

Appendix I

Responses to Comments



COMMENTS and RESPONSES

This appendix contains the written comments received in response to the Draft MND during the public review period that concluded on May 5, 2011. Each comment received during the comment period by the City of Agoura Hills (City) has been included within this section. Responses to the comments have been prepared to address the environmental concerns raised by the commenters and to indicate where and how the MND addresses these environmental issues. Each letter is presented first, with the responses immediately following.

Commenters on the Draft EIR

The City received three written comment letters on the Draft MND during the comment period. These letters are listed as follows and will be used for referencing in this section.

Response ID	Commenter	Date	Page Number
1	Daniel S. Blankenship, Staff Environmental Scientist, California Department of Fish and Game	5/5/2011	2
2	Katy Sanchez, Program Analyst, California Native American Heritage Commission	4/7/2011	5
3	Michael Adler, Adler Realty Investments, Inc.	4/27/2011	9



Letter 1

-----Original Message-----

From: Daniel Blankenship [mailto:DSBlankenship@dfg.ca.gov]

Sent: Thursday, May 05, 2011 3:45 PM

To: Valerie Darbouze

Subject: CEQA MND Canwood Street, In-N-Out Burger SCH 2011041022

Dear Ms. Darbouze:

Thank you for the opportunity to review the above referenced MND. The Department concurs with the biological mitigation measure to minimize impacts to nesting birds during construction activities. The Department recommends when feasible the use of permeable paving surfaces and grass swales to facilitate groundwater infiltration and reduce storm water transported pollutants from moving offsite. The encouragement of green building designs including the use of solar and the aforementioned mitigation measures serves to educate the public using the facility and may increase customer use by those supporting these concepts.

1.1
1.2

Please let me know if you have any questions.

Thanks,

Dan

Daniel S. Blankenship
 Staff Environmental Scientist
 CA Department of Fish and Game
 P.O. Box 221480
 Newhall, CA 91322-1480
 phone/fax (661) 259-3750
 cell (661)644-8469
dsblankenship@dfg.ca.gov

Letter 1

COMMENTER: Daniel S. Blankenship

DATE: May 5, 2011

RESPONSE:

Response 1.1

The commenter states that the Department of Fish and Game concurs with Mitigation Measure BIO-1. This comment is noted.

Response 1.2

The commenter recommends the use of permeable paving surfaces and grass swales as feasible to facilitate groundwater infiltration and reduce stormwater pollutants from moving offsite. The commenter recommends the use of green building designs on the project site, including solar.

As discussed in Section IX, *Hydrology and Water Quality*, of the Draft MND, project landscaping would cover approximately 47% of the site. Landscaping would facilitate groundwater infiltration and reduce stormwater pollutants from moving offsite. In addition, the Standard Urban Stormwater Mitigation Plan (SUSMP) prepared for the project (see Appendix D) illustrates source and treatment control Best Management Practices (BMP) that would be used on the project site to facilitate groundwater infiltration and reduce polluted stormwater runoff. BMPs that would be used during operation of the project include the following:

- Storm Drain Signage: Proposed storm drains will include signage prohibiting illegal dumping to the storm drain system. Signs will read “NO DUMPING – DRAINS TO OCEAN”.
- Trash Storage Areas: The trash storage facility is designed to contain any pollutant that could occur within the area. The area is covered to prevent stormwater from landing directly in the storage area and the parking lot paving directly adjacent to the trash storage area is graded in order to prevent run-on to the trash storage area. Additionally, a trench drain connected to the sanitary sewer, upstream of an oil and grease interceptor is included in the design. In-N-Out will be required to inspect the trash storage areas for the integrity of the designed trash enclosure a minimum of once per year per the requirements of the SUSMP.
- Filter Inserts: The In-N-Out Burger project will incorporate the use of filter inserts at the new drain box inlets. The filters will be primarily used as pre-treatment, although they do meet the requirements for Treatment Control devices, per the SUSMP. The Kristar catch basin filter inserts used within the onsite drain boxes have been shown to provide a high level of pollutant removal for runoff pollutants common to the In-N-Out development. The insert is capable of removing 80% Total Suspended Solids (TSS) and 70-80% removal of oil and grease. The filters meet the criteria of a flow based Treatment Control Device (see Appendix A).
- Media Filter: The drainage area is being treated through the use of an underground sand filter system. Sand filter systems provide a high level of pollutant removal and are ideal for situations where infiltration is not permitted due to groundwater conditions, such as the In-N-



