55
- Judleya Densiflora Population Glendora 45
- Edwards Air Force Base 47
- El Segundo Dunes 28
- Encino Reservoir 39
- Fairmont and Antelope Buttes 57
- Galium Grande Population, Monrovia 62
- Griffith Park 17
- Harbor Lake Regional Park Hepatic Gulch 6
- Joshua Tree Woodland Habitat 60
- Kentucky Springs 61
- Las Virgenes 6
- Little Rock Wash 49
- Lovejoy Butte 53
- Lyons Canyon 63
- Madrona Marsh 36
- Malibu Canyon and Lagoon 5
- Malibu Coastline 1
- Malibu Creek State Park Buffer Area 8
- Malibu Comado Canyon 12
- Malos Verdes Peninsula Coastline 34
- Melaleuca Butte 54
- Point Dume 2
- Portugal Ridge/Liebre Mountain 58
- Portuguese Bend Landslide 27
- Powder Canyon/Puente Hills 17
- San Hondo College Wildlife Sanctuary 17
- Letter Ridge 56
- Sierra Hills Canyons 31
- Sismond Lake 50
- Middleback Butte State Park 51
- San Antonio Canyon Mouth 26
- San Dimas Canyon 25
- San Francisquito Canyon 19
- Santa Clara River 23
- Santa Fe Dam Floodplain 22
- Santa Susana Mountains 20
- Santa Susana Pass 21
- Sierra Hills 14
- Scamore and Turnbull Canyon 44











- Tehachapi Foothills 59
- Temescal-Rustic-Sullivan Canyons 11
- Terminal Island 33
- Tonner Canyon/Chino Hills 15
- Tujunga Valley/Hansen Dam 24
- Tuna Canyon 10
- Upper La Sierra Canyon 4
- Valley Oaks Savannah, Newhall 64
- Verdugo Mountains 40
- Way Hill 18
- Whittier Narrows 42
- Zuma Canyon 3

● PROPOSED OR APPRO
DEVELOPMENT OR
SANITARY LANDFILL
(PARTIAL LIS

Note: SEA 38, SEA 41, and Sea 46 have been designated as open space and not as an SEA. The precise boundary for SEA 29 will be determined in the local Coastal Plan program.

4

-  DEVELOPED OPEN SPACE
-  NATURAL OPEN SPACE
-  OPEN SPACE-TDR 
-  RURAL RESIDENTIAL
-  OPEN SPACE CORRIDOR 
-  HISTORIC OAK TREE

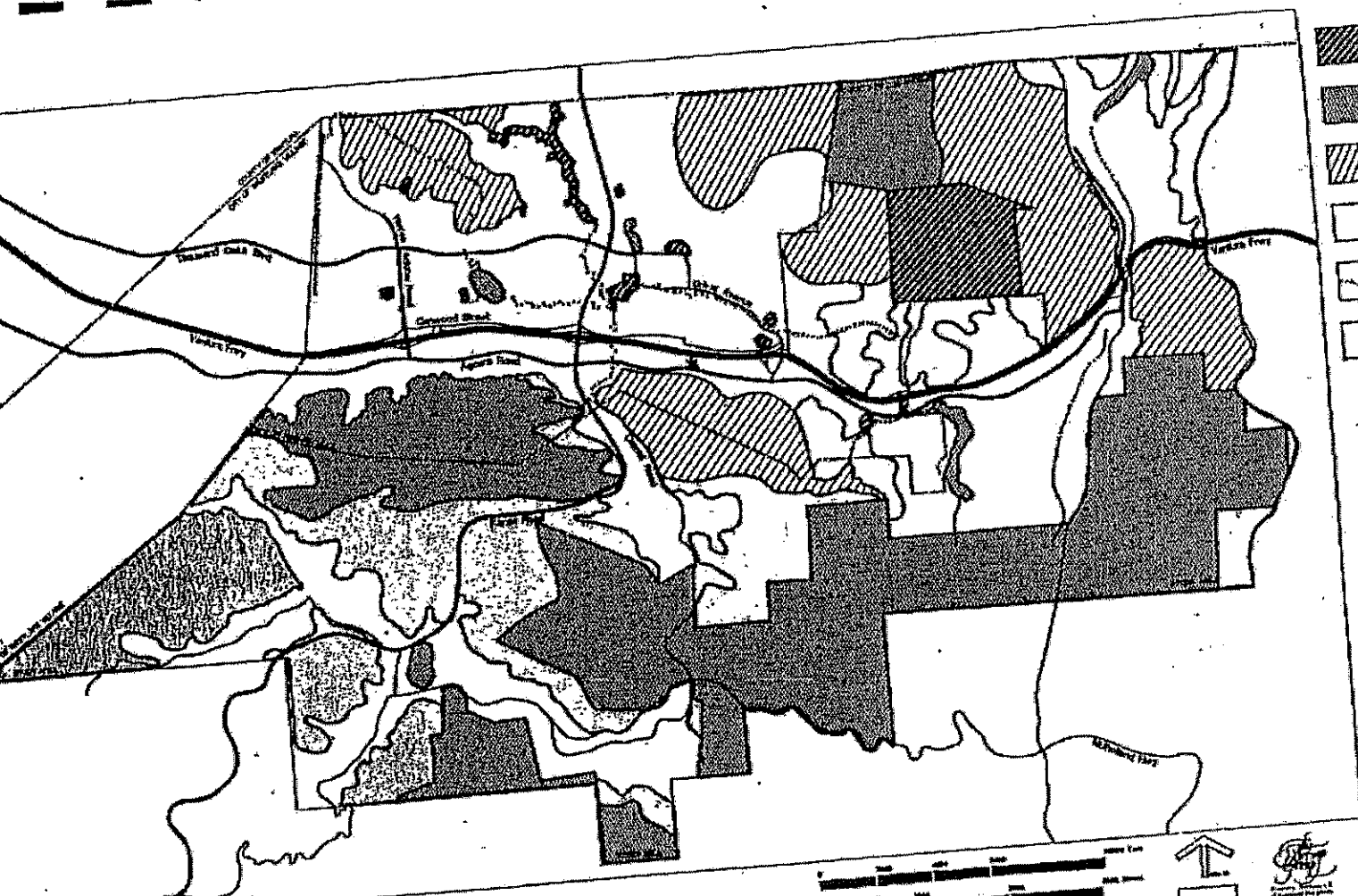
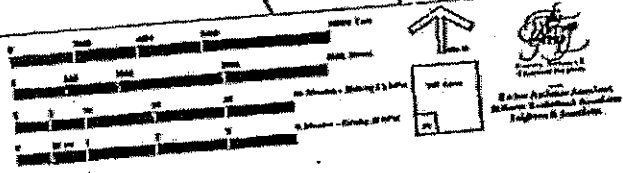


Figure 7.4
OPEN SPACE STRATEGY



AGOURA HILLS GENERAL PLAN

7.12

Letter 18

COMMENTER: Mary E. Wiesbrock, Chair, Save Open Space

DATE: August 7, 2008

RESPONSE:

Response 18A

The commenter states that the Agoura Village Specific Plan EIR remains uncertified per the Writ of Mandate and that changes may still be made to make the Specific Plan better.

This comment is noted; however, it does not pertain to the adequacy of the environmental document. Therefore, no further response is necessary.

Response 18B

The commenter states that there are new issues of significance that were not present in 2005. These issues relate to the following:

1. Traffic levels at the Agoura and Kanan Road interchange
2. Pedestrian access, location of sidewalks, and the need for an pedestrian bridge across Agoura Road
3. Bicycle access and incompatible street side parking
4. Parking
5. Aesthetics
6. Density bonuses for middle to low-income housing
7. Water supply

As noted above, the City of Agoura Hills has recirculated revised portions of the 2006 EIR for this project in response to a court decision. Pursuant to CEQA Guidelines Section 15088.5(f)(2), only those comments regarding recirculated sections of the EIR are appropriate for discussion at this time. The points noted above pertain to sections of the 2006 EIR which have not changed and were not recirculated. The comment period for the 2006 EIR closed on January 3, 2006.

Although the commenter has expressed her opinion that "new issues of significance" have been identified, each of these issues was addressed in the 2006 EIR. The commenter has provided no new substantial information, data, or references to support the points raised and any new issues of significance. Section 15204(c) of the CEQA Guidelines, which provides guidance on the focus of public review, states that:

"Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence."

The following identifies the appropriate sections of the 2006 EIR which address the commenter's points.

1. Traffic - Section 4.11, *Transportation and Circulation*, Section 4.8, *Land Use and Planning* (Impacts T-3 and LU-3)
2. Pedestrian access - Section 4.11, *Transportation and Circulation*, Section 4.8, *Land Use and Planning* (Impacts T-3 and LU-3)
3. Bicycle access - Section 4.11, *Transportation and Circulation*, Section 4.8, *Land Use and Planning* (Impacts T-3 and LU-3)
4. Parking - Section 4.11, *Transportation and Circulation*
5. Aesthetics - Section 4.1, *Aesthetics*
6. Density bonuses - Section 4.8, *Land Use and Planning* (Impact LU-2)
7. Water supply - Section 4.10, *Public Services and Utilities* (Impact PS-2)

As the comment does not pertain to the recirculated sections of the EIR, no further response is necessary.

Response 18C

The commenter asks whether or not the appropriate agencies were notified of the Updated RR EIR and requests a list of those agencies notified.

