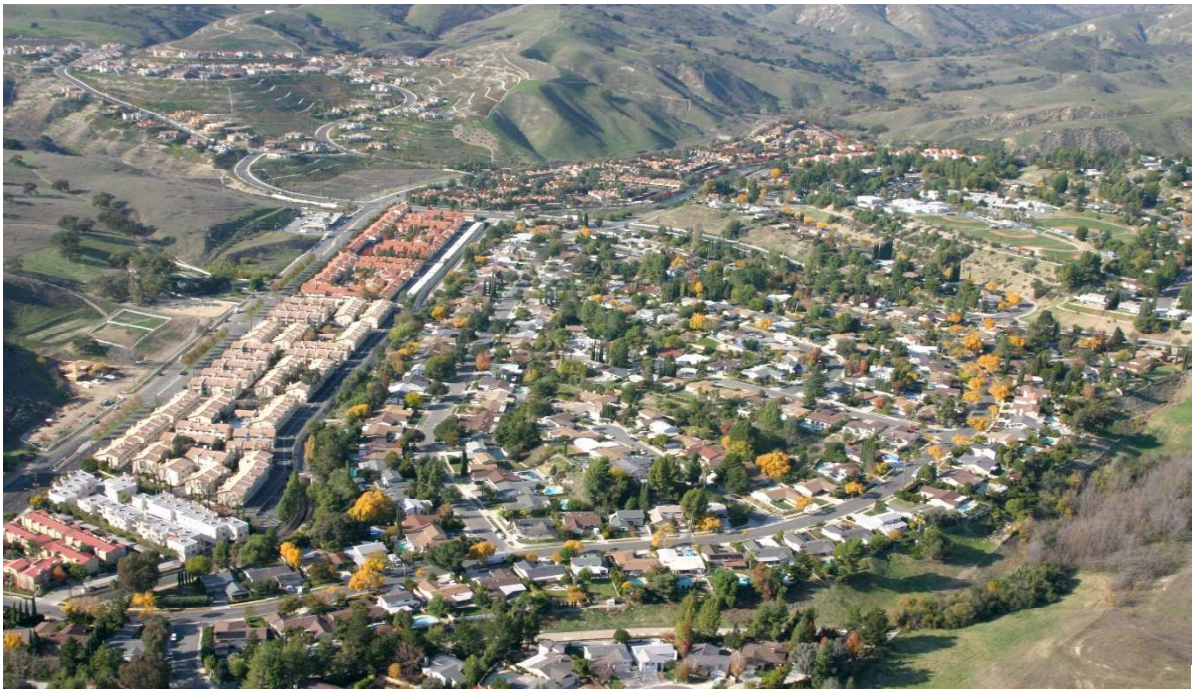

City of Calabasas General Plan Update

Final Program Environmental Impact Report
State Clearinghouse No. 2021020150

prepared by

City of Calabasas
Planning Division, Department of Community Development
100 Civic Center Way
Calabasas, California 91302
Contact: Michael Klein, AICP, Senior Planner

prepared with the assistance of

Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, California 93003

September 2021

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

City of Calabasas General Plan Update

Final Program Environmental Impact Report
State Clearinghouse No. 2021020150

prepared by

City of Calabasas
Planning Division, Department of Community Development
100 Civic Center Way
Calabasas, California 91302
Contact: Michael Klein, AICP, Senior Planner

prepared with the assistance of

Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, California 93003

September 2021

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

This report prepared on 50% recycled paper with 50% post-consumer content.

1 Errata to the Final EIR

This chapter presents specific text changes made to the Final EIR since its publication. The changes are presented in the order in which they appear in the original Final EIR and are identified by the Final EIR page number. Text deletions are shown in ~~strikethrough~~, and text additions are shown in underline. The information contained within this chapter clarifies and expands on information in the Final EIR and does not constitute "significant new information" requiring recirculation. (See Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

1.1 Revisions to the Final EIR

Biological Resources

Revision 1 Page 4.3-56, Impact BIO-4, first paragraph, first sentence

As discussed in Impact BIO-1, the General Plan Update would accommodate the incremental development of new housing units plus redeveloped and developed commercial space. Reasonably foreseeable development at all of the proposed sites, except for the Rancho Pet Kennel site and the Las Virgenes Road shopping center site, would not occur within or adjacent to natural areas that may support migratory wildlife corridors.

Public Services and Recreation

Revision 1 Page 4.12-3, Public Schools, first paragraph after Table 4.12-1, first sentence

Enrollment at LVUSD ~~elementary~~ schools serving Calabasas is 5,919 students for the 2019-2020 school year.

Revision 2 Page 4.12-5, Parkland, first paragraph, first sentence

The City's General Plan includes parkland and open space within the Plan Area that is outside of city limits within its calculations of relative availability for the community. Currently, Grape Arbor and Gates Canyon are ~~is the sole parkland that is~~ both within and outside of city limits; all other parkland is within the city limits (City of Calabasas 2018a).

Revision 3 Page 4.12-30, Impact PS-5, second paragraph, first sentence

The anticipated population increase associated with the General Plan Update would reduce the ratio of library space to 911 square feet ~~acres~~ per 1,000 residents by 2029 (see Table 4.12-9).

Transportation

Revision 1 Page 4.13-14, Section 4.13.3, Table 4.13-3 Total Home-Based VMT for Proposed General Plan Update

Table 4.13-1 Total Home-Based VMT for Proposed General Plan Update

Proposed General Plan Update Home-Based VMT per Capita	City Baseline Home-Based VMT per Capita (2021)	Net Change in VMT per Capita
16.8	~~42.8~~ 20.6	36.4

Source: Fehr & Peers 2021 (Appendix C)

Table of Contents

This page intentionally left blank.

1 Introduction

1.1 Final EIR Contents

This Final Environmental Impact Report (Final EIR) has been prepared by the City of Calabasas (City) to evaluate the potential environmental impacts of the proposed City of Calabasas General Plan Update Project ("proposed project" or "project").

As prescribed by the California Environmental Quality Act (CEQA) Guidelines Sections 15088 and 15132, the lead agency, the City, is required to evaluate comments on environmental issues received from persons who have reviewed the Draft EIR and to prepare written responses to those comments. This document, together with the Draft EIR (incorporated by reference) comprise the Final EIR for this project. This Final EIR includes individual responses to each letter received during the public review period for the Draft EIR. In accordance with CEQA Guidelines Section 15088(c), the written responses describe the disposition of significant environmental issues raised.

The City has provided a good faith effort to respond to all significant environmental issues raised by the comments. The Final EIR also includes amendments to the Draft EIR consisting of changes suggested by certain comments, as well as minor clarifications, corrections, or revisions to the Draft EIR. The Final EIR includes the following contents:

- Section 1: Introduction
- Section 2: Responses to Comments on the Draft EIR, which also includes a list of all commenters and comment letters
- Section 3: Amendments to the Draft EIR
- Section 4: Mitigation Monitoring and Report Program

1.2 Draft EIR Public Review Process

Pursuant to CEQA, lead agencies are required to consult with public agencies with jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

The City of Calabasas filed a notice of completion (NOC) with the Governor's Office of Planning and Research to begin the 45-day public review period (Public Resources Code [PRC] Section 21161), which began on July 30, 2021, and ended on September 13, 2021. The Draft EIR was made available on the City's website.[1] A notice of availability (NOA) of the Draft EIR was published on July 30, 2021. As a result of these notification efforts, written comments on the content of the Draft EIR were received from two Tribal governments, five State and local agencies, one organization, and two individuals. Section 2, "Responses to Comments on the Draft EIR," identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute "significant new information" by CEQA standards (CEQA Guidelines Section 15088.5).

[1] Draft EIR for the 2021-2029 Housing Element and General Plan Updates: https://www.cityofcalabasas.com/government/community-development/2021-2029-housing-element-update

1.3 EIR Certification Process and Project Approval

Before adopting the proposed project, the lead agency is required to certify that the EIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the lead agency.

Upon certification of an EIR, the lead agency makes a decision on the project analyzed in the EIR. A lead agency may: (a) disapprove a project because of its significant environmental effects; (b) require changes to a project to reduce or avoid significant environmental effects; or (c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (CEQA Guidelines Sections 15042 and 15043).

In approving a project, for each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: (a) the project has been changed to avoid or substantially reduce the magnitude of the impact; (b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or (c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines Section 15091). Per PRC Section 21061.1, feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account, economic, environmental, legal, social, and technological factors.

While the information in the EIR does not constrain the City's ultimate decision under its land use authority, the City must respond to each significant effect and mitigation measure identified in the EIR as required by CEQA by making findings supporting its decision. If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision and explains why the project's benefits outweigh the significant environmental effects (CEQA Guidelines Section 15093).

When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects (CEQA Guidelines Section 15091[d]).

1.4 Draft EIR Recirculation Not Required

CEQA Guidelines Section 15088.5 requires Draft EIR recirculation when comments on the Draft EIR or responses thereto identify "significant new information." Significant new information is defined as including:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The comments, responses, and Draft EIR amendments presented in this document do not constitute such "significant new information;" instead, they clarify, amplify, or make insignificant modifications to the Draft EIR. For example, none of the comments, responses, and Draft EIR amendments disclose new or substantially more severe significant environmental effects of the proposed project, or new feasible mitigation measures or alternatives considerably different than those analyzed in the Draft EIR that would clearly lessen the proposed project's significant effects.

This page intentionally left blank.

2 Responses to Comments on the Draft EIR

This section includes comments received during public circulation of the Draft Environmental Impact Report (Draft EIR) prepared for the City of Calabasas General Plan Update.

The comment letters included herein were submitted to the City of Calabasas by tribes, public agencies, and private citizens. Responses to written comments received have been prepared to address the environmental concerns raised by the commenters and to indicate where and how the Draft EIR addresses pertinent environmental issues.

The DEIR was circulated for a 45-day public review period that began on August 6, 2021 and ended on September 13, 2021. The City of Calabasas received 10 comment letters on the Draft EIR. The commenters and the page number on which each commenter's letter appear are listed below.

2.1 Comment Letters and Responses

Written responses to each comment letter received on the Draft EIR are provided in this section. All letters received on the Draft EIR are provided in their entirety. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

Any changes made to the text of the Draft EIR are provided in Section 3, Errata to the Draft EIR, correcting information, data, or intent, other than minor typographical corrections or minor working changes. Where a comment results in a change to the Draft EIR text, a notation is made in the response indicating that the text is revised. Within the Errata to the Draft EIR, changes in text are

signified by strikeouts (~~strikeouts~~) where text is removed and by underlined font (<u>underlined font</u>) where text is added.

Letter 1

GABRIELENO BAND OF MISSION INDIANS - KIZH NATION
Historically known as The Gabrielino Tribal Council - San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

August 13, 2021

Project Name: City of Calabasas 2021-2029 Housing Element Update

Dear Michael Klein,

Thank you for your letter dated July 30,2021 regarding the project above. This is to concur that we are in agreement with the Housing Element Update. However, our Tribal government would like to request consultation for any and all future projects within this location. 1.1

Sincerely,

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians – Kizh Nation
1(844)390-0787

PO Box 393 Covina, CA 91723 www.gabrielenoindians.org admin@gabrielenoindians.org

Letter 1

COMMENTER: Andrew Salas, Chairman, Gabrieleño Band of Mission Indians – Kizh Nation

DATE: August 13, 2021

SUMMARY: The tribal representative stated that he concurred with the findings in the Draft EIR and would like to be consulted on any projects that arise during the implementation of the projects within the City.

Response 1.1

As part of the standard requirements of AB 52, the City will consult the Tribe on projects that undergo CEQA and will notify the Tribe when projects arise in the City. No revisions are required.

Letter 2

Santa Ynez Band of Chumash Indians
Tribal Elders' Council
P.O. Box 517 ◆ Santa Ynez ◆ CA ◆ 93460
Phone: (805) 688-7997 ◆ Fax: (805) 688-9578 ◆ Email: elders@santaynezchuhmash.org

August 24, 2021

City of Calabasas
Community Development Department Planning Division
100 Civic Center Way
Calabasas, Ca 91302

Att.: Michael Klein, AICP, Senior Planner

Re: City of Calabasas 2021-2029 Housing Element Update EIR

Dear Mr. Klein:

Thank you for contacting the Tribal Elders' Council for the Santa Ynez Band of Chumash Indians.

At this time, the Elders' Council requests no further consultation on this project; however, if supplementary literature reveals additional information, or if the scope of the work changes, we kindly ask to be notified. 2.1

If you decide to have the presence of a Native American monitor in place during ground disturbance to assure that any cultural items unearthed be identified as quickly as possible, please contact our office or Chumash of the project area.

Thank you for remembering that at one time our ancestors walked this sacred land.

Sincerely Yours,

Kelsie Merrick

Kelsie Merrick
Administrative Assistant | Elders' Council and Culture Department
Santa Ynez Band of Chumash Indians | Tribal Hall
(805) 688-7997 ext. 7516
kmerrick@santaynezchumash.org

Letter 2

COMMENTER: Kelsie Merrick, Administrative Assistant, Santa Ynez Band of Chumash Indians

DATE: August 24, 2021

SUMMARY: The tribal representative stated that the Elders' Council concurred with the findings in the Draft EIR and would like to be contacted if Native American monitors are determined to be required for future projects in the City.

Response 2.1

As part of the standard requirements of AB 52, the City will consult the Tribe on projects that undergo CEQA. No revisions are required.

Letter 3

State of California – Natural Resources Age
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

September 13, 2021

Michael Klein
City of Calabasas
100 Civic Center Way
Calabasas, CA 91302
MKlein@cityofcalabasas.com

Subject: Draft Environmental Impact Report for the City of Calabasas 2021-2029 Housing Element EIR Project, SCH #2021020150, City of Calabasas, Los Angeles County

Dear Mr. Klein:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Calabasas (City; Lead Agency) for the City of Calabasas 2021-2029 Housing Element EIR (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. 3.1

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code. 3.2

Project Description and Summary

Objective: The Project involves a comprehensive update to the Housing Element and related updates to the Land Use Element and Land Use Map of the City of Calabasas' General Plan. The Project also includes updates to the Safety Element and Circulation Element in compliance with new State rules.

- Housing Element Update is mandated by California State law to prepare a Housing Element update for State certification every eight years. The Housing Element is a state mandated part of the City's General Plan and includes goals, policies, programs, and objectives to further the development, improvement, and preservation of housing in Calabasas in a manner that is aligned with community desires, as well as regional growth objectives and State law. Local governments must adequately plan to meet the existing and projected housing needs of all economic segments of the community.
- The Land Use Element of the General Plan will be updated to reflect new housing sites identified in the Housing Element.
- The Safety Element is also part of the City of Calabasas General Plan and will be updated to include new information about natural and human-related hazards. The Safety Element currently includes policies to address the following types of hazards: geology and seismicity, stormwater management and flooding, fire hazards, radon gas, hazardous materials, and disaster response. The Safety Element update will focus on ensuring alignment with other City plans and addressing new state requirements pertaining to climate change, wildfire risk, and evacuation routes for residential neighborhoods.
- Changes to the Circulation Element will include removing references to adopted level of service thresholds. Level of service is a measure to describe how well roadway intersections and other transportation facilities operate for drivers. Level of service thresholds were used as a metric to evaluate environmental impacts of proposed projects. These thresholds will be replaced with vehicle miles traveled.

3.3

Location: The Project would apply to the entire City of Calabasas, located in western Los Angeles County, and is approximately 13.3 square miles in size. Nearby natural open space areas include Cheseboro and Palo Comado Canyon and Upper Las Virgenes Canyon Open Space Preserve to the north, Summit Valley Edmund D. Edelman Park to the east, and Topanga State Park and Malibu Creek State Park to the south. Adjacent cities include Agoura Hills to the west, Hidden Hills to the north, and Los Angeles to the east. Unincorporated Los Angeles County is located to the south, west, and north of Calabasas.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

3.4

Specific Comments

Comment #1: Mountain Lion (*Puma concolor*)

Issue: The Project site occurs within the range of mountain lion habitat.

Specific impacts: The Project as proposed may impact the southern California mountain lion population by temporarily and permanently increasing human presence, traffic, and noise. In addition, the area designated as Planned Development and east adjacent parcel designated as Residential-Multiple Family in Figure 2-4 would reduce the width of the existing wildlife corridor, as seen in Figure 4.3-3.

Why impacts would occur: Mountain lions may occur within the Project footprint or in areas immediately adjacent to the Project area. The Project may increase human presence (e.g., new development, public trail access), traffic, and noise as well as potential artificial lighting during Project construction and over the life of the Project. Most factors affecting the ability of the southern California mountain lion populations to survive and reproduce are caused by humans (Yap et al. 2019). As California has continued to grow in human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety. Mountain lions are exceptionally vulnerable to human disturbance (Lucas 2020). Areas of high human activity have lower occupancy of rare carnivores. Mountain lions tend to avoid roads and trials by the mere presence of those features, regardless of how much they are used (Lucas 2020). Increased traffic could cause vehicle strikes. Mountain lions avoid areas with low woody vegetation cover and artificial outdoor lighting (Beier 1995). As human population density increases, the probability of persistence of mountain lions decreases (Woodroffe 2000).

3.4 con't

Evidence impact would be significant: The mountain lion is a specially protected mammal in the State (Fish and G. Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020a). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. The Project may have significant impacts because no mitigation has been proposed for any unavoidable direct and indirect, permanent or temporal losses, of habitat for mountain lion.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Surveys should be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce and Bleich 2003). Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities. The survey report should include a map of potential denning sites.

The survey report should include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary.

Mitigation Measure #2: If potential habitat for natal-dens are identified, CDFW recommends fully avoiding potential impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist should conduct a survey for mountain lion natal dens. The survey area should include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW should be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work should cease. No work should occur within a 2,000-foot buffer from a natal den. A qualified biologist should notify CDFW to determine the appropriate course of action. CDFW should also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion should occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.

3.4 con't

Mitigation Measure #3: If "take" or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, project proponent should consult CDFW and must acquire a CESA Incidental Take Permit (pursuant to Fish & Game Code, § 2080 *et seq*.).

Recommendation: CDFW recommends the City evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The City should analyze the change (i.e., increase) in human presence and area of anthropogenic influence that may be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the City provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant. Finally, CDFW also recommends the City recirculate the DEIR with these analyses included.

Comment #2: Crotch's Bumble Bee

Issue: Crotch's bumble bee (*Bombus crotchii*) was identified in Table 4.3-1 as a special-status species with potential to occur in and near the Plan Area.

Specific impacts: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. Project ground-disturbing activities in areas in or adjacent to open space, may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

3.5

Why impacts would occur: Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas in and adjacent to the Project Area. Development projects that are adjacent to open space, such as Las Virgenes Shopping Center and Avalon Apartments, may impact species such Crotch's bumble bee. Project activities may result in temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

Evidence impact would be significant: Crotch's bumble bee has a State ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Also, Crotch's bumble bee has a very restricted range and steep population declines make the species vulnerable to extirpation from the State (CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the City or a project proponent (CEQA Guidelines, § 15065). Project activities may have potential to substantially reduce or adversely modify habitat, impair the viability of populations, and reduce the number and range of the Crotch's bumble bee.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Due to suitable habitat within the Project site, CDFW recommends the DEIR include a mitigation measure whereby individual subsequent projects analyze potential impacts on Crotch's bumble bee. If suitable habitats are on or adjacent to subsequent project sites, within one year prior to vegetation removal and/or grading for any subsequent projects, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results, including negative findings, should be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report should provide the following:

a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.
b) Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.
c) Map(s) showing the location of nests/colonies.
d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).

3.5 con't

Mitigation Measure #2: If Crotch's bumble bee is detected, the subsequent CEQA document should require project proponents, in consultation with a qualified entomologist, to develop a plan to fully avoid impacts to Crotch's bumble bee. The plan should include effective, specific, enforceable, and feasible measures. An avoidance plan should be submitted to TVMWD prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee.

Mitigation Measure #3: If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided during Project construction and activities, project proponents/qualified entomologist should coordinate with CDFW to obtain appropriate handling permits for incidental take of Crotch's bumble bee and provide appropriate mitigation for impacts to Crotch's bumble bee habitat. CDFW recommends the project proponent mitigate for impacts

to Crotch's bumble bee habitat at a ratio comparable to the Project's level of impacts.

3.5 con't

Comment #3: Restoration Plans

Issue: Mitigation Measure BIO-5 (MM BIO-5) as written, may not provide sufficient mitigation for impacts to "riparian vegetation and/or CDFW sensitive natural communities" with a "2:1 ratio for permanent impacts and a 1:1 ratio for temporary impacts".

Specific impact: CDFW is concerned that this measure does not account for impacts to a variety of sensitive natural communities with differences in sensitivity. Pages 4.3-15 to 4.3-18 name and describe each sensitive community within the Project boundary. They also include the State rarity ranking, which reflects the condition and imperilment of the community throughout the range within the State. Some communities within the Project Area are more sensitive than others so a 2:1 impact ratio for an S2 community, for example, may not be as sufficient as it would be for an S4 community. Higher impact ratios should mitigate for the sensitivity and rarity of the community.

Why impacts would occur: CDFW considers vegetation communities, alliances, and associations with a statewide ranking of S1, S2, S3, and some S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21 to 80 occurrences of this community in existence in California, S2 has 6 to 20 occurrences, and S1 has less than 6 occurrences. Project implementation that includes grading, vegetation clearing, road construction, utilities construction, road maintenance, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive vegetation communities. Moreover, the impact ratio presented may not fully mitigate for impacts to an extremely rare community. Impacts on a sensitive vegetation alliance is considered significant to CDFW. Moreover, a project may continue to have direct or indirect effects, whether temporary or permanent, to sensitive vegetation communities by not sufficiently mitigating for the community.