Out site. The use of the Kristar Fossil Filters as pre-treatment will prevent the sand filter from becoming frequently clogged. The system incorporates a one-foot sand filter with a 0.5 foot gravel layer with 6 inch diameter perforated storm drain within the gravel to collect the filtered runoff. The sand filter has been designed to treat the water quality flowrate. The storage volume for the sand filter is ½ of the underground 48" diameter pipe volume, which when proportioned for the filter rate is higher than the required volume

- Vegetated Swale: The drainage area will be treated through the use of a vegetated swale. The vegetated swale calculation within Appendix A of the SUSMP (Appendix D to this document) determined that the residence time through the swale was equal to 5 minutes, which is the minimum acceptable time allowed.

The commenter's recommendation of additional green building designs, including solar, is noted.



NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

CITY OF AGOURA HILLS
2011 APR 11 PM 3 45
CITY CLERK



April 7, 2011

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

RE: SCH# 2011041022 In-N-Out Burger; Los Angeles County

Dear Ms. Darbouze:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on 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 for:
 - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ 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.
 - 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 in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst
(916) 653-4040

cc: State Clearinghouse

Native American Contact List

Los Angeles County

April 7, 2011

Ti'At Society/Inter-Tribal Council of Pimu
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Gabrielino Tongva Indians of California Tribal Council
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Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
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This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2011041022 In-N-Out Burger; Los Angeles County.

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Los Angeles County

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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2011041022 In-N-Out Burger; Los Angeles County.

Letter 2

COMMENTER: Katy Sanchez, Program Analyst, California Native American Heritage Commission

DATE: April 7, 2011

RESPONSE:

The commenter states that to comply with CEQA, a lead agency is required to assess whether the project would have an adverse impact on historic resources, and if so, to mitigate the effect. The commenter recommends several actions to be taken to prevent impacts to historical and cultural resources.

As noted in Section V, *Cultural Resources*, on page 24 of the Draft MND, the project site is a vacant, highly disturbed site that has been previously graded and a portion has been paved.

A records search was conducted by the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS) at the California State University, Fullerton for the City of Agoura Hills General Plan Final Environmental Impact Report (2010). The records search did not identify archaeological resources on or adjacent to the project site. A search of the Native American Heritage Commission (NAHC) sacred lands database was conducted as part of the General Plan Final Environmental Impact Report (2010) to determine the presence of Native American cultural resources within the community Subareas. The NAHC letter responding to the General Plan Final Environmental Impact Report (2010) indicated that no Native American cultural resources have been recorded within the General Plan area.

As discussed in Section V, *Cultural Resources*, of the Draft MND, in the event that previously undiscovered archeological resources or human remains are unearthed, Mitigation Measures CR-1 and CR-2 would reduce impacts to unknown cultural resources and human remains to a less than significant level.



April 27, 2011

Valerie Darbouze, Associate Planner
City of Agoura Hills, Planning and Community Development Department
30001 Ladyface Court
Agoura Hills, California 91301

RE: Comments on the Mitigated Negative Declaration - 28898 Canwood Street development "In-n-Out Burgers"

Dear Ms. Darbouze,

I am a resident of Agoura Hills, and own property along Canwood Street near the proposed development. I have reviewed the Mitigated Negative Declaration and have the following comments:

Traffic

The traffic study was done before two of the 5 buildings at the Shops at Oak Creek (28941 to 29145 Canwood Street) had opened for business, and before 30,000 sq.ft. of the Agoura Design Center tenants (28501-28509 Canwood Street) took occupancy. Also, the old Spectrum Health Club building was vacant. More importantly, the data collection used for the traffic study was done on April 27, 2010, before Trader Joes, or the rest of the Oak Creek project was even built. This means that the data collected by the traffic consultant does not account for any of the added traffic that is flowing through the Kanan Rd. to Canwood St. intersection from the recently built properties on the corridor. The city should require the traffic study be updated to reflect current usage.