This comment is noted; however, it does not pertain to the adequacy of the environmental document. Please refer to Response Letter 17 for a complete discussion regarding noticing for the Updated RR EIR. The commenter should also refer to Response Letters 1 and 2 which provide a list of those state agencies who received the EIR through the State Clearinghouse distribution process. CEQA does not require that an agency's distribution list be included as part of the EIR (see *State CEQA Guidelines* Sections 15120 to 15132), and it has not been included herein. However, the City's distribution list for this project is available at the Planning and Community Development Department upon request.

Response 18D

The commenter mistakenly states that two new parcels were added to the Specific Plan area through the errata process in 2005. The commenter further notes that these additional parcels would allow for exceedances of the General Plan height limit.

No parcels were added to the AVSP as part of the errata process in 2005. Regarding building height, upon adoption, the "Specific Plan" designation would become the underlying General Plan designation for the project area and would allow 2-3 story buildings (hotel use and in some cases mixed-use buildings if the top floor is residential only up to a maximum height of 45 feet). As noted above, the City of Agoura Hills has recirculated revised portions of the 2006 EIR for this project in response to a court decision. Pursuant to CEQA Guidelines Section 15088.5(f)(2), only those comments regarding recirculated sections of the EIR are appropriate for discussion at this time. This comment pertains to Sections 4.1, *Aesthetics*, and 4.8, *Land Use and Planning*, of the 2006 EIR which have not changed and were not recirculated. The comment period for the 2006 EIR closed on January 3, 2006. The comment does not pertain to the recirculated sections of the EIR and therefore no further response is necessary.



Response 18E

The commenter states her opinion that the project does not include enough walking paths to satisfy the pedestrian community goals outlined for the project. The commenter further states that sidewalks should be shown all around the AVSP project plan and should include a walkway within existing culverts through the creeks.

This comment is in regards to the proposed project and does not pertain to the adequacy of the environmental document. Design requirements regarding pedestrian access for development under the Specific Plan are located in Chapters 3, 4, and 5 of the Specific Plan. No further response is necessary.

Response 18F

The commenter states that existing channelized creeks must have development conditions which shall keep the creeks in their natural state and which shall require sufficient 700 foot - 1,000 foot buffers in Media and Lindero creeks in order to protect the Southwestern Pond Turtle.

As discussed in the BTA in the Updated RR EIR, the nesting site of southwestern pond turtles can be up to 1300 ft from the aquatic site (Storer 1930), but the majority of nests located to date are within 650 ft (D. Holland, pers. comm.). However, at localities with less gradient, soil moisture gradients and soil type may cause nesting sites to be located at a significantly greater distance than where the majority are located. Slopes of the nest sites range up to 60%, but most nests are on slopes < 25%. Hatchlings require shallow water habitat in their first year with dense submergent or short emergent vegetation. Suitable oviposition sites must have the proper thermal and hydric environment for incubation of the eggs. Nests also are typically located on a slope that is unshaded that may be at least in part south-facing, probably to ensure that substrate temperatures will be high enough to incubate the eggs (Rathbun et al. 1993).

Slopes surrounding the creeks within the Specific Plan can generally be characterized as having slopes steeper than 25%, with some areas of exception. Suitable nesting habitat is not found along the channelized portions of the creeks; therefore no buffer is necessary. Suitable nesting habitat does not occur for extensive distances within the development portion of the Specific Plan area, as these areas have been subject to disturbance for many years. As stated in the BTA, suitable habitat is found in the protected open space portion of the Specific Plan (Zone G) and for a limited distance within Zone B. The 50-100 foot native vegetation buffer (refer to Figure 4.3-4 of the Updated RR EIR) provided for under mitigation measure BIO-2(a) protects most of the suitable nesting habitat in the development area. This mitigation measure, in conjunction with measure BIO-1(b), would minimize potential impacts to southwestern pond turtles and their nesting habitat.

Response 18G

The commenter states that the AVSP is inadequate because it does not show where there is adequate parking for the one-half million square feet of building. The commenter states that the maps in the EIR must reflect the parking proposed.



As described in Section 2.0, Project Description, the Specific Plan provides a framework that would guide future development within the project area. The EIR cannot presume to exactly forecast the size and extent of future development. Therefore, the Agoura Village Specific Plan is intended to contain flexibility to accommodate a broad range of densities that may be proposed for the project area, to include, but not be limited to, densities that would accommodate either option of a hotel or residential use. As such, the analysis of environmental impacts considered a "worst case" scenario, or maximum build out as allowed under the Specific Plan, in order to capture the maximum reasonably likely impact of the project. Thus, at this time the exact location and configuration of parking is not known, but will be examined on a project-by-project basis for its consistency with the Specific Plan. The total required parking for the maximum buildout scenario was examined in the EIR. The commenter is referred to Section 4.11, *Transportation and Circulation* and Section 4.8, *Land Use and Planning* for this analysis. As this comment pertains to sections of the 2006 EIR which have not changed and were not recirculated, no further response is necessary.

Response 18H

The commenter states her opinion that the project name needs to be reconsidered.

This comment is noted; however, it does not pertain to the adequacy of the environmental document. Therefore, no further response is necessary.

Response 18I

The commenter mistakenly states that the project area (Zones E and G-E) includes Significant Ecological Area #6 and notes the need for discussion of species located within the SEA #6, such as *Juniperus californica*, the California Juniper.

As noted in the environmental setting of Section 4.3, *Biological Resources*, and shown in Figure 4.3-6, the Specific Plan area is located adjacent to the Las Virgenes SEA #6. The project site is directly adjacent to, but does not overlap with SEA #6. Further, the Updated RR EIR provides a discussion of SEA #6 and specific plants known to occur there, including *Juniperus californica*, the California Juniper. Impacts to the California Juniper were addressed under Impact BIO-1.

Response 18J

The commenter states her opinion that Zones G, E, and G-E should be expanded to the scenic ridge top and that this area should be designated as open space.

This comment, along with 18E and 18A, pertain to the AVSP and not the EIR. It is common during the CEQA review process for commentors to provide comments on the project (in this case the AVSP) that is being evaluated and to express their opinions as to the ways in which the project should be modified or improved and as to whether or not a project should be approved or denied. While these comments are important to inform decision makers of the range of public opinion that exists on any particular project, the comments often times do not pertain to the adequacy of the EIR or the EIR analysis. In these cases, the comments are noted and become part of the public record. CEQA requires responses to comments related to the adequacy of the

EIR but does not require response to comments pertaining to an opinion on the project itself. Therefore, this comment is noted; however, no further response is necessary.

Response 18K

The commenter states that biological impacts cannot be analyzed without evaluating the AVSP project total amount of grading and that an analysis of grading and its impacts on biology needs to be a part of the EIR.

As described in Section 2.0, Project Description, the Specific Plan provides a framework that would guide future development within the project area. The EIR cannot presume to exactly forecast the size and extent of future development. Therefore, the Agoura Village Specific Plan is intended to contain flexibility to accommodate a broad range of densities that may be proposed for the project area, to include, but not be limited to, densities that would accommodate either option of a hotel or residential use. As such, the analysis of environmental impacts considered a "worst case" scenario, or maximum build out as allowed under the Specific Plan, in order to capture the maximum, reasonably likely, impact of the project. Assumptions made for each analysis are included within the EIR. In addition, each project specific application will likely require stand-alone CEQA documentation that would be prepared as part of the individual project entitlement process. To the extent that the projects are consistent with the Specific Plan and the Program EIR, subsequent environmental documents would be able to focus on project specific issues not already addressed in the Program EIR. The reader is referred to Section 4.2, *Air Quality*, for a discussion of grading estimates and analysis. Impact AQ-1 provides an estimate of cubic yards of grading for the "worst case" scenario of full buildout.

Further, potential impacts to biological resources were analyzed in Section 4.3, *Biological Resources*, of the Updated RR EIR using the "worst case" scenario as described above, including the likely extent of grading that would be associated with the planned land uses. Specifically, the commenter should refer to Impacts BIO-1 through BIO-6. No further comment is necessary.

Response 18L

The commenter states her opinion that the riparian buffer mitigation measure protection plan appears to be too flexible. The commenter feels that developers and/or applicants would only use the minimum 20 foot buffer and this would equate to a Class I impact.

This comment is noted; however, under mitigation measure BIO-2(a) a minimum buffer zone of 50-100 feet of native vegetation shall be maintained between urban development and adjacent sensitive native habitats. This includes those areas located along the unchanneled portions of Medea and Lindero Canyon Creeks within the Specific Plan boundaries. Thus, the minimum buffer between riparian habitats and development is 50 feet, not 20 feet. A 20 foot buffer is as close as the equestrian trail would be allowed to the edge of riparian canopy, not commercial and residential development.

Additionally, mitigation measure BIO-2(c) requires that a riparian habitat and creek protection program be prepared by a qualified biologist (with acceptance by the City Planning and Community Development Department) and include specific measures as dictated by CDFG.

The protection program shall be submitted for review as part of the application process with the City Planning and Community Development Department. In addition, the final plans shall be subject to review and approval by the City Planning and Community Development Department prior to the issuance of a Grading Permit. This additional level of planning and coordination among agencies, in addition to BIO-2(a), provides for greater agency communication and decision sharing, to the overall benefit of the species and habitat. Thus, the EIR has examined riparian protection and minimization measures for protecting riparian habitat.