3.6

Evidence impacts would be significant: Inadequate avoidance, minimization, and mitigation measures for impacts to potentially sensitive communities and riparian vegetation on site will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect. This, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. Impacts to all sensitive communities should be considered significant under CEQA unless they are clearly mitigated below a level of significance.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: CDFW recommends that there be no net loss of riparian habitat or sensitive communities within the Project boundary. CDFW recommends mitigation for impacts to riparian habitat/ sensitive communities should be provided within the Project boundary or at a CDFW approved mitigation bank. The 2:1 impact ratio should be a minimum and compensatory mitigation should increase if a project would result in permanent loss of increasingly sensitive vegetation community, riparian habitat within a contiguous riparian corridor or loss of an isolated, remnant habitat patch. Mitigation should increase if a project would impact a riparian/sensitive communities considered rare in the State (i.e., S1, S2, or S3). Mitigation should further increase if the riparian habitat is considered very threatened or threatened (i.e., 0.1, 0.2). Mitigation should further increase if the riparian habitat impacted supports special

status species, specifically obligate riparian breeders (e.g., Coastal California gnatcatcher (*Polioptila californica californica*)). Mitigation should replace the same vegetation association/alliance that was impacted.

3.6 con't

Comment #4: Planned Development Area

Issue: Figure 2-4 Proposed Land Use Map shows one area designated as "Planned Development" and an adjacent parcel to the east designated as "Residential-Multiple Family". These two parcels lie within land designated as Open Space-Resource Protection, and there is possibility of impacting a number of biological resources by developing this area.

Specific impacts: The designated Planned Development Area identified in Figure 2-4 is within designated Open Space, so any development that may occur in this area may result in possible impacts to biological resources. According to the DEIR, special status species such as mountain lion (*Puma concolor*), American badger (*Taxidea taxus*), red-legged frog (*Rana draytonii*), slender mariposa lily (*Calochortus clavatus* var. *gracilis*), Parry's spineflower (*Chorizanthe parryi* var. *parryi*), and Southern California black walnut (*Juglans californica*) may be found in habitats such as those identified in the Planned Development Area. In addition, according to the West Village at Calabasas Project Recirculated Draft Environmental Impact Report (September 2020), the location is located in an ancient landslide area, so any development would require a much larger impact area in order to remediate for any possibility for landslides.

Why impacts would occur: Project implementation may include grading, vegetation clearing, road construction, utilities construction, road maintenance, and other activities that may result in direct mortality, population declines, habitat removal, or local extirpation of sensitive vegetation communities and special status species. In addition, the Project may result in temporal or permanent loss of aquatic or upland habitat. Threats to amphibian species include loss of aquatic breeding and upland non-breeding habitat. In addition, development in this area could have the potential to develop temporary and permanent adverse edge effects that could reduce the use of the surrounding habitat by wildlife for migration or movement in the area. Development in this location will increase human presence and cause impacts from lighting, noise, vehicle traffic, and increase the possibility of human-wildlife interaction.

3.7

Evidence impacts would be significant: Loss of this area in particular may result in a substantial adverse direct and cumulative effect, either directly or through habitat loss and/or modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation: In order to prevent the loss of sensitive/special status biological resources, adequate habitat for special status species, and the further narrowing of a wildlife corridor, CDFW recommends the land use designation for this parcel to be changed to "Open Space-Resource Protection," the same as the surrounding land use. In other words, CDFW recommends this area in particular remain undeveloped and be maintained as open space under protection.

Comment #5: Impacts to Oak Trees and Oak Woodland

Issue: The DEIR states it will follow the City's Oak Tree Ordinance and Oak Tree Preservation and Protection Guidelines (Municipal Code Title 17, Article III, Chapter 17.32) for impacts to oak trees (City of Calabasas 2012). However, this may be insufficient to mitigate for impacts to oak trees and oak woodlands.

Specific impact: Project-activities and development may directly remove individual oak trees, oak woodland, and the understory associated vegetation. In addition, the Project may impact oak trees within their critical root zone. As a result, the Project may result in a net loss of oak trees and oak woodlands.

Why impacts would occur: The Oak Tree Ordinance states, "Replacement or placement of additional oak trees, scrub oak habitat, associated hardwood canopy, land or wildlife habitat to proportionally offset the impacts associated with the loss of oak trees, scrub oak habitat, limbs, roots or potential long-term adverse impacts due to alterations or encroachment within the protected zone. Locations appropriate to such new plantings may be proposed by the applicant and must be approved by city staff prior to the granting of a permit based upon the potential for long-term viability". As written, the Oak Tree Ordinance does not specify for the replacement, replanting, or restoration of oak trees or oak woodlands associated understory, there is only mention of the associated hardwood canopy. Without appropriate replacement or restoration of individual oak trees/woodlands and associated understory, Project activities may temporarily or permanently impact oak habitat.

Evidence impacts would be significant: Oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding; regulating water flow in watersheds; and maintaining water quality in streams and rivers. Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California (Block et al. 1990). Coast live oak and old-growth oak trees (native oak tree that is greater than 15 inches in diameter) are of importance due to increased biological values and increased temporal loss. Due to the historic and on-going loss of this ecologically important vegetation community, oak trees and woodlands are protected by local and State ordinances. CDFW considers oak woodlands a sensitive vegetation community.

3.7 con't

Valley oak is used by various cavity-nesting and storing birds and mammals. Pocket gopher, California ground squirrel, and deer mouse are heavy consumers of valley oak seedlings. Acorns are an important diet item of wildlife such as California ground squirrel, pocket gopher, scrub jay, yellow-billed magpie, acorn woodpecker, black-tailed deer, feral pig, and of cattle (Howard J.L, 1992). Removal of trees may temporarily or permanently impact available habitat and resources for wildlife in the area. Moreover, oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360-1372) and Public Resources Code section 21083.4 due to the historic and on-going loss of these resources

Inadequate or lack of avoidance, minimization, and mitigation measures for impacts to special status plant species, such as oak, will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on

any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

3.7 con't

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1 – Critical Root Zone: CDFW recommends the City retain a certified arborist. Prior to any Project ground-disturbing activities that may impact trees or tree trimming, an arborist should conduct a site visit to identify the following: 1) trees where impacts on the CRZ would occur, 2) trees that need to be cut or limbed, and 3) trees where roots (i.e., tap root, main roots, and any surface-feeding roots) would need to be exposed/unearthed. The certified arborist should prepare a plan to protect the CRZ. CDFW recommends that Project construction and activities including (but not limited to) staging areas, debris piles, and soil compaction not occur within the CRZ. The CRZ should be demarcated with clear flagging, fencing, and signage. The certified arborist should also prepare a plan consisting of Best Management Practices to minimize impacts on trees as a result of cutting and limbing, as well as exposure of tree roots. If roots or canopy of any oak trees must be cut or disturbed, CDFW recommends that these actions be performed by a certified arborist or under the supervision of a certified arborist.

Mitigation Measure #2 - Native Tree Planting Plan: CDFW recommends the City retain a qualified restoration-specialist and/or arborist to develop a Native Tree Planting Plan. The plan should include effective and detailed measures associated with planted tree protection, maintenance, monitoring, reporting, and adaptive management. CDFW recommends that all replacement oak trees regardless of species be monitored for at least seven years after planting, with three additional years of no irrigation, weeding, or further replacement planting. The planting plan should also include Best Management Practices to acquire replacement native trees, especially coast live oak trees. The qualified restoration specialist should acquire appropriately sized, locally sourced trees from a local native plant nursery that implements Phytophthora/Clean Nursery Stock protocols. This may reduce the probability of introducing trees contaminated with pests, diseases, and pathogens that could spread and infect native oak trees or habitats. Seeds should originate from trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted. A Native Tree Planting Plan should be provided to the City prior to any ground-disturbing activities impacting trees and/or tree removal.

3.8

Mitigation Measure #3: Prior to any Project ground-disturbing activities, the City/project proponent should determine:

1) An inventory of all oak trees removed or encroached upon during project activities, separated by species and DBH;
2) Acres of oak woodlands impacted, and density, coverage, and abundance of understory vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine);
3) Mitigation ratios if the loss of any oaks are anticipated and total number and/or area of replacement trees and vegetation. The mitigation site should mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. Associated understory and early successional native species should be planted and monitored along with trees to achieve viable habitat and adequately compensate for biological functions lost;
4) Location of restoration areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support oak trees/oak woodlands; avoid habitat type conversion);

5) The location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-Project function, density, percent basal, canopy, and vegetation cover of oak woodland impacted;
6) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration;
7) Location(s) of propagule source. Propagules should be collected or grown from on-site sources or adjacent areas within the same watershed and should not be purchased from a supplier. Seeds must originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted; and,
8) Species-specific planting methods (i.e., container or bulbs).

3.8 con't

Comment #6: Tree Diseases, Pests, and Pathogens

Issue: The Project may remove trees and can possibly spread material infected with invasive tree diseases, pests, and pathogens.

Specific impacts: Without taking proper precaution, the Project may spread tree insect pests and diseases into areas not currently exposed to these stressors. This could result in expediting the loss of native trees and plant communities. Loss of trees may result in loss of foraging and perching habitat for small mammals, birds, and raptors.

Why impacts would occur: The Project may remove trees that could host diseases and pests. One such pathogen is sudden oak death. Sudden oak death has become the most common cause of mortality of oak (*Quercus* genus) and other native trees (Phytosphere 2015). Mortality rates of oak trees are greater than 50 percent in some areas impacted by sudden oak death (Phytosphere 2012). Tree dieback can have cascading impacts on the habitat and ecosystem, particularly avian distribution and abundance (Monahan and Koenig 2006). Another pest is the polyphagous shot hole borer, which hosts on many native trees species that include box elder (*Acer negundo*), California sycamore (*Platanus racemosa*), willows (*Salix* genus), oaks, cottonwoods (*Populus* genus), and alders (*Alnus* genus) (Calinvasives 2021).
Diseases such as sudden oak death can spread via equipment and transport of infected material. These fragments can be spread to new locations if equipment and tools are not disinfected or cleaned before moving to the next work location. Infected material that is transported off site for disposal may expose trees and plant communities to pest and disease. This could result in expediting the loss of California sycamore, oak trees, and other native trees and plant communities within and adjacent to a project area.

3.9

Evidence impacts would be significant: The Project may have a substantial adverse effect on any sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW. The Project may result in a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW that are dependent on woodlands susceptible to insect and disease pathogens.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: CDFW recommends that the subsequent CEQA document include a measure to mitigate the spread of invasive pests and diseases by implementing the following:

1) Prior to tree removal, a certified arborist should evaluate trees for infectious tree diseases including but not limited to: sudden oak death (*Phytophthora ramorum*), thousand canker fungus (*Geosmithia morbida*), polyphagous shot hole borer (*Euwallacea* spp.), and goldspotted oak borer (*Agrilus auroguttatus*) (TCD 2021; UCANR 2021; Phytosphere Research 2012; UCIPM 2013).
2) If a certified arborist determines trees are impacted by infectious pests or diseases, the certified arborist should prepare an Infectious Tree Disease Management Plan or develop a detailed, robust, enforceable, and feasible list of preventative measures. A plan/list should provide measures relevant for each tree pest or disease observed. To avoid the spread of infectious tree pests and diseases, infected trees should not be transported from a project area without first being treated using best available management practices described Infectious Tree Disease Management Plan or list of preventative measures.
3) If possible, all tree material, especially infected tree material, should be left on site. The material could be chipped for use as ground cover or mulch. Pruning and power tools should be cleaned and disinfected before use to prevent introducing pathogens from known infested areas, and after use to prevent spread of pathogens to new areas.

3.9

Comment #7: In-lieu Fees

Issue: MM BIO-5 *Restoration Plans* mentions an "in lieu fee program" as an option if on-site or off-site restoration is not feasible.

Specific impacts: Impacting riparian vegetation and/or sensitive natural communities also has the potential to impact directly, or indirectly through habitat loss, sensitive, special status, threatened, and/or endangered plants, and wildlife. In addition, the DEIR does not provide sufficient information for CDFW to evaluate the adequacy of in-lieu fees to offset the cumulative loss of biological resources associated with riparian vegetation and/or sensitive natural communities.

3.10

Why impacts would occur: It is unclear how proposed payments would be sufficient to offset impacts associated with the Project. Typical compensatory mitigation includes the purchase of land consisting of suitable habitat and/or individuals of the impacted species. CDFW is concerned that an in-lieu fee would not provide enough funding for preservation, enhancement, restoration, or other mitigation activities to offset impacts to sensitive species and habitats.

The DEIR does not explain or make a connection as to why in-lieu fee is adequate to offset Project impacts so that the Project would have no impacts. The DEIR does not discuss or provide the following information:

1) Whether the in-lieu fee is going towards an established program;
2) How that program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
3) What the in-lieu fee would acquire. It is unclear if the in-lieu fee would be used to acquire land for preservation, enhancement, and/or restoration purposes, or if the in-lieu fee would be used to purchase credits at a mitigation bank, or none of the above;
4) What biological resources would the in-lieu fee protect/conserve;
5) Why the in-lieu fee is appropriate for mitigating cumulative loss of biological resources in

the Project Area;
6) How the in-lieu fee is sufficient to purchase land or credits at a mitigation bank;
7) Where the project proponent may acquire land or purchase credits at a mitigation bank so that the in-lieu fee would offset Project impacts on biological resources in the Project Area;
8) When the project proponent would use the fee in the Project area. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as the project proponent fails to implement its proposed mitigation;
9) How the project proponent would commit to the project to paying the in-lieu fee. For example, when would the project proponent require payment from the project applicant, how long would the project applicant have to pay the fee, and what mechanisms would project proponent implement to ensure the fee is paid? Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines, § 15126.4);
10) What performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4);
11) What type(s) of potential action(s) that can feasibly achieve those performance standards (CEQA Guidelines, § 15126.4); and,
12) How the in-lieu fee would be adequate such that no impacts would occur as a result of the Project.

Evidence impacts would be significant: Without identifying when mitigation-activities will be implemented, additional temporal impacts to biological resources may occur. Inadequate avoidance and mitigation measures may result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by CDFW or USFWS. This Project may have the potential to reduce the habitat of rare plants or wildlife; cause rare plants or wildlife population to drop below self-sustaining levels; threatened to eliminate a plant or animal community; and substantially reduce the number or restrict the range of an endangered, rare, or threatened species [CEQA Guidelines, § 15065(a)(1)]. Additionally, this Project has possible environmental effects that are cumulatively considerable [CEQA Guidelines, § 15065(a)(3)].

3.10 con't

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: CDFW recommends the EIR provide adequate, complete, and good-faith disclosure of information that would address the following in relation to the Project:

1) Whether the in-lieu fee is going towards an established program;
2) How the program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
3) What the in-lieu fee would acquire;
4) What biological resources would the in-lieu fee protect/conserve;
5) Why the in-lieu fee is appropriate for mitigating the cumulative loss of biological resources;
6) Why the in-lieu fee is sufficient to purchase land or credits at a mitigation bank;
7) Where the project proponent may acquire land or purchase credits at a mitigation bank;

8) When the project proponent would use the in-lieu fee; and,
9) How the in-lieu fee would be adequate such that no impacts would occur as a result of the Project.

The project proponent should provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns (CEQA Guidelines, § 15147).

Recommendation #2: CDFW recommends that the project proponent provide a discussion describing how it intends to commit to mitigation via the in lieu fee. For example, the project proponent should provide specifics as to when would the project proponent require payment from the project applicant, how long would the project applicant have to pay the fee, what mechanisms would the project proponent implement to ensure the fee is paid, and when the project proponent would use the project's payment for mitigation. Also, the project proponent should provide specific performance standards and actions to achieve those performance standards.

3.10 con't

Recommendation #3: CDFW recommends that the project proponent recirculate the DPEIR for more meaningful public review and assessment of the project proponent's in-lieu fee. Additionally, the Project proponent should recirculate the DPEIR if the proposed mitigation measure (i.e., in-lieu fee) would not reduce potential effects to less than significant and new measures must be required [CEQA Guidelines, § 15073.5(b)(2)].

Additional Recommendations

Nesting Birds. CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying MM BIO-2 by expanding the time period for bird and raptor nesting from February 1 through August 31 to January 1 through September 15. If the Project occurs between January 1 through September 15, a nesting bird and raptor survey should be conducted as stated in MM BIO-2, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the Project site.

3.11

It should be noted that the temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.

Restoration Plans Final Report. MM BIO-5 states, "Five years after project start, a final report shall be submitted to the City and the CDFW, which shall at a minimum discuss the implementation, monitoring and management of the mitigation project over the five-year period, and indicate whether the Restoration Plan has met the established success criteria." While CDFW agrees that a final report shall be submitted to determine success, five years after the start of the project rather than the start of the restoration may not be sufficient time to determine success. CDFW recommends amending the language by excluding the ~~strikethrough~~ and including the underlined language as follows:

3.12

> "Five years after ~~project start~~ the start of restoration activities, a final report shall be submitted to the City and the CDFW, which shall at a minimum discuss the implementation, monitoring and management of the mitigation project over the five-year period, and indicate whether the Restoration Plan has met the established success criteria. […]"

3.12 con't

Rodenticides. CDFW recommends project proponent prevent the use of second-generation anticoagulant rodenticides on any project associated with the Project.

3.13

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, CDFW recommends that the subsequent CEQA document include measures where lead agencies of individual projects tiering from the subsequent CEQA document report any special status species detected during preparation of project-level environmental impact analyses/environmental documents. Special status species information should be submitted to the CNDDB by completing the Online Field Survey Form (CDFW 2021). The lead agency should ensure all pertinent data has been properly submitted, with all applicable data fields filled out, prior to finalizing/adopting an environmental document. The lead agency should provide CDFW with confirmation of data submittal.

3.14

Mitigation and Monitoring Reporting Plan. CDFW recommends the City update the Project's proposed Biological Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist project proponents in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

3.15

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

3.16

Conclusion

We appreciate the opportunity to comment on the Project to assist the City of Calabasas in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, §

3.17

15073(e)]. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at (562) 292-8105 or by email at Felicia.Silva@wildlife.ca.gov.

3.17 con't

Sincerely,

DocuSigned by:
Erinn Wilson-Olgin
B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW
Erinn Wilson-Olgin, San Diego – Erinn.Wilson-Olgin@wildlife.ca.gov
Victoria Tang, Los Alamitos – Victoria.Tang@wildlife.ca.gov
Ruby Kwan-Davis, Los Alamitos – Ruby.Kwan-Davis@wildlife.ca.gov
Felicia Silva, Los Alamitos – Felicia.Silva@wildlife.ca.gov
Julisa Portugal, Los Alamitos – Julisa.Portugal@wildlife.ca.gov
Susan Howell, San Diego – Susan.Howell@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov
State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

References:

Block, W.M., Morrison, M.M., Verner, J. 1990. Wildlife and oak-woodland interdependency. Fremontia 18(3):72-76.

[CDFW] California Department of Fish and Wildlife. 2021. Submitting Data to the CNDDB. Available from: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data

[CDFW] California Department of Fish and Wildlife. 2020. Notice of Findings - Mountain Lion ESU declared a candidate species. Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=178623&inline

[CDFW] California Department of Fish and Wildlife. 2013. CDFW Departmental Bulletin. Human/Wildlife Interactions in California: Mountain Lion Depredation, Public Safety, and Animal Welfare. Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68271&inline

Calinvasives. 2021. *Euwallacea nr. fornicatus - Polyphagous Shot Hole*. Calflora. Available from: https://www.calflora.org/entry/pathogen.html?id=pth18

City of Calabasas Municipal Code Title 17, Article III, Chapter 17.32. Oak Tree Regulations. Oak trees, Oak tree permit. 2012. Accessed at: https://library.municode.com/ca/city_of_calabasas/codes/code_of_ordinances?nodeId=TIT17LAUSDE_ARTIIISIPLPRDEST_CH17.32OATRRE_17.32.010OATROATRPE

Griffin and Muick. 1990. California Native Oaks: Past and Present. Fremontia 18(3): 4-12.

Howard, Janet L. 1992. Quercus lobata. In: Fire Effects Information System, [Online]. U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Fire Sciences Laboratory (Producer). Available: https://www.fs.fed.us/database/feis/plants/tree/quelob/all.html [2021, March 23].

Lucas, E. 2020. Recreation-related disturbance to wildlife in California – better planning for and management of recreation are vital to conserve wildlife in protected areas where recreation occurs. California Fish and Wildlife, Recreation Special Issue 2020: 29-51.

Monahan, W.B. and W.D. Koenig. Estimating the potential effects of sudden oak death on oak-dependent birds. *Biological Conservation* 127:146-157.

Phytosphere Research. 2015. Phytophthora in nursery stock and restoration plantings. Accessed at: http://phytosphere.com/soilphytophthora/Issues_implications_Phytophthora_container_stock.htm

Phytosphere Research. 2012. Understanding and Managing Sudden Oak Death in California. Accessed at: http://phytosphere.com/SODmgtPUB/pg6Sidebar1-1SODmgntpub.htm

Sawyer, J.O., Keeler-Wolf, T., and Evens J.M. 2009. A manual of California Vegetation, 2nd ed. ISBN 978-0-943460-49-9.

West Village at Calabasas Project Recirculated Draft Environmental Impact Report. September 2020. Accessed at: https://files.ceqanet.opr.ca.gov/82778-3/attachment/RlWsxn-tAMFrnajIfpOH0RwPqCZsELbPPP1XB_gSKh03Xp_kKZCPz0B-g78rpqGuG2z3Iqrb5zaf3ImC0

[TCD] Thousand Cankers Disease. 2021. What is Thousand Cankers? Accessed at: http://thousandcankers.com/.

