

RESOLUTION NO. 10 - 1576

A RESOLUTION OF THE CITY OF AGOURA HILLS CITY COUNCIL CERTIFYING THE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN 2035; MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. An application for a General Plan Amendment was duly filed by the City of Agoura Hills (City) (Case No. 10-GPA-001) to amend in its entirety the 1993 General Plan by replacing it with a new General Plan ("The City of Agoura Hills General Plan 2035").

Section 2. A public hearing was duly held by the City of Agoura Hills City Council on the General Plan Amendment and the City of Agoura Hills General Plan 2035 on March 24, 2010 at 7:00 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California, 91301.

Section 3. Evidence, both written and oral, was presented to the City Council at the aforesaid public hearing.

Section 4. A public hearing was duly held by the Planning Commission on the General Plan Amendment and the City of Agoura Hills General Plan 2035 on February 18, 2010 at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California, 91301. Evidence, both written and oral, was presented to the Planning Commission at the aforesaid public hearing. The Planning Commission recommended that the City Council certify the Final Program Environmental Impact Report; make environmental findings pursuant to the California Environmental Quality Act; adopt a statement of overriding considerations; adopt a mitigation monitoring and reporting program; amend the existing General Plan 1993; and adopt the City of Agoura Hills General Plan 2035.

Section 5. A Notice of Preparation and Request for Agency Input Regarding the Scope of the Draft Program Environmental Impact Report (DEIR) for the City of Agoura Hills General Plan 2035 was properly noticed and circulated for public review, and a duly noticed scoping meeting was held on May 21, 2009 at 6:30 PM in the City Hall Council Chambers, 30001 Ladyface Court, Agoura Hills, California, 91301.

Section 6. In December 2009, a Draft Program Environmental Impact Report (DEIR) was published for the City of Agoura Hills General Plan 2035.

Section 7. The availability of the DEIR for public review was duly noticed, and a Notice of Availability and Notice of Intent to Adopt (NOA/NOI) was circulated. The DEIR was provided to the State Clearinghouse for the State of California's Office of Planning and Research, and a DEIR and/or NOA/NOI were provided to other responsible, trustee, and/or interested agencies and persons. The DEIR was circulated for public comment for a period of 45 days, as required by law, beginning on December 10, 2009 and ending on January 25, 2010. On January 21, 2010, the Planning Commission held a public meeting to receive comments regarding the adequacy of the DEIR. The City has accepted and responded in writing to comments relating to California Environmental Quality Act (CEQA) issues as required by law. Both the comments and the City's written responses thereto have been incorporated in the Final Program Environmental Impact Report (FEIR) as required by CEQA. Responses have been returned to the commenting agencies at least ten (10) days prior to the certification of the FEIR, pursuant to Public Resources Code Section 21092.5. The City finds that the public and government agencies have been afforded ample notice and opportunities to comment on the Notice of Preparation/Notice of Availability of the DEIR and Request for Agency Input Regarding the Scope of the EIR, the DEIR and the FEIR.

Section 8. In accordance with CEQA and the City of Agoura Hills' Local CEQA Guidelines and Sections 15088, 15089 and 15132 of the State CEQA Guidelines, the City has prepared the FEIR for the project. The FEIR is comprised of the DEIR, the technical appendices noted and incorporated therein, public comments and the City's responses thereto, amendments to the DEIR, and the Mitigation Monitoring and Reporting Program, each of which is incorporated herein by this reference. The City Clerk is the custodian of records for the FEIR and all documents in her office at Agoura Hills City Hall, 30001 Ladyface Court, Agoura Hills, California, 91301.

Section 9. The FEIR describes a maximum reasonable set of environmental impacts that could be associated with implementation of the City of Agoura Hills General Plan 2035. Individual future development projects proposed in the City would be subject to further discretionary review and CEQA compliance. The FEIR identifies and analyzes a reasonable range of alternatives to the General Plan 2035 as required by CEQA.

Section 10. The City Council finds that the public comments and responses thereto, the oral and written testimony presented in hearings, the corrections and modifications made to the DEIR following the public comment period, and revisions to the General Plan 2035 do not constitute significant new information added to the DEIR, or information needing to be addressed in the DEIR, as defined in the CEQA Guidelines. Therefore, recirculation of the DEIR was not required pursuant to CEQA Guidelines Section 15088.5.