Response 18M

The commenter notes that oak trees are protected in the City's oak tree ordinance. The commenter states her opinion that oak tree mitigation measures are inadequate.

Impact BIO-3 discusses impacts to oak trees in detail. The analysis references past studies conducted within the Specific Plan area and recent studies performed in 2007 and 2008. Using the worst case scenario (as discussed above in 18G), the Specific Plan could eliminate all oaks in the development zones, which would total 110 valley oaks, 39 coast live oaks, and 54 scrub oaks, or about 44% of those inventoried. The majority of the scrub oaks associated with the scrub oak chaparral in Zone F and the west end of Zone B are also assumed would be lost under this scenario, totaling approximately 1,141 scrub oak shrubs. With respect to just valley oaks and coast live oaks, 59% of the valley oaks and 18% of the coast live oaks identified would be removed if no trees are preserved in the developable zones. The Updated RR EIR considers this a significant loss of overstory, shrub and understory plants and identifies impacts to oak trees within the Specific Plan area as significant, but mitigable. Applicable oak tree protection policies are discussed and mitigation measures provided to minimize impacts to a less than significant level. Impact BIO-3 clearly states that the City would need to approve a variance for oak tree removals if individual projects would remove more than 10% of the oaks onsite for any given development.

Response 18N

The commenter states that a 700 to 1,000 foot riparian buffer is needed to protect southwestern pond turtle. The commenter states females migrate up to 700- 1,000 feet to lay eggs and that an equal setback is necessary to protect the species' nesting habitat. The commenter states her opinion that a buffer less than 700 feet would be considered Class I.

Please see response 18F above. While pond turtles may be capable of using areas up to 1,300 feet from their aquatic home, it does not follow that they will use unsuitable habitat located within that distance. As discussed in the BTA in the Updated RR EIR, suitable nesting sites are located in Zones B and G adjacent to both creeks. Slopes surrounding the creeks within the Specific Plan can generally be characterized as being steeper than 25%, except for some limited areas, and this steepness limits the dispersal of turtles into adjacent lands. The 50-100 foot native vegetation buffer (refer to Figure 4.3-4 of the Updated RR EIR) provided for under mitigation measure BIO-2(a) along with the open space designation of Zone G protects nearly all of the suitable nesting habitat. This mitigation measure, in conjunction with measure BIO-1(b), would minimize potential impacts to southwestern pond turtle and their nesting habitat.

Response 18O

The commenter states that the open space wildlife corridor as depicted in the Agoura Hills General Plan needs to be mentioned.

Wildlife movement corridors, movement pathways, and habitat linkages are discussed in detail in Section 4.3.1 (f) of the Updated RR EIR. Further, Impact BIO-5 analyzes the potential impacts of the proposed project on wildlife corridors. The analysis provides a detailed discussion of potential impacts and concludes that the Specific Plan would not disrupt the regional movement of wildlife; and therefore, is considered to have a less than significant impact with respect to wildlife corridors. Although the commenter feels the General Plan depiction of wildlife corridors should have been included in the EIR, more recent and scientifically based data was used instead. The General Plan shows only the corridor east of Palo Comado Canyon Road, which is not within or relatively near the AVSP. Because of the outdated nature of the General Plan (approved in 1992) discussion of wildlife corridors in the EIR referenced more recent documents such as the following:

South Coast Wildlands. 2008. South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion. Produced in cooperation with partners in the South Coast Missing Linkages Initiative.

Ng, Sandra J., Jim W. Dole, Raymond M. Sauvajot, Seth P.D. Riley, and Thomas J. Valone. (March 2003). *Use of Highway Undercrossings by Wildlife in Southern California*. Biological Conservation.

California Wilderness Coalition (2001). *Missing Linkages: Restoring Connectivity to the California Landscape*. Retrieved March 25, 2005, from <http://www.calwild.org/resources/pubs/linkages/>.

Further, CEQA states that "lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR." Thus, the EIR has provided a good faith effort at disclosing the impacts related to wildlife movement corridors.

Response 18P

The commenter states that a reduced alternative limiting commercial development to 240,000 square feet should be analyzed; and that such an alternative would reduce impervious surfaces necessary for buildings and parking and would further reduce runoff.

This comment is noted; however, several reduced buildout scenarios were examined as alternatives in the EIR. Of the five alternatives examined, two looked at reducing commercial development from 576,458 (the project as proposed) to 342,108 (Alternative 2: Reduced SP Area) and 326,158 (Alternative 5: Reduced Project Size).

Alternative 2

As noted in Section 6.0, *Alternatives*, this alternative would be identical to the proposed project except that it would exclude all Zones west of Kanan Road (Zones B, D west, F and G).

Removal of the area west of the intersection of Agoura and Kanan Roads would reduce the overall Specific Plan area by roughly 25 acres of developable area. Although this alternative would not include development of the area south and west of the intersection of Kanan and Agoura Roads, this area could be developed in the future, in accordance with the Ladyface Mountain Specific Plan. This alternative does not fulfill the project objectives, as it lacks the roundabout, which is considered a key element of the Specific Plan, and due to its significant reduction in residential and commercial use. This substantial reduction in development potential would likely reduce the economic viability of development projects (making it more difficult to encourage private sector investment and revitalization) leading to the possible infeasibility of creating a vibrant village that is successful and self-sustaining. Further, this alternative would not avoid any Class I impacts or reduce Class II impacts to Class III.

Alternative 5

This alternative is a reduced version of the Specific Plan and would be developed with a lower density and without a residential component. Development at a lower density would reduce the overall building square footage for the proposed development by about 250,300 square feet. Specifically, new commercial/retail/office development within each zone would be developed at a lower FAR (0.25) as compared with the Specific Plan new development FAR (0.35). This alternative does not have a residential component and allows for minimal redevelopment. Thus, this alternative would not accomplish the project objectives of achieving a mixed use "Village" type of development. The primary component in achieving a successful "Village" is to establish sufficient retail and other commercial square footage development in a concentrated area with a complementary residential component to support the commercial uses. The substantially lower commercial square footage (inhibiting revitalization of the area and the promotion of private sector involvement that would foster commercial sales activity), combined with the elimination of residences, would severely challenge the ability to achieve a successful "Village." This alternative would substantially reduce traffic related impacts and would decrease air quality and noise related impacts. The alternative would also likely free up more open space, reduce demand on local infrastructure, impact fewer biological resources, such as oak trees, onsite, and eliminate two unavoidable and significant impacts related to land use. Although this project would have an overall lower level of environmental impact, as compared with the proposed Specific Plan, this alternative would not meet the basic objectives of the project as described above.

As each of these alternatives analyzed a significant decrease in commercial development of 41%-44% and could not meet the project objectives due to lack of sufficient commercial square footage, it is reasonable to conclude that reducing the commercial buildout further, 65% reduction, would also not meet the project objectives. As it may be reasonably concluded that this alternative would not meet the project objectives, additional analysis of this scenario, limiting commercial development to 240,000 square feet, is not warranted. It is further noted that a reduction in square footage of allowed development does not necessarily mean that the square footage of surface area disturbed would be changed; instead, the future developer could opt to construct single story structures over the same development footprint rather than multi-story structures as discussed in the Specific Plan.

Response 18Q



The commenter states her opinion that more business offices are not needed in Agoura Hills and that they are a drain on the City's services. Further, the commenter notes that mixed-use buildings should have the bottom level dedicated for retail and the top level for residential.

This comment is noted; however, it does not pertain to the adequacy of the environmental document. Therefore, no further response is necessary. The commenter is referenced to Chapter 4 of the Specific Plan for a discussion of mixed uses and requirements in the Agoura Village Specific Plan.



Letter 19

CITY OF AGOURA HILLS

2008 AUG 11 PM 9:11

CITY CLERK

CITY OF AGOURA HILLS

2008 AUG 11 PM 9:11

CITY CLERK

Save Open Space ✧ P. O. Box 1284 ✧ Agoura, CA 91376

Re: Agoura Village comments

August 7, 2008

Agoura Hills Planning Commission and City Council
3001 Ladyface Court
Agoura Hills, Ca 91301

Dear Planning Commissioners and City Council:

A The EIR for Agoura Village (AV) remains uncertified per the Writ of Mandate. Changes by decision makers can be made to make this Agoura Village Specific Plan (AVSP) better.

New Issues for 2008/Issues not Known

Traffic

B1 There are new issues of significance that were not present in 2005. The first is traffic. At 3:30 in the afternoon (not at the peak traffic hours as studied in the uncertified 2005 EIR), one has to wait through 3 light changes to turn from Agoura Road to go north on Kanan. This constitutes a new unidentified gridlock situation. (F) This is because of summer beach traffic. This intersection must function at an acceptable level because of Coastal Act law. This is a major beach access point for the entire Conejo area. Kanan Road provides the most direct cross-mountain link between the Malibu coastline and the Conejo Valley. A recent Appellate Court decision supporting public access applies to vehicular public beach access. The AVSP as proposed would adversely affect public access to the coast via Kanan Road.

If a round-about is put in, it must be of huge circumference and take in more of the private land at this intersection to be able to handle this ever increasing beach traffic. The AV map needs to be changed to reflect this new required taking.

There is a constant stream of cars coming from the beach at beach traffic hours, which are not peak traffic hours. Under this new traffic issue, the total amount of estimated grading needs to be known in order to estimate the number of truck trips impacting this now grid locked intersection. This new fact that there are peak hours in the summer for beach goers that makes this existing intersection an F level.