[USACE] United States Army Corps of Engineers. 2015. Los Angeles River ecosystem restoration integrated feasibility report: Final feasibility report and environmental impact statement/environment impact report. Available from: https://usace.contentdm.oclc.org/digital/collection/p16021coll7/id/2339

[UCANR] University of California Agriculture and Natural Resources Division. 2021. Invasive Shot Hole Borers. Accessed at: https://ucanr.edu/sites/pshb/.

[UCIPM] University of California Statewide Integrated Pest Management Program. 2013. How to Manage Pests. Pests in Gardens and landscapes. Goldspottted Oak Borer. Accessed at: http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html.

[USGS] United States Geological Survey. 2021. California Drought. Available from: https://ca.water.usgs.gov/california-drought/california-drought-comparisons.html

Woodroffe, R. 2000. Predators and people: using human densities to interpret declines of large carnivores. Animal Conservation 3:165-173.

Yap, T., Cummings, B., and J.P. Rose. 2019. A Petition to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened under the California Endangered Species Act (CESA). Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=171208&inline

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-BIO-1-Mountain Lion	Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology shall survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Surveys shall be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk. Survey results including negative findings shall be submitted to CDFW prior to initiation of Project activities. The survey report shall include a map of potential denning sites. The survey report shall include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary.	Preparation of project-level CEQA document/ prior to finalizing project-level CEQA document	Project-level lead agency
MM-BIO-2-Mountain Lion	If potential habitat for natal dens are identified, potential impacts to mountain lions shall be fully avoided, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist shall conduct a survey for mountain lion natal dens. The survey area shall include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW shall be notified within	Preparation of project-level CEQA document/ prior to finalizing project-level	Project-level lead agency

	24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work shall cease. No work shall occur within a 2,000-foot buffer from a natal den. A qualified biologist shall notify CDFW to determine the appropriate course of action. CDFW shall also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion shall occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.	CEQA document	
MM-BIO-3-Mountain Lion	If "take" or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, project proponent shall consult CDFW and must acquire a CESA Incidental Take Permit (pursuant to Fish & Game Code, § 2080 *et seq*.).	Preparation of project-level CEQA document/ prior to finalizing project-level CEQA document	Project-level lead agency
REC-1-Mountain Lion	CDFW recommends the City evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The City should analyze the change (i.e. increase) in human presence and area of anthropogenic influence that will now be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the City provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant. Finally, CDFW also recommends the City recirculate the DEIR with these analyses included.		

MM-BIO-7-Crotch's bumble bee	Due to suitable habitat within the Project boundary, individual subsequent projects shall analyze potential impacts on Crotch's bumble bee. If suitable habitat is on subsequent project sites, within one year prior to vegetation removal and/or grading for any individual subsequent projects, a qualified entomologist familiar with the species behavior and life history shall conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys shall be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results, including negative findings, shall be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report shall provide the following: a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys. b) Field survey conditions that shall include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched. c) Map(s) showing the location of nests/colonies. d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).	Prior to project ground-disturbing activities	Project-level lead agency

MM-BIO-8-Crotch's bumble bee	If Crotch's bumble bee is detected, the subsequent CEQA document shall require project proponents, in consultation with a qualified entomologist, to develop a plan to fully avoid impacts to Crotch's bumble bee. The plan shall include effective, specific, enforceable, and feasible measures. An avoidance plan shall be submitted to the project proponent prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee.	Prior to project ground-disturbing activities	Project-level lead agency
MM-BIO-9-Crotch's bumble bee	If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided during Project construction and activities, project proponents /qualified entomologist shall coordinate with CDFW to obtain appropriate handling permits for incidental take of Crotch's bumble bee and provide appropriate mitigation for impacts to Crotch's bumble bee habitat. The project proponents shall mitigate for impacts to Crotch's bumble bee habitat at a ratio comparable to the Project's level of impacts.	Prior to project ground-disturbing activities	Project-level lead agency
MM-BIO-10-Restoration Plans	There shall be no net loss of riparian habitat or sensitive communities within the Project boundary. Mitigation for impacts to riparian habitat/ sensitive communities shall be provided within the Project boundary or at a CDFW approved mitigation bank. The 2:1 impact ratio shall be a minimum and compensatory mitigation shall increase if a project would result in permanent loss of increasingly sensitive vegetation community, riparian habitat within a contiguous riparian corridor or loss of an isolated, remnant habitat patch. Mitigation shall increase if a project would impact a riparian/sensitive communities considered rare in the State (i.e., S1, S2, or S3). Mitigation shall further increase if the riparian habitat is considered very threatened or threatened (i.e., 0.1, 0.2). Mitigation shall further increase if the riparian habitat impacted supports special status species, specifically obligate riparian breeders (e.g., Coastal California gnatcatcher (*Polioptila californica californica*)). Mitigation shall replace the same vegetation association/alliance that was impacted.	Preparation of project-level CEQA document/ prior to finalizing project-level CEQA document	Project-level lead agency

REC-2-Planned Development Area	In order to prevent the loss of sensitive/special status biological resources, adequate habitat for special status species, and the further narrowing of a wildlife corridor, CDFW recommends the land use designation for this parcel to be changed to "Open Space-Resource Protection," the same as the surrounding land use. In other words, CDFW recommends this area in particular remain undeveloped and be maintained as open space under protection.	Prior to water diversion construction and activities	Project-level lead agency
MM-BIO-11-Oak trees/Oak woodland	The City will retain a certified arborist. Prior to any Project ground-disturbing activities that may impact trees or tree trimming, an arborist shall conduct a site visit to identify the following: 1) trees where impacts on the CRZ would occur, 2) trees that need to be cut or limbed, and 3) trees where roots (i.e., tap root, main roots, and any surface-feeding roots) would need to be exposed/unearthed. The certified arborist shall prepare a plan to protect the CRZ. CDFW recommends that Project construction and activities including (but not limited to) staging areas, debris piles, and soil compaction not occur within the CRZ. The CRZ shall be demarcated with clear flagging, fencing, and signage. The certified arborist shall also prepare a plan consisting of Best Management Practices to minimize impacts on trees as a result of cutting and limbing, as well as exposure of tree roots. If roots or canopy of any oak trees must be cut or disturbed, these actions will be performed by a certified arborist or under the supervision of a certified arborist.	Prior to water diversion construction and activities	Project-level lead agency
MM-BIO-12- Oak trees/Oak woodland	CDFW recommends the City retain a qualified restoration specialist and/or arborist to develop a Native Tree Planting Plan. The plan should include effective and detailed measures associated with planted tree protection, maintenance, monitoring, reporting, and adaptive management. CDFW recommends that all replacement oak trees regardless of species be monitored for at least seven years after planting, with three additional years of no irrigation, weeding, or further replacement planting. The planting plan should also include Best Management Practices to acquire	Prior to water diversion construction and activities	City of Calabasas

	replacement native trees, especially coast live oak trees. The qualified restoration specialist should acquire appropriately sized, locally sourced trees from a local native plant nursery that implements Phytophthora/Clean Nursery Stock protocols. This may reduce the probability of introducing trees contaminated with pests, diseases, and pathogens that could spread and infect native oak trees or habitats. Seeds should originate from trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted. A Native Tree Planting Plan should be provided to the City prior to any ground-disturbing activities impacting trees and/or tree removal.		
BIO-13- Oak trees/Oak woodland	Prior to any Project ground-disturbing activities, the City/project proponent shall determine: 1) An inventory of all oak trees removed or encroached upon during project activities, separated by species and DBH; 2) Acres of oak woodlands impacted and density, coverage, and abundance of understory vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine); 3) Mitigation ratios if the loss of any oaks are anticipated and total number and/or area of replacement trees and vegetation. The mitigation site shall mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. Associated understory and early successional native species shall be planted and monitored along with trees to achieve viable habitat and adequately compensate for biological functions lost; 4) Location of restoration areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support oak trees/oak woodlands; avoid habitat type conversion); 5) The location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-Project function, density, percent basal, canopy, and	Prior to water diversion construction and activities	Project-level lead agency

	vegetation cover of oak woodland impacted; 6) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration; 7) Location(s) of propagule source. Propagules shall be collected or grown from on-site sources or adjacent areas within the same watershed and shall not be purchased from a supplier. Seeds must originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted and; 8) Species-specific planting methods (i.e., container or bulbs).		
MM-BIO-14-Tree Diseases, Pests, and Pathogens	The spread of invasive pests and diseases shall be mitigated by implementing the following: 1) Prior to tree removal, a certified arborist shall evaluate trees for infectious tree diseases including but not limited to: sudden oak death (*Phytophthora ramorum*), thousand canker fungus (*Geosmithia morbida*), polyphagous shot hole borer (*Euwallacea* spp.), and goldspotted oak borer (*Agrilus auroguttatus*); 2) If a certified arborist determines trees are impacted by infectious pests or diseases, the certified arborist shall prepare an Infectious Tree Disease Management Plan or develop a detailed, robust, enforceable, and feasible list of preventative measures. A plan/list shall provide measures relevant for each tree pest or disease observed. To avoid the spread of infectious tree pests and diseases, infected trees shall not be transported from a project area without first being treated using best available management practices described Infectious Tree Disease Management Plan or list of preventative measures. 3) If possible, all tree material, especially infected tree material, shall be left on site. The material could be chipped for use as ground cover or mulch. Pruning and power tools shall be cleaned and disinfected before use to prevent	Prior to/During project construction activities	Project-level lead agency

	introducing pathogens from known infested areas, and after use to prevent spread of pathogens to new areas.		
REC-3-In-lieu Fees	CDFW recommends the subsequent environmental document provide adequate, complete, and good-faith disclosure of information that would address the following in relation to the Project: 1) Whether the in-lieu fee is going towards an established program; 2) How the program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA; 3) What the in-lieu fee would acquire; 4) What biological resources would the in-lieu fee protect/conserve; 5) Why the in-lieu fee is appropriate for mitigating the cumulative loss of biological resources; 6) Why the in-lieu fee is sufficient to purchase land or credits at a mitigation bank; 7) Where the project proponent may acquire land or purchase credits at a mitigation bank; 8) When the project proponent would use the in-lieu fee; and, 9) How the in-lieu fee would be adequate such that no impacts would occur as a result of the Project. The project proponent shall provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns (CEQA Guidelines, § 15147).	Prior to finalizing EIR	City of Calabasas
REC-4-In-lieu Fees	CDFW recommends that the project proponent provide a discussion describing how it intends to commit to mitigation via the in-lieu fee. For example, the project proponent shall provide specifics as to when would the project proponent require payment from the project applicant, how long would the project applicant have to pay the fee, what mechanisms would the project proponent	Prior to finalizing EIR	City of Calabasas

	implement to ensure the fee is paid, and when the project proponent would use the project's payment for mitigation. Also, the project proponent shall provide specific performance standards and actions to achieve those performance standards.		
REC-5-In-lieu Fees	CDFW recommends that the project proponent recirculate the DPEIR for more meaningful public review and assessment of the project proponent's in-lieu fee. Additionally, the Project proponent shall recirculate the DPEIR if the proposed mitigation measure (i.e., in-lieu fee) would not reduce potential effects to less than significant and new measures must be required [CEQA Guidelines, § 15073.5(b)(2)].	Prior to finalizing EIR	City of Calabasas
REC-6-Nesting Birds	CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying MM BIO-2 by expanding the time period for bird and raptor nesting from February 1 through August 31 to January 1 through September 15. If the Project occurs between January 1 through September 15, a nesting bird and raptor survey shall be conducted as stated in MM BIO-2, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the Project site.	Prior to finalizing EIR /During/After project	City of Calabasas/project-level lead agency
REC-7-Restoration Plans Final Report	Restoration Plans Final Report. MM BIO-5 states, "Five years after project start, a final report shall be submitted to the City and the CDFW, which shall at a minimum discuss the implementation, monitoring and management of the mitigation project over the five-year period, and indicate whether the Restoration Plan has met the established success criteria." While CDFW agrees that a final report shall be submitted to determine success, five years after the start of the project rather than the start of the restoration may not be sufficient time to determine success. CDFW recommends amending the language by excluding the ~~strikethrough~~ and including the underlined language as follows: "Five years after ~~project start~~ the start of restoration activities, a final report shall be submitted to the City and	Prior to finalizing EIR /During/After project	City of Calabasas/project-level lead agency

	the CDFW, which shall at a minimum discuss the implementation, monitoring and management of the mitigation project over the five-year period, and indicate whether the Restoration Plan has met the established success criteria. […]"		
REC-8-Rodenticides	CDFW recommends TVMWD exclude the use of second-generation anticoagulant rodenticides for all subsequent individual projects.	Prior to finalizing EIR /During/After project	City of Calabasas/project-level lead agency
REC-9-Data	Project-level lead agencies shall ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database with all data fields applicable filled out. Confirmation of data submittal shall be provided to CDFW.	Prior to finalizing/ adopting project-level CEQA document	Project-level lead agency
REC-10-Mitigation and Monitoring Reporting Plan	TVMWD shall update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. TVMWD is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures.	Prior to finalizing EIR	City of Calabasas

Letter 3

COMMENTER: Erinn Wilson-Olgin, California Department of Fish and Wildlife

DATE: September, 2021

SUMMARY: The agency expressed concern about activities involved in the project that may affect California fish and wildlife. The agency provides an overview of the California Department of Fish and Wildlife (CDFW) and its roles as trustee agency and responsible agency under CEQA. The agency also provides a summary of the proposed project and summarizes CDFW's recommendations to assist the City in adequately identifying, avoiding, and/or mitigating the project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

Responses 3.1

The agency thanked the City for the opportunity to provide comments and recommendations regarding those activities involved in the project that may affect California fish and wildlife and actions for which they may have regulatory authority.

This comment does not address a deficiency in the Draft EIR. This comment has been noted but no response is necessary.

Responses 3.2

The agency provides an overview of CDFW and its roles as trustee agency and responsible agency under CEQA.

This comment does not address a deficiency in the Draft EIR. This comment has been noted but no response is necessary.

Responses 3.3

The agency also provides a summary of the proposed project and summarizes their recommendations to assist the City in adequately identifying, avoiding, and/or mitigating the project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. In addition, the agency refers to recommended measures or revisions in latter comments be included in a science-based monitoring program that contains adaptive management strategies as part of the project's Mitigation, Monitoring, and Reporting Program (MMRP).

Individual responses regarding the agency's concerns on environmental impacts are addressed below in Responses 3.4 through 3.17. A MMRP will be published with the Final EIR to assist the City in implementing the mitigation stipulated in the EIR and as reflected in Section 3, *Errata to the Draft EIR*. No revisions are necessary relative to this comment.

Response 3.4

The agency suggests that the proposed project would result in adverse impacts to mountain lion (*Felis concolor*), a candidate for listing under the California Endangered Species Act, by increasing human presence, traffic, noise, and artificial lighting and by reducing the width of the existing wildlife corridor. The agency adds that the project may have significant impacts because no

mitigation has been proposed for any unavoidable direct and indirect, permanent or temporal losses, of habitat for mountain lion. To mitigate the claimed potential impacts to mountain lion, the agency recommends several mitigation measures, including pre-construction habitat assessments and focused surveys for natal dens, avoidance of potential habitat for natal dens, if identified, and consultation with CDFW for an Incidental Take Permit under the California Endangered Species Act if "take" cannot be avoided.

This comment does not present significant new information not already analyzed in the Draft EIR concerning this species. Project impacts to special-status species, which includes mountain lion, are fully disclosed in Section 4.3, *Biological Resources*, of the Draft EIR under Impact BIO-1 and Impact BIO-4.

The Draft EIR states "it is reasonable to assume that some project development would occur within or adjacent to natural areas that support special-status species, which has the potential to adversely affect special-status species or their habitats." The Draft EIR explains that project construction, vegetation clearing, and excavation could remove habitat or directly impact individuals (e.g., mortality) (see page 4.3-36).

Mixed-use and multifamily housing under the General Plan Update, however, would be located in urban areas and be constructed as infill development or redevelopment, which would avoid most areas of sensitive habitat that occur in undeveloped areas, and would therefore avoid direct or indirect impacts to most special-status species, including mountain lion (see page 4.3-36 of the Draft EIR).

Furthermore, as described on page 4.3-39 of the Draft EIR, mitigation measures are required "for any projects that require vegetation removal, ground disturbance of unpaved areas, parking or staging of equipment or material on unpaved areas, access routes on unpaved areas, or any rehabilitation or construction staging within 300 feet of unpaved areas (except for landscaped developed areas) that contain or have the potential to support special-status species, sensitive natural communities, or suitable habitat to support special-status species."

MM BIO-1 on page 4.3-39 of the Draft EIR states that "if it is determined that a special-status species may be impacted by a project, consultation with USFWS and/or CDFW shall occur prior to issuance of a development permit from the City to determine measures to address impacts such as avoidance, minimization, restoration, or compensation." Furthermore, the measure stipulates that "if the biologist determines that wildlife movement corridors are present on any portion of a project site, consultation with the appropriate agency (USFWS and/or CDFW) shall occur prior to issuance of a development permit from the City to determine measures to address impacts such as avoidance, minimization, restoration, or compensation. The analyses shall also describe project impacts to wildlife movement, considering the existing and post-project opportunities present to wildlife to safely enter and exit the applicable location(s) on the project site" (see page 4.3-40 of the Draft EIR).

The agency's comment also includes several recommended mitigation measures to address impacts to mountain lion. Pre-construction surveys specifically to identify presence of mountain lions prior to the commencement of construction has been incorporated in MM BIO-1. The text of MM BIO-1 in Section 4.3, *Biological Resources* (page 4.3-39), of the Draft EIR has been revised to incorporate the agency's suggestions regarding mountain lion survey recommendations as reflected in Section 3, *Errata to the Draft EIR*, Revision 4.

Response 3.5

The agency states concern that suitable habitat for Crotch's bumblebee (*Bombus crotchii*), a candidate for listing under the California Endangered Species Act, may be present at the project area and that the proposed project may result in significant impacts to this species. The agency suggests that the project may result in temporary or permanent loss of suitable nesting and foraging habitat; death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success. The agency suggests several mitigation measures to address potential impacts to Crotch's bumblebees, including pre-construction surveys and consultation with CDFW for an Incidental Take Permit under the California Endangered Species Act if "take" cannot be avoided.

As described in the Draft EIR, housing under the General Plan Update would be located in urban areas and be constructed as infill development or redevelopment, which would avoid most areas of sensitive habitat that occur in undeveloped areas and would therefore avoid direct impacts to most special-status species (see page 4.3-36 of the Draft EIR). The text of MM BIO-1 in Section 4.3, *Biological Resources* (page 4.3-39), of the Draft EIR has been revised to incorporate surveys for Crotch's bumble bee as reflected in Section 3, *Errata to the Draft EIR*, Revision 4.

Response 3.6

The agency states MM BIO-5 as written may not provide sufficient mitigation for impacts to riparian vegetation and/or CDFW sensitive natural communities with a "2:1 ratio for permanent impacts and a 1:1 ratio for temporary impacts." The commenter is concerned that this measure does not account for impacts to a variety of sensitive natural communities with differences in sensitivity. The agency asserts that mitigation should increase if a project would impact a riparian/sensitive communities considered rare in the State, mitigation should further increase if the riparian habitat is considered very threatened or threatened, and if the riparian habitat impacted supports special status species, specifically obligate riparian breeders.

Housing under the General Plan Update would be located in urban areas and be constructed as infill development or redevelopment, which would avoid most areas of sensitive habitat that occur in undeveloped areas. Given the location of planned development, the project is not anticipated to impact sensitive natural communities; thus, an increased ratio for compensation is not warranted. Furthermore, as described in MM BIO-5, restoration could be accomplished through on-site or off-site restoration or enhancement of degraded in-kind habitats and/or payment into an in-lieu fee program approved by the City and CDFW or payment into a CDFW-approved mitigation bank. Last, MM BIO-5 indicates that if restoration were to occur, a Restoration Plan shall be developed by a qualified biologist, restoration ecologist, or resource specialist and submitted to and approved by the City and CDFW prior to issuance of a development permit for the project. Therefore, CDFW would have an opportunity to approve the compensatory mitigation ratios on a project-by-project basis prior to project implementation. Thus, MM BIO-5 as written is sufficient for impacts to riparian vegetation and/or CDFW sensitive natural communities and requires approval by CDFW on any restoration efforts.

Response 3.7

The agency states Figure 2-4, *Proposed Land Use Map* shows one area designated as "Planned Development" and an adjacent parcel to the east designated as "Residential-Multiple Family." The commenter asserts that the two parcels lie within land designated as Open Space-Resource Protection, and there is possibility of impacting several biological resources by developing this area.

The commenter asserts that the land use designation for the parcels be changed to "Open Space-Resource Protection" to prevent the loss of sensitive/special status biological resources, adequate habitat for special status species, and the further narrowing of a wildlife corridor, which is the same as the surrounding land use. The commenter recommends these parcels remain undeveloped and be maintained as open space under protection.

This comment does not address a deficiency in the Draft EIR, but rather provides an opinion on current property zoning. The 2021-2029 Housing Element update does not include the described property among the inventoried future housing sites, and the described property is therefore not a part of the project analyzed in the DEIR. Furthermore, the described property zoning has been in place since 2010 and is no changes to the zoning are proposed as part of the project. This comment has been noted but no response is necessary.