Section 11. The City Council hereby finds that the FEIR for the City of Agoura Hills General Plan 2035 was completed in compliance with the provisions of CEQA and

the guidelines promulgated pursuant thereto, the City's local CEQA guidelines, and is legally adequate. The City Council has reviewed and considered the contents of the FEIR prior to deciding whether to approve the proposed General Plan 2035. Based on the facts stated in this Resolution and substantial evidence in the record of this proceeding, the City Council hereby certifies the FEIR.

Section 12. The FEIR identifies "no impacts" to the following environmental issue areas: aesthetics; creation of objectionable odors; conflict with habitat or natural community conservation plans; incompatible soils for septic tanks or alternative wastewater systems; aircraft safety hazard; interference with an adopted emergency response plan or evacuation plan; conflict with land use plans, policies, regulations; exposure to excessive noise from an airport or airstrip; displacement of substantial numbers of people or housing units; provision of new or physically altered fire or police protection or library facilities; interference with air traffic patterns; and conflict with alternative transportation policies, programs or plans.

Section 13. The FEIR identifies "less than significant impacts" to the following environmental issue areas: exposure of sensitive receptors to substantial pollutant concentrations; special status species; riparian and other sensitive habitat; wetlands; substantial interference with the movement of wildlife species, wildlife corridors, and wildlife nursery sites; conflict with local policies and ordinances protecting biological resources; substantial adverse change in the significance of an archaeological resource; disturbance of human remains; exposure to substantial adverse effects from seismic-related events; substantial soil erosion or the loss of topsoil; location of development on unstable soil or geologic unit; location of development on expansive soils; exposure to hazardous materials or location on hazardous sites; risk of wildland fires; degradation of water quality or violation of water quality standards; substantial depletion of groundwater supplies or interference with groundwater recharge; alteration of drainage patterns to cause erosion and siltation; need for construction or expansion of storm drain infrastructure that could result in significant environmental effects; placement of housing or other structure within a flood hazard area; exposure to flood risks; physically dividing an established community; exposure to noise levels exceeding standards; exposure to excessive groundborne vibration or noise; substantial increase in ambient noise levels; inducing substantial population growth; substantial deterioration of parks and recreational facilities; need for construction or expansion of recreational facilities that could result in significant environmental effects; substantial increase in traffic hazards; emergency access; inadequate parking capacity; exceeding standards established by the County Congestion Management Agency for designated roads or highways; water supply; exceeding wastewater treatment standards; need for construction or expansion of wastewater treatment facilities that could result in significant environmental effects; landfill capacity; compliance with solid waste regulations; energy facilities; and greenhouse gas emissions.

Section 14. The FEIR identifies the following significant impact, for which mitigation measures have been incorporated to the extent feasible, but which is not

mitigable to a less than significant level, and therefore is considered to be a “significant and unavoidable” impact of the General Plan 2035:

1. Both temporary construction and long term operational air quality emissions could contribute substantially to an existing or projected air quality violation and exceed South Coast Air Quality Management District thresholds.

Section 15. The FEIR identifies the following significant impacts, either project specific and/or cumulative, for which there are no feasible mitigation measures to reduce the impacts to a less than significant level, and are therefore considered to be “significant and unavoidable” impacts of the General Plan 2035:

1. There would be a conflict with the South Coast Air Quality Management Plan (AQMP), as the new population, housing and employment numbers identified in the proposed General Plan are not reflected in the current AQMP.
2. There would be a cumulatively considerable net increase in criteria pollutants for which the region is in non-attainment under federal or state ambient air quality standards.
3. Sensitive receptors could be exposed to substantial air pollutant concentrations.
4. There could be a substantial adverse change in the significance of an historical resource, if one is identified in the future and allowed to be substantially altered or demolished.
5. Noise levels would be generated that exceed the noise standards set forth in local noise regulations.
6. Construction activities could generate or expose people or structures to excessive groundborne vibration.
7. The population increase by 2035 estimated in the proposed General Plan would not be considered substantial in a cumulative context, but it is not reflected in the Southern California Association of Government’s (SCAG) currently published growth forecasts and so would result in an inconsistency with SCAG’s forecasts.
8. An increase in traffic would result that is substantial in relation to the existing traffic load and capacity of the street system.