3.1

The traffic study stated that 124 additional trips during rush hour is **not** significant. Right now, without any additional trips, the left turn lane on south bound Kanan is commonly full. And the north bound traffic from the 101 to Canwood is also often congested. I think the Mitigation Measures recommended on page 59, T-1 are necessary, and the street improvement work should be completed **before** the In-n-Out opens for business.

3.2

Zoning

A zoning change from Business Park Mfg. to Commercial Retail Service is requested – The site was planned for a lower volume use like an industrial or office use, or even for a furniture retail use. I support the zone change and development of an In-n-Out on the property, but because

3.3

this use will increase traffic from any use that is allowed under the existing zoning, the zone change should require the applicant to pay traffic mitigation fees above their pro rata share.

3.3

Variances

In- n -Out is requesting for the rear setback to be reduced from 52 feet to 46 feet fronting the freeway, and they want the parking lot to encroach into the landscape planter area that fronts Canwood, greatly reducing the landscape setback along Canwood. The city has been successful in beautifying new developments with increased landscape buffers. Why not require at least the minimum city setbacks for such a visible property?

3.4

In-n- Out is requesting a variance for a larger sign program than what has been previously allowed. This will not only make the Kanan Road interchange look like the truck stop it once was, but will also creates an unfair advantage against the other businesses that have abided by the current sign ordinance. This will spark requests from other businesses to increase their signage sizes, and frankly, if In- n- Out is allowed to have above standard signs, why not other newly built restaurants or retailers at that interchange? Keep the playing field level!

Billboards

There are three billboards on the property. Only two will be removed for this development, and one will stay. In every other development in the last 15 years, it has been a requirement that the old billboards are removed. This is the only opportunity the city has to get rid of all three of these billboards and it should capitalize on the opportunity.

3.5

Conclusion

The City Planning Department has done a great job in the past making sure that new developments enhance the look of the community, and properly mitigate negative impacts on the area. There is almost One Million square feet of commercial and retail businesses that are accessed along Canwood between Kanan and Chesebro. I just want to make sure that one new 3,654 sf drive-through restaurant does not hinder the success of other businesses along the corridor because the City does not properly consider: 1) the variances they are approving, 2) the traffic mitigation required, and 3) the billboard removals.

I appreciate your consideration of the above comments.

Sincerely,



Michael Adler



CITY OF AGOURA HILLS
NOTICE OF AVAILABILITY AND INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION
CASE NOS. 10-ZC-003, 10-SPR-004, 10-SP-048 & 10-VAR-005

A Draft Mitigated Negative Declaration has been prepared for the following project pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970," as amended to date.

PROJECT LOCATION: 28898 Canwood Street, north of the 101 Freeway and east of Kanan Road, in the City of Agoura Hills, Los Angeles County. A.P.N. 2048-011-034)

PROJECT DESCRIPTION: The project is the construction of 3,654 square-foot fast food restaurant with a covered drive-through lane and covered outdoor dining area on a vacant parcel. The project will require a Zone Change (Case No. 10-ZC-003) to conform to the General Plan, a Site Plan/Architectural Review permit (Case No. 10-SPR-004) for the site development and building design, a Sign Permit (Case No. 10-SP-048) for all exterior business signage and a Variance request (Case No. 10-VAR-005) to allow for a reduction in the rear yard building setback, a parking encroachment in the front landscape planter in excess of 50% and an increase in the size of the proposed building-mounted signage.

DRAFT ENVIRONMENTAL DOCUMENT: An Initial Study and Draft Mitigated Negative Declaration (IS/MND) that evaluate environmental effects of the project have been prepared and are available for review and comment. The analysis identifies potentially significant, but mitigable environmental effects in the following areas: biological resources, transportation/traffic, cultural resources, and geology and soils. Also evaluated in the document as less than significant impacts or with no impacts are aesthetics, hazards, mineral resources, public services, utilities and service systems, agriculture resources, hydrology/water quality, noise, recreation, air quality, land use/planning, and population/housing. Mitigation measures are identified to reduce potentially significant impacts to insignificant levels.

DOCUMENT AVAILABILITY: The Draft IS/MND is available for review at the Planning and Community Development Department, 30001 Ladyface Court between the hours of 7:00 a.m. and 5:00 p.m. Monday through Thursday, and 7:00 a.m. to 4:00 p.m. on Friday as well as on the City's website at www.ci.agoura-hills.ca.us. Any questions regarding the project may be directed to Valerie Darbouze, Associate Planner, at (818) 597-7328, or by email at vdarbouze@ci.agoura-hills.ca.us.

