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May 1, 2025

SENT VIA ELECTRONIC E-MAIL

Agoura Hills Planning Commission
30001 Ladyface Court
Agoura Hills, California 91301
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**Re: PRISMM Comments On Proposed General Plan Safety Element Update
(May 1, 2025 Planning Commission Meeting)**

Dear Commissioners:

This firm and the undersigned represent the Protectors and Residents in the Santa Monica Mountains (hereinafter "PRISMM").¹ PRISMM is comprised of concerned community members, families and residents of Agoura Hills and the Santa Monica Mountains and is dedicated to protecting the residents of these communities by advocating against excessive development that impacts the environment, open space, habitat and the welfare of the

¹ Please keep this office on the list of interested persons to receive timely notice of all hearings, votes, determinations, and official filings related to the above-referenced matter.

surrounding communities. We submit this letter to provide comments on the Agoura Hills Planning Commission's ("Commission") proposed amendments to the City of Agoura Hills' ("City") General Plan ("Proposed Project"). Such amendment must be analyzed in an Environmental Impact Report ("EIR"), pursuant to the California Environmental Quality Act ("CEQA"). This letter was prepared based on the Staff Report (hereinafter "Staff Report") and attached documents issued to the public on April 25, 2025 for the May 1, 2025 meeting, which include an Evacuation Analyses and Evacuation Plan.

For the reasons stated herein, PRISMM urges the Commission to vote no on Planning's recommendation to propose the Project to the City Council, as the assumptions in the Evacuation Analysis and Plan are faulty and dangerous. In addition, PRISMM urges the Commission to require an EIR be prepared for the Project so that the public may understand the full impact of adopting the amendment and Evacuation Plan, especially given the City's proposed ministerial approval of high-density residential projects along evacuation routes.

I. THE CITY IS JEOPARDIZING THE SAFETY OF THE COMMUNITY BY PROPOSING AN EVACUATION PLAN THAT OMITTS KANAN ROAD AS AN EVACUATION ROUTE AND UNDERREPORTS RESIDENTIAL UNITS.

The California Department of Forestry and Fire Protection ("CAL FIRE") publishes recommended Local Responsibility Areas and respective fire hazard severity zones ("FHSZ") within them. CAL FIRE classifies the City of Agoura Hills as a Very High Fire Hazard Severity Zone ("VHFHSZ"). (Exh. x.) Under the Government Code, the City is required to provide information on the "location and distribution of existing and *planned* uses of land in very high fire hazard severity zones." (Gov. Code, § 65302, subd.(g)(3)(A) (iv) [emphasis added].)

The Staff Report fails to mention that the City is proposing to approve over 800 new residential units at or near the critical intersection of Kanan and Agoura Road,² which is the mouth of the City's and region's historic fire evacuation route in a VHFHSZ.³ This intersection is already often completely jammed with stand-still traffic getting onto the 101 Freeway. (Exh. [x] [image]) The Evacuation Analysis omits Kanan as an evacuation route. Even more disconcerting, the analysis omits how such an historic and natural evacuation route will be avoided by evacuees during an emergency. Fatally, there is no explanation of how emergency personnel will ensure that evacuating traffic will be re-routed away from Kanan. The analysis does not provide a rationale for excluding Kanan as an evacuation route.⁴

The Evacuation Analysis' "number of evacuating vehicles" is based on an overly broad and ambiguous statement that all households and hotels in City as well as undefined households

² Regency Project's (Site G) has been approved 278 units. (Exh [x].) Site B is proposing 238 units. (Exh [x] [AVW Application].) Across the street from these two sites, Site A is slated for 309.25 residential units. (Exh.) These three projects would account for 825 residential units at the Kanan and Agoura intersection. In addition, over 1500 units may be built in the City south of the 101 Freeway and along the southern evacuation routes. (Exh [x] [Steve's Chart, map].)

³ Kanan Road has been used as an evacuation route from nearly every fire in the vicinity since XX. (Exh.)

