

## REPORT TO THE CITY COUNCIL

**DATE:** MARCH 24, 2010

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** GREG RAMIREZ, CITY MANAGER

**BY:** MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT  
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**SUBJECT:** PUBLIC HEARING – ADOPTION OF GENERAL PLAN UPDATE AND CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT

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

On February 18, 2010, the Planning Commission voted unanimously to recommend adoption of the GPU and certification of the Final EIR, as well as a series of required CEQA-related actions, to the City Council. Attachment 1 is the Planning Commission Resolution recommending Final EIR certification, including the related CEQA actions. Attachment 2 is the Planning Commission Resolution recommending GPU adoption.

### **DECISION MAKING GUIDEBOOK**

Attachment 3 is the General Plan Update *Decision Making Guidebook (DMG)*, which is an executive summary of the GPU and EIR. This document was compiled by City staff to assist the City Council in reviewing both the GPU and EIR, and serves as a tool to facilitate decision making. 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, comments by the Planning Commission and public, and any important items that the City Council should be considering in its decision whether to adopt the GPU and certify the Final EIR. In Part 2, at the end of the summary of each chapter of the GPU, the *DMG* brings to the City Council's attention some important changes proposed in the General Plan Update for the Council's consideration.

A similar *Decision Making Guidebook* was provided to the Planning Commission. The comments of the Planning Commission during its hearing are summarized in the City Council's *DMG* at the end of each chapter discussed in Part 2 of the document. Where relevant, staff comments are provided below the Commission's comments to offer clarification on the items.

## FINAL GENERAL PLAN UPDATE AND EIR

Attachment 6 is the Resolution adopting the GPU. Exhibit A of this Resolution, the Draft GPU (October 2009), was previously provided to you in October 2009. Exhibit B of this Resolution is a document titled *Additional Changes to the Draft Agoura Hills General Plan 2035-City Council*, which lists all proposed changes to the Draft GPU. Together with the Draft GPU document, this forms the Final Draft GPU for your consideration (City of Agoura Hills General Plan 2035). With the exception of minor edits and corrections that will be made, the *Additional Changes* document 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, City staff recommended changes, and additions by staff in response to Planning Commission comments. 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 one Final GPU document after adoption by the City Council.

The Final Program EIR (Attachment 4) 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. With all the additions and changes noted above, the Final Program EIR is now complete, and is ready for certification by the City Council.

### ACTIONS TO BE TAKEN

In order for the City to adopt the General Plan 2035, the City Council is being asked to take a series of actions. The following is a list of the Resolutions for the City Council to consider.

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

Attachment 5 is the Resolution to 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.

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 significant environmental effects 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.

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.

## **B. Adopt a Resolution to Adopt the General Plan Update**

The City Council is being asked to consider a Resolution to adopt the General Plan Update ("General Plan 2035") (Attachment 6). 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).

The City Attorney has reviewed the attached Resolutions and has approved them as to form.

## **RECOMMENDATION**

Staff recommends the City Council hold a public hearing and approve the Resolutions below in the following order:

1. Resolution No. 10-1576 to 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 (Attachment 5).
2. Resolution No. 10-1577 to Adopt the City of Agoura Hills General Plan 2035 (Attachment 6).

Attachments:

1. Planning Commission Resolution No. 1004 Regarding EIR Certification
2. Planning Commission Resolution No. 1005 Regarding GPU Adoption
3. General Plan Update Decision Making Guidebook, City Council, March 24, 2010
4. Final Program Environmental Impact Report, February 2010
5. City Council Resolution No. 10-1576 to 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
6. City Council Resolution No. 10-1577 to Adopt the City of Agoura Hills General Plan 2035