B2 It also becomes absolutely necessary for a developer requirement to fund an overhead walkway to move pedestrians safely over this intersection to the existing restaurants in the northwest area. This overhead pedestrian walkway should be depicted in the new maps in this updated and revised EIR.

B3 Bicycle Route

Another issue of new significance is that this area has become a major bicycle route. It has been planned to be as depicted as such in the Santa Monica Mountains Comprehensive Plan Map (Enclosure #1). Now in 2008, Agoura Road has become a major recreational bicycle route. The Agoura Village Specific Plan can be made better by moving back the buildings fronting Agoura Road, which will preserve the scenic quality of Agoura Road and allow safe bicycle lanes on the Agoura frontage road. The street side parking which is incompatible for bicycles should be moved into the areas labeled "additional mixed use development" (back side of zones A and B) Providing these areas for parking will eliminate the need for the "may be" parking garage which will change suburban Agoura Hills character into dense Los Angeles city type development. The street side buildings should also be moved back from Agoura Road in order to protect the scenic views from Agoura Road. Agoura Road is designated as such in Agoura Hills General Plan Scenic Highway Element. (See enclosure #2)

B6 Density Bonus

Another new issue of significance is the recent approval of the density bonus for middle to low-income housing. (Depending on city's definition of what constitutes low income). One of these landowners was at that hearing to support this new allowable bonus in number of housing units. The Project Description of a max of 293 units then changes. These changes bring changes in the traffic estimates. Multifamily residential units can generate up to 5 to 7 new trips a day per unit. All the changes in project effects including air quality, traffic, student generation, water usage, etc must be analyzed by applying this new density bonus recently approved by the city.

B1 Water Supply for Existing Customers

Now, in 2008 there are two new water issues. There is the drought and Delta cases which have impacted our water supplies. This new information impacts on whether existing customers will have an adequate supply. It may not be possible provide adequate water to this huge massive AV development as proposed. This new information of significance must be analyzed. Will there be enough water for this AV project at this huge density of more than one half million new square feet of commercial and way over 300 new residential units? (With the new density bonus factored in)

Agencies Notified List Needed

C Were the appropriate agencies notified of this AV recirculated EIR? Please list in this new EIR document which agencies were notified of this new draft EIR. The following agencies have a stake in the happenings in the Santa Monica Mountains Zone per state law: California Fish and Game, Santa Monica Mountains National Park Service, Santa Monica Mountains Conservancy, and Native Plant Society. There are two federally

listed plant species. Federal agencies requiring to be notified include the federal Fish and Wildlife and Army Corp of Engineers. The wetland issues involve jurisdiction of the California Department of Fish and Game and the Army Corp. Were all these agencies notified? The notification list should be a part of this updated EIR.

Project Description

D As a pedestrian community serving Agoura Hills residents, there is a complete lack of enough walking paths to for fill this project goal. Sidewalks and walking paths must be depicted all around this AV complex. These walkways can not be required later if they are not a part of this plan. A walking path all around AV needs to be an integral part of AV. Existing culverts in the creeks must be required to be removed and the dirt paths opened up to walkers unless flood conditions are present. The existing chanelized creeks (Chesebro, Lindero, and Media) must have development conditions which shall keep these creeks in their natural state and which shall require sufficient 700 foot to 1000-foot buffers in Media and Lindero creek areas in order to protect the Southwestern Pond Turtle.

F The AV plan is inadequate in that it is not shown where there is adequate parking for the over one half million square feet of building. The maps in the EIR must reflect the parking.

Res. to DAF
If the restaurants and entertainment facilities are to be successful, AV needs to be a place where all the Agoura Hills residents will want to visit as a town center. AV needs to add walking paths around the entire complex and incorporate walking paths to the existing creeks areas that are not sensitive habitat for the Southwestern Pond turtle. This positive addition to the AV project will be complying with the new 2008 nationwide mandate to increase exercise activities for the entire family. These walking paths will serve to make this a successful pedestrian center getting people out of their cars for a meal and enjoyable recreational walk. These walkways need to be put in the AV SP and the area depicted on maps because it will be very difficult to require the walking areas to be set aside later. Right now, it appears that the maps do not show set aside walking paths.

G The project name needs to be reconsidered. This corner was previously called Malibu Junction and Cornell Corners. The project name should reflect that three different creeks are included in the AV boundaries. The project name should also compliment the fact that this scenic corner with the Lady Face Mountain backdrop is the Gateway to the Santa Monica Mountains National Recreation Area. A few suggestions include Creekside Corners and/or Creekside Junction. With 3 different creeks all within the Agoura Village SP boundaries, the name should reflect this noteworthy environmental feature. At the same time, the name should capitalize on the fact that this is the gateway to a national recreation area.

Biological

H
I
The AV project area (Zones E and G-E) includes a Significant Ecological Area #6 "Las Virgenes". (Enclosures #3 Maps) This SEA #6 needs to be discussed in relation to its identified biological resources like California juniper. These are the only 2 California Junipers in our entire Santa Monica Mountains area. It appears that AVSP does not go all the way to the ridgeline. If so, Zones G, E and G-E should be expanded to include all the way to the scenic ridge top. It also appears that there is a notched area left out. The notched area on the map should continue all the way to this ridge top. Years ago that landowner expressed a desire to sell this hard to develop property as parkland because of its steepness. This steep notched area addition should be designated as open space, scenic ridgeline, and biological resource area.

J
The impacts to the biological can not be analyzed without evaluating the AV project total amount of grading. An analysis of the grading and its impacts on the biological needs to be a part of this EIR.

K
L
The riparian buffer mitigation measure protection plan appears to be too flexible. The decision makers and agencies will support redesign to avoid endangered/sensitive plant and animal species/habitat. It is up to the decision makers/responsible agencies to ask the project be redesigned with adequate buffers to protect the native plants and animals. As written the mitigation measures allow the developer/applicant to decide not to redesign to avoid biological resources, and/or to leave only a 20 foot buffer. This would make biological impacts on plants/plant communities and animals to be a Class I impact. Oak trees are protected in the city's oak tree ordinance. Applicants/developers are not allowed to remove more than 10% of the oaks onsite of any given development. City officials need to be able to require project design to avoid oak trees. It appears that the mitigation measures are inadequate in this area.

M
A 700 to 1000 foot riparian buffer is needed to protect the Southwestern Pond turtle. The female migrates 700 to 1000 feet to lay eggs on land areas. This 700 to 1000 feet setback is necessary to protect the pond turtle. If the 700 to 1000 foot riparian buffer is not required as mitigation to protect these turtles and their reproduction needs, then this is a Class I impact requiring a mandatory finding of significance. Also, putting in the 700 to 1000 foot buffer will be protecting the most significant natural topographic feature of the AV SP, the beautiful creeks which run through it.

N
The open space wildlife corridor as depicted in the Agoura Hills General Plan needs to be mentioned. (Enclosure #4) This corridor follows Media Creek and is an additional layer of protection. This information added to this biological analysis of riparian corridor will aide in setting aside the 700 to 1000 foot riparian buffer as needed for the continued existence of the Southwestern Pond turtle. Also, the 700 to 1000-foot riparian buffers enhance the natural topographic features of our town center making it a more desirable place to visit.

A real reduced project alternative needs to be discussed. A real reduced project alternative will significantly reduce impacts to the pond turtle, riparian areas, and now the new traffic and water issues.

By reducing the AVSP commercial from 580,000 to 240,000 sq feet, there will be less building footprint. Reduced building footprints will reduce the impervious surface required for the buildings and parking. This will mean less run off to impact the Southwestern Pond Turtle and the creek ecosystems.

More business office is not needed in Agoura Hills and it is a drain on our services. The mixed-use buildings should have the bottom level be retail and the top level should be residential. There is no need to add business office on top, which results in taller buildings, which will block scenic views from, designated scenic roads. There is no need to allow these buildings to be 45 ft tall and break the city General Plan of 35 feet. This reduction in building square footage will reduce the impacts to the Southwestern Pond Turtle and the creek ecosystems. With the economy changes and Countrywide being absorbed by Bank of America, there will most likely be a glut of office buildings in our area. Office buildings do not generate good revenues for our city.