PUBLIC COMMENT PERIOD: The City of Agoura Hills encourages the public to provide written comment on the environmental document. The public review period begins on April 7, 2011. Comments on the Draft MND must be submitted by May 9, 2011 at 5:00 p.m. Please send your comments to: Valerie Darbouze, Associate Planner, City of Agoura Hills, Planning and Community Development Department, 30001 Ladyface Court, Agoura Hills, CA 91301, or send them electronically to vdarbouze@ci.agoura-hills.ca.us.

PUBLIC HEARING: The Planning Commission will hold a public hearing considering approval of the project and considering certification of the environmental document on May 19, 2011 at 6:30 p.m. in the City Council Chambers, at 30001 Ladyface Court.

If you challenge the permit approval or environmental document in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission, or in a public hearing on the project.

City of Agoura Hills

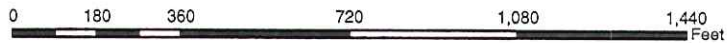
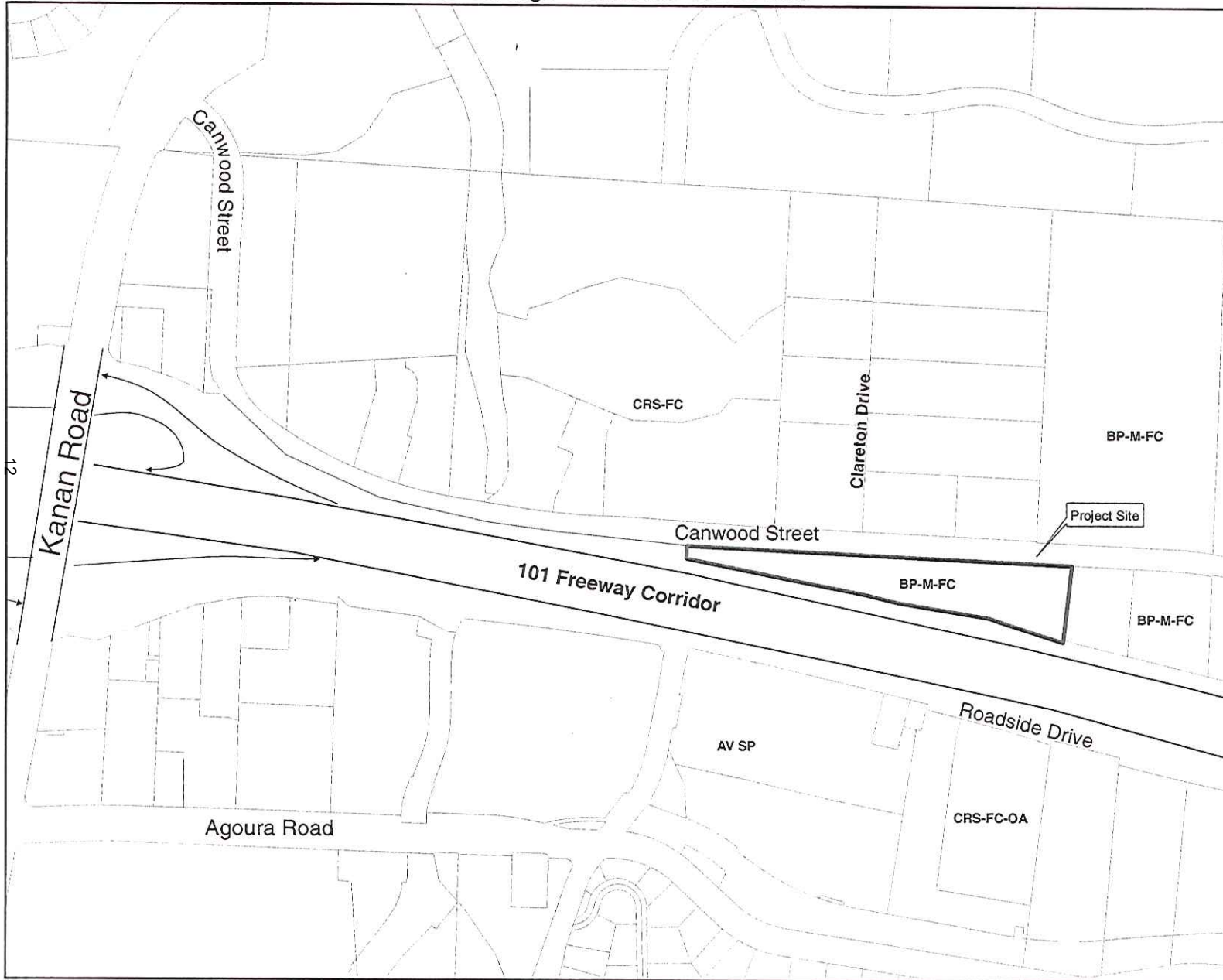
Site Plan/Architectural Review - Case No. 10-SPR-004