Response 3.8

The agency states the City's Oak Tree Ordinance and Oak Tree Preservation and Protection Guidelines (Municipal Code Title 17, Article III, Chapter 17.32) for impacts to oak trees may be insufficient to mitigate for impacts to oak trees and oak woodlands and concludes that inadequate or lack of avoidance, minimization, and mitigation measures for impacts to special-status plant species, such as oak, would result in the project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW. The agency recommends mitigation measures to protect the Critical Protection Zone (CRZ), requiring a Native Tree Planting Plan prior to any ground-disturbing activities impacting trees and/or tree removal, and additional suggestions related to oak tree mitigation and monitoring.

As discussed in Impact BIO-1 (page 4.3-35 of the Draft EIR), the City identifies oak trees as a protected species. The City's Oak Tree Protection and Preservation Policy and Guidelines were established to recognize oak trees as significant and valuable aesthetic and ecological resources. The Oak Tree Ordinance requires completion of an Oak Tree Report by a certified arborist for projects involving impacts to oak trees. The City has minimum standards for Oak Tree Reports that include specific information on the location, condition, potential impacts of development, recommended actions and mitigation measures regarding one or more oak trees on an individual lot or project site. A valid oak tree permit must be issued prior to an oak tree or scrub oak habitat alterations within the city.

In response to CDFW's request for additional mitigation, as outlined in Oak Tree Permit Condition of Approval B, applicants are required to replace or place additional trees on a subject property to offset the impacts associated with the loss of a tree, limbs or encroachment into the protected zone of an oak. For every inch of tree, limb or root removed, a minimum of one inch must be replaced.

In addition, Oak Tree Permit Condition of Approval F, requires the applicant be responsible for periodic submission of affidavits by a certified oak tree consultant according to the permit specifications. This will include, but not be limited to, reports at the conclusion of grading and construction, and annually for the next 5 years based on quarterly or bi-annual site visits and including monitoring observations. Such affidavit shall certify compliance with all conditions of the permit, establishment goals and the health of all replaced, remaining or relocated trees. Thus, the City's current policies and oak tree permit Conditions of Approval address the agency's concerns related to root protection, native tree planting planning, and tree replacement requirements.

While individual oak trees are not considered special-status species by CDFW, oak woodlands tend to support a relatively high vertebrate species diversity due both to acorn production and the increased cavity-nesting sites afforded by large oak trees in the landscape. Large oak trees in oak woodland habitats provide important cover, nesting sites, and caching sites for birds storing acorns.

The term "oak woodland" is defined in the California Fish and Game Code (Chapter 4 of Division 2, Article 3.5) as "an oak stand with a greater than 10% canopy cover or that may have historically supported greater than 10% canopy cover." Woodlands dominated by valley oak (*Quercus lobata*) are considered a sensitive natural community by CDFW and impacts to this community require mitigation that results in no net loss of valley oak woodland habitat. On the other hand, coast live oak (*Quercus agrifolia*) woodlands are considered sensitive when they are associated with a riparian canopy within CDFW jurisdiction in accordance with Section 1602 of the CFGC and/or when associated with certain other trees or vegetation (e.g., sycamore riparian or different types of oaks.). Oak trees may also warrant protection if associated with habitat for special-status species (e.g., bat roosts). Impacts to oak woodlands are not anticipated because nearly all of the sites identified for the future housing are already developed or at least partially developed, but for a one-acre vacant urban site in Old Town Calabasas that is surrounded by commercial development, completely graded (devoid of any biotic habitat), is located between the US 101 Freeway and an arterial roadway, and which is used for at least 4 months of the year as a temporary sales lot for seasonal goods.

Furthermore, coast live oak woodlands are already considered to be a locally significant biotic habitat by the Calabasas General Plan Conservation Element (Policy IV-2, page IV-7). Mitigation of coast live oak woodlands would be addressed in accordance with the current City Ordinances with a 1-inch:1-inch mitigation ratio for oak trees and planting guidelines would be addressed in the Oak Tree Mitigation Program to incorporate woodland components, such as clustering of oak trees. In addition, impacts to oak woodland could be mitigated through a restoration plan in accordance with MM BIO-5.Although the City's ordinances and Oak Tree Report standards address this comment, the text of MM BIO-5 in Section 4.3, *Biological Resources* (page 4.3-39), of the Draft EIR has been revised to incorporate conditions related to the use of in-lieu fee programs as reflected in Section 3, *Errata to the Draft EIR*, Revision 6.

Response 3.9

The agency states the project may remove trees and can possibly spread material infected with invasive tree diseases, pests, and pathogens and recommends measures to mitigate the spread of invasive pests and diseases.

General Plan policies promote oak tree preservation and protection, and while not expressly prohibiting the pruning of oak trees, nor even oak tree removals for non-aesthetic purposes, consultation with a certified arborist is required (with an oak tree report necessary as well as the arborist's oversight), as well as a City oak tree permit for pruning or tree removals where the subject tree(s) is larger than 2" DBH. These processes contribute to the onset of insects and diseases.

In accordance with The City's Oak Tree Preservation Guidelines (Section IX. Tree Maintenance, 6. Diseased Trees – Pests and Insects), no diseased tissue may be removed, unless it is unsafe, without submitting an oak tree report and obtaining an oak tree permit. As indicated in Section IX. Tree Maintenance, 8. Tree Removals, removed portions of an oak tree shall be chipped for mulch an/or removed from the site, and debris shall be relocated to a permitted refuse disposal site. It is the responsibility of the City's Oak Tree Consultant to guide the City on proper disposal methods dependent on the type of disease and current industry guidance. The Housing Element update is not

expected to result in the spread of material infected with invasive tree disease, pests, and pathogens; however, CDFW's comment is noted.

Further, the City's ordinance specifies that an Oak Tree Report must describe a horticultural evaluation of trees to be removed. The evaluations require a discussion of disease, pest identification, and extent of any damage, as well as recommendations by an oak tree consultant regarding the findings. Last, the report is required to describe each identified disease symptom and provide a statement as to the probable effect of the disease upon the life or structure of the tree. Because the City's ordinances and Oak Tree Report standards address this comment, no additional response or revision is necessary.

Response 3.10

The commenter states the mitigation measure BIO-5 includes an in lieu fee (ILF) program as an option if on-site or off-site restoration is not feasible. The commenter states that the Draft EIR does not explain or make a connection as to why ILF is adequate to offset Project impacts so that the Project would have no impacts. The commenter provides a list of questions that should be addressed in the EIR, including but not limited to, detailed information about future ILF agreements, which ILF programs would be utilized, and what biological resources would the ILF protect/conserve. CDFW further recommends that the City provide technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns as well as a discussion describing how the City intends to commit to mitigation via the ILF. Finally, the commenter recommends the that the project proponent recirculate the Draft EIR for more meaningful public review and assessment of the project proponent's ILF.

The use of an ILF program is one option for compensatory mitigation. As described in MM BIO-5, a Restoration Plan, which is most often required to offset temporary and permanent impacts to sensitive habitat, shall describe methods to mitigate for impacts to riparian vegetation and/or CDFW sensitive natural communities via an acceptable mitigation approach. Typically, that approach involves one, or a combination of, on-site or off-site restoration or enhancement of degraded in-kind habitats. If on-site or off-site restoration is not feasible as determined by the City and CDFW, payment into an in-lieu fee program approved by the City and CDFW or payment into a CDFW-approved mitigation bank is allowed (see page 4.3-42 of the Draft EIR). Thus, project proponents have several ways to compensate for impacts before the use of ILF programs. In addition, as specified, payment into an ILF program must be approved by the City and CDFW.

For context, ILF programs are subject to similar requirements as mitigation banks (e.g., real estate instrument, review by an Interagency Review Team (IRT), geographic service areas). ILF programs are also required to complete several planning requirements before their programs can be approved and they can start accepting fees. One such requirement is that ILF programs must include a "Compensation Planning Framework," which is used to "select, secure, and implement aquatic resource restoration, establishment, enhancement, and/or preservation activities." Furthermore, a mitigation plan and a thorough review and approval by the IRT are required for each ILF project conducted with fees collected through selling credits. Each ILF project site is protected with appropriate real estate instruments (e.g., conservation easement) and has dedicated long-term management funding in place (Kihslinger, R., Libre, C., Ma, K.R., Okuno, E., & Gardner, R.C. 2019).

All reasonably foreseeable projects under the General Plan Update that could potentially impact sensitive habitats would be subject to MM BIO-1, which requires biological resources surveys and reporting to determine potential impacts and mitigation. Potential impacts to sensitive resources resulting from an individual project, and the use of any potential ILF program, is speculative at this

programmatic level. Therefore, details of the in-lieu fee program do not need to be determined at this time. MM BIO-5 properly indicates that the in-lieu fee program (if selected) shall be approved by CDFW prior to project implementation.

Nevertheless, the text of MM BIO-5 in Section 4.3, *Biological Resources* (page 4.3-39), of the Draft EIR has been revised as reflected in Section 3, *Errata to the Draft EIR*, Revision 6. The text of the Draft EIR Section 4.3, *Biological Resources* (page 4.3-48) has also been revised to clarify in-lieu fee programs, as reflected in Section 3, *Errata to the Draft EIR*, Revision 5. In addition, the text of the Draft EIR Section 7.1. *Bibliography* (page 7-1) has been revised to add a new reference fee programs, as reflected in Section 3, *Errata to the Draft EIR*, Revision 5.

Response 3.11

The agency recommends modifying MM BIO-2 by expanding the time period for bird and raptor nesting from February 1 through August 31 to January 1 through September 15. Further, the agency adds that if the project occurs between January 1 through September 15, a nesting bird and raptor survey should be conducted as stated in MM BIO-2, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the project site.

The text of MM BIO-2 (page 4.3-40 of the Draft EIR) has been revised to incorporate the agency's suggestions regarding nesting bird breeding period recommendations as reflected in Section 3, *Errata to the Draft EIR*, Revision 5.

The agency states that the temporary halt of project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss and that additional mitigation would be necessary to compensate for the removal of nesting habitat within the project site based on acreage of impact and vegetation composition. Further, the commenter asserts that CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species.

Reasonably foreseeable development adjacent to sensitive habitats, could result in potential direct and impacts through removal of vegetation (i.e., nesting habitat). However, mixed-use and multifamily housing under the General Plan Update would be located in urban areas and be constructed as infill development or redevelopment, which would avoid most areas of nesting habitat that occur in undeveloped areas and would therefore avoid direct impacts to most special-status (bird) species (see page 4.3-36 of the Draft EIR).

Most of the birds anticipated to nest in the project area are common (i.e., not considered for listing, ubiquitous, and abundant) and are considered urbanized species. Thus, there is a low potential for special-status bird species' nesting habitat to be affected. No substantial adverse effect to special-status bird species' occupied nesting habitat is anticipated based on the fact that most of the reasonably foreseeable projects under the General Plan Update does not support habitat suitable for special-status birds (e.g., chaparral dominated by fairly dense stands of chamise or large patches of Southern California coastal sage scrub). The agency's assertion that additional mitigation would be necessary to compensate for the removal of nesting habitat within the Project site based on acreage of impact and vegetation composition should not be applied to non-special-status bird species (i.e., the species most likely to nest in the project area) as CFGC section 3503 protects active nests and compliance with this and other sections of the CFGC is expected.

Furthermore, migratory birds, including most birds that nest in the areas where housing development may occur according to the General Plan Update, are protected by the federal MBTA and CFGC Section 3503. In accordance with MM BIO-2, no ground disturbing activities shall occur

within an established nest buffer until the biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist on the basis that the encroachment will not be detrimental to an active nest. A report summarizing the pre-construction survey(s) shall be prepared by a qualified biologist and shall be submitted to the City prior to the commencement of construction activities. Implementation of this MM BIO-2 as currently drafted would ensure consistency with existing laws and regulations (e.g., MTBA and CFGC) and would ensure that nesting birds are not impacted during construction activities.

Response 3.12

The agency recommends modifying MM BIO-5 to revise the timing for submittal of the final restoration report. The text of MM BIO-5 (page 4.3-39 of the Draft EIR) has been revised to incorporate the agency's suggestions regarding final report submittal requirements as reflected in Section 3, *Errata to the Draft EIR*, Revision 6.

Response 3.13

The agency recommends project proponent prevent the use of second-generation anticoagulant rodenticides on any project associated with the project. This comment does not address a deficiency in the Draft EIR, but rather provides an opinion on pest management for reasonably foreseeable projects. The City already prohibits anticoagulant rodenticides. This comment has been noted but no response is necessary.

Response 3.14

The agency requests that all occurrences of special status species on the project site be documented via the California Natural Diversity Database (CNDDB) Field Survey Forms and that the Final EIR include measures where lead agencies of individual projects tiering from the Final EIR report any special status species detected during preparation of project-level environmental impact analyses/environmental documents.

The text of MM BIO-1 (page 4.3-39 of the Draft EIR) has been revised to incorporate the agency's suggestions regarding submittal of CNDDB Field Survey Forms to document occurrences of special status species as reflected in Section 3, *Errata to the Draft EIR*, Revision 4.

Response 3.15

The agency recommends the City update the project's proposed biological mitigation measures and condition the environmental document to include mitigation measures recommended in their letter. This comment reiterates comments provided in the letter.

Documentation of any occurrences of special status species on a project site pertains to only the 12 individual housing inventory sites specified within the Housing Element update. Field surveys would be accomplished as necessary and in conjunction with a proposed development project on one of the sites. The mitigation measures and recommendations provided by the agency are addressed in Responses 3.4 through 3.14. A final MMRP incorporating the revised mitigation measures outlined in the preceding responses is included with the Final EIR.

Response 3.16

The agency summarizes the CDFW filing fee requirements and requests notification of future public hearings on the project.

As any future housing development project would be proposed for any of the 12 specified future housing sites, the respective project applicant would be required by law to pay all appropriate CDFW filing fees, and the City will notify the agency of future public hearings on any such project.

Response 3.17

The agency appreciates the opportunity to comment on the project to assist the City of Calabasas in adequately analyzing and minimizing/mitigating impacts to biological resources. The agency requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the project. The agency will be provided notice of the Final EIR and any forthcoming hearing date(s) for the project. Comment has been noted and no further response required.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7- OFFICE OF REGIONAL PLANNING
100 S. MAIN STREET, SUITE 100
LOS ANGELES, CA 90012
PHONE (213) 897-3574
FAX (213) 897-1337
TTY 711
www.dot.ca.gov

Letter 4

Making Conservation a California Way of Life.

August 31, 2021

Michael Klein, AICP, Senior Planner
Community Development Department
100 Civic Center Way
Calabasas, California 91302

RE: City of Calabasas 2021-2029 Housing Element Update – Draft Environmental Impact Report (DEIR)
SCH# 2021020150
GTS# 07-LA-2021-03670
Vic. LA-101 PM 30

Dear Michael Klein,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The project applies to the entire City of Calabasas (citywide). Land uses are regulated under the City of Calabasas' General Plan, which was comprehensively updated in 2008. Existing land uses in the city consist of residential at varying densities, commercial, mixed use, institutional public facilities, and open space. The project consists of a comprehensive update to the Housing Element and related updates to the Land Use Element and Land Use Map of the City of Calabasas' General Plan. The project also includes updates to the Safety Element and Circulation Element in compliance with new State rules.

4-1

After reviewing the DEIR, Caltrans does not expect project approval to result in a direct adverse impact to the existing State transportation facilities. However, additional opportunities to reduce VMT and car dependency, which were outlined in the DEIR, should be exercised. A strategy identified in the VMT Analysis (Appendix C) states that limiting parking supply is a simple and effective solution to create more transportation choices for residents and employees. Additionally, in Table 4.6-3 (*General Plan Update Consistency with Applicable SCAG 2020-2045 RTP/SCS Strategies*) the strategy to "Identify 'right size' parking requirements and promote alternative parking strategies" was not directly addressed or discussed in relation to this General Plan's consistency with the SCAG 2020-2045 RTP/SCS.

To accommodate additional housing units most effectively, and not induce demand for excessive Vehicle Miles Travelled (VMT), Caltrans recommends significantly reducing or eliminating car parking requirements. Research looking at the relationship between land-use, parking, and

transportation indicates that car parking prioritizes driving above all other travel modes and undermines a community's ability to choose public transit and active modes of transportation. For any community or city to better support all modes of transportation and reduce vehicle miles traveled, we recommend the implementation of a TDM ordinance, as an alternative to requiring car parking. 4-1 (cont'd)

If you have any questions, please contact project coordinator Anthony Higgins, at anthony.higgins@dot.ca.gov and refer to GTS# 07-LA-2021-03670.

Sincerely,

Miya Edmonson

MIYA EDMONSON
IGR/CEQA Branch Chief
cc: Scott Morgan, State Clearinghouse

Letter 4

COMMENTER: Miya Edmonson, IGR/CEQA Branch Chief, California Department of Transportation

DATE: August 31, 2021

SUMMARY: The agency offered a summary of its understanding of the project and stated that the agency does not expect project approval to result in a direct adverse impact to the existing State transportation facilities. It does suggest, however, that parking should be addressed as part of the General Plan Update and that it was not done so adequately under the EIR analysis of transportation.

Response 4.1

Parking is not one of the issues required to be analyzed under CEQA pursuant to Public Resources Code Section 21099(b)(4), and thus impacts that would be generated by potential future parking requirements arising from implementation of the General Plan Update. However, the City is committed to creating more transportation choices for residents and employees and contributing to reduced vehicle miles travelled (VMT). Therefore, the 2021-2029 Housing Element included in the General Plan Update situates housing sites on vacant and underutilized sites near transportation corridors and within biking and walking distance of existing residential and commercial development. Land use patterns that facilitate multi-modal access to work, education, and commercial, and other destinations is thus emphasized. The implication of this planning strategy is that less parking would be needed because (1) infill development would occur in underutilized parking lots, in part, and (2) locating housing near other uses and close to transportation would facilitate cycling, walking, ride-sharing, and public transportation use. No revision is required.

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401
www.fire.lacounty.gov

"Proud Protectors of Life, Property, and the Environment"

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

Letter 5

August 31, 2021

Michael Klein, Senior Planner
City of Calabasas
Community Development Department
100 Civic Center Way
Calabasas, CA 91302

Dear Mr. Klein:

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT, "CITY OF CALABASAS 2021-2029 HOUSING ELEMENT UPDATE," CONSISTS OF A COMPREHENSIVE UPDATE TO THE HOUSING ELEMENT AND RELATED UPDATES TO THE LAND USE ELEMENT AND LAND USE MAP OF THE CITY OF CALABASAS' GENERAL PLAN, THE PROJECT ALSO INCLUDES UPDATES TO THE SAFETY ELEMENT AND CIRCULATION ELEMENT IN COMPLIANCE WITH NEW STATE RULES, CALABASAS, FFER 2021008337

The Notice of Availability of a Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department.

The following are their comments:

PLANNING DIVISION:

LACFD operates 174 fire stations and serves approximately 4.1 million residents, 1.3 million housing units, 59 cities, and unincorporated communities. As of 2019, LACFD employed 5,901 personnel:

- 1,419 firefighters
- 933 administrative support
- 806 firefighter specialists
- 726 firefighter paramedics

5-1

- 692 captains
- 600 seasonally recurrent lifeguards
- 166 lifeguards
- 114 fire suppression aides
- 108 chief officers
- 107 hazardous materials specialists
- 97 dispatchers
- 74 call firefighters
- 45 foresters
- 14 pilots

In 2019, LACFD responded to nearly 399,000 incidents: approximately 7,100 fire incidents, 334,000 emergency medical incidents, and 58,000 other incidents (false alarms, mutual aid, hazardous materials, and miscellaneous incidents) (LACFD 2020b). The City is served by both Station 68, located at 24130 Calabasas Road, and Station 125, located at 5215 Las Virgenes Road. Additionally, LACFD operates Station 67, located at 25801 Piuma Road, approximately 2.5 miles south of the Plan Area, and Station 69, located at 401 South Topanga Canyon Boulevard, approximately 2.9 miles southeast of the Plan Area. The City of Calabasas is further protected against fire hazards by the Mountains Recreation and Conservation Authority (MRCA) Fire Division. MRCA services more than 75,000 acres of parkland that is owned by the Santa Monica Mountains Conservancy, which are located in and near the Plan Area (MRCA 2021). 5-1 con't

For any questions regarding this response, please contact Loretta Bagwell, Planning Analyst, at (323) 881-2404 or Loretta.Bagwell@fire.lacounty.gov.

LAND DEVELOPMENT UNIT:

ACCESS:

1. Fire Apparatus Access Roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4.

2. All fire lanes shall be clear of all encroachments and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.

3. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1. 5-2

4. Provide a minimum unobstructed width of 20 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 and 503.2.2.

5. Abrupt changes in grade shall not exceed the maximum angles of approach and departure for fire apparatus. The first 10 feet of any angle of approach or departure or break-over shall not exceed a 10 percent change or 5.7 degrees. Fire Code 503.2.8.

6. Indicate the various grade percentages and their lengths of the Fire Department access roadway on the site plan. Provide a road profile for proposed access roads with grades greater 15 percent.

7. Provide approved signs or other approved notices or markings that include the words "NO PARKING - FIRE LANE." Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for Fire Apparatus Access Roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3.

8. Clearly identify firefighter walkway access routes on the site plan. Indicate the slope and walking surface material. Clearly show the required width. 5-2 con't

9. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Fire Code 503.4.

10. Traffic Calming Devices, including but not limited to, speed bumps and speed humps, shall be prohibited unless approved by the fire code official. Fire Code 503.4.1.