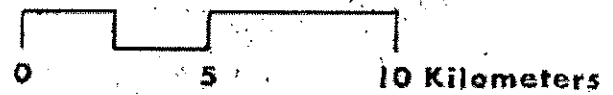
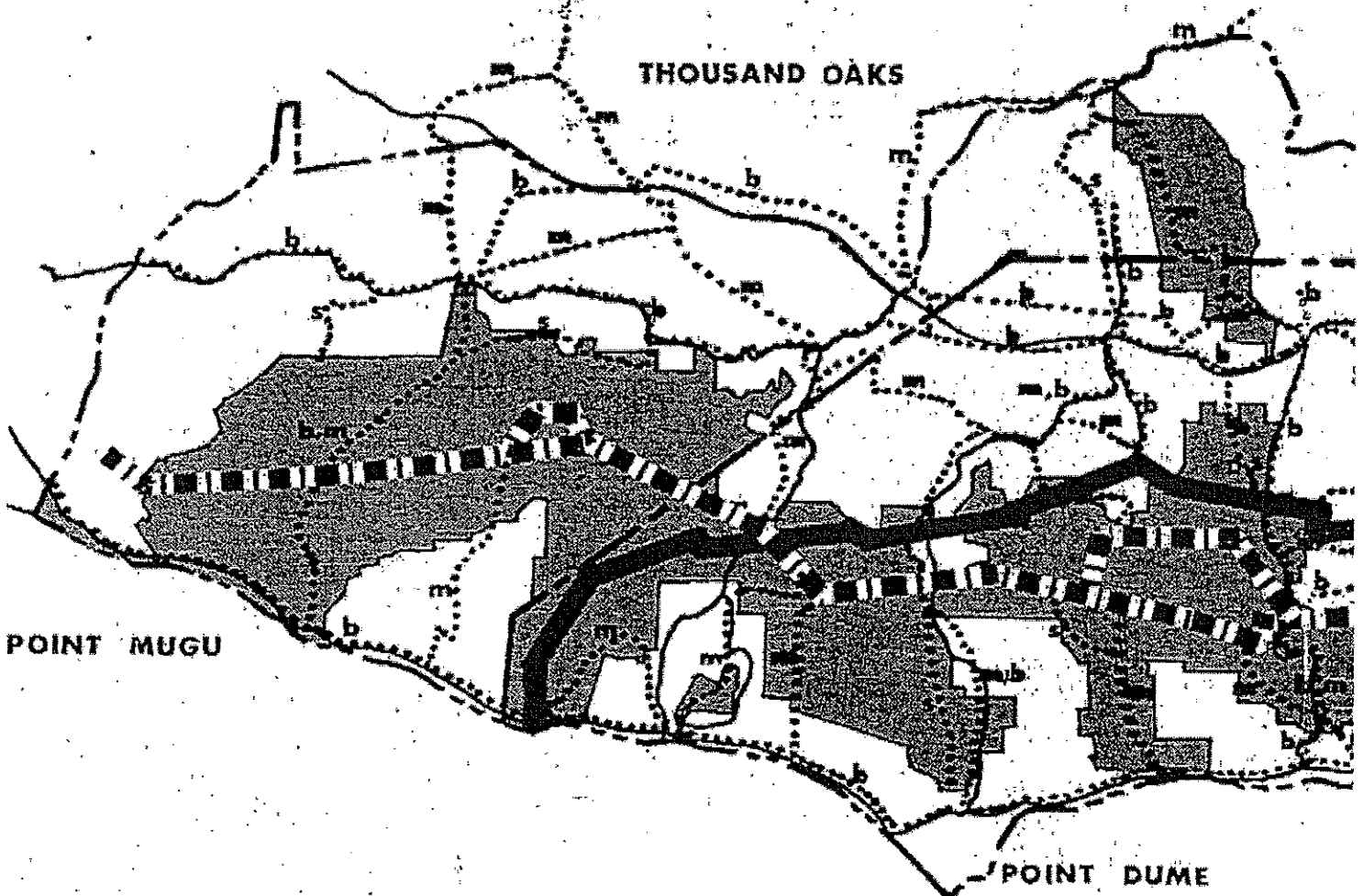
By truly reducing the AVSP to one half the commercial density, there will be less traffic and resulting less impact on air quality. Fewer cars will be idling at the Kanan/Agoura Road intersection as they wait to get into the traffic circle and/or idle at the traffic lights. Reducing the air quality impacts by one half will reduce the air quality impacts on the creek ecosystems.

By reducing the AVSP, vertical wise, and bringing the height limit back into compliance to the General Plan's 35 foot height limit, there will be considerably less building square footage generating more parking required. This will also reduce impervious surface runoff impact into the creeks.

Thank you for the opportunity to comment. Hopefully you as decision makers will incorporate these ideas into making this a better project for our city. Community residents want to have a nice town center to visit, shop, and enjoy recreational activities. If you allow AV to be built with its proposed massive density, then too much traffic will be the result. Unfortunately AV will then become a place that the community avoids.

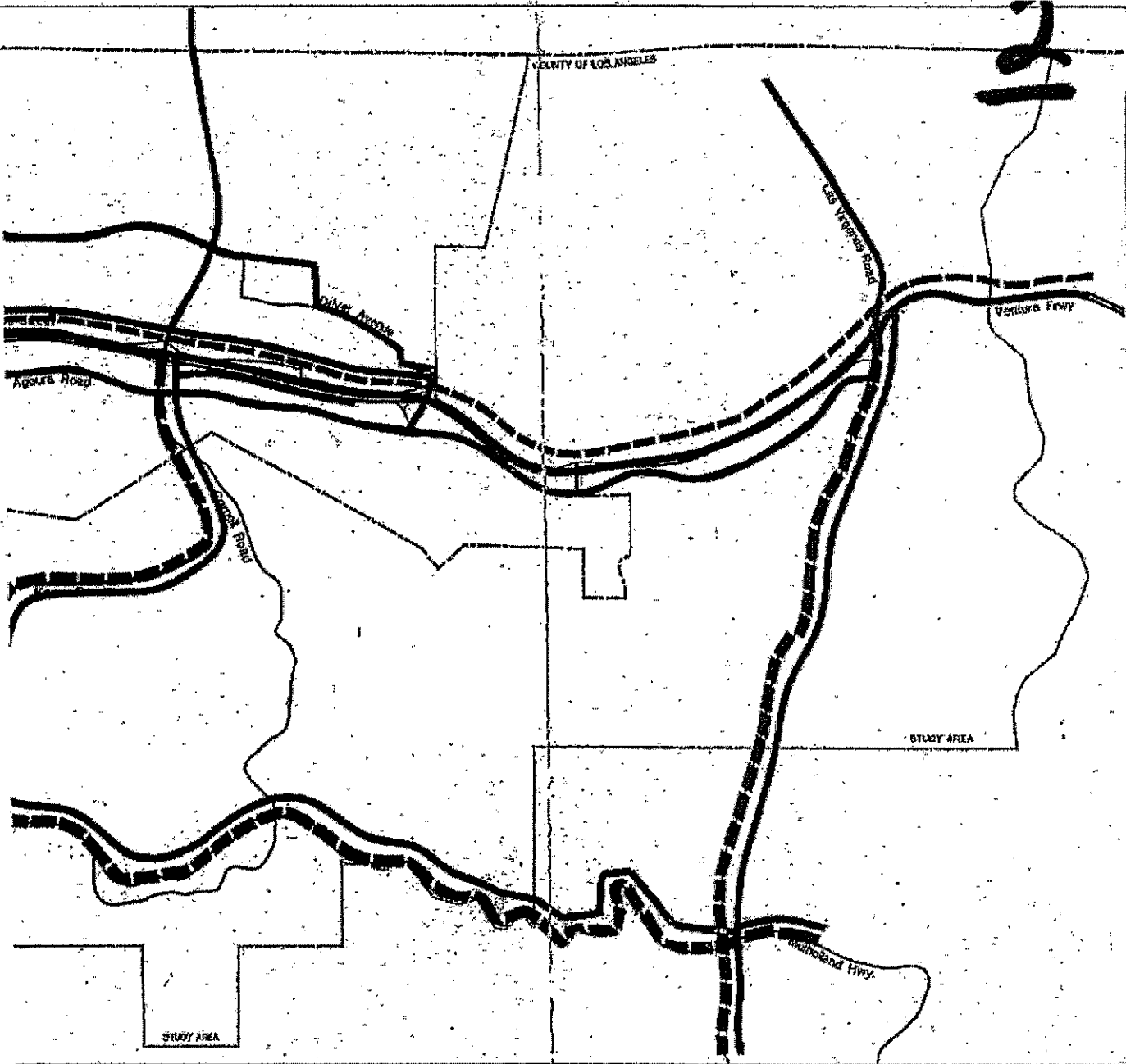
Mary E. Wiesbrock, Chair

Enc.



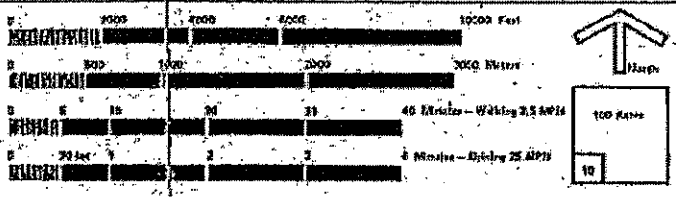
State of California
**SANTA MONICA MOUNTAINS
 COMPREHENSIVE PLANNING
 COMMISSION**