Sign Permit - Case No. 10-SP-048

Variance Request - Case No. 10-VAR-005

Zone Change - Case No. 10-ZC-003

Vicinity/Zoning Map



Letter 3

COMMENTER: Michael Adler, Adler Realty Investments, Inc.

DATE: April 27, 2011

Response 3.1

The commenter states an opinion that the traffic study does not account for the added traffic from the Shops at Oak Creek, Agoura Design Center, Spectrum Health Club, and Trader Joes/Oak Creek project. Approved/pending projects in the City and surrounding area when the traffic study was prepared are included in Table 7 on page 17 of the Traffic Study prepared for the project. The projects listed by the commenter were considered in the cumulative analysis of impacts.

Response 3.2

The commenter states an opinion that the left turn lane on southbound Kanan to Canwood Road northbound lanes are often congested. The commenter also states an opinion that Mitigation Measure T-1 is necessary. The commenter's opinion is noted and will be forwarded to City decision makers. As discussed on page 55 of the Mitigated Negative Declaration, the existing Level of Service (LOS) at the Kanan Road/Canwood Street intersection is LOS C. According to the City of Agoura Hills criteria, C level of service is acceptable; however, the Cumulative Base, as discussed on page 56, would worsen to LOS E and Mitigation Measure T-1 would improve the level of service.

The commenter states that the traffic study found that 124 trips is not significant. The impact due to the addition of these trips would not create a project specific impact at Kanan/Canwood Street.

Response 3.3

The commenter states an opinion that the applicant should pay traffic mitigation fees above their pro rata share since the applicant is requesting a zone change. The City's fee program is based on the land use and the square footage of the development. This comment does not refer to the environmental analysis within the Draft MND, but will be forwarded to City decision makers.

Response 3.4

The commenter states an opinion that the minimum City setbacks should be required on the site. The commenter states an opinion that the sign permit request should not be granted. The applicant is requesting a variance to reduce the rear yard setback from 52 feet to 46 feet. The applicant is also requesting a Sign Permit for ground-mounted and building signage and a variance to increase the size of the building signs. The commenter's opinion does not pertain to the environmental analysis contained within the MND. Nonetheless, the comment will be forwarded to City decision makers.



Response 3.5

The commenter states an opinion that all billboards should be required to be removed as part of the project. This suggestion does not pertain to the analysis contained in the Draft IS/MND, but will be forwarded to City decision makers.



Appendix J

Mitigation Monitoring and Reporting Program



MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). The mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Mitigated Negative Declaration, specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in the Mitigation Monitoring and Reporting Program (MMRP).

To implement this MMRP, the City of Agoura Hills will designate a Project Mitigation Monitoring and Reporting Coordinator (“Coordinator”). The coordinator will be responsible for ensuring that the mitigation measures incorporated into the project are complied with during project implementation. The coordinator will also distribute copies of the MMRP to those responsible agencies identified in the MMRP, which have partial or full responsibility for implementing certain measures. Failure of a responsible agency to implement a mitigation measure will not in any way prevent the lead agency from implementing the proposed project.

The following table will be used as the coordinator’s checklist to determine compliance with required mitigation measures.