11. When security gates are provided, maintain a minimum access width of 20 feet. The security gate shall be provided with an approved means of emergency operation and shall be maintained operational at all times and replaced or repaired when defective. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F220. Gates shall be of the swinging or sliding type. Construction of gates shall be of materials that allow manual operation by one person. Fire Code 503.6.

12. All locking devices shall comply with the County of Los Angeles Fire Department Regulation 5, Compliance for Installation of Emergency Access Devices.

WATER SYSTEM:

1. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze conforming to current AWWA standard C503 or approved equal and shall be installed in accordance with the County of Los Angeles Fire Department C105.1 CFC. 5-3

2. All required PUBLIC fire hydrants shall be installed, tested, and accepted prior to beginning construction. Fire Code 501.4.

3. The required fire flow for the PUBLIC fire hydrants for this project is 4,000 gpm at 20 pounds psi residual pressure for 4 hours. Three PUBLIC fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

4. Provide a Form 195 signed and completed by the local water purveyor.

5. Show all existing PUBLIC fire hydrants to within 300' of all property lines. Provide the distance dimensions and show the location of each hydrant on the site plan.

5-3 con't

Additional comments pending the information returned by the applicant for Fire Department plan check; presently all outstanding comments have been addressed via plan check.

For any questions regarding the report, please contact Joseph Youman at (323) 890-4243 or Joseph.Youman@fire.lacounty.gov.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed.

Under the Los Angeles County Oak tree Ordinance, a permit is required to cut, destroy, remove, relocate, inflict damage or encroach into the protected zone of any tree of the Oak genus which is 25 inches or more in circumference (eight inches in diameter), as measured 4 1/2 feet above mean natural grade.

5-4

If Oak trees are known to exist in the proposed project area further field studies should be conducted to determine the presence of this species on the project site.

The County of Los Angeles Fire Department's Forestry Division has no further comments regarding this project.

For any questions regarding this response, please contact Forestry Assistant, Nicholas Alegria at (818) 890-5719.

HEALTH HAZARDOUS MATERIALS DIVISION:

The Health Hazardous Materials Division of the Los Angeles County Fire Department has no comments or requirements for the project at this time.

5-5

Please contact HHMD senior typist-clerk, Perla Garcia at (323) 890-4035 or Perla.garcia@fire.lacounty.gov if you have any questions.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

RONALD M. DURBIN, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

RMD:ac

Letter 5

COMMENTER: Ronald M. Durbin, Chief, Forestry Division, County of Los Angeles Fire Department

DATE: September 7, 2021

SUMMARY: The agency notes its understanding of the project based on the notice of availability of a draft environmental impact report. It divides its comments into five categories: (1) planning division, (2) land development unit, (3) water system, (4) forestry division – other environmental concerns, and (5) health hazardous materials division. A summary of each comment is provided under the responses below.

Response 5.1

The agency replicates the information provided in the Draft EIR on pages 4.12-1 to 4.12-2, verifying that the information provided in the Draft EIR is correct. No response is required.

Response 5.2

The agency provides regulatory information that pertains to development design and which is in line with the 2019 California Fire Code. The City of Calabasas Municipal Code Title 15, Section 15.04.500 (a) and (b) adopts by reference the 2019 California Fire Code as amended by the 2019 Consolidated Fire Protection District Code of the County of Los Angeles. The Draft EIR assesses the General Plan Update's compliance with the California Environmental Quality Act which includes provisions that proposed projects comply with local, State, and federal regulations. No further response is required and no revisions to the Draft EIR are necessary.

Response 5.3

The agency provides regulatory information that pertains to development design relative to the installation of fire hydrants and the provision of water to those hydrants. The City of Calabasas Municipal Code Article III, Site Planning and Project Design Standards, includes provisions for the installation and connection to fire hydrants, which shall be approved by the Los Angeles County fire department (Section 17.46.120). The Draft EIR assesses the General Plan Update's compliance with the California Environmental Quality Act which includes provisions that proposed projects comply with local, State, and federal regulations. It also evaluates the effects of potential projects that could be implemented under the General Plan Update and found that impacts to the supply of water from the Las Virgenes Municipal Water District would be less than significant. No further response is required and no revisions to the Draft EIR are necessary.

Response 5.4

The agency provides regulatory information that pertains to the removal, cutting, and other potential project impacts to oak trees as they relate to the Los Angeles County Oak Tree Ordinance. The City of Calabasas Municipal Code Title 17, Section 17.32.010 is intended to preserve and enhance the ecosystem in Calabasas, including all oak trees and scrub oak habitat in "a state of good health pursuant to the most current "oak tree preservation and protection guidelines. The Draft EIR assesses the General Plan Update's compliance with the California Environmental Quality Act which includes provisions that proposed projects comply with local, State, and federal regulations. On

Page 4.3-44, the Draft EIR notes that oak trees are protected species and that projects implemented under the General Plan Update would be required to comply with the City's Oak Tree Ordinance. Impacts were to determined to be less than significant. No further response is required and no revisions to the Draft EIR are necessary.

Response 5.5

The agency notes that the Health and Hazardous Materials Division of the Los Angeles County Fire Department has no comments on the Draft EIR. No response is necessary.

Letter 6

LOS ANGELES COUNTY SANITATION DISTRICTS
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager
1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

September 9, 2021

Ref. DOC 6266953

Mr. Michael Klein, AICP, Senior Planner
Community Development Department
100 Civic Center Way
Calabasas, CA 91302

Dear Mr. Klein:

Response to DEIR for 2021-2029 Housing Element Update

The Los Angeles County Sanitation Districts (Districts) received a Notice of Availability of a Draft Environmental Impact Report (DEIR) for the subject project on August 2, 2021. The Districts operates the Calabasas Landfill, which is owned by the County of Los Angeles (County), within the project area. We offer the following comments:

1. **PUBLIC SERVICES AND RECREATION, Park Planning Efforts**, *page 4.12-8*, third bullet point and **UTILITIES AND SERVICE SYSTEMS, Solid Waste Collection and Disposal**, *page 4.14-8*, first paragraph: The Calabasas Landfill site and monitoring easements together consist of 505 acres. 6-1

2. **PUBLIC SERVICES AND RECREATION, Park Planning Efforts**, *page 4.12-8*, third bullet point; and **UTILITIES AND SERVICE SYSTEMS, Solid Waste Collection and Disposal**, *page 4.14-8*, second paragraph; *page 4.14-30*, Impact UTIL-4; and *page 4.14-34*, second paragraph: While the estimated date of closure was 2042 during the 2016 CalRecycle Solid Waste Facility Permit (SWFP) revision process, the Calabasas Landfill is currently estimated to close between 2032 and 2038, as described in the paragraph below. It should be noted that the remaining life of the landfill is dependent on the rate of disposal and airspace utilization factor, which are variable. Specifically, the airspace utilization factor is dependent on operational practices, rate of refuse settlement, and other factors. 6-2

   The Districts is currently working with the County's Department of Regional Planning (Regional Planning) to obtain approval for a revised final fill plan that will allow a portion of previously stockpiled soil that is not needed for operations to remain in place. In December 2020, Regional Planning issued a waiver that allows the site to continue to operate while some of this soil stockpile at higher elevations is removed through normal landfill operations. Once the top of the soil stockpile is removed (estimated to be complete by December 2024), it is anticipated that Regional Planning will approve the revised final fill plan. According to preliminary calculations, the landfill is estimated to close between 2032 and 2038 based on the revised final fill plan. If the revised final fill plan is not approved by Regional Planning, the remaining site life will be significantly reduced, possibility requiring immediate closure of the landfill.

3. **UTILITIES AND SERVICE SYSTEMS, Solid Waste Collection and Disposal**, *page 4.14-8*, first paragraph stated that "most solid waste in Calabasas is transported to and disposed of at the Calabasas Sanitary Landfill, which is a Class III facility owned and operated by the County of Los Angeles Sanitation District." To be clear, the Calabasas Landfill is owned by the County of Los Angeles and operated by the Districts under the terms of a Joint Powers Agreement. Please note that the Districts is a partnership of 24 independent special districts and not part of County governance. 6-3

4. **UTILITIES AND SERVICE SYSTEMS, Solid Waste Collection and Disposal**, *page 4.14-8*, firs paragraph also stated that "the landfill accepts construction/demolition, industrial, mixed municipal, tires and green material waste from the cities of Calabasas, Agoura Hills, Malibu, Thousand Oaks, and Westlak Village…." In addition to the cities listed, the landfill serves the city of Hidden Hills.

6-3 (cont'd)

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2743 or at mandyng@lacsd.org.

Very truly yours,

Mandy Ng

Mandy Ng
Environmental Planner
Facilities Planning Department

DB:MMN:mmn

Letter 6

COMMENTER: Mandy Ng, Environmental Planner, Facilities Planning Department, Los Angeles County Sanitation Districts

DATE: September 9, 2021

SUMMARY: The agency offers comments that correct details within the Draft EIR in Section 4.12, Public Services and Recreation, and Section 4.14, Utilities and Service. These corrections are presented and noted below.

Response 6.1

The agency provided a correction on Page 4.12-8 of the Draft EIR that corrects the amount of acreage at the Calabasas Landfill, which is a potential long-term solution to the City's sports field needs as it offers the best opportunity for a large park and sports complex. This revision was made as indicated in Section 3, *Errata to the Draft EIR*, Revision 9. The original Draft EIR text in this bullet stated the closure date was 2022, but this was a typographical error that should have read 2042. The correction thus revises the closure date to an earlier-than-estimated year that would not change the impact findings for thresholds 1d, 2, and 3 as discussed on pages 4.12-28 through 4.12-29 in the Draft EIR pertaining to recreation facilities in Calabasas.

Response 6.2

The agency provided a revision to the third bullet on Page 4.12-8 of the Draft EIR correcting the estimated closure date and conditions of closure of the Calabasas Landfill, as reflected in Section 3, *Errata to the Draft EIR*, Revision 9. This change was also applied to the following areas of the Draft EIR:

- Second paragraph under *Solid Waste Collection and Disposal*, on Page 4.14-8 was revised to include the text suggested by the agency regarding the conditions under which the Calabasas Landfill would be closed and by what date, as indicated in in Section 3, *Errata to the Draft EIR*, Revision 12.
- First paragraph under Impact UTIL-4 was revised to reflect the text suggested by the agency regarding the conditions under which the Calabasas Landfill would be closed and by what date, as indicated in in Section 3, *Errata to the Draft EIR*, Revision 13. The original text had a typographical error stating that the closure date was 2029, which should have read 2042. According to the updated information provided by the agency, the estimated closure date is 2032 to 2038 and this was revised in the paragraph. The revision does not alter the impact findings as the closure date is still within the planning period for the General Plan Update.
- The second paragraph on Page 4.14-34 discusses the potential capacity of the landfill as it pertains to waste that could be generated by both project implementation and cumulative development. No revision is necessary.

Response 6.3

The agency provided clarification on ownership and operational responsibility for the Calabasas Landfill. The first paragraph under *Solid Waste Collection and Disposal* on page 4.14-30 was revised as reflected in Section 3, *Errata to the Draft EIR*, Revision 13.

Letter 7

SCAG
INNOVATING FOR A BETTER TOMORROW

SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017
T: (213) 236-1800
www.scag.ca.gov

September 13, 2021

Mr. Michael Klein, AICP, Senior Planner
City of Calabasas, Community Development Department
100 Civic Center Way
Calabasas, California 91302
Phone: (818) 224-1710
E-mail: mklein@cityofcalabasas.com

RE: SCAG Comments on the Draft Environmental Impact Report (DEIR) for the City of Calabasas 2021-2029 Housing Element Update [SCAG NO. IGR10452]

Dear Mr. Klein,

Thank you for submitting the Notice of Availability of the Draft Environmental Impact Report (DEIR) for the City of Calabasas 2021-2029 Housing Element Update ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. The proposed project includes a Housing Element Update and associated updates to the Land Use, Safety, and Circulation Elements of the General Plan.

Based on SCAG staff's review, the proposed project generally supports overall the goals of the 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). SCAG staff comments are detailed in the attachment to this letter. 7-1

When available, please send the Final Environmental Impact Report to IGR@scag.ca.gov. If you have any questions regarding the attached comments, please contact the Intergovernmental Review (IGR) Program, attn.: Anita Au, Senior Regional Planner, at (213) 236-1874 or IGR@scag.ca.gov. Thank you.

Sincerely,

Frank Wen, Ph.D.
Manager, Planning Strategy Department

COMMENTS ON THE NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR CITY OF CALABASAS 2021-2029 HOUSING ELEMENT UPDATE [SCAG NO. IGR10452]

SUMMARY

Pursuant to Senate Bill (SB) 375, SCAG is the designated Regional Transportation Planning Agency under state law and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS). SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals and align with RTP/SCS policies.

7-1 con't

Based on SCAG staff review, the proposed project generally supports the applicable goals of the 2020 Connect SoCal, and the analysis in the Draft EIR is based on the growth forecasts adopted as part of the 2020 Connect SoCal.

CONNECT SOCAL GOALS

The SCAG Regional Council fully adopted Connect SoCal in September 2020. Connect SoCal, also known as the 2020 – 2045 RTP/SCS, builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. The goals included in Connect SoCal may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project. Among the relevant goals of Connect SoCal are the following:

SCAG CONNECT SOCAL GOALS	
Goal #1:	*Encourage regional economic prosperity and global competitiveness*
Goal #2:	*Improve mobility, accessibility, reliability and travel safety for people and goods*
Goal #3:	*Enhance the preservation, security, and resilience of the regional transportation system*
Goal #4:	*Increase person and goods movement and travel choices within the transportation system*
Goal #5:	*Reduce greenhouse gas emissions and improve air quality*
Goal #6:	*Support healthy and equitable communities*
Goal #7:	*Adapt to a changing climate and support an integrated regional development pattern and transportation network*
Goal #8:	*Leverage new transportation technologies and data-driven solutions that result in more efficient travel*
Goal #9:	*Encourage development of diverse housing types in areas that are supported by multiple transportation options*
Goal #10:	*Promote conservation of natural and agricultural lands and restoration of habitats*

7-2

Connect SoCal Strategies

To achieve the goals of Connect SoCal, a wide range of land use and transportation strategies are included in the accompanying twenty (20) technical reports. To view Connect SoCal and the accompanying technical reports, please visit the Connect SoCal webpage. Connect SoCal builds upon the progress from previous RTP/SCS cycles and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that helps the SCAG region strive towards a more sustainable region, while meeting statutory requirements pertinent to RTP/SCSs. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

7-2 con't

SCAG Staff Comments

Table 4.6-3 General Plan Update Consistency with Applicable SCAG 2020-2045 RTP/SCS Strategies indicates that the project goals are aligned with 2020 Connect SoCal goals and strategies.

DEMOGRAPHICS AND GROWTH FORECASTS

A key, formative step in projecting future population, households, and employment through 2045 for Connect SoCal was the generation of a forecast of regional and county level growth in collaboration with expert demographers and economists on Southern California. From there, jurisdictional level forecasts were ground-truthed by subregions and local agencies, which helped SCAG identify opportunities and barriers to future development. This forecast helps the region understand, in a very general sense, where we are expected to grow, and allows SCAG to focus attention on areas that are experiencing change and may have increased transportation needs. After a year-long engagement effort with all 197 jurisdictions one-on-one, 82 percent of SCAG's 197 jurisdictions provided feedback on the forecast of future growth for Connect SoCal. SCAG also sought feedback on potential sustainable growth strategies from a broad range of stakeholder groups – including local jurisdictions, county transportation commissions, other partner agencies, industry groups, community-based organizations, and the general public. Connect SoCal utilizes a bottom-up approach in that total projected growth for each jurisdiction reflects feedback received from jurisdiction staff, including city managers, community development/planning directors, and local staff. Growth at the neighborhood level (i.e., transportation analysis zone (TAZ) reflects entitled projects and adheres to current general and specific plan maximum densities as conveyed by jurisdictions (except in cases where entitled projects and development agreements exceed these capacities as calculated by SCAG). Neighborhood level growth projections also feature strategies that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California's GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Connect SoCal's Forecasted Development Pattern is utilized for long range modeling purposes and does not supersede actions taken by elected bodies on future development, including entitlements and development agreements. SCAG does not have the authority to implement the plan -- neither through decisions about what type of development is built where, nor what transportation projects are ultimately built, as Connect SoCal is adopted at the jurisdictional level. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2016 and 2045, please refer to the Connect SoCal Demographics and Growth Forecast Technical Report. The growth forecasts for the region and applicable jurisdictions are below.

7-3

	Adopted SCAG Region Wide Forecasts				Adopted City of Calabasas Forecasts			
	Year 2020	Year 2030	Year 2035	Year 2045	Year 2020	Year 2030	Year 2035	Year 2045
Population	19,517,731	20,821,171	21,443,006	22,503,899	24,463	24,744	24,907	24,939
Households	6,333,458	6,902,821	7,170,110	7,633,451	9,008	9,184	9,272	9,288
Employment	8,695,427	9,303,627	9,566,384	10,048,822	20,556	20,656	20,705	20,798

SCAG Staff Comments

Section 4.11 Population and Housing indicates that the Draft EIR population, housing, and employment trends and forecasts were based on the most recently adopted SCAG 2020 Connect SoCal Regional Growth Forecasts.

7-3 con't

MITIGATION

SCAG Staff Comments

SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for Connect SoCal for guidance, as appropriate. SCAG's Regional Council certified the PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on May 7, 2020 and also adopted a PEIR Addendum and amended the MMRP on September 3, 2020 (please see the PEIR webpage and scroll to the bottom of the page for the PEIR Addendum). The PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.

7-4

REGIONAL HOUSING NEEDS ALLOCATION

On March 4, 2021 SCAG's Regional Council adopted the 6th cycle Final Regional Housing Needs Assessment (RHNA) Allocation Plan which covers the planning period October 2021 through October 2029. The 6th cycle Final RHNA allocation for the applicable jurisdiction is below.

SCAG 6th Cycle Final RHNA Allocation for City of Calabasas	
Income Category	**RHNA Allocation (Units)**
Very low income	132
Low income	71
Moderate income	70
Above moderate income	81
Total RHNA Allocation	354

Sixth cycle housing elements are due to the California Department of Housing and Community Development (HCD) by October 15, 2021. SCAG encourages jurisdictions to prepare the draft housing element in advance of the due date to ensure adequate time to address HCD comments and adopt a final housing element. Jurisdictions that do not have a compliant housing element may be ineligible for certain State funding and grant opportunities and may be at risk for legal action from stakeholders or HCD.

7-5

SCAG staff would like to call your attention to SCAG's HELPR 2.0, a web-mapping tool developed by SCAG to help local jurisdictions and stakeholders understand local land use, site opportunities, and environmental sensitivities for aligning housing planning with the state Department of Housing and Community Development's (HCD) 6th cycle housing element requirements.

SCAG Staff Comments

Table 23: Regional Housing Needs Assessment 2021-2029 on page G-26 of the City of Calabasas 2021-2029 Draft Housing Element refers to 131 very low income units. SCAG staff recommends revising this figure to 132 units to reflect the Final RHNA Allocation.

ENVIRONMENTAL JUSTICE

SCAG Staff Comments

Per Senate Bill 1000 (SB 1000), local jurisdictions in California with disadvantaged communities are required to develop an Environmental Justice (EJ) Element or consider EJ goals, policies, and objectives in their General Plans when updating two or more General Plan Elements. The City of Calabasas does not have any disadvantaged communities but if the City would like to consider environmental justice in its General Plan Update, SCAG staff recommends that you review the Environmental Justice Technical Report and the updated Environmental Justice Toolbox, which is a resource document to assist local jurisdictions in developing EJ-related goals and policies regarding solutions for EJ-related community issues.

7-6

Letter 7

COMMENTER: Frank Wen, Ph.D., Manager, Planning Strategy Department, Southern California Association of Governments

DATE: September 13, 2021

SUMMARY: The agency comments that the proposed project generally supports the applicable goals of 2020 Connect SoCal (SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy), and that the analysis in the Draft EIR is based on the growth forecasts adopted as part of 2020 Connect SoCal. The commenter suggests one correction to the Regional Housing Needs Assessment (RHNA), as presented and noted below.

Response 7.1

The agency provides information on the Southern California Association of Governments' (SCAG's) role and states they generally support the project. SCAG's support of the project will be provided to the City's decisionmakers. No further response is required.

Response 7.2

The agency provides information on SCAG's 2020 Connect SoCal's goals and strategies. The agency also states that the General Plan Update goals align with 2020 Connect SoCal's goals and strategies. The comment is noted. No further response is required and no revisions to the Draft EIR are necessary.

Response 7.3

The commenter provides information on SCAG's 2020 Connect SoCal's population, household, and employment projections. The agency also states that the Population and Housing section of the Draft EIR is based on the most recently adopted SCAG 2020 Connect SoCal Regional Growth Forecasts. The comment is noted. No further response is required and no revisions to the Draft EIR are necessary.

Response 7.4

The agency recommends that the Final Program EIR for Connect SoCal be reviewed for mitigation measures that maybe applicable to the Draft EIR. Section 15126.4 of the State CEQA Guidelines requires that a lead agency consider feasible mitigation measures which could minimize significant adverse impacts. As noted in the comment, mitigation measures are within the authority of the City of Calabasas as the CEQA lead agency. The City, as lead agency, used their discretion in developing the mitigation measures for Biological Resources, Cultural Resources and Tribal Cultural Resources, Geology and Soils, and Noise identified in the Draft EIR. The City reviewed the mitigation measures in the Final Program EIR for Connect SoCal for these environmental topics. The mitigation measures identified in the Draft EIR are generally consistent with the Final Program EIR for Connect SoCal. Additionally, the Draft EIR concluded that with implementation of the identified mitigation measures, impacts would be reduced to less than significant levels. Therefore, additional mitigation is not required. No significant impacts were identified for the other environmental issue areas analyzed in the Draft EIR and no mitigation measures were determined to be required; therefore,

mitigation measures from the Final Program EIR for Connect SoCal are not applicable. No revisions to mitigation measures identified in the Draft EIR are necessary in response to this comment.