Section 16. The Final Program Environmental Impact Report identifies and analyzes a reasonable range of alternatives to the General Plan 2035, as required by CEQA, as follows:

1. Alternative 1 - No Build: Under this alternative, no future development would occur through 2035 under the existing 1993 General Plan, and the General Plan 2035 would not be adopted. Therefore, all potential environmental impacts would be the same as existing conditions. The alternative reduces impacts overall when compared to the General Plan 2035 because there would be no more development. However, under this alternative, no aesthetic, trails, recreation, alternative transportation facilities, or transportation management systems benefits would result, as the proposed goals and policies related to these items in the General Plan 2035 would not be implemented. Further, this Alternative is infeasible due to the fact that it would prevent the economically viable development of private property.
2. Alternative 2 - No Project: Under this alternative, all future development would occur according to the existing 1993 General Plan. This is the "No Project" alternative, since no legislative changes would be required, and the 1993 General Plan would continue to be in effect. It is assumed that the buildout would occur by 2035. Because the current General Plan allows for more development overall in the City than the proposed General Plan 2035, the impacts are generally greater than the proposed General Plan 2035.
3. Alternative 3 - Reduced Density: This alternative reduces the allowed density in select areas of the City where a reduction in density is expected to result in a subsequent reduction in traffic, and therefore traffic-related noise and air quality impacts. The result was that the traffic, air and noise impacts were slightly lessened. This alternative is considered the "environmentally superior alternative," when compared to the other two alternatives and the proposed General Plan 2035. However, it does not fully meet the objectives of the General Plan 2035, as it reduces economic development opportunities.

Section 17. For the reasons specified herein and in the FEIR, the City Council hereby finds that the economic, legal, social, technical and other benefits of the proposed General Plan 2035 have been balanced against the General Plan 2035's environmental risks. Further, none of the alternatives identified in the FEIR fully accomplishes the goals and objectives of the proposed General Plan 2035. The City Council finds that each and any one of the following benefits of the proposed General Plan 2035, standing alone or in combination with the others, outweighs each unavoidable adverse environmental effect of the General Plan 2035 being approved at this time, and the City Council adopts the following Statement of Overriding Considerations as required by CEQA.

1. The General Plan 2035 will provide greater environmental protection than the existing General Plan 1993, with a theme of sustainability throughout all of the elements. It addresses natural resources, and includes the protection and enhancement of natural habitat such as drainages and oak trees; further protection of open space areas and hillsides; and further conservation of water and water quality. The General Plan 2035 focuses on promoting alternative

transportation, including pedestrian pathways and bikeways throughout the City, pedestrian amenities in developments, and mixed use development in select areas, all of which help to reduce the carbon footprint and minimize the generation of greenhouse gases.

2. The General Plan 2035 reduces overall the maximum amount of residential and commercial development assumed at buildout from that of the existing General Plan 1993. At the same time, the General Plan 2035 allows new development and flexibility for additions to existing buildings to provide sensitive growth and economic viability for the City, thereby generating employment opportunities, and additional tax revenues to fund City services and programs.
3. The General Plan 2035 encourages a strong economic base for the City through attracting and retaining a variety of businesses and ensuring adequate infrastructure and land use capacity, and protects the fiscal sustainability of the City.
4. The General Plan 2035 provides a series of diverse and balanced land use districts that allows for the provision of a range of housing opportunities, and the continuation of a wide range of commercial, retail and manufacturing uses to support City residents and businesses. It ensures compatibility of uses, and in particular provides for the protection of residential neighborhoods from incompatible non-residential uses.
5. The General Plan 2035 provides for well designed and attractive land use districts, and addresses particular development and design policies for twelve discrete "subareas" of the City. It advocates for the inclusion of pedestrian amenities, and design that encourages pedestrian activity, in a variety of commercial and retail areas.
6. The General Plan Update 2035 promotes mobility through a variety of modes, thereby reducing dependence on automobiles for travel, and a safe and efficient roadway system while balancing quality of life and neighborhood character goals. It advocates for greater participation and incorporation of electronic systems that help improve the efficiency and safety of vehicle routes, such as signal timing synchronization and advanced traveler information.
7. The General Plan 2035 expands upon opportunities for, and access to, recreation in the City by advocating for multiple use, hiking and equestrian trails that connect with regional systems as well as pedestrian paths in the City; distributing parks and facilities throughout the City; linking residential and commercial areas to various recreational facilities through pedestrian pathways; promoting co-location of recreational facilities at other public sites throughout the City; and promoting recreational programs that encourage

healthy lifestyles and activities for families, as well as cultural and community wide special events.