b = bicycle

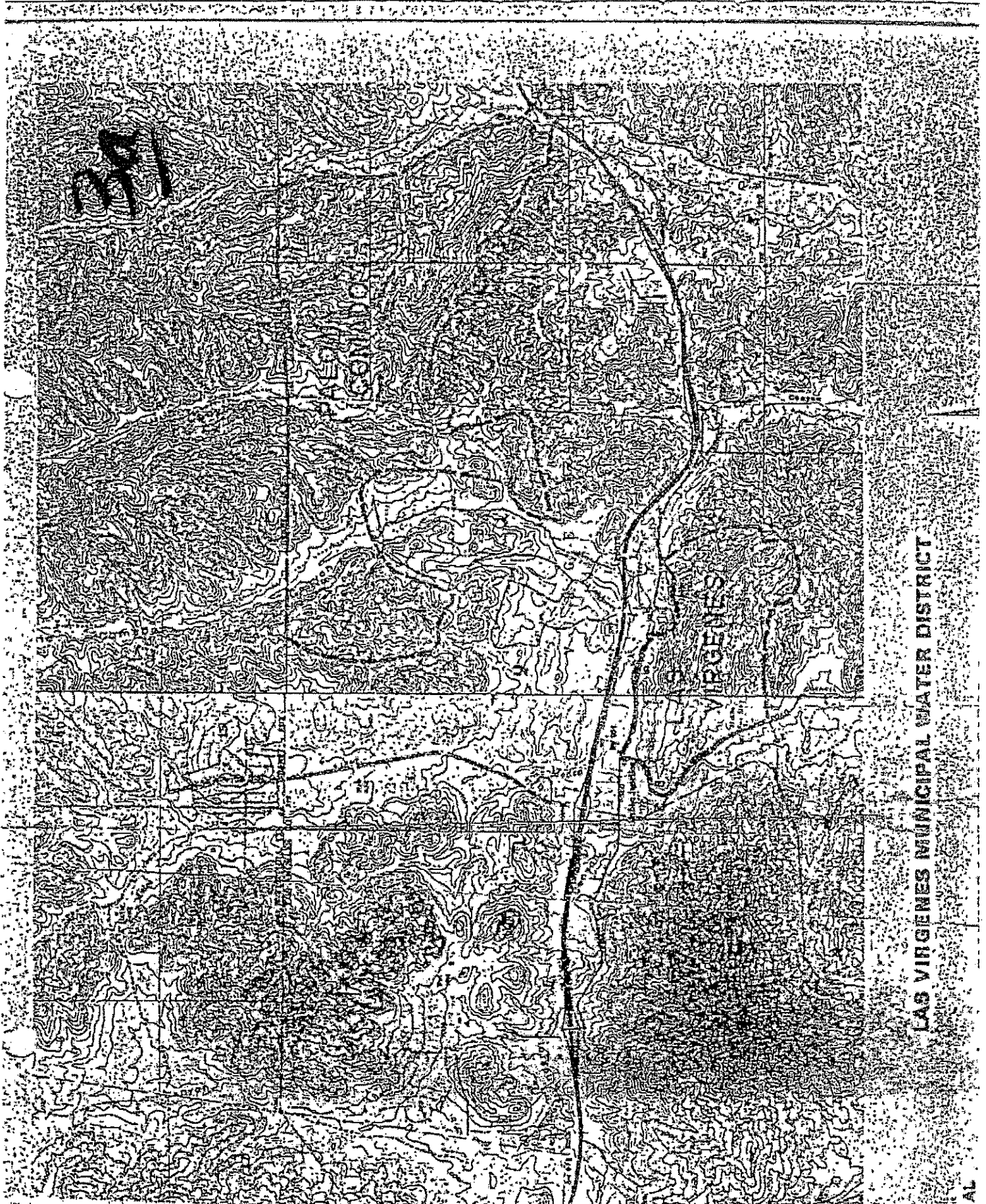


- PRIMARY COUNTY SCENIC HIGHWAY
- SECONDARY COUNTY SCENIC HIGHWAY
- LOCAL SCENIC HIGHWAY

Figure 10.1 SCENIC HIGHWAYS



The City of Agoura Hills
 Planning, Zoning &
 Appearance Department
 with
 Barton-Aschman Associates
 Williams-Kuebelbeck Associates
 Leighton & Associates

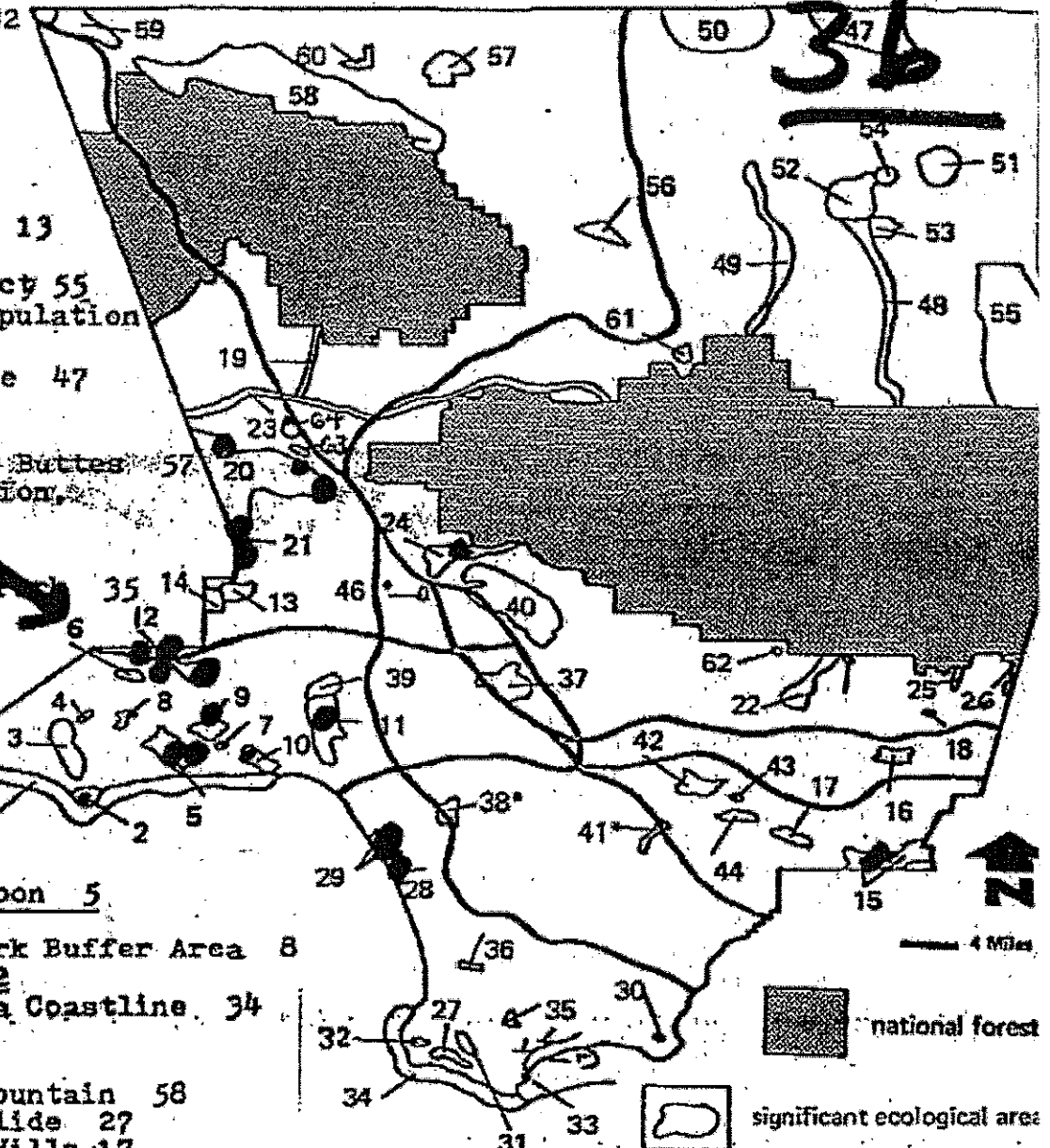


LAS VIRGENES MUNICIPAL WATER DISTRICT

SIGNIFICANT ECOLOGICAL AREAS IN LOS ANGELES COUNTY

MAP OF SIGNIFICANT ECOLOGICAL AREAS
IN LOS ANGELES COUNTY GENERAL PLAN

- Agua Amarga Canyon 32
- Lamitos Bay 30
- Alpine Butte 52
- Ballona Creek 29
- Big Rock Wash 48
- Buzzard Peak/San Jose Hills 16
- Cathart Reservoir 13
- Chico Creek 9
- Desert-Montane Transect 55
- Dieffenbachia Population Glendora 45
- Edwards Air Force Base 47
- El Segundo Dunes 28
- Chino Reservoir 39
- Elm and Antelope Buttes 57
- Elm Grande Population, Monrovia 62
- Griffith Park
- Harbor Lake Regional Park
- Heathcote Gulch
- Joshua Tree Woodland Habitat 60
- Kentucky Springs 61
- Las Virgenes 6
- Little Rock Wash 49
- Looney Butte 53
- Long Canyon 63
- Madroña Marsh 36
- Malibu Canyon and Lagoon 5
- Malibu Coastline 1
- Malibu Creek State Park Buffer Area 8
- Malibu Comada Canyon 12
- Los Verdes Peninsula Coastline 34
- Monte Butte 54
- Paint Dune 2
- Piedmont Ridge/Liebre Mountain 58
- Portuguese Bend Landslide 27
- Powder Canyon/Puente Hills 17
- Point Hondo College Wildlife Sanctuary
- Porter Ridge 56
- Rolling Hills Canyons 31
- Sawdust Lake 50
- Saddleback Butte State Park 51
- San Antonio Canyon Mouth 26
- San Dimas Canyon 25
- San Francisquito Canyon 19
- Santa Clara River 23
- Santa Fe Dam Floodplain 22
- Santa Susana Mountains 20
- Santa Susana Pass 21
- Santa Susana Hills 14
- Sanborn and Turnbull Canyon 44