⁴ The Los Angeles County Safety Element designates evacuation routes that feed into Kanan to get to the 101 Freeway. (See Los Angeles County Safety Element, Figure 12.9)

from neighboring communities including Oak Park and “nearby communities” in the “Santa Monica Mountains were accounted for” – but no corresponding data or numbers. (See page 87 of the Staff Report and Attachments.) Thus, it is unclear what population numbers the Evacuation Plan and analysis is using to determine traffic volume on evacuation routes. The only numeric data on number of vehicles provided is located in Table 4 entitled “persons with Disabilities by Zone and Census Tract” and those figures only include those within the City limits. It is unclear what population figures the Evacuation Analysis bases its traffic volume assumptions and the hourly evacuation capacity for roadways. (See Staff Report Table 3, p. 10). Moreover, since the Woolsey Fire, the western section of Malibu, almost one quarter of its population of 10,2600 residents (roughly 2,600 people), have been directed to use Kanan Road to evacuate during disaster. (Exh. x [Malibu Evacuation Plan].) Yet, traffic figures for the Santa Monica Mountains (Figure 10) (the identical values under scenarios one and two for road segments “Kanan Road north of Agoura Road” and “Agoura Road west of Kanan Road”) do not include a portion of the City of Malibu.

In addition, the nine evacuation zones depicted in the Evacuation Analysis exclude the segment of Kanan Road between Cornell Road and the 101 Freeway—precisely the segment encompassing the Kanan/Agoura Road intersection. (Evacuation Analysis, p. 8, Table 1.) This segment borders Sites A and B, the two largest proposed housing developments in the City, both of which will feature high-density housing. Other nearby sites—G (Regency Project), K, E, J, C, I, and S—would also naturally rely on Kanan for freeway access. Yet, none of these sites fall within a designated evacuation zone.

Even more confounding, the evacuation map on page 15 shows directional arrows pointing away from Kanan Road, implying that residents of Sites A, B, C, E, G, I, J, K, and S will bypass Kanan during a wildfire evacuation—defying both geography and common sense. The Staff Report and Evacuation Analysis provide no explanation as to how these new residents will be informed to avoid Kanan Road or how emergency personnel will enforce such detours in the chaos of an emergency.

Compounding these flaws is the underreporting of residential unit counts. The Staff Report and Evacuation Analysis rely on the figure of 2,348 units as the City’s full build-out capacity. (Staff Report, p. 7; Evacuation Analysis, p. x.) This number is demonstrably inaccurate. For example, the “Regency Project” (Site G) exceeds the General Plan’s maximum unit potential by **78%**, while the “Agoura Village West” project (Site B) exceeds it by at least **30%**. (See footnote 2, above and Exh x [Agoura Hills General Plan Update Final SEIR, pp. III-9 and III-

10].) If these trends continue across projects, actual build-out could range between 3,053 and 3,991 units⁵—figures that were not included in the Evacuation Analysis.⁶⁷

These serious deficiencies have both real-world and legal implications. The Evacuation Plan and supporting documentation appear to violate several provisions of state law governing general plan safety elements. (See Gov. Code §§ 65302.15 [requiring that safety elements identify locations where people can evacuate to]; §§ 65302, subd.(g)(3), 65302.5, subd. (b), and 66474.02) [requiring local jurisdictions within state responsibility areas or very high fire hazard severity zones to address wildfire risk when updating their safety elements and to submit their draft updates to the State Board of Forestry and Fire Protection for review]; Gov. Code, § 65302, subd. (g)(5) [requiring updated safety elements to identify residential developments within hazard areas that do not have at least two evacuation routes]; § 65302.15 [requiring local jurisdictions to update their safety element to address the capacity of evacuation routes under a range of various emergency scenarios].) As such, the general plan amendments cannot be approved without a thorough evaluation of accurate population and evacuation vehicle numbers and the inclusion of Kanan as an evacuation route.

II. UNDER CEQA, THE PROPOSED GENERAL PLAN AMENDMENT CANNOT BE APPROVED WITHOUT AN EIR

The Staff Report determined that the Project is exempt from CEQA under various statutory and categorical exemptions. (Staff Report, pp. 18-20.) However, none of the exemptions apply. A lead agency under CEQA must provide a basis for its CEQA findings. (Guidelines §15164(e) [explanation must be supported by substantial evidence].) The Staff Report’s CEQA findings in this regard are either nonsensical or unsupported by the record. Moreover, as addressed below, the Project may have significant environmental impacts and those impacts, and mitigation measures, must be addressed in an EIR.

A. None Of The CEQA Exemptions Apply To The Project And The Staff Report’s Findings Are Legally Insufficient And Not Supported By Substantial Evidence

⁵ This increase in density is due to the sites being located in the Affordable Housing Overlay Zone, which increases the production of housing beyond what is allowed under the base zoning. The density permitted as part of the Overlay will be a minimum of 20 dwelling units per acre and a maximum of 25 dwelling units per acre, with projects eligible for additional densities and incentives/concessions under state density bonus law.

