



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

DATE: FEBRUARY 18, 2010

TO: PLANNING COMMISSION

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

BY: ALLISON COOK, PRINCIPAL PLANNER *ac*

SUBJECT: GENERAL PLAN UPDATE AND ENVIRONMENTAL IMPACT REPORT

The purpose of this report is to present to the Planning Commission the proposed General Plan Update (GPU), and the Final Program Environmental Impact Report (EIR) prepared for the General Plan Update. The role of the Planning Commission is to conduct a public hearing, and make a recommendation to the City Council regarding adoption of the General Plan Update (City of Agoura Hills General Plan 2035) and certification of the Final EIR for the General Plan Update.

DECISION MAKING GUIDEBOOK

Attachment 1 is the General Plan Update *Decision Making Guidebook*. This document was compiled by City staff to assist the Commission in reviewing both the GPU and EIR. It consists of three parts: (1) Background; (2) General Plan Update; and (3) Environmental Impact Report. It summarizes how the documents were prepared, the content of the documents, and any important items that the Planning Commission should be considering in its decision whether to adopt the GPU and certify the Final EIR.

The General Plan Advisory Committee (GPAC) was responsible for conducting the detailed review of the General Plan Update and providing feedback and direction to staff and the General Plan Update consultant, the firm of PBS&J. The *Decision Making Guidebook* highlights the key provisions and issues in the General Plan Update, and brings to the Planning Commission's attention some important changes proposed in the General Plan Update for the Commission's confirmation.

FINAL GENERAL PLAN UPDATE AND FINAL EIR

The Draft GPU (October 2009) has previously been provided to you. The document titled *Additional Changes to the Draft Agoura Hills General Plan 2035* (Exhibit A of Attachment 3) lists all proposed changes to the Draft GPU. Together with the Draft GPU document, this forms the Final Draft GPU for your consideration. With the exception of minor edits and corrections that will be made, Exhibit A of Attachment 1 lists all proposed changes to the text and figures in the Draft GPU in track changes mode. These changes reflect comments received from other agencies and the public, as well as City staff recommended changes. These changes are primarily technical in nature, and do not represent any substantive policy implications or changes from GPAC's recommendation, nor do they warrant any additional analysis in the EIR. An explanation of each change is also provided in the list. Marked up changes to maps are attached to the *Additional Changes* document. The *Additional Changes* document and the Draft GPU will be integrated into the one Final GPU document after adoption by the City Council.

The Final Program EIR (Attachment 2) consists of the Draft EIR, as well as the following additional chapters:

- Chapter 8: Introduction to the Final EIR
- Chapter 9: Changes to the Draft EIR
- Chapter 10: Responses to Comments
- Chapter 11: Mitigation Monitoring and Reporting Program

Any text or figure changes initiated by City staff or to reflect comments of public agencies, citizens and other interested parties have now been incorporated into the body of the Final Program EIR (February 2010). These changes are not significant, and do not require recirculation of the document pursuant to CEQA.

ACTIONS TO BE TAKEN

In order for the City to adopt the General Plan 2035, the Planning Commission is being asked to take a series of actions. Since many of the actions are legislative in nature, the Planning Commission would be the recommending body and the City Council would be the final approving body. The City Council will consider the GPU, EIR and the Planning Commission's recommendation at a separately noticed public hearing. The following is a list of the Resolutions that the Planning Commission is being asked to consider.

A. Adopt a Resolution to Recommend Adoption of the General Plan Update

The Planning Commission is being asked to consider a Resolution recommending that the City Council adopt the General Plan Update ("General Plan 2035") (Attachment 3). Adoption would occur by way of General Plan Amendment No. 10-GPA-001. The new General Plan 2035 would be adopted by amending the current General Plan (1993).