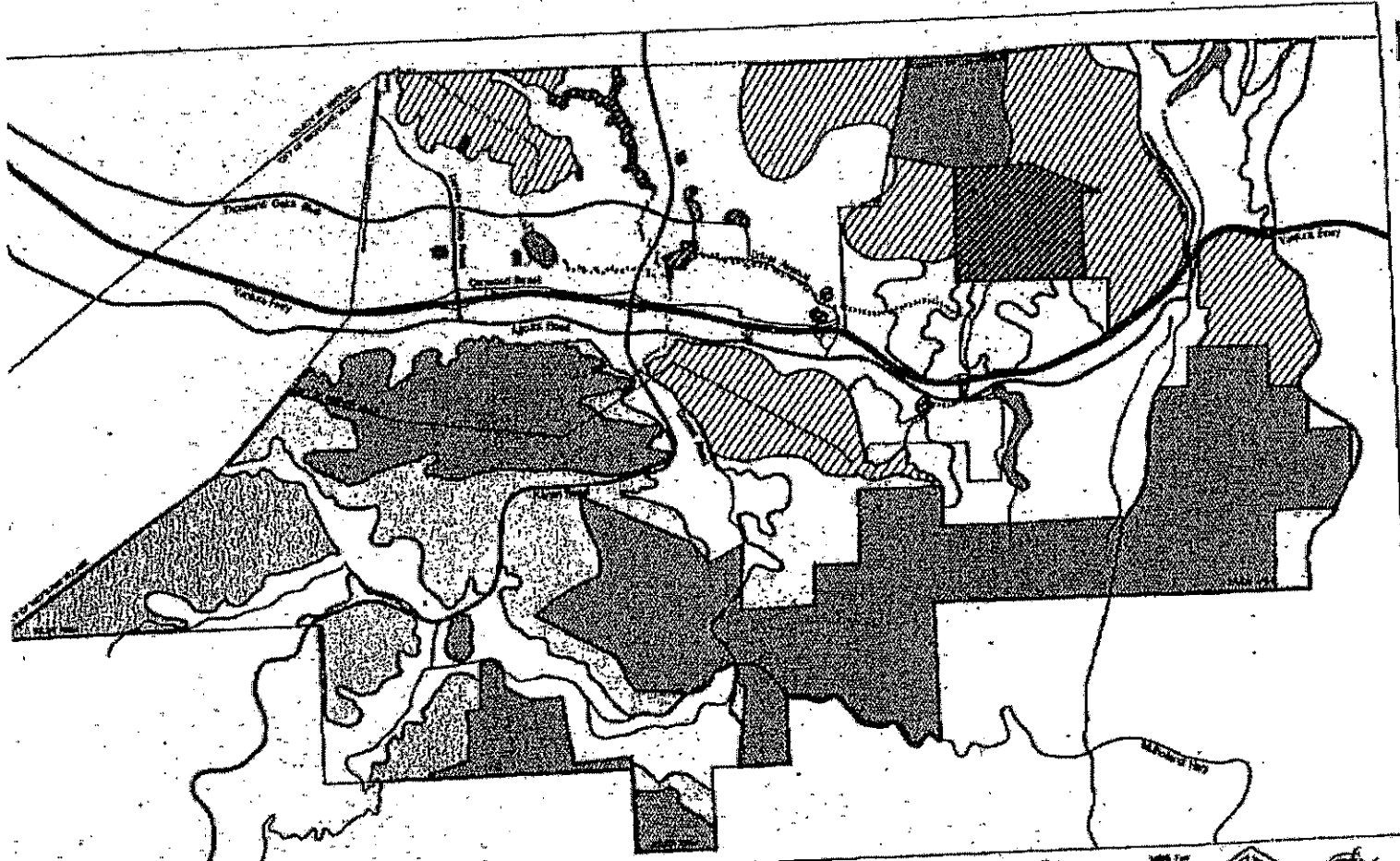


- Tehachapi Foothills 59
- Temescal-Rustic-Sullivan Canyons 11
- Terminal Island 33
- Tonner Canyon/Chino Hills 15
- Tujunga Valley/Hansen Dam 24
- Tuna Canyon 10
- Upper La Sierra Canyon 4
- Valley Oaks Savannah, Newhall 64
- Verdugo Mountains 40
- Way Hill 18
- Whittier Narrows 42
- Zuma Canyon 3

● PROPOSED OR APPROVED DEVELOPMENT OR SANITARY LANDFILL (PARTIAL LIST)

Note: SEA 38, SEA 41, and Sea 46 have been designated as open space and not as an SEA. The precise boundary for SEA 29 will be determined in the Local Coastal Plan program.

AGOURA HILLS GENERAL PLAN






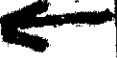




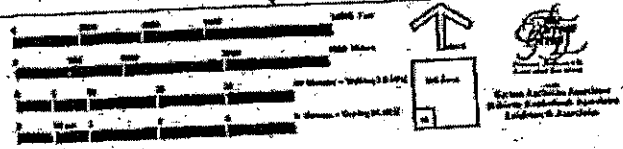
- 4**
-  DEVELOPED OPEN SPACE
 -  NATURAL OPEN SPACE
 -  OPEN SPACE-TDR 
 -  RURAL RESIDENTIAL
 -  OPEN SPACE CORRIDOR 
 -  HISTORIC OAK TREE

Figure 7.4
OPEN SPACE STRATEGY



Letter 19

COMMENTER: Mary E. Wiesbrock, Chair, Save Open Space

DATE: August 8, 2008

RESPONSE:

Response 19A

Refer to Response Letter 18A

Response 19B

Refer to Response Letter 18B

Response 19C

Refer to Response Letter 18C

Response 19D

Refer to Response Letter 18E

Response 19E

Refer to Response Letter 18F

Response 19F

Refer to Response Letter 18G

Response 19G

Refer to Response Letter 18H

Response 19H

Refer to Response Letter 18I

Response 19I

Refer to Response Letter 18J

Response 19J



Refer to Response Letter 18K

Response 19K

Refer to Response Letter 18L

Response 19L

Refer to Response Letter 18M

Response 19M

Refer to Response Letter 18N

Response 19N

Refer to Response Letter 18O

Response 19O

Refer to Response Letter 18P

Response 19P

Refer to Response Letter 18Q



**Transcribed Oral Comments
Planning Commission CEQA Hearing
June 5, 2008**

From: Serena Friedman

(Also at this hearing, provided also a letter dated 4/17/00 from her to the L.A. County Regional Planning Commission regarding the County's North Area Plan, which she read from in her oral comments).

I live off Cornell Road and am speaking on behalf of the Cornell Ranchos homes HOA, 13 homes in Agoura. Cornell is a winding, unlit, uncurbed, curved roadway surrounded by low density homes, horses, open space, and the scenic Santa Monica Mountains corridor. At the original hearing of formation of the City of Agoura Hills, the City wished to preserve the resources of the area of the Area Plan. The City wished to preserve the wildlife corridor, topographic features, open space, riparian, biological flora and resources, ecosystem, rural character of the area, viewshed of the Santa Monica Mountains scenic corridor is to be protected and SEA 6, preservation of endangered species in Medea Creek. I have a report which questions the accuracy and completeness of the biology resources assessment, including Cooper's hawk, San Diego desert whiptail, a sparrow and a lizard and red legged frog. Of interest, it was prepared by very reputable Envicom and Dr. Koutnik is a resources person for SEAs. The endangered species in your report is not all-inclusive. CEQA requires that. All projects and potential buildout must be evaluated under CEQA. The hydrology impacts that can be...The California Natural Diversity Database also indicates some species you have not indicated. The impact of the project on two creeks that empty into the ocean in the riparian ecosystem isn't complete enough per CEQA law. Like to remind you of the flood hazard in 1992 - Cornell Road was flooded. If all the proposed buildout occurs, it will have hazardous and dangerous consequences and affect the wildlife corridor linkage along Medea Creek used by many animals, such as deer, bobcats and others. There's a danger for fire evacuation and egress limitations not just for humans but for the animals we're trying to protect. This is complicated by traffic impacts of high density proposals, gridlock, well documented at Kanan Road interchange. I have a traffic study documenting LOS D and E at that intersection. Also issues of destroying scenic corridor because of 35-foot height you are allowing the building to violate your City restrictions. I summarize with one sentence. We must protect this wildlife corridor, biotic resources in the Medea Creek, riparian resources in SEA 6, I don't believe the mitigation measures adequately take care of that and beg to differ that a decision to approve this project.

**Comments Received at June 5, 2008
Planning Commission Hearing on the
Agoura Village Specific Plan EIR**

The City of Agoura Hills Planning Commission held a public hearing to accept comments on the Updated RR EIR on June 5, 2008. The comments received at that hearing and responses thereto are included below.

1. Serena Friedman, Cornell Ranchos Homes HOA:

Comment: At the original hearing of formation of the City of Agoura Hills, the City wished to preserve the resources of the area of the Area Plan. The City wished to preserve the wildlife corridor, topographic features, open space, riparian, biological flora and resources, ecosystem, rural character of the area, viewshed of the Santa Monica Mountains scenic corridor is to be protected and SEA 6, preservation of endangered species in Medea Creek.

Response: This comment is noted. It does not pertain to the adequacy of the EIR and no further response is necessary.

Comment: The commenter notes that she has a report which questions the accuracy and completeness of the biological resources assessment, including Cooper's hawk, San Diego desert whiptail, a sparrow and a lizard and red legged frog. Further, the commenter states her opinion that the endangered species in the report is not all-inclusive.