⁶ Regency Project’s (Site G) highest unit value was designated 156. (Exh. [x](#)) City approved 278 units. (Exh [x](#).) That’s a 78% increase over the highest unit value. Site B was designated a highest unit value of 182.5 but is being proposed for 238, an increase of over 30%. Across the street from these two sites, Site A is slated for 309.25 residential units. Just these three projects alone, if approved and built, would account for 825 units utilizing the intersection of Kanan and Agoura roads.

⁷ Moreover, because the Evacuation Analysis does not estimate the full scope of population numbers for purposes of its traffic assumptions, the City may not rely on it to support a finding that the Project is exempt from CEQA. (See *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1220 [scope of “project” for CEQA purposes must be “the whole of an action[.]”].)

Whether a project fits the definition of a categorical exemption is a question of law. (*Save Our Carmel River v. Monterey Peninsula Water Management Dist.*, (2006) 141 Cal. App. 4th 677, 693, citing *Fairbank v. City of Mill Valley* (1999) 75 Cal. App. 4th 1243, 1251; *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal. App. 4th 1165, 1192. [“Where the issue turns only on an interpretation of the language of the Guidelines or the scope of a particular CEQA exemption, this presents “a question of law, subject to de novo review by this court.””].)

The Staff Report claims the Project is exempt from CEQA utilizing the statutory “emergency” exemption in Guidelines, § 15269(c), which exempts “Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.”

The statutory authority for the exemption in Guidelines § 15269 is provided in PRC Section 21080(b)(4). “The ‘emergency’ exception of section 21080, subdivision (b)(4) is obviously extremely narrow.” (*Western Mun. Water Dist. v. Superior Court* (1986) 187 Cal. App. 3d 1104, 1111 [Disapproved on other grounds].) “‘Emergency’ as defined by section 21060.3 is explicit and detailed, and limits an emergency to an ‘occurrence’, not a condition, and that the occurrence must involve a ‘clear and imminent danger’, demanding immediate action.” (*Ibid.*) As one commentator has noted: “The theory behind these exemptions is that if a project arises for which the lead agency simply cannot complete the requisite paperwork within the time constraints of CEQA, then pursuing the project without complying with the EIR requirement is justifiable. For example, if a dam is ready to burst or a fire is raging out of control and human life is threatened as a result of delaying a project decision, application of the emergency exemption would be proper.” (*Id.* at p. 1111, quoting *Comment, The Application of Emergency Exemptions Under CEQA: Loopholes in Need of Amendment?* (1984) 15 Pacific L.J. 1089, 1105, fn. omitted.].) Clearly, the circumstances under which this exemption is being used in the instant project is not an “emergency.” (PRC §21060.3.) Thus, it would be an abuse of discretion to avoid environmental review by claiming the Project exempt from CEQA under Guidelines §15269.

The Staff Report purports to exempt the Project under the “feasibility study” exemption of Guidelines § 15262. The Staff Report’s proposed CEQA exemption findings are in error because they are based on a myopic project definition. First, the Project is not just a feasibility study it includes an Evacuation Plan. (*East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 294, [studying the feasibility of such a project does not require an EIR].) Moreover, the Staff Report recommend the Commission “adopt a resolution recommending the City Council adopt a resolution to approve the amendment to the General Plan to amend the text of Chapter 5 Community Safety and the General Plan Table of Contents to incorporate the MJHMP, the Evacuation Analysis, and the Evacuation Plan”. Thus, the Project is an amendment to the General Plan, not simply a “feasibility study” as the staff report claims. Amendments to a general plan have environmental consequences, and this one in particular. (See City RESOLUTION NO. 24-2080, at p 1 [“Multi-Jurisdictional Hazard Mitigation Plan

identifies a region-wide risk assessment and mitigation strategies to reduce the impacts of natural, technological, and human caused disasters on the public and local government”].) Moreover, the City is making a commitment to a course of action by incorporating the MJHMP and Evacuation Plan into the General Plan safety element to be implemented. (*Save Tara v. City of West Hollywood*, (2008) 45 Cal. 4th 116, 137-138; see also Gov. Code §65302(g)(3)(C)[requiring implementation of safety element].)