Agoura Hills In-N-Out Burger Project
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
AIR QUALITY							
AQ-1 Construction-Related Equipment. The site developer shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for an extended period of time (i.e., 5 minutes or longer).	Conduct field verification to confirm that construction-related equipment is turned off when not in use for 5 minutes or longer.	During construction	Periodically during construction	PCD/EA			
AQ-2 Diesel-Powered Equipment. Construction contractors shall use late model heavy-duty diesel-powered equipment to the extent that it is readily available in the South Coast Air Basin (meaning that it does not have to be imported from another air basin and that the procurement of the equipment would not cause a delay in construction activities of more than two weeks).	Review contractors specifications to confirm that heavy-duty diesel-powered equipment is used to the extent that it is readily available.	Prior to issuance of a grading permit	Once prior to issuance of a grading permit	PCD/EA			
AQ-3 Particulate Matter Reduction. Soil stabilizers shall be applied to inactive areas on the project site, ground cover shall be replaced quickly in disturbed areas, exposed surfaces shall be watered three times daily, unpaved roads shall have 15 mph speed limits, haul road dust shall be managed appropriately, and all onsite diesel-fueled equipment shall have Diesel Particulate Filters (DPF) installed.	Field verification to confirm that soil stabilizers are applied to inactive areas, ground cover is replaced quickly in disturbed areas, exposed surfaces are watered three times daily, unpaved roads have 15 mph speed limits, haul road dust is managed appropriately, and onsite diesel-fueled equipment has DPF installed.	During construction	Periodically during construction	PCD/EA			
AQ-4 Construction Sign Posting. The project applicant shall be required to post a sign informing all workers and the public of the time restrictions for construction activities and hours when	Review of contractors specifications to confirm that a sign is placed on the project site that states the time restrictions for	Prior to issuance of a grading permit	Once prior to issuance of a grading permit	PCD/EA			

Key: PCD City of Agoura Hills Planning and Community Development Department
 EA City of Agoura Hills Environmental Analyst
 BD City of Agoura Hills Building and Safety Department
 ED City of Agoura Hills Engineering Department



Agoura Hills In-N-Out Burger Project
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
construction activities are expected to occur. The sign shall also include the City telephone numbers where violations can be reported and complaints associated with construction can be submitted.	construction activities, hours when construction activities are expected to occur, and telephone numbers where violations can be reported.						
AQ-5 Coatings. The project shall use pre-fabricated exterior panels or low-to-no VOC architectural coatings.	Field verification to confirm that pre-fabricated exterior panels or low-to-no VOC architectural coatings are used.	During construction	Periodically during construction	PCD/EA			
AQ-6 Coordination. The applicant shall coordinate with the director of the preschool facility north of the site across Canwood Street prior to construction. The applicant shall inform the director of the preschool facility of the dates and timing of construction activities and shall provide the director of the preschool facility with a phone number where complaints associated with construction can be submitted.	Field verification to confirm that the applicant coordinates with the director of the preschool facility north of the site.	Prior to issuance of a grading permit	Once prior to issuance of a grading permit	Project Applicant/ PCD			
BIOLOGICAL RESOURCES							
BIO-1 Migratory Bird Species Act Compliance. To avoid the accidental take of any migratory bird species or raptors, such as Cooper's hawk (<i>Accipiter cooperii</i>), the removal or pruning of trees shall be conducted between September 15 and February 15, outside of the typical breeding season, as feasible. If avoidance of the nesting season is not feasible, a qualified biologist/ornithologist satisfactory to the City's Environmental Analyst shall conduct focused nesting surveys weekly for 30 days prior to grading or initial construction activity. The results of the nest survey shall be	Field verification to confirm that the removal or pruning of trees is conducted between September 15 and February 15. If removal/pruning is not feasible during the dates above, confirmation that a qualified biologist/ornithologist conducted focused nesting surveys weekly for 30 days prior to grading or initial construction activity. Review of results of the nest	Prior to issuance of grading permit and during construction	Once prior to issuance of a grading permit and periodically during construction	PCD/ EA approved biologist/ ornithologist			

Key: PCD City of Agoura Hills Planning and Community Development Department
EA City of Agoura Hills Environmental Analyst
BD City of Agoura Hills Building and Safety Department
ED City of Agoura Hills Engineering Department