Response 7.5

The agency recommends that the Housing Element be revised to reflect the City's Regional Housing Needs Assessment (RHNA) allocation for very low-income units identified in SCAG's 6th Cycle Final RHNA Allocation Plan adopted on March 4, 2021. Specifically, the comment is on the 2021-2029 Housing Element Background Report, which is an attachment to the City's General Plan Housing Element. The 2021-2029 Housing Element Background Report was prepared in January 2021, prior to adoption of the SCAG's 6th Cycle Final RHNA Allocation Plan. The Housing Element and Draft EIR are based on the final, approved RHNA allocations. Section 4.9, *Land Use and Planning*, of the Draft EIR (Page 4.9-4) states "The most recent RHNA allocation, the 6th Cycle Final RHNA Allocation Plan, was adopted by SCAG's Regional Council on March 4, 2021. The City of Calabasas was assigned an overall RHNA of 354 units for the 2021 to 2029 planning period. This allocation is broken down as follows: 132 Very Low Income units; 71 Low Income units; 70 Moderate Income units; and, 81 Above Moderate Income units." The Draft EIR is consistent with the RHNA allocation identified in SCAG's 6th Cycle Final RHNA Allocation Plan and therefore no revisions to the Draft EIR are necessary.

Response 7.6

The agency provides information on the Environmental Justice Technical Report and Environmental Justice Toolbox. The information provided by the commenter is noted. As noted in the comment, the City of Calabasas does not contain disadvantaged communities. Therefore, environmental justice was not required to be considered in the General Plan Housing Element update. No revisions to the Draft EIR are necessary.

Letter 8

P: (626) 381-9248
F: (626) 389-5414
E: info@mitchtsailaw.com

Mitchell M. Tsai
Attorney At Law

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

September 13, 2021

City of Calabasas
Attn: Tom Bartlett, City Planner
100 Civic Center Way
Calabasas, CA 91302
Em: tbartlett@cityofcalabasas.com; mklein@cityofcalabasas.com

RE: Agenda Item No. 1: Recommendation of Certification of the Final Environmental Impact Report and Adoption of the 2021-2029 Housing Element Update and Associated Land Use Element Updates to the Calabasas 2030 General Plan

Dear Commissioners,

On behalf of the Southwest Regional Council of Carpenters ("**Commenter**" or "**Carpenter**"), my Office is submitting these comments on Agenda Item No. 1 regarding the City of Calabasas' ("**City**") certification of a Final Environmental Impact Report and adoption of the 2021-2029 Housing Element Update and associated Land Use Element updates to the Calabasas 2030 General Plan ("**Project**").

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects. 8-1

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens*

for Local Control v. Bakersfield (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act ("**CEQA**"), Cal Public Resources Code ("**PRC**") § 21000 *et seq*, and the California Planning and Zoning Law ("**Planning and Zoning Law**"), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body. 8-1 con't

The City should require the use of a local skilled and trained workforce to benefit the community's economic development and environment. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers

reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

> [A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

> . . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California's workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.[1]

8-1 con't

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area's jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the "[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component" can result in air pollutant reductions.[2]

[1] California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf

[2] South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to "promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions."[3]

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City "c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . ."[4] In addition, the City of Hayward requires all projects 30,000 square feet or larger to "utilize apprentices from state-approved, joint labor-management training programs."[5]

8-1 con't

Locating jobs closer to residential areas can have significant environmental benefits. . As the California Planning Roundtable noted in 2008:

> People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.[6]

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to

Supporting Budget Actions, *available at* http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10

[3] City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

[4] City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf.

[5] City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

[6] California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf

those held by local residents.[7] Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

> In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing." The city's First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

8-1 con't

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

Sincerely,

Mitchell M. Tsai
Attorneys for Southwest Regional
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

[7] Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, *available at* http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf.

EXHIBIT A

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G, C.Hg.
(949) 887-9013
mhagemann@swape.com

Paul E. Rosenfeld, PhD
(310) 795-2335
prosenfeld@swape.com

March 8, 2021

Mitchell M. Tsai
155 South El Molino, Suite 104
Pasadena, CA 91101

Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise ("SWAPE") is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas ("GHG") emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model ("CalEEMod") is a "statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects."[1] CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.[2]

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[3]

[1] "California Emissions Estimator Model." CAPCOA, 2017, *available at:* http://www.aqmd.gov/caleemod/home.
[2] "California Emissions Estimator Model." CAPCOA, 2017, *available at:* http://www.aqmd.gov/caleemod/home.
[3] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled ("VMT") associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.[4]

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

> "$VMT_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i)_n$
>
> Where:
>
> n = Number of land uses being modeled."[5]

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

> "$\text{Emissions}_{pollutant} = VMT * EF_{running,pollutant}$
>
> Where:
>
> $\text{Emissions}_{pollutant}$ = emissions from vehicle running for each pollutant
>
> VMT = vehicle miles traveled
>
> $EF_{running,pollutant}$ = emission factor for running emissions."[6]

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[7] In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence.[8] The default number of construction-related worker trips is calculated by multiplying the

[4] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.
[5] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.
[6] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.
[7] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
[8] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.[9] Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively."[10] Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.[11] The operational home-to-work vehicle trip lengths are:

> "[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings" (emphasis added). [12]

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).[13]

Worker Trip Length by Air Basin		
Air Basin	**Rural (miles)**	**Urban (miles)**
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	**16.47**	**11.17**
Minimum	**10.80**	**10.80**
Maximum	**19.80**	**14.70**
Range	**9.00**	**3.90**

[9] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
[10] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.
[11] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.
[12] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.
[13] "Appendix D Default Data Tables." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8-miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7-miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan ("Project") located in the City of Claremont ("City"). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.[14] In an effort to evaluate the potential for a local hire provision to reduce the Project's construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO_2e)	3,623
Amortized Construction GHG Emissions (MT CO_2e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO2e)	3,024
Amortized Construction GHG Emissions (MT CO_2e/year)	100.80
% Decrease in Construction-related GHG Emissions	***17%***

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project's urbanization level and location.

[14] "Appendix D Default Data Tables." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

EXHIBIT B

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE
2656 29th Street, Suite 201
Santa Monica, California 90405
Attn: Paul Rosenfeld, Ph.D.
Mobil: (310) 795-2335
Office: (310) 452-5555
Fax: (310) 452-5550
Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs,* vs. United States Metals Refining Company et. al. *Defendant.*
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs,* vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" *Defendant.*
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case: No 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No 1923
Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs,* vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No,: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Doug Pauls, et al.,, et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No,: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward DeRuyter, Defendants
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs,* vs. BP Products North America, Inc., *Defendant.*
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

EXHIBIT C

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

1640 5th St.., Suite 204 Santa
Santa Monica, California 90401
Tel: (949) 887-9013
Email: mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

Letter 8

COMMENTER: Mitchell M Tsai, Attorney at Law representing Southwest Regional Council of Carpenters

DATE: September 13, 2021

SUMMARY: The commenter offers an introduction to the labor union that is submitting the comment and notes the legal precedents for commenting on an EIR under CEQA during the approval process. It offers a case that using local labor for projects implemented under the General Plan Update would support reduced VMT.

Response 8.1

The City thanks the Union and its representative for the comprehensive discussion of the potential reductions to VMT that could arise from hiring local labor. Labor is not a required topic under CEQA, but the case made by the commenter is noted and will be taken into consideration when specific projects are proposed under the General Plan Update.

Letter 9

mklein@cityofcalabasas.com

Begin forwarded message:

From: Joe Chilco <joe.chilco@gmail.com>
Date: September 12, 2021 at 11:34:40 AM PDT
To: info <info@cityofcalabasas.com>
Cc: Michael Klein <mklein@cityofcalabasas.com>
Subject: Planning Commission - 9/13/21 Public Hearing - Public Comments Housing Element Update EIR

Thank you for the opportunity to submit comments on the draft Environmental Impact Report (EIR) for the 2021-2029 Housing Element Update.

With regard to wildfire risk, the EIR analysis should address the following:

"Hazard" is based on the physical conditions that give a likelihood that an area will burn over a 30 to 50-year period without considering modifications such as fuel reduction efforts.

"Risk" is the potential damage a fire can do to the area under existing conditions.

9-1

Homes and structures are fuel.

The Fire Hazard Severity Zones identify fire hazard, not fire risk. It's an important distinction. More buildings add to available fuel. Once the buildings are in place the increased risk will exist for as long as they exist. It has a long-term impact on increased fire risk that is not reduced to less than significant for all residents.

While new construction will be built to code, many existing homes on the west side of Calabasas were built before any of the benefits that might be derived from new building codes were in place. Some of those older homes burned in the Woolsey Fire. The cost of "fire hardening" older homes must be borne by the homeowner.

9-2

To address wildfire risk and to ignore reality with regard to the ineffectiveness and inadequacy of the City's emergency evacuation plan is a deficiency. The Woolsey Fire emergency evacuation left many residents trapped due to the closure of the 101 freeways, their designated evacuation route.

9-3

Emergency evacuation can happen at any time. Public transit service is not robust or frequent in Calabasas. It's not a viable solution for emergency evacuation and won't reduce traffic volume on emergency evacuation routes from future developments.
A privately owned vehicle is the more likely means of emergency evacuation for Calabasas residents.

for Calabasas residents.

While plans have been put in place in accordance with requirements, the problem of limited egress that relies on routes that are often impacted in wildfires remains unsolved. There is no opportunity to build new roads.

9-3 (cont'd)

People are often the ignition source of urban wildfires. Increased population and traffic in areas reliant on limited egress routes will be a significant fire risk impact of the 2021-2029 Housing Element Update because there is no feasible mitigation.

9-4

The EIR should be revised to reflect this reality.

Thank you for your consideration of the above.

Joe Chilco
Calabasas resident
(address on file)

Letter 9

COMMENTER: Joe Chilco

DATE: September 12, 2021

SUMMARY: The commenter expressed concern about wildfire risk and emergency evacuation and the means by which residents would evacuate.

Response 9.1

The commenter states that the wildfire analysis should consider both hazard and risk. As discussed in Section 4.15, *Wildfire*, of the Draft EIR, the assessment of impacts related to wildfire considered both wildfire hazards and risks. Hazard zones were identified for the Plan Area using fire hazard severity zone mapping for Calabasas and impacts related from wildfire within the hazard severity zones were analyzed (CAL FIRE 2011). The Wildfire Assessment prepared by TSS Consultants (Appendix E of the Draft EIR) included evaluation of wildfire risk of the proposed housing sites that included a detailed literature review of current conditions and the setting of Calabasas as it relates to wildfire risk. The existing wildfire risk index for the proposed housing sites was summarized in Table 4.15-2 of the Draft EIR. The Draft EIR also identified the main factors related to wildfire risk in Calabasas and addition of buildings in the Plan Area was not considered a major factor contributing to wildfire risk. No revisions to the Draft EIR are needed in response to this comment.

Response 9.2

This comment is related to fire risk associated with older homes. The City of Calabasas Municipal Code Article VIII, Section 15.04.500, adopts the California Fire Code, as amended by the 2019 Consolidated Fire Protection District Code of the County of Los Angeles, regulates the erection, construction, enlargements, alteration, repair, and maintenance of buildings and structures in the city. These regulations reflect the latest in fire science as it relates to the built environment. As it is not possible to entirely avoid wildfire or other natural or human-made catastrophes, the City strives to prevent property damage and endangerment to residents to the extent feasible and will continue to do so. This comment does not contain a substantive comment on the analysis in the Draft EIR and no further response is required.

Response 9.3

This comment is related to the effectiveness of the City's emergency evacuation system. As discussed in Section 4.15, *Wildfire*, of the Draft EIR, the assessment of impacts related to wildfire hazards and risks included evaluation of impacts to emergency evacuation routes. Impacts to emergency response plans and emergency evacuation routes was evaluated in Impact WRF-1 in Section 4.15.3 of the Draft EIR. The wildfire analysis was supported by the Wildfire Assessment prepared by TSS Consultants (Appendix E of the Draft EIR) and An Emergency Evaluation Assessment prepared by Fehr & Peers (Appendix C of the Draft EIR) assume evacuation in personal vehicles. As discussed in Section 4.15, Calabasas disaster preparedness and evacuation planning defines two evacuation routes for the city: the first is Ventura Freeway (US-101) and the second includes Las Virgenes Road, Mulholland Highway, and Old Topanga Canyon Road. The Emergency Evaluation Assessment reviewed evacuation route capacity during an emergency evacuation event assuming complete evacuation of the city, which may occur during a wildfire. The anticipated travel demand during an evacuation event was compared to the existing roadway capacity. The Emergency

Evaluation Assessment concluded that traffic from buildout of the General Plan Update would be minor compared to existing conditions in the Plan Area. Therefore, the General Plan Update would not have a significant effect on the transportation system during an evacuation or needed for emergency usage.

The Wildfire Assessment included evaluation of wildfire risk of the proposed housing sites, as described in detail in Section 4.15.3 of the Draft EIR. An assessment of ingress and egress, both for emergency response and evacuation, was included in the analysis. In the event of the most dangerous type of wildfires, one occurring from prevailing south winds and approaching the City over the heavily wooded landscapes at the southern edges of the Plan Area, none of the proposed housing sites would be cut off from using the defined evacuation routes and US-101 evacuation system. For these reasons, the Draft EIR concluded that buildout associated with the General Plan Update would not substantially affect evacuation routes. No revisions to the Draft EIR are necessary.

Response 9.4

The commenter states that increased population and traffic in areas reliant on limited egress routes would be a significant fire risk impact of the General Plan Update. Section 4.15, *Wildfire*, of the Draft EIR evaluates the potential environmental impacts that could occur through implementation of the General Plan Update related to wildfire and that would result if a natural or human made disaster precipitated evacuation. Impacts related to wildfire were concluded to be less than significant with compliance to existing regulatory and design standards, review processes, and goals and policies in the General Plan. Therefore, no mitigation is required. Refer to Response 9.3 for a discussion of impacts related to evacuation routes, including ingress and egress. No revisions to the Draft EIR are necessary.

Letter 10

September 13, 2021

City of Calabasas
Planning Commission
100 Civic Center Way
Calabasas, CA. 91302

Dear Planning Commissioners:
Thank you for the opportunity to comment on our city's Housing Element.

I understand the need for housing in California, but I believe that our state legislation, with its cookie-cutter push for growth at any expense, has not caught up with the "real world" circumstances that some California cities must contend with. 10-1

City leaders, staff and most residents realize that all of Calabasas is in a Very High Fire Hazard Severity Zone. We may not have to contend with a Woolsey-type fire every year, but it's a matter of "when", not "if" another fire threatens our city. Development, whether new or infill, in certain parts of Calabasas must be realistically weighed against the eventual need for emergency evacuation.

The Malibu Canyon area has very limited ingress and egress. Some basic facts appear to be ignored in the DEIR's Wildfire Analysis. Historically, in the event of a fire, Las Virgenes Road becomes gridlocked. We've had the 101 shut down in both directions during fires. Mureau Road is not necessarily a viable, safe alternative in a fire. The number of residential units north of Mureau Road that rely on Las Virgenes Road is about 1,900. This doesn't include parts of Mountain View Estates that might try to evacuate via Las Virgenes. Using the City's average household size of 2.8, that means about 5,400 residents would have to evacuate Malibu Canyon. Being mindful of density is not a NIMBY issue; it comes down to being able to safely evacuate residents. Organizations, such as Housing and Community Development, which push for increased density regardless of underlying issues are not from this area. They show a clear lack of understanding of the safety issue we face. They will not be the ones loading our cars with kids, animals and belongings, trying to evacuate the area in the next fire. 10-2

The Malibu Canyon tract is not the only part of Calabasas that faces similar issues. Las Virgenes Road is a lifeline to thousands of residents, including those in Monte Nido and Malibu. With the exception of a relatively small stretch in Calabasas, Las Virgenes Road is a two-lane road. It's a designated Disaster Route which means first responder vehicles will need access to one of those lanes. This makes Las Virgenes Road less than ideal for evacuation purposes; however, it is the safest or only choice for many people.

It's important to note that buildings which are constructed to code still burn; they are ignition-resistant, not ignition-proof. Residents of new/redeveloped buildings will still need to evacuate. Building to code is not mitigation for egress problems. We are deluding ourselves if we think that adding hundreds of people to an area will not impact evacuation. Having it be a "less than significant impact" is an impossibility when an evacuation problem *already exists*. The DEIR does not acknowledge the evacuation problems that have occurred historically. We are sticking our heads in proverbial sand if we

choose to ignore the problem. I'm very concerned that the end result will be that our General Plan will be approved based on a faulty premise that everything is "A-okay". Future development decisions will be based on this faulty premise solely because it's listed in the General Plan.

10-2 (cont'd)

All that being said, the following comments should not be interpreted as a ringing endorsement of the available choices. In my opinion, neither Alternative 2 nor Alternative 3 work. I believe there are other combinations of sites that could meet the housing goal.

The existing commercial site at the northwest corner of Las Virgenes Road and Thousand Oaks Boulevard (listed as part of Alternative 3) is currently being wasted; it's essentially a ghost mall. Despite the site being only a few years old, I believe it's ripe for redevelopment because it has remained mostly vacant since its completion. Redevelopment of that parcel would have minimal environmental damage. The impact to be concerned about is emergency evacuation, as noted above.

I am opposed to the inclusion of the commercial space at the southwest corner of Las Virgenes and Thousand Oaks in redevelopment plans (Village Market, Green Basil and Santa Fe restaurants, etc.). The DEIR describes the businesses there as "under-performing". I don't know what criteria have been used to determine that. While the strip mall is dated, these businesses appear to have managed to succeed for many years. Let's not mess with them; instead, they need to be supported.

10-3

One site that did not make it into either Alternative 2 or 3 is the Downtown Offices on Calabasas Road. These offices should be a priority because they make the most sense to convert. They're not located near open space or hillsides; they're on a 4-lane road close to the 101 (much easier evacuation) and lastly, it would take pressure off of the higher fire hazard areas such as those near Mulholland Highway or Las Virgenes Road.

Lastly, we have a glut of vacant commercial space in Calabasas. It makes no sense to require that additional commercial space be built. In the event existing commercial development is completely razed so it can be converted for residential use, I believe it should be rezoned to Multi-family Residential, not Mixed-Use. If only part of an existing commercial development is redeveloped for residential use (retaining part of the existing commercial development), only then should Mixed-Use zoning be used. Aside from this single example, I believe the City should explore a temporary, five-year moratorium on the Mixed-Use zone. The space used for the commercial component of Mixed-Use zoning would be better used for housing instead.

Thank you for considering my comments.

Best regards,
Frances Alet
Calabasas

Letter 10

COMMENTER: Frances Alet, Calabasas Resident

DATE: September 13, 2021

SUMMARY: The commenter offers suggestions pertaining to the wildfire risk analysis and fire building codes and expresses concerns about evacuation plans.

Response 10.1

The comment is regarding State legislature related to housing. This comment does not contain a substantive comment on the analysis in the Draft EIR and no further response is required.

Response 10.2

The commenter expresses concerns about evacuation routes. Refer to Response 9.3 for a discussion of impacts related to evacuation routes, including ingress and egress. The anticipated travel demand during an evacuation event was compared to the existing roadway capacity. The Emergency Evaluation Assessment conducted by Fehr & Peers (Appendix C of the Draft EIR) concluded that traffic from buildout of the General Plan Update would be minor compared to existing conditions in the Plan Area. Therefore, the General Plan Update would not have a significant effect on the transportation system during an evacuation or as may be needed for emergency vehicle use.

The Wildfire Assessment included evaluation of wildfire risk of the proposed housing sites, as described in detail in Section 4.15.3 and Appendix E of the Draft EIR. In the event of the most dangerous type of wildfires, one occurring from prevailing south winds and approaching the City over the heavily wooded landscapes at the southern edges of the Plan Area, none of the proposed housing sites would be cut off from using the defined evacuation routes and US-101 evacuation system. For these reasons, the Draft EIR concluded that buildout associated with the General Plan Update would not substantially impact evacuation routes. No revisions to the Draft EIR are necessary.

Response 10.3

The commenter expresses their preference for Alternative 2 or 3, provides suggestions for additional sites that could be considered for redevelopment, and expresses opposition to additional commercial space in the area. This comment does not contain a substantive comment on the analysis in the Draft EIR. The comment will be provided to the City's decisionmakers for their consideration. No further response is required.

This page intentionally left blank.

3 Errata to the Draft EIR

This chapter presents specific text changes made to the Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. Text deletions are shown in ~~strikethrough~~, and text additions are shown in underline. The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute "significant new information" requiring recirculation. (See Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

3.1 Revisions to the Draft EIR

Project Description

Revision 1 Page 2-9, Section 2.5.3, Affordable Housing Overlay (AHO Zone)

To increase the production of affordable housing, and reduce the total need for additional residential units, the Housing Element update proposes the creation of an AHO Zone.[1] This zone would be applied to property that allows for multifamily housing and provides an incentive to allow for greater density if the property owner provides additional affordable housing, rather than increasing the site density by right. For example, owners of property in the CMU zone would be allowed the base density of 20 dwelling units per acre plus any density bonus required by law for any project that meets the City's inclusionary housing requirement of five to 15 percent of the units dedicated to very low income housing. However, if the property owner proposes a project that includes at least 25 percent of the total units for very low-income units, the AHO Zone would allow an increase in density up to 45 du/acre plus the applicable density bonus allowed by State law. The AHO Zone would include an option for affordable senior housing, allowing for densities of 20 to 50 units per acre for projects with 100 percent lower income units. The intent of the AHO Zone to encourage development of more affordable housing by allowing greater density than would otherwise be permitted.