Here, the general plan amendments have specific plan directives that will impact traffic, and fire safety of all area residents trying to evacuate. The Staff Report states: “The Evacuation Plan (EP) is a comprehensive plan developed by multiple agencies that outlines a coordinated plan to evacuate the City safely and effectively during life-threatening emergencies.” (Staff Report, at p. 14 [emphasis added].) The Staff Report continues to support the commitment of the City to the EP, which provides “... Clarification of the participating agencies roles and responsibilities, identification of evacuation and traffic management strategies, and establishment of communication protocols are stated objectives in the EP. The EP establishes nine evacuation zones that will be utilized in the event phased evacuations are necessary. Image 1, below, graphically depicts the routes used to move population toward safe exits to the US 101 freeway. Image 1, below, through the use of blue errors demonstrates the routes to be used for each zone in the event of an emergency...” (*Ibid.* [emphasis added].) Thus, the City cannot claim that the “feasibility study” exemption applies. (*Lindstrom v. California Coastal Com.* (2019) 40 Cal. App. 5th 73, at 93 [when “a reasonable person could not reach the conclusion reached by” the findings constitute legal error..].)

The Staff Report claims the Project is exempt from CEQA review by Guidelines § 15061(b)(3), which states, “A project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The Staff Report claims that “The Project is a feasibility study which analyzes the potential for existing roadway capacity to effectively evacuate the population in the event of an emergency. The Project does not propose construction and seeks to evaluate the existing roadway network, as such, the project is exempt from CEQA.” (Staff Report, at pp.18-19) The Staff Report’s findings do not support the exemption. The Project cannot qualify for the “common sense” exemption because the Project clearly may cause significant environmental impacts resulting from implementing hazardous and faulty evacuation procedures. Overcrowding of evacuation routes, which would happen under this Evacuation Plan, is a significant impact requiring an EIR. (See Guidelines § 15064(e) [“Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. ... For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.”].) Moreover, an impact is significant if it would “Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.” (Guidelines, Appendix G, Section IX(g).) The Guidelines indirectly address fire-related risk in the mandatory findings of significance (Guidelines § 15065(a)(4)), which provide for a mandatory finding when “[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.” Thus, the City cannot make a finding that

“there is no possibility that the activity in question may have a significant effect on the environment.” (Guidelines Section 15061.)

Finally, the Project is not exempt from CEQA under the current facilities exemption (Guidelines §15301) because the scope of the Project goes beyond facilities and includes emergency planning incorporated into the General Plan. Moreover, the facilities exemption is inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant (Guideline Section 15300.2(b).) As defined in Guidelines § 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An adequate discussion of significant cumulative impacts reflects the “change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.” (Guidelines § 15355(b).) “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (*Ibid.*)

The General Plan amendments and Evacuation Plan, when considered in combination with pre-existing, pending and future projects in the surrounding area, all of which will result in cumulative impacts related to public safety, wildfire risk and traffic, among other impacts. An EIR must address cumulative traffic and land use impacts, as well as other impacts related to evacuation due to wildfire emergencies.

This Project requires environmental review that addresses the cumulative impacts created or knowingly allowed by the City in this area without sufficient study or mitigation. The Staff Report claims that CEQA environmental review will occur at later stages, but fails to mention that nearly all the land use decisions that impact evacuation capacity will be made without any CEQA review due to the ministerial process imposed by the City’s AHO ordinance. The access and public health hazards created by uncontrolled usage of the area (due to high-density development without any CEQA review or public input⁸), which is a high fire hazard zone, must be analyzed and mitigated before further actions are taken. Cumulatively, the City’s series of actions could have significant adverse impacts on evacuation access that have not been adequately considered or mitigated. The City has failed to forthrightly describe its actual project, or presented alternatives, or mitigation measures for its decision to adopt the evacuation measures as would be presented in an actual EIR under CEQA.

III. CONCLUSION

Thank you for the opportunity to comment on the proposed General Plan update. PRISMM respectfully requests that, for all the foregoing reasons, the Commission reject the Staff Report and Evacuation Analysis, require a full analysis that includes Kanan Road as an evacuation route and the full amount of traffic due to the high-density residential development planned. PRISMM also requests that the City prepare an EIR for the Project so that the public can be properly informed of the impacts from the revisions to the Safety Element.

⁸ See Exh **x**.

Sincerely,

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