Agoura Hills In-N-Out Burger Project
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
submitted to the City within one week of completion for review via a letter report prior to initiation of grading or other construction activity with the last survey conducted no more than three days prior to any clearance of vegetation or other construction activity. In the event that a nesting migratory bird species or raptor is observed in habitat to be removed or within 250 feet of the construction work areas, the applicant has the option of delaying all construction work in the suitable habitat area or within 250 feet of the nesting activity until after September 15, or continuing focused surveys in order to determine when nesting activity has ceased. If an active nest is found, clearing and construction within 50-250 feet of the nest, depending on the species involved (50 feet for common urban-adapted native birds and up to 250 feet for raptors), shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the ecological sensitivity of the fenced area.	<p>survey within one week of completion.</p> <p>Field verification to confirm that if a nesting migratory bird species or raptor is observed in habitat to be removed or within 250 feet of the construction work areas, the applicant delays construction work in the suitable habitat area or within 250 feet of the nesting activity until after September 15th or completes continued focus surveys.</p> <p>Field verification to confirm that if an active nest is found, clearing and construction within 50-250 feet of the nest are postponed until the nest is vacant and there is no evidence of a second attempt at nesting.</p> <p>Field verification to confirm that limits of construction to avoid a nest site are established.</p> <p>Field verification to confirm that construction personnel are instructed on the ecological sensitivity of the fenced area.</p> <p>Field verification that</p>						

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 BD City of Agoura Hills Building and Safety Department
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Agoura Hills In-N-Out Burger Project
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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	<p>applicant recorded the results of the protective measures.</p> <p>Review of report results submitted to the City and other regulatory agencies prior to construction.</p>						
CULTURAL RESOURCES							
<p>CR-1 Procedures for Discovery of Intact Cultural Resources. During grading for the project, on-site workers and the supervisory team shall observe excavated earth for evidence of archaeological or paleontological resources. If archaeological artifacts or fossils are discovered, the developer shall notify the City of Agoura Hills' Environmental Analyst immediately, and construction activities shall cease until a qualified archaeologist has documented and recovered the resources. The purpose of stopping the equipment is to protect cultural resources that would otherwise be affected. Equipment may undertake work in other areas of the site away from the discovered resources. If the find is determined by the archaeologist to be a unique cultural resource, as defined by Section 2103.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2 of the Public Resources Code as appropriate. Depending upon the nature of the find, mitigation may include avoidance or documentation, as determined by a qualified professional. If significant archaeological or paleontological</p>	<p>Field verification to confirm that on-site workers and the supervisory team observe excavated earth for evidence of archaeological or paleontological resources.</p> <p>Field verification to confirm that if archaeological artifacts or fossils are discovered, the developer notifies the City Environmental Analyst immediately, and construction activities cease until a qualified archaeologist documents and recovers the resources.</p> <p>Field verification to confirm that if the find is determined to be a unique cultural resource, the site is treated in accordance with the provisions of Section 21083.2 of the Public Resources Code.</p> <p>Review of documentation of</p>	<p>During construction and prior to issuance of a building permit</p>	<p>Periodically during construction and once prior to the issuance of a building permit.</p>	<p>EA/ Project Applicant/ Archaeologist approved by the EA</p>			

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resources cannot be avoided, impacts may be reduced by filling on top of the sites rather than cutting into the cultural deposits. Alternatively and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples would occur as specified by the archaeologist. If the find is determined not to be a unique archaeological resource, no further action is necessary and construction may continue.	mitigation, avoidance, and/or a data collection program.						
CR-2 Procedures for Discovery of Human Remains. During grading for the project, on-site workers and the supervisory team shall observe excavated earth for evidence of human remains. In accordance with Health and Safety Code § 7050.5, Public Resources Code § 5097.98 and § 15064.5 of the California Code of Regulations, if intact human remains are unearthed, the City's Environmental Analyst shall be notified, and all construction or excavation must be stopped until the County coroner or medical examiner is notified of the nature of the find.	Field verification to confirm that during grading, on-site workers and the supervisory team observes excavated earth for evidence of human remains. Field verification to confirm that if intact human remains are unearthed, the City's Environmental Analyst is notified and construction or excavation is stopped until the coroner or medical examiner is notified of the nature of the find.	During grading	Consistently during grading	EA/ Project Applicant			
GEOLOGY							
GEO-1 Design and Construction. The proposed project shall incorporate design and construction recommendations of the City of Agoura	Review of contractor's specifications to confirm that design and construction recommendations of the	Prior to issuance of a demolition permit and	Once prior to issuance of a demolition permit and	BD/City Engineer			