Revision 2 Page 2-14, Section 2.6, Required Discretionary Actions

With recommendations from the Planning Commission, the City of Calabasas City Council would need to take the following discretionary actions in conjunction with the General Plan Update:

- Certification of the EIR prepared for the General Plan Update
- Adoption of the 2021-2029 Housing Element of the 2030 General Plan
- Adoption of the General Plan Land Use Map and associated text changes to the Land Use Element of the 2030 General Plan to re-designate land uses for certain selected housing sites
- Adoption of amendments to the Safety Element of the 2030 General Plan
- Adoption of amendments to the Circulation Element of the 2030 General Plan
- Adoption of amendments to the Land Use and Development Code of the Municipal Code

[1] Past trends in the City indicate that affordable housing production ratios have averaged approximately 10 percent; therefore, without the implementation of the AHO, the sites inventory would have had to include several additional sites to accommodate sufficient low-income housing to meet the 2021-2029 RHNA.

The 2021-2029 Housing Element has been submitted to the HCD for review and comment. The City will seek certification of the Housing Element from the HCD subsequent to the City's adoption.

Aesthetics

Revision 3 Page 4.1-2, Paragraph 2, Impact AES-3

To meet the RHNA allocation, the General Plan Update specifies sites for residential development and identifies sites to be rezoned to increase permitted residential densities to meet affordability requirements. This includes adding an Affordable Housing Overlay (AHO) zone with potential density of 45 du/acre. The State's "default density" criterion for suburban cities such as Calabasas is 20 dwelling units per acre (du/acre). The City's maximum development density for Commercial Mixed Use and Residential Multi-Family zones is 16 to 20 du/acre, with a maximum of 20 du/acre. The General Plan Update would facilitate adjusting the permitted density from a range of 16 to 20 du/acre to a range of 20 to 24 du/acre. The AHO Zone would include an option for affordable senior housing, allowing for densities of 20 to 50 units per acre for projects with 100 percent lower income units.

Biological Resources

Revision 4 Page 4.3-39, Mitigation Measure BIO-1

For all future housing sites that are either completely vacant or majority of the site is vacant/undeveloped, prior to the issuance of a grading permit, a qualified biologist shall be retained by the project applicant to conduct a biological resources reconnaissance of the site. The biological resources assessment shall characterize the biological resources present on the project site and determine the presence or absence of sensitive species.

If the biologist determines that special-status species may occur, focused surveys for special-status plants shall be completed in accordance with *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW, March 20, 2018) and *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants* (USFWS, September 23, 1996).

If it is determined that the project site has suitable habitat for special-status wildlife, including, but not limited to, California red-legged frog, Crotch's bumble bee, American badger, and southern California mountain lion, focused surveys shall be conducted within the construction footprint and a 500-foot survey buffer area to determined presence/absence including species-specific surveys in accordance with CDFW or USFWS protocols for State or federally listed species, respectively, that may occur.

Any special-status species observations recorded during project-level surveys shall be submitted to the CNDDB by completing the Online Field Survey Form (CDFW 2021).

The report shall identify 1) approximate population size and distribution of any sensitive plant or animal species, including any nests, dens, and burrows, 2) any sensitive habitats or sensitive natural communities (such as wetlands or riparian areas), and 3) any potential impacts of proposed project on wildlife corridors. Off-site areas that may be directly or indirectly affected by the individual project shall also be surveyed. The report shall include site location, literature sources, methodology, timing of surveys, vegetation map, site photographs, and descriptions of on-site biological resources (e.g., observed and detected species, as well as an analysis of those species with

the potential to occur on-site). The biological resources assessment report and surveys shall be conducted by a qualified biologist, and any special-status species surveys shall be conducted according to standard methods of surveying for the species as appropriate.

If sensitive species and/or habitat are absent from the individual project site and from adjacent lands potentially affected by the individual project, a written report substantiating such shall be submitted to the City Planning Division prior to issuance of a grading permit, and the project may proceed without any further biological investigation.

If it is determined that a special-status species may be impacted by a project, consultation with USFWS and/or CDFW shall occur prior to issuance of a development permit from the City to determine measures to address impacts such as avoidance, minimization, restoration, or compensation.

If the biologist determines that wildlife movement corridors are present on any portion of a project site, consultation with the appropriate agency (USFWS and/or CDFW) shall occur prior to issuance of a development permit from the City to determine measures to address impacts such as avoidance, minimization, restoration, or compensation. The analyses shall also describe project impacts to wildlife movement, considering the existing and post-project opportunities present to wildlife to safely enter and exit the applicable location(s) on the project site.

Revision 5 Page 4.3-40, Mitigation Measure BIO-2

Construction activities initiated during the bird nesting season (~~February~~ January 1 – ~~August 31~~September 15) involving removal of vegetation or other nesting bird habitat, including abandoned structures and other man-made features, a pre-construction nesting bird and raptor survey shall be conducted no more than three days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird and raptor pre-construction survey shall be conducted on foot and shall include a 500-foot buffer around the construction site. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California coastal communities (i.e., qualified biologist). If nests are found, an avoidance buffer shall be determined by a qualified biologist dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site, which shall be demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to demarcate the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/ nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist on the basis that the encroachment will not be detrimental to an active nest. A report summarizing the pre-construction survey(s) shall be prepared by a qualified biologist and shall be submitted to the City prior to the commencement of construction activities.

Proposed project site plans shall include a statement acknowledging compliance with the federal MBTA and CFGC that includes avoidance of active bird nests and identification of Best Management Practices to avoid impacts to active nests, including checking for nests prior to construction activities during ~~February~~ January 1 – ~~August 31~~September 15 and what to do if an active nest is found so that the nest is not inadvertently impacted during grading or construction activities.

Revision 6 Page 4.3-42, Mitigation Measure BIO-5

For all future housing sites that are either completely vacant or majority of the site is vacant/undeveloped, prior to the issuance of a grading permit, the applicant shall prepare and submit a Restoration Plan, which shall mitigate for impacts to riparian vegetation and/or CDFW sensitive natural communities at a 2:1 ratio for permanent impacts and a 1:1 ratio for temporary impacts, or as otherwise approved by CDFW and the City.

The Restoration Plan shall describe methods to mitigate for impacts to riparian vegetation and/or CDFW sensitive natural communities via an acceptable mitigation approach that involves one or a combination of the on-site or off-site restoration or enhancement of degraded in-kind habitats. If on-site or off-site restoration is not feasible as determined by the City and CDFW, payment into an in-lieu fee program approved by the City and CDFW or payment into a CDFW-approved mitigation bank is allowed.

If on-site or off-site restoration would occur, a Restoration Plan shall be developed by a qualified biologist, restoration ecologist, or resource specialist and submitted to and approved by the City and CDFW prior to issuance of a development permit for the project. In broad terms, the Restoration Plan shall at a minimum include:

- Description of the project/impact and mitigation sites;
- Specific objectives;
- Success criteria;
- Performance standards;
- Plant palette;
- Implementation plan;
- Maintenance activities;
- Monitoring and reporting plan;
- Adaptive management strategies;
- Responsible parties; and
- Contingency measures.

Success criteria shall at a minimum be evaluated based on appropriate survival rates and percent cover of planted native species, as well as eradication and control of invasive species within the restoration area.

The target species and native plant palette, as well as the specific methods for evaluating whether the project has been successful at meeting the above-mentioned success criteria shall be determined by the qualified biologist, restoration ecologist, or resource specialist and included in the Restoration Plan.

<u>Restoration Plans involving oak trees shall include a mitigation oak tree planting plan, irrigation plan, monitoring schedule, and the maintenance and care program outlined in the Oak Tree Report. In addition, final landscape plans shall include the minimum oak tree mitigation as required by the City of Calabasas and/or the resource agencies and shall include a Fuel Modification Plan that addresses the protection of oak trees. The final landscape plans shall illustrate the proposed species, container sizes, and location of planted oaks. Planted oaks shall be placed in mosaic formations to mimic natural oak woodland habitats. Success criteria for oak trees shall consider survivorship of oak trees under natural conditions sufficient to replace those oaks (inches of oaks)</u>

removed or transplanted within the property, using a minimum 1-inch:1-inch ratio (1:1 mitigation) for individual oak trees and a minimum 1-acre:1-acre ratio (1:1 mitigation) for oak woodlands.

The Restoration Plan shall be implemented over a five-year period and shall incorporate an iterative process of annual monitoring and evaluation of progress and allow for adjustments to the program, as necessary, to achieve desired outcomes and meet success criteria. Annual reports discussing the implementation, monitoring, and management of the Restoration Plan shall be submitted to City and the CDFW. Five years after ~~project start~~ the start of restoration activities, a final report shall be submitted to the City and the CDFW, which shall at a minimum discuss the implementation, monitoring and management of the mitigation project over the five-year period, and indicate whether the Restoration Plan has met the established success criteria. The annual reports and the final report shall include as-built plans submitted as an appendix to the report. Restoration will be considered successful after the success criteria have been met for a period of at least two years without any maintenance or remediation activities other than invasive species control. The project shall be extended if the success criteria have not been met at the end of the five-year period to the satisfaction of the City and the CDFW.

If payment into an in-lieu fee program is optioned then the project's Restoration Plan shall be prepared in consultation with CDFW.

Revision 7 Page 4.3-48, Paragraph 1, Special-Status Species, Sensitive Habitats, and Wetlands

If a future project under the General Plan Update would result in removal of sensitive vegetation, then compensatory mitigation may be required depending on the amount of vegetation impacted, which would ensure no net loss of habitat following implementation of the project. The use of an in-lieu fee (ILF) program is one option for compensatory mitigation. As described in MM BIO-5, a Restoration Plan, which is most often required to offset temporary and permanent impacts to sensitive habitat, shall describe methods to mitigate for impacts to riparian vegetation and/or CDFW sensitive natural communities via an acceptable mitigation approach. Typically, that approach involves one, or a combination of, on-site or off-site restoration or enhancement of degraded in-kind habitats. If on-site or off-site restoration is not feasible as determined by the City and CDFW, payment into an in-lieu fee program approved by the City and CDFW or payment into a CDFW-approved mitigation bank is allowed (see page 4.3-42 of the Draft EIR). Thus, project proponents have several ways to compensate for impacts before the use of ILF programs. In addition, as specified, payment into an ILF program must be approved by the City and CDFW.

For context, ILF programs are subject to similar requirements as mitigation banks (e.g., real estate instrument, review by an Interagency Review Team (IRT), geographic service areas). ILF programs are also required to complete several planning requirements before their programs can be approved and they can start accepting fees. One such requirement is that ILF programs must include a "Compensation Planning Framework," which is used to "select, secure, and implement aquatic resource restoration, establishment, enhancement, and/or preservation activities." Furthermore, a mitigation plan and a thorough review and approval by the IRT are required for each ILF project conducted with fees collected through selling credits. Each ILF project site is protected with appropriate real estate instruments (e.g., conservation easement) and has dedicated long-term management funding in place (Kihslinger, R., Libre, C., Ma, K.R., Okuno, E., & Gardner, R.C. 2019).

As described in Impact BIO-3, impacts to sensitive habitats (i.e., jurisdictional wetlands, riparian vegetation, and aquatic habitat) under the General Plan Update would be cumulatively considerable without mitigation. Implementation of BIO-5, however, would reduce these cumulative impacts

through identification, avoidance, and project-specific permitting requirements through appropriate regulatory agencies (e.g., Section 404 permit, Section 401 certification, CFGC Section 1602 authorization).

Mitigation for wetlands would be coordinated with the appropriate regulatory agencies on a project-by-project basis to ensure no net loss of functions and values, and the General Plan Update would not result in a cumulatively considerable impact to sensitive habitats and wetlands.

Hazards and Hazardous Materials

Revision 8 Page 4.7-15, Impact HAZ-5, Second Policy Under Objective VII.F.

Policy VII-50 Maintain and update an Evacuation Plan every 8 years at a minimum to account for all types of emergencies.

a. Develop and employ evacuation alternatives and/or alternative emergency access routes in neighborhoods that have single ingress/egress.

b. Develop and maintain evacuation options for residents with mobility challenges.

c. Designate and publicize evacuation routes; include existing pedestrian pathways.

~~d. Designate safety zones or shelter-in-place locations as places of refuge when evacuation routes become blocked.~~

Public Services and Recreation

Revision 9 Page 4.12-8, Park Planning Efforts, Third Bullet in the List

- Calabasas Landfill Site: the ~~400.8~~ 505-acre Calabasas Landfill is a potential long-term solution to the City's sports field needs as it offers the best opportunity for a large park and sports complex. However, ~~the site is not scheduled for closure until 2022,~~ estimated-~~scheduled-~~for closure for the site will be between 2032 to 2038, depending on the rate of disposal and airspace utilization factors, which are variable, and would require time for post closure procedures.

Transportation

Revision 10 Page 4.13-19, Paragraph 1, Impact T-4

As shown in Table 4.13-5, all proposed housing sites are within a mile of an already defined evacuation route included in the City's evacuation planning documents, as described under Section 4.15.2, *Local Regulations*, in Section 4.15, *Wildfire*. In the event of the most dangerous type of wildfires, one occurring from prevailing south winds and approaching the City over the heavily wooded landscapes at the southern edges of the Plan Area, none of the proposed housing sites would be cut off from using the defined evacuation routes and US-101 evacuation system. If all sites were to be evacuated in a single event, instead of phased evacuation to avoid congestion, the General Plan Update would contribute to less than 1,400 vehicle miles traveled (Appendix C). ~~Policy VII-50 of the General Plan Update would also require designated shelter-in-place zones during a wildfire. These zones would reduce the overall congestion on area roadways during evacuation since some individuals may choose to shelter-in-place.~~ Therefore, buildout associated with the General Plan Update would not substantially alter or otherwise interfere with public rights-of-way,

and individual projects would provide adequate and multiple internal ingress and egress for necessary emergency response vehicles.

Revision 11 Page 4.13-20, Impact T-4, Second Policy Under Objective VII.F.

Policy VII-50 Maintain and update an Evacuation Plan every 8 years at a minimum to account for all types of emergencies.

a. Develop and employ evacuation alternatives and/or alternative emergency access routes in neighborhoods that have single ingress/egress.

b. Develop and maintain evacuation options for residents with mobility challenges.

c. Designate and publicize evacuation routes; include existing pedestrian pathways.

~~d. Designate safety zones or shelter-in-place locations as places of refuge when evacuation routes become blocked.~~

Utilities and Service Systems

Revision 12 Page 4.14-8, Paragraph 2, Solid Waste Collection and Disposal

According to its Solid Waste Facility Permit, the total capacity of the Calabasas Sanitary Landfill is 69.3 million cubic yards, and the maximum permitted daily throughput is 3,500 tons. As of December 31, 2014, the remaining capacity of the landfill was approximately 14.5 million cubic yards (CalRecycle 2021). An average of 1,624 tons of waste is deposited in the landfill daily; therefore, the average daily surplus is 1,876 tons per day (CalRecycle 2020b). The landfill's estimated closure date is ~~2029~~ 2042 (CalRecycle 2021a). ~~However, CalRecycle is currently reviewing a request to update the landfill's estimated closure year to 2042 (CalRecycle 2016).~~ While the estimated closure date was 2042, during the 2016 CalRecycle Solid Waste Facility Permit (SWFP) revision process, the Calabasas Landfill closure date is estimated to be between 2032 and 2038. In December 2020, Regional Planning issued a waiver that allowed the site to continue to operate while some of its soil stockpile at higher elevations is removed through normal landfill operations. Once the top of the soil stockpile is removed (estimated to be complete by December 2024), it is anticipated that Regional Planning will approve the revised final fill plan, which calculates preliminarily that the landfill would close between 2032 and 2038. If the revised final fill plan is not approved by Regional Planning in 2024, the remaining site life will be significantly reduced, possibly requiring immediate closure of the landfill. The remaining life of the landfill would depend upon the rate of disposal and airspace utilization factors, which are variable.

Revision 13 Page 4.14-30, Paragraph 1, Impact UTIL-4

As described in Section 4.14.1(g), *Solid Waste Collection and Disposal*, solid waste generated in the Plan Area is collected by Waste Management/G.I. Industries, and most solid waste is transported to the Calabasas Sanitary Landfill for disposal. Small quantities of solid waste are transported to other regional landfills, including the Simi Valley Landfill and Recycling Center, H.M. Holloway, Inc., Azusa Land Reclamation Company Landfill, El Sobrante Landfill, and the Sunshine Canyon City/County Landfill (CalRecycle 2021b). The Calabasas ~~Sanitary~~ Landfill currently has an estimated closure date of ~~2029~~ 2042; ~~however, it has a remaining capacity of 14.5 million cubic yards and an outstanding request to update its closure year to 2042~~. While the estimated closure date was 2042, during the 2016 CalRecycle Solid Waste Facility Permit (SWFP) revision process, the Calabasas Landfill closure

date is estimated to be between 2032 and 2038. In December 2020, Regional Planning issued a waiver that allowed the site to continue to operate while some of its soil stockpile at higher elevations is removed through normal landfill operations. Once the top of the soil stockpile is removed (estimated to be complete by December 2024), it is anticipated that Regional Planning will approve the revised final fill plan, which calculates preliminarily that the landfill would close between 2032 and 2038. If the revised final fill plan is not approved by Regional Planning in 2024, the remaining site life will be significantly reduced, possibly requiring immediate closure of the landfill. The remaining life of the landfill would depend upon the rate of disposal and airspace utilization factors, which are variable. ~~Therefore, for~~ the purposes of this analysis, it is assumed that solid waste generated by reasonably foreseeable development under the General Plan Update would be disposed of at the Calabasas Sanitary Landfill. An average of 1,624 tons of waste is deposited in the landfill daily; therefore, the average daily surplus is 1,876 tons per day (CalRecycle 2020b).

Revision 14 Page 4.14-8, Paragraph 1, Solid Waste Collection and Disposal

Most solid waste in Calabasas is transported to and disposed of at the Calabasas Sanitary Landfill, which is a Class III facility owned ~~and operated~~ by the County of Los Angeles, and operated by the County of Los Angeles Sanitation Districts, under the terms of a Joint Powers Agreement with 24 independent special districts.

Wildfire

Revision 15 Page 4.15-24, Paragraph 1, Impact WFR-1

As shown in Table 4.15-5, all proposed housing sites are within a mile of an already defined evacuation route included in the City's evacuation planning documents, as described under Section 4.14.2, Local Regulations. In the event of the most dangerous type of wildfires, one occurring from prevailing south winds and approaching the City over the heavily wooded landscapes at the southern edges of the Plan Area, none of the proposed housing sites would be cut off from using the defined evacuation routes and US-101 evacuation system. If all sites were to be evacuated in a single event, instead of phased evacuation to avoid congestion, the General Plan Update would contribute to less than 1,400 vehicle miles traveled (TSS 2021). ~~Policy VII-23 of the General Plan Update would also require designated shelter-in-place zones during a wildfire. These zones would reduce the overall congestion on area roadways during evacuation since some individuals may choose to shelter-in-place.~~ Therefore, buildout associated with the General Plan Update would not substantially alter or otherwise interfere with public rights-of-way and individual projects would provide adequate and multiple internal ingress and egress for necessary emergency response vehicles. In addition, projects facilitated by the General Plan Update would comply with applicable California Fire Code (Title 24, California Code of Regulations, Section 9) requirements, that include stringent building standards including fire suppression systems, materials, and design.

Bibliography

Revision 16 Page 7-1, Biological Resources

Kihslinger, R., Libre, C., Ma, K.R., Okuno, E., & Gardner, R.C. (2019). In-Lieu Fee Mitigation: Review of Program Instruments and Implementation Across the Country. Environmental Law Institute, Washington, DC.