Response: The commenter notes that she has a report discussing the validity of the biological resources assessment provided in the Updated RR EIR; however, this report has not been provided to the City nor was a source cited in the comment letter. Without this information a specific reply cannot be made.

Section 15204 of the CEQA Guidelines states that the standard of adequacy on which an EIR is based as:

"An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but, the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure."

Thus, the EIR need not be "all-inclusive" according to CEQA; however, it must be sufficient in light of what is reasonably feasible. As shown below, an exhaustive effort has been made to incorporate relevant and up-to-date information available for the Specific Plan area. As stated in the setting of

Section 4.3, *Biological Resources*, the EIR biological resources analysis was developed using:

“Several regional biological resource studies that have been prepared that address the general biological resource values within the Specific Plan boundaries and general vicinity. These studies include EIRs completed for the Ladyface Mountain Specific Plan, the Creekside Center EIR, and the City’s General Plan EIR. These reports are incorporated by reference and are available for review at Agoura Hills City Hall. Additionally, a site specific Biological Assessment (Rincon Consultants, Inc., 2003) and a preliminary oak tree report (TREES, etc., 2004) were used for this analysis. These two studies were included in Appendix B of the 2006 EIR. Aerial photography was also used to further evaluate biological conditions onsite. Rincon Consultants conducted technical biological studies in the spring and summer of 2007 and 2008 while under contract to the City of Agoura Hills. The purpose of these surveys was to update the earlier studies cited above and provide additional focused survey information for sensitive species and communities.”

Additionally, as noted in the Updated RR EIR, “A list of special status plant and animal species that could potentially occur on-site was developed based on review of the California Natural Diversity Database (CNDDDB), previous studies from the vicinity of the site, and general knowledge of the area.” Further, the EIR incorporated comments from public agencies and private citizens submitted throughout the development of the 2006 EIR.

The commenter’s concern regarding the specific species listed above is unclear; as the study referred to was not provided and as some species mentioned were included in the EIR analysis. It is unclear whether the commenter feels they were inappropriately included or excluded. Cooper’s hawk was observed onsite in 2007. This observation was discussed in the Updated RR EIR. In regards to the commenter’s mention of the San Diego desert whiptail, there is no such whiptail recognized in California. Thus it is unclear what the commenter is referring to; however, the Updated RR EIR discussed habitat suitability onsite for two species of lizard which the commenter may be referring to, the coastal western whiptail and the San Diego horned lizard. The Updated RR EIR notes coastal western whiptail inhabits a variety of habitats including sage scrub, grasslands, washes, and oak woodlands and that “CNDDDB records show occurrences throughout the Santa Monica Mountains south of the US Highway 101. Habitat is present within the project area to support this subspecies. Individuals were observed within the Specific Plan area during field surveys in 1993. Three different whiptails were observed during the 2007 surveys at the same location on different survey days (two on one day, one larger one the second day) on the west side of Kanan Road at the edge of Zone G (Figure 4.3-4). Two additional individuals were observed in 2008 within Zone F. The project site is in a zone of overlap between two subspecies and it is unknown which subspecies was present as identification requires extensive study, generally including comparing the animal to museum specimens. This animal prefers dense vegetation and it may occur throughout the project area within mixed



chaparral and coastal sage scrub. It is noted that this animal was formerly listed by CDFG as a 'species of special concern,' but in the latest publication of Special Animals (CDFG, February 2008), it no longer has that status, nor is it on the CDFG 'Watch List.' "

The Updated RR EIR also discussed the Southern California rufous-crowned sparrow (WL) in detail. An adult was seen with food (indicative of nesting) just south of Cornell Road and outside the project area (Figure 4.3-4). Another adult was seen on the southern edge of Zone A South near the steep cliffs indicated in yellow on Figure 4.3-4. As the particular species of sparrow the commenter is concerned about is not mentioned, it is difficult to address her concerns; however, the Southern California rufous-crowned sparrow was discussed in the EIR.

Lastly, the California red-legged frog was also discussed in detail in the Updated RR EIR. This species was specifically surveyed for and not located within the Specific Plan area. Mitigation measures BIO-2(a) and BIO-2(c) were included in the EIR, and would minimize impacts to potential red-legged frog habitat onsite. Further, mitigation measure BIO-1(b) would require surveys for sensitive wildlife species, such as the California red-legged frog and the species mentioned above, prior to beginning construction and/or commencement of any disturbance activities.

As noted in CEQA Guidelines, Section 15204, reviewers "should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects." Due to the unclear and non-specific nature in identifying possible impacts or suggesting specific alternatives and or mitigation measures, and because the commenter did not provide the study referred to, it is not possible to address this comment any further.

Comment: The commenter noted that the CNDDDB indicates some species which were not included in the EIR.

Response: All species indicated in the CNDDDB were incorporated into the EIR with detailed descriptions of the species habitat requirements and potential for presence within the Specific Plan area with the exception of one species, the slender mariposa lily. The slender mariposa lily, *Calochortus clavatus var. gracilis*, was included in the CNDDDB search provided in the BTA as occurring almost 5 miles east southeast of the site, but was not discussed in detail in the Updated RR EIR. To address this comment the Final EIR has been revised to reflect this species' potential onsite with inclusion of a detailed description of its habitat requirements. Although the species was not included in the list of species potentially occurring within the Specific Plan area, this is a readily identifiable and obvious species during the flowering period, which is when the site was

surveyed in 2007 and 2008. If this species had been present it would most likely have been detected during these recent surveys, similar to the other *Calochortus* species found at the site. The lack of discussion of this species as potentially occurring with the project area does not change the level of significance for impacts to sensitive plant species. As a CNPS List 1B.2 species, it is a special status plant that has been addressed generically under Impact BIO-1 and mitigated for per mitigation measure BIO-1(a). The lack of discussion of this particular species (which was not observed during any of the field botanical surveys) in the EIR does not present any new significant impacts or require additional mitigation. This species will nonetheless be added to the Final EIR under Table 4.3-1 as having potential to occur in the study area.

Comment: The commenter states that the impact of the project on two creeks is not adequately addressed in accordance with CEQA and that buildout of the proposed project could generate flood hazards which may impact wildlife using the creeks.

Response: This comment is noted; however, Section 4.3 of the Updated RR EIR discusses wildlife movement corridors and migratory species with the potential to utilize the site in detail in the environmental setting and under Impacts BIO-1 and BIO-5. This section assessed whether the proposed project would have an adverse impact on a wildlife corridors, wetlands, oak trees, sensitive communities, and sensitive species, and where appropriate, prescribed mitigation measures. Open space resources are also thoroughly characterized in Section 2.0, *Project Description*, as well as in Section 4.3, *Biological Resources*.

Further, Section 4.7, *Hydrology and Water Quality*, of the 2006 EIR discusses potential impacts and mitigation measures related to hydrology, water quality, and site flood hazards. This section assessed whether the proposed project would have an adverse impact on the existing drainage pattern of the Specific Plan area, and where appropriate, prescribed mitigation measures. Additionally, as noted above in the introduction, the Updated RR EIR included only those changes to the original Final EIR that were required by the Writ of Mandate to meet judicial review. Those changes involved Section 2.0 Project Description, Section 4.3 Biological Resources, Section 6.0 Alternatives, and the Biological Technical Appendix. As noted above, pursuant to CEQA Guidelines Section 15088.5(f)(2), this document responds only to comments regarding those recirculated sections of the DEIR. No changes were necessitated in Section 4.7, *Hydrology and Water Quality*, and it was therefore not included in the Updated RREIR. This comment pertains to other sections of the EIR not recirculated, for which the comment period closed on January 3, 2006.

Comment: The commenter notes her concern regarding the danger from fire evacuation and egress limitations not just for humans but for animals as well. The commenter feels this is complicated by traffic impacts at the Kanan Road interchange and mentions a traffic study documenting LOS D and E at that intersection.



Response: The City of Agoura Hills has recirculated portions of the draft EIR for this project in response to the writ of mandate described in the introduction. As noted above, pursuant to CEQA Guidelines Section 15088.5(f)(2), this document responds only to comments regarding those recirculated sections of the DEIR. Emergency evacuation for humans is addressed in Sections 4.5, *Hazards and Hazardous Materials*, 4.10, *Public Services and Utilities*, and 4.11, *Traffic and Circulation*, which have not changed from the 2006 Final EIR and were not recirculated. The comment period for the 2006 EIR closed on January 3, 2006. With regards to vehicular traffic, such impacts were addressed in portions of the EIR which were not updated or recirculated, no further comment is necessary. With regards to animal evacuation, it is unclear whether the commenter is concerned about animals moving into the project site, or having less area to move to in the event of a fire. The project site is located adjacent to open space and is directly linked to the Santa Monica Mountains National Recreation Area (SMMNRA). In the event of wildfire, highly mobile animals will flee before the fire into adjacent suitable habitat, and in many cases, even into suburban areas. Less mobile animals will either expire or hide below ground until the fire passes by. In either event, the proposed project would have little effect on the movement of wildlife during a wildfire.

Comment: The commenter notes concern regarding impacts to scenic corridors in relation to 35-foot building heights.

Response: As noted above, this comment pertains to Sections 4.1, *Aesthetics*, and 4.8, *Land Use and Planning*, which have not changed from the 2006 Final EIR and were not recirculated. The comment period for the 2006 EIR closed on January 3, 2006. As this comment pertains to impacts addressed in portions of the EIR which were not updated or recirculated, no further comment is necessary.