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<p>as accepted by the City Engineer. This may include recommendations that address site preparation, soil expansiveness, foundation recommendations, slabs-on-grade specifications, site drainage, manufactured slope construction and maintenance, embedment locations of retaining wall anchors, and retaining wall design. Compliance shall be verified by the City of Agoura Hills Building Department prior to issuance of a grading permit, through submission of a letter from the Project Engineer that documents incorporation of all applicable design and construction recommendations. Additionally, design and construction measures contained in the 2010 Krazan & Associates geotechnical report shall be incorporated. These measures include:</p> <ul style="list-style-type: none"> • <i>Overexcavation and recompaction to a minimum depth of six feet below the existing grade or two feet below the bottom of proposed foundation bearing grades;</i> • <i>A grading envelope of at least five feet beyond the outer edge of the building footprint;</i> • <i>Scarification and moisture conditioning of sub-grade soils exposed at base of overexcavated area;</i> • <i>Use of reinforced exterior slabs at least five inches thick; filtering and mixing of on-site material with non-expansive imported soil to achieve uniform consistency before</i> 	<p>City of Agoura Hills are incorporated into the project design.</p> <p>Review of contractor's specifications and field verification to confirm that design and construction measures contained in the 2010 Krazan and Associated geotechnical report are incorporated into project design.</p>	<p>during construction</p>	<p>periodically during construction</p>				

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<i>recompaction;</i> <ul style="list-style-type: none"> • <i>Removal of existing utilities, structures and vegetation;</i> • <i>Removal of weathered fill soils;</i> • <i>Compaction of backfill of retaining wall and utility trenches to at least 90 percent of the maximum dry soil density;</i> • <i>Minimal settlement of the footings embedded in engineering fill;</i> • <i>Design of retaining wall to resist vertical and horizontal seismic forces;</i> • <i>Consistency of site drainage plan with regional drainage pattern;</i> • <i>Observance of site clearing operations by the project engineering geologist;</i> • <i>Soil expansion tests and soil electrical resistivity tests.</i> 							
NOISE							
N-1 Staging Area. The construction contractor shall provide staging areas onsite to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between activity and sensitive receptors. This would reduce noise levels associated with most types of idling construction equipment.	Review of contractor's specifications and field verification to confirm that the contractor provides staging areas onsite and that these areas are located to maximize the distance between construction activities and sensitive receptors.	Prior to issuance of a grading permit and during construction	Once prior to issuance of a grading permit and periodically during construction	PCD/EA			
N-2 Diesel Equipment Mufflers. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.	Review of contractor's specifications and field verification to confirm that diesel equipment is operated with closed engine doors and equipped with factory recommended	Prior to issuance of a grading permit and during construction	Once prior to issuance of a grading permit and periodically during construction	PCD/EA			

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	mufflers.						
N-3 Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.	Field verification to confirm that electrical power is used to run air compressors and similar power tools and to power any temporary structures.	During construction	Once during construction	PCD/EA			
N-4 Additional Noise Attenuation Techniques. For all noise-generating construction activity on the project site, additional noise attenuation techniques shall be employed to reduce noise levels. Such techniques shall include, but are not limited to, the use of mufflers on noise generating construction equipment, the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and nearby sensitive receptors.	Review of contractor's specifications and field verification to confirm that noise attenuation techniques are employed on the project site.	Prior to issuance of a grading permit and during construction	Once prior to issuance of a grading permit and periodically during construction	PCD/EA			
TRANSPORTATION/TRAFFIC							
T-1 Kanan Road/Canwood Street. The applicant shall pay a pro-rata share of the cost to modify Kanan Road at Canwood Street to provide three northbound through lanes and a free right-turn lane. The three through lanes shall be carried north to Thousand Oaks Boulevard. Dual southbound left-turn lanes shall be provided.	Verify that the applicant pays a pro-rata share of the cost to modify Kanan Road at Canwood Street.	Prior to issuance of a grading permit	Once prior to issuance of a grading permit	ED			
T-2 Canwood Street/Clareton Drive. The applicant shall install traffic signals at the intersection of Canwood Street and Clareton Drive.	Field verification to confirm that the applicant installs traffic signals at the intersection of Canwood Street and Clareton Drive.	Prior to occupancy	Once prior to occupancy	ED			

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