4 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). This mitigation monitoring and reporting program is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure recommended in the Final Environmental Impact Report (Final EIR), specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Biological Resources							
BIO-1. Pre-Construction Biological Resources Reconnaissance Survey and Reporting							
For all future housing sites that are either completely vacant or majority of the site is vacant/undeveloped, prior to the issuance of a grading permit, a qualified biologist shall be retained by the project applicant to conduct a biological resources reconnaissance of the site. The biological resources assessment shall characterize the biological resources present on the project site and determine the presence or absence of sensitive species. If the biologist determines that special-status species may occur, focused surveys for special-status plants shall be completed in accordance with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, March 20, 2018) and Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants (USFWS, September 23, 1996). If it is determined that the project site has suitable habitat for special-status wildlife, including, but not limited to, California red-legged frog, Crotch's bumble bee, American badger, and southern California mountain lion, focused surveys shall be conducted within the construction footprint and a 500-foot survey buffer area to determined presence/absence including species-specific surveys in accordance with CDFW or USFWS protocols for State or federally listed species, respectively, that may occur. Any special-status species observations recorded during project-level surveys shall be submitted to the CNDDB by completing the	Project applicant shall retain a qualified biologist to conduct a biological resources reconnaissance of the site and prepare a biological resources assessment. If needed, focused special status species surveys shall be conducted. If it is determined that a special-status species may be impacted by a project and/or that wildlife movement corridors are present on any portion of a project site, consultation with USFWS and/or CDFW shall occur.	A qualified biologist shall be retained prior to the issuance of a grading permit; consultation with USFWS and/or CDFW shall occur prior to issuance of a development permit.	Once, prior to the issuance of a grading permit, and if needed, once prior to the issuance of a development permit.	City of Calabasas Planning Division			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Online Field Survey Form (CDFW 2021). The report shall identify 1) approximate population size and distribution of any sensitive plant or animal species, including any nests, dens, and burrows, 2) any sensitive habitats or sensitive natural communities (such as wetlands or riparian areas), and 3) any potential impacts of proposed project on wildlife corridors. Off-site areas that may be directly or indirectly affected by the individual project shall also be surveyed. The report shall include site location, literature sources, methodology, timing of surveys, vegetation map, site photographs, and descriptions of on-site biological resources (e.g., observed and detected species, as well as an analysis of those species with the potential to occur on-site). The biological resources assessment report and surveys shall be conducted by a qualified biologist, and any special-status species surveys shall be conducted according to standard methods of surveying for the species as appropriate. If sensitive species and/or habitat are absent from the individual project site and from adjacent lands potentially affected by the individual project, a written report substantiating such shall be submitted to the City Planning Division prior to issuance of a grading permit, and the project may proceed without any further biological investigation. If it is determined that a special-status species may be impacted by a project, consultation with USFWS and/or CDFW shall occur prior to issuance of a development permit from the City to determine measures to address impacts such as avoidance, minimization, restoration, or							

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
compensation. If the biologist determines that wildlife movement corridors are present on any portion of a project site, consultation with the appropriate agency (USFWS and/or CDFW) shall occur prior to issuance of a development permit from the City to determine measures to address impacts such as avoidance, minimization, restoration, or compensation. The analyses shall also describe project impacts to wildlife movement, considering the existing and post-project opportunities present to wildlife to safely enter and exit the applicable location(s) on the project site.							
BIO-2. Pre-Construction Bird Surveys, Avoidance, and Notification							
Construction activities initiated during the bird nesting season (January 1 – September 15) involving removal of vegetation or other nesting bird habitat, including abandoned structures and other manmade features, a pre-construction nesting bird and raptor survey shall be conducted no more than three days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird and raptor pre-construction survey shall be conducted on foot and shall include a 500-foot buffer around the construction site. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California coastal communities (i.e., qualified biologist). If nests are found, an avoidance buffer shall be determined by a qualified biologist dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site, which shall be demarcated by the biologist with bright orange	A preconstruction nesting bird survey shall be conducted by a qualified biologist if construction activities initiated during the bird nesting season (February 1 – August 31). If nests are found, an avoidance buffer shall be established and all construction personnel notified. A report summarizing the preconstruction survey(s) shall be prepared by a qualified biologist and shall be submitted to the City prior to the commencement of construction activities.	If construction is initiated between February 1 – August 31, preconstruction nesting bird survey conducted within three days prior to initiation of ground disturbance and vegetation removal activities.	Once, within three days prior to initiation of ground disturbance and vegetation removal activities.	City of Calabasas Planning Division			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
construction fencing, flagging, construction lathe, or other means to demarcate the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/ nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist on the basis that the encroachment will not be detrimental to an active nest. A report summarizing the preconstruction survey(s) shall be prepared by a qualified biologist and shall be submitted to the City prior to the commencement of construction activities.							
Proposed project site plans shall include a statement acknowledging compliance with the federal MBTA and CFGC that includes avoidance of active bird nests and identification of Best Management Practices to avoid impacts to active nests, including checking for nests prior to construction activities during January 1 to September 15 and what to do if an active nest is found so that the nest is not inadvertently impacted during grading or construction activities.							

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
BIO-3. Pre-Construction Bat Surveys							
To avoid the direct loss of bats that could result from removal of trees and/or structures that are confirmed to support a maternity bat roost (e.g., in cavities, under loose bark or in structures such as bridges and abandoned buildings), tree removal or structure demolition shall be scheduled between October 1 and February 28, outside of the maternity roosting season. If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist shall conduct a focused survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula (i.e., a place in which an animal seeks refuge) or nursery colony roosting habitat for bats. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist prior to tree disturbance to determine the presence or absence of roosting bats. If it is determined that a bat roost may be present, a Bat Avoidance Plan shall be prepared and approved by CDFW prior to issuance of a development permit from the City. The Plan shall identify bat survey methods and materials and methods to exclude or prevent bats from using the roost without directly impacting any bats.	If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist shall conduct a focused survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula (i.e., a place in which an animal seeks refuge) or nursery colony roosting habitat for bats. If it is determined that a bat roost may be present, a Bat Avoidance Plan shall be prepared and approved by CDFW prior to issuance of a development permit from the City.	If trees and/or structures must be removed during March 1 to September 30, focused bat survey, and if need, an approved Bat Avoidance Plan prior to issuance of a development permit from the City.	Once, prior to the issuance of a development of permit.	City of Calabasas Planning Division			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
BIO-4. Worker Environmental Awareness Program and Construction Monitoring							
On specific properties and in situations where potentially significant biological resource impacts have been confirmed to be likely by a consulting biologist, a qualified biologist shall be assigned for monitoring and reporting purposes. This person shall also conduct a Worker Environmental Awareness Program (WEAP) for all personnel working at the site. The WEAP shall focus on conditions and protocols necessary to avoid and minimize potential impacts to biological resources. Prior to initiation of all construction activities (including staging and mobilization), all personnel associated with project construction shall attend a WEAP training, conducted by a qualified biologist, to aid workers in recognizing special status biological resources potentially occurring in the project area. This training will include information about the special-status species with potential to occur in the project area. The specifics of this program shall include identification of special-status species and habitats, a description of the regulatory status and general ecological characteristics of special-status resources, and review of the limits of construction and measures required to avoid and minimize impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer documenting they have attended the WEAP and understand the information presented to them. The crew foreman shall be responsible for ensuring crew	A qualified biologist shall be assigned for monitoring and reporting purposes where potentially significant biological resource impacts have been confirmed to be likely by a consulting biologist, and shall conduct a WEAP training. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the project. The crew foreman shall be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to special-status species and sensitive natural communities.	Prior to issuance of a development permit from the City; ongoing during construction.	Once, to assign a qualified biologist; once to conduct a WEAP training, and once to prepare and distribute fact sheet. Monitoring guidelines and restrictions shall be ongoing during construction.	City of Calabasas Planning Division			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
members adhere to the guidelines and restrictions designed to avoid impacts to special-status species and sensitive natural communities.							
BIO-5. Restoration Plans							
For all future housing sites that are either completely vacant or majority of the site is vacant/undeveloped, prior to the issuance of a grading permit, the applicant shall prepare and submit a Restoration Plan, which shall mitigate for impacts to riparian vegetation and/or CDFW sensitive natural communities at a 2:1 ratio for permanent impacts and a 1:1 ratio for temporary impacts, or as otherwise approved by CDFW and the City. The Restoration Plan shall describe methods to mitigate for impacts to riparian vegetation and/or CDFW sensitive natural communities via an acceptable mitigation approach that involves one or a combination of the on-site or off-site restoration or enhancement of degraded in-kind habitats. If on-site or off-site restoration is not feasible as determined by the City and CDFW, payment into an in-lieu fee program approved by the City and CDFW or payment into a CDFW-approved mitigation bank is allowed. If on-site or off-site restoration would occur, a Restoration Plan shall be developed by a qualified biologist, restoration ecologist, or resource specialist and submitted to and approved by the City and CDFW prior to issuance of a development permit for the project. In broad terms, the Restoration Plan shall at a minimum include: ▪ Description of the project/impact and mitigation sites;	For all future housing sites that are either completely vacant or majority of the site is vacant/undeveloped, prepare and submit a Restoration Plan approved by CDFW and the City. If on-site or off-site restoration would occur, a Restoration Plan shall be developed by a qualified biologist, restoration ecologist, or resource specialist and submitted to and approved by the City and CDFW prior to issuance of a development permit for the project.	Prior to the issuance of a grading permit.	Once, prior to the issuance of a grading permit.	City of Calabasas Planning Division			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
▪ Specific objectives; ▪ Success criteria; ▪ Performance standards; ▪ Plant palette; ▪ Implementation plan; ▪ Maintenance activities; ▪ Monitoring and reporting plan; ▪ Adaptive management strategies; ▪ Responsible parties; and ▪ Contingency measures. Success criteria shall at a minimum be evaluated based on appropriate survival rates and percent cover of planted native species, as well as eradication and control of invasive species within the restoration area. The target species and native plant palette, as well as the specific methods for evaluating whether the project has been successful at meeting the above-mentioned success criteria shall be determined by the qualified biologist, restoration ecologist, or resource specialist and included in the Restoration Plan. Restoration Plans involving oak trees shall include a mitigation oak tree planting plan, irrigation plan, monitoring schedule, and the maintenance and care program outlined in the Oak Tree Report. In addition, final landscape plans shall include the minimum oak tree mitigation as required by the City of Calabasas and/or the resource agencies and shall include a Fuel Modification Plan that addresses the protection of oak trees. The final landscape plans shall illustrate the proposed species, container sizes, and location of planted oaks. Planted oaks shall be placed in mosaic							

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
formations to mimic natural oak woodland habitats. Success criteria for oak trees shall consider survivorship of oak trees under natural conditions sufficient to replace those oaks (inches of oaks) removed or transplanted within the property, using a minimum 1-inch:1-inch ratio (1:1 mitigation) for individual oak trees and a minimum 1-acre:1-acre ratio (1:1 mitigation) for oak woodlands. The Restoration Plan shall be implemented over a five-year period and shall incorporate an iterative process of annual monitoring and evaluation of progress and allow for adjustments to the program, as necessary, to achieve desired outcomes and meet success criteria. Annual reports discussing the implementation, monitoring, and management of the Restoration Plan shall be submitted to City and the CDFW. Five years after the start of restoration activities, a final report shall be submitted to the City and the CDFW, which shall at a minimum discuss the implementation, monitoring and management of the mitigation project over the five-year period, and indicate whether the Restoration Plan has met the established success criteria. The annual reports and the final report shall include as-built plans submitted as an appendix to the report. Restoration will be considered successful after the success criteria have been met for a period of at least two years without any maintenance or remediation activities other than invasive species control. The project shall be extended if the success criteria have not been met at the end of the five-year period to the satisfaction of the City and the CDFW. If payment into an in-lieu fee program is							

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
optioned, then the project's Restoration Plan shall be prepared in consultation with CDFW.							
Cultural Resources							
CUL-1(a). Cultural Resource Record Search							
As a condition of approval, prior to issuance of construction permits, a cultural resource record search from the South Central Coastal Information Center (SCCIC) at California State University, Fullerton shall be conducted and submitted to the City for all properties identified as "Older than 50 Years Old," "Undeveloped," or in, or adjacent to, areas of known cultural resource sensitivity. A record search is required to identify all previous cultural resources work and previously recorded cultural resources within a 0.5-mile radius of the project site.	A cultural resource records search from SCCIC shall be conducted and submitted to the City for all properties identified as "Older than 50 Years Old," "Undeveloped," or in, or adjacent to, areas of known cultural resource sensitivity.	A cultural records search shall occur prior to issuance of construction permits.	Once, prior to issuance of construction permit.	City of Calabasas Planning Division			
CUL-1(b). Cultural Resource Survey							
As a condition of approval, prior to issuance of construction permits, a cultural resource survey shall be conducted and submitted to the City, if deemed necessary by the results of the cultural resources record search (in accordance with MM CUL-1(a)), by a qualified archaeologist prior to any planned development projects for undeveloped properties or properties in, or adjacent to, areas of known cultural resource sensitivity. This ensures that no previously unidentified cultural or Tribal cultural resources are present on the surface of a property that can be impacted by development.	Project applicant shall conduct and submit a cultural resource survey to the City of Calabasas, as determined by a Qualified Archaeologist, for development proposed within or near areas of known cultural resource sensitivity.	A cultural resource survey must be conducted and reported to the City prior to issuance of construction permit.	Once, prior to issuance of construction permit.	City of Calabasas Planning Division			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
CUL-1(c). Training for Unanticipated Discovery of Archaeological Resources							
Prior to beginning construction activities, a qualified archaeologist shall be retained to conduct a Worker's Environmental Awareness Program (WEAP) training on archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities. The training shall be conducted by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology. Archaeological sensitivity training will include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.	A Qualified Archaeologist shall be retained and conduct a WEAP training for all construction personnel on archaeological sensitivity.	WEAP training shall occur prior to construction activities.	Once, prior to construction activities.	City of Calabasas Planning Division			
CUL-1(d). Archaeological and Native Monitors							
During initial ground disturbing activities related to the proposed project, both a qualified archaeologist and a locally affiliated Native American monitor shall monitor construction activities within the project site. Initial ground disturbance is defined as disturbance within previously undisturbed native soils. If, during initial ground disturbance, the qualified archaeologist determines that the construction activities have little or no potential to impact cultural resources (e.g., excavations are within previously disturbed, non-native soils, or within soil formation not expected to yield cultural resources deposits), the qualified archaeologist may recommend, in consultation with the Native American monitor, that monitoring be reduced or eliminated.	A Qualified Archaeologist and locally affiliated Native American monitor shall be retained by the project applicant to monitor construction activities to ensure minimal impact is caused to cultural resources.	The Qualified Archaeologist and Native American monitor shall be present during all ongoing construction activities, unless determined by the monitors that monitoring can be reduced or eliminated.	Monitoring of construction activities shall be ongoing during initial ground-disturbing activities.	City of Calabasas Planning Division			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
CUL-1(e). Stop Work Orders							
If cultural resources are encountered during ground-disturbing activities, whether or not a monitor is present, work in the immediate area must halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology (National Park Service 1983) should be contacted immediately to evaluate the find. If the discovery proves to be eligible for listing in the CRHR, the qualified archaeologist will develop a mitigation plan that may include additional work such as data recovery excavation. Native American consultation may also be warranted to avoid or minimize impacts/adverse effects.	Construction activities must immediately cease upon discovery of cultural resources, and an archaeologist that meets the Professional Qualification Standards must be retained to evaluate the find. If eligible for listing in the CRHR, the qualified archaeologist shall develop a mitigation plan for the cultural resource.	Construction activities will immediately cease, and a Qualified Archaeologist shall be retained upon the discovery of cultural resources.	Monitoring shall be ongoing throughout construction activities.	City of Calabasas Planning Division			
CUL-2(a). Historic-Period Resources Evaluation							
As a condition of approval and prior to issuance of construction permits, a historical resources evaluation shall be prepared and submitted to the City by the project applicant for future projects involving a property which includes buildings, structures, objects, sites, landscape/site plans, or other features that are 45 years of age or older. The evaluation shall be prepared by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in architectural history or history. The qualified architectural historian or historian shall conduct an intensive-level evaluation in accordance with the guidelines and best practices promulgated by the State Office of Historic Preservation to identify any potential historical resources within the project sites. All evaluated properties shall be documented on Department of Parks and Recreation Series 523	For future projects which include buildings, structures, objects, sites, landscape/site plans, or other features that are 45 years of age or older, a historical resources evaluation shall be documented on Department of Parks and Recreation Series 523 Forms and submitted to the City by a Qualified Architectural Historian.	Prior to issuance of construction permits.	Once, prior to construction activities.	City of Calabasas Planning Division			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Forms. The report will be submitted to City for review and approval prior to project approval.							
CUL-2(b). Rehabilitation or Relocation of Historical Resources							
If historical resources are identified within the project area of a proposed development, efforts shall be made to the greatest extent possible to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Standards. In accordance with CEQA, a project that has been determined to conform with the Standards generally would not cause a significant adverse direct or indirect impact to historical resources (14 CCR § 15126.4(b)(1)). Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City for review and concurrence prior to mitigation implementation.	A Qualified Architectural Historian or Historic Architect shall ensure that Standards within § 15126.4(b)(1) of the *CEQA Guidelines* are met, such that historical resources on site are appropriately relocated, rehabilitated, or altered. The Qualified Architectural Historian or Historic Architect shall then submit a report to the City specifying the treatment of character-defining features and construction activities.	Ongoing during ground disturbing activities.	Ongoing during ground disturbing activities.	City of Calabasas Planning Division			
CUL-2(c). Historic American Buildings Survey Documentation							
If significant historical resources are identified on a development site and compliance with the Standards and or avoidance is not possible, the resource shall be documented in the form of a Historic American Buildings Survey (HABS)-Like report. The report shall generally follow the Secretary of the Interior's Standards for Architectural and Engineering Documentation, HABS Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian	If compliance with the Standards and or avoidance of impact is not possible for identified significant historical resources, said resources shall be documented in the form of a Historic American Buildings Survey (HABS)-Like report. This report shall be completed by a Qualified Architectural Historian, or historian who meets the PQS, and shall be submitted to the City.	As needed, prior to issuance of any permits for demolition or alteration of identified historical resources.	Once, prior to issuance of any permits for demolition or alteration of identified historical resources.	City of Calabasas Planning Division			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
or historian who meets the PQS and submitted to the City prior to issuance of any permits for demolition or alteration of the historical resource.							
Geology and Soils							
GEO-1. Retain a Qualified Paleontologist							
Prior to any ground-disturbing activities, a Qualified Paleontologist shall be retained to review project plans for ground disturbing activities within intact (native) geologic units of high paleontological sensitivity (Qoa, Tuss, Tush, Tud, Tmss, Tmcg, Tm, Pml, Pu, Ttucg, Ttus, Ttuc, Ttlc, Ttls) and excavations exceeding five feet below ground level (bgs) within areas mapped as low sensitivity at the surface (i.e., Qa, Qg, Qls) to determine if underlying paleontologically sensitive units) could be impacted. If potentially significant impacts are identified, the Qualified Paleontologist shall prepare and implement a Paleontological Resources Mitigation Plan (PRMP) that details mitigation recommendations including paleontological monitoring procedures; communication protocols for unanticipated fossil discoveries; preparation, curation, and reporting requirements; and Worker Environmental Awareness Program (WEAP) training to be delivered at a preconstruction meeting for all on-site construction personnel. A Qualified Paleontologist is an individual who meets the education and professional experience standards as set forth by the Society of Vertebrate Paleontology (SVP) (2010), which recommends the paleontologist shall have at least a master's degree or equivalent work experience in paleontology, shall have	**Requirements:** The project applicant shall contract a Qualified Paleontologist prior to ground-disturbing activities. The Qualified Paleontologist shall review project plans of ground disturbing activities that occur within sensitive geologic units, or in the event that excavations exceed five feet below ground level. In the event that significant impacts are identified, the Qualified Paleontologist shall prepare and implement a PRMP.	As needed, retainment of a Qualified Paleontologist prior to any ground-disturbing activities. If potentially significant impacts are found, PRMP to be delivered at next possible preconstruction meeting.	Once prior to any ground-disturbing activities and if needed, once at pre-construction meeting.	City of Calabasas Planning Division			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
knowledge of the local paleontology, and shall be familiar with paleontological procedures and techniques.							
Noise							
N-1. Construction Noise Reduction Measures							
The following standard construction noise reduction measures shall be required for all new projects located within 100 feet of noise-sensitive receivers to be implemented during all phases of demolition and construction activities: ▪ All equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained industrial grade mufflers consistent with manufacturers' standards. ▪ Whenever practicable, construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. ▪ All heavy-duty stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers. ▪ All construction areas for staging and warming up equipment shall be located as far as practicable from nearby noise-sensitive receivers. ▪ Portable sound enclosures capable of reducing noise levels by at least 10 dBA shall be used for all generators, air compressors, and other stationary equipment. ▪ Two weeks prior to commencement of construction, notification shall be provided	The project applicant shall implement the following noise reduction measures for all construction activities associated with development that occurs within 100 feet of noise-sensitive receivers: ▪ All equipment shall be operated with closed engine doors and shall be equipped with properly operating and maintained industrial grade mufflers consistent with manufacturers' standards. ▪ Whenever practicable, construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. ▪ All heavy-duty stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers. ▪ All construction areas for staging and warming up equipment shall be located as far as practicable from nearby noise-sensitive receivers. ▪ Portable sound enclosures capable of reducing noise levels by at least	After issuance of construction permits and prior to construction activities.	Two weeks prior to commencement of construction for noticing, and then ongoing during construction activities.	City of Calabasas Planning Division			

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Frequency	Responsible Agency	Com-pliance Verifi-cation Initial	Com-pliance Verifi-cation Date	Com-pliance Verifi-cation Comments
to off-site residential uses within 500 feet of project sites that discloses the construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period. ▪ Project applicants shall provide a non-automated telephone number for local residents to call to submit complaints associated with construction noise during all phases of construction. The project applicant shall maintain a log of complaints and shall address complaints to minimize noise issues for neighbors. ▪ Each project applicant shall coordinate regularly with other project applicants and/or construction contractors of projects located within 500 feet of the project site that will have overlapping construction schedules to minimize the amount of time during which simultaneous construction activities are occurring and to avoid the simultaneous occurrence of high-noise generating activities, such as demolition and excavation.	10 dBA shall be used for all generators, air compressors, and other stationary equipment. ▪ Two weeks prior to commencement of construction, notification shall be provided to off-site residential uses within 500 feet of project sites that discloses the construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period. ▪ Project applicants shall provide a non-automated telephone number for local residents to call to submit complaints associated with construction noise during all phases of construction. The project applicant shall maintain a log of complaints and shall address complaints to minimize noise issues for neighbors. ▪ Each project applicant shall coordinate regularly with other project applicants and/or construction contractors of projects located within 500 feet of the project site that will have overlapping construction schedules to minimize the amount of time during which simultaneous construction activities are occurring and to avoid the simultaneous occurrence of high-noise generating activities, such as demolition and excavation.						

This page intentionally left blank.