B. Adopt a Resolution to Certify the Final Program EIR, Make Environmental Findings per CEQA, Adopt the SOC, Adopt the MMRP

Attachment 4 is the Resolution of the Planning Commission recommending that the City Council certify the Final Program Environmental Impact Report for the GPU; make environmental findings pursuant to the California Environmental Quality Act (CEQA); adopt a Statement of Overriding Considerations (SOC); and adopt a Mitigation Monitoring and Reporting Program (MMRP). The City must certify the Final Program EIR prepared for the GPU. According to the CEQA Guidelines, certification consists of three steps. Prior to approving a project, the lead agency must certify that: (1) the Final Program EIR was completed in compliance with CEQA; (2) the Lead Agency (City) reviewed and considered the Final Program EIR before approving the project (General Plan 2035); and (3) the Final EIR reflects the agency's independent judgment and analysis. (Section 15090(a)).

CEQA Guidelines Section 15091 requires written findings to support an agency's approval of the project. The findings must be supported by substantial evidence in the record. The following two findings are necessary:

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environment effect as identified in the Final Program EIR.
- Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or project alternatives. (CEQA Guidelines, Section 15091).

The Resolution addresses the first finding by summarizing the impacts identified in the EIR and briefly describing the mitigation measures required to reduce the impacts to a level of less than significant. The latter finding relates to the Statement of Overriding Considerations (SOC). If there remain significant environmental effects even with the adoption of all feasible mitigation measures or alternatives, the City must adopt a SOC before it can proceed with the project. The SOC is discussed in the *Decision Making Guidebook*, and the actual SOC text is provided in the attached Resolution.

An SOC will be necessary for the Final Program EIR since there are eight Class I impacts identified (see *Decision Making Guidebook*, Attachment 1). These are impacts for which mitigation measures have been incorporated to the extent feasible, but which are still not mitigable to a less than significant level, or for which there are no feasible mitigation measures. Per CEQA Section 15093, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." When the lead agency (City) approves a project that will result in the occurrence of significant effects that are identified in the Final EIR

but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR. The Resolution outlines a series of benefits of the GPU that outweigh each unavoidable adverse (Class I) environmental effect of the project. As such, Staff recommends that the Planning Commission recommend that the City Council adopt a SOC for the Final EIR. Moreover, the EIR has determined that none of the project alternatives analyzed in the EIR fully accomplishes the goals and objectives of the project.

CEQA Guidelines Section 15097 requires an approving agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) for measures needed to avoid or lessen a project's significant effects. The purpose of such a program is to ensure that mitigation measures identified in the EIR are implemented by listing the measures, the timeframe for their implementation, and the entity responsible for ensuring that they are carried out.

NEXT STEPS

The Planning Commission recommendation would be forwarded to the City Council for consideration at its meeting on the GPU and Final EIR, expected to occur in March 2010. After adoption of the GPU and certification of the Final EIR, the City Council would then identify priorities for carrying out the Implementation Program outlined in Chapter 6 of the GPU at a separate meeting. As soon as possible, but no later than one year after adoption of the GPU, City staff would prepare a land use map, zoning map changes, and corresponding amendments to the Zoning Ordinance needed to implement the GPU for consideration by the Planning Commission, followed by adoption by the City Council.

RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing and approve the following:

1. Resolution Recommending that City Council Adopt the City of Agoura Hills General Plan 2035
2. Resolution Recommending that the City Council Certify the Final Program Environmental Impact Report for the City of Agoura Hills General Plan 2035; Make the Environmental Findings Pursuant to the California Environmental Quality Act; Adopt a Statement of Overriding Considerations; and Adopt a Mitigation Monitoring and Reporting Program

Attachments:

1. General Plan Update Decision Making Guidebook, Planning Commission, February 18, 2010
2. Final Program Environmental Impact Report, February 2010
3. Resolution Recommending that City Council Adopt the City of Agoura Hills General Plan 2035

4. Resolution Recommending that the City Council Certify the Final Program Environmental Impact Report for the City of Agoura Hills General Plan 2035; Make Environmental Findings Pursuant to the California Environmental Quality Act; Adopt a Statement of Overriding Considerations; and Adopt a Mitigation Monitoring and Reporting Program