8. The General Plan 2035 protects the City from hazards, and in particular addresses flood and wildfire hazards, as well as emergency preparedness.
9. The General Plan 2035 strives to minimize land use conflicts between various noise sources and land use activities, including requiring that buildings and sites be designed to buffer surrounding uses from noise generating uses.
10. The General Plan Update 2035 promotes cultural events in the City by supporting a variety of arts through offering programs and facilities, and promoting programs that are unique to the City of Agoura Hills' history.
11. The General Plan 2035 provides an enhanced sense of community physically through options for mixed use developments; limiting development to infill areas and already approved specific plan areas while preserving open space areas along the City fringes; and creation of pedestrian linkages throughout the City and pedestrian amenities in commercial developments. A sense of community is provided socially through community wide events and recreation activities.

Section 18. The City Council adopts the mitigation measures set forth in the FEIR and imposes each mitigation measure as a condition of approval of the General Plan 2035 and, as applicable, each subsequent development project in the City. The City Council further adopts the "Mitigation Monitoring and Reporting Program" which is presented as Exhibit A, attached hereto and incorporated by reference, and directs City staff to implement and monitor the mitigation measures as described in Exhibit A.

PASSED, APPROVED AND ADOPTED this 24th day of March 2010, by the following
vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

William D. Koehler, Mayor

ATTEST:

Kimberly Rodrigues, City Clerk, MMC

APPROVED AS TO FORM:

Craig A. Steele, City Attorney

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/Party	Initial	Date	Compliance Verification	Comments
<p>Air Quality</p> <p>MM4.2-1 The City shall require future development within City limits to implement the following measures to the extent feasible:</p> <p><u>Fugitive Dust Control Measures</u></p> <ul style="list-style-type: none"> ■ Water trucks shall be used during construction to keep all areas of vehicle movements damp enough to prevent dust from leaving the site. At a minimum, this will require twice-daily applications (once in late morning and once at the end of the workday). Increased watering is required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph. ■ The amount of disturbed area shall be minimized and onsite vehicle speeds shall be limited to 15 mph or less. ■ If importation, exportation and stockpiling of fill material is involved, earth with 5% or greater silt content that is stockpiled for more than two days shall be covered, kept moist, or treated with earth binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard. ■ After clearing, grading, earth moving, or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading earth binders until the area is paved or otherwise developed. ■ All material transported off-site shall be securely covered to prevent excessive amounts of dust. <p><u>NOx Control Measures</u></p> <ul style="list-style-type: none"> ■ When feasible, electricity from temporary power poles on site shall be utilized rather than temporary diesel or gasoline generators. ■ When feasible, on site mobile equipment shall be fueled by methanol or natural gas (to replace diesel-fueled equipment), or, propane or butane (to replace gasoline-fueled equipment). ■ Aqueous Diesel Fuel or biodiesel (B20 with retarded fuel injection timing), if available, shall be used in diesel fueled vehicles when methanol or natural gas alternatives are not available. <p><u>VOC Control Measures</u></p> <ul style="list-style-type: none"> ■ Low VOC architectural and asphalt coatings shall be used on site and shall comply with AQMD Rule 1113-Architectural Coatings. <p><u>Other Ozone Precursor Control Measures</u></p> <ul style="list-style-type: none"> ■ Equipment engines should be maintained in good condition and in proper tune as per manufacturer's specifications. ■ Schedule construction periods to occur over a longer time period (i.e., lengthen from 60 days to 90 days) during the smog season so as to minimize the number of vehicles and equipment operating simultaneously. <p>Use new technologies to control ozone precursor emissions as they become readily available.</p>	<ul style="list-style-type: none"> ■ Require the following for future development projects, as specified: fugitive dust control; NOx control measures; ozone precursor control measures; and low VOC coatings. 	<ul style="list-style-type: none"> ■ Prior to approval of future projects ■ At site inspection 	City of Agoura Hills Planning and Community Development Department				