

1 Mary Altmann
2 1857 Lookout Drive
3 Agoura, CA 91301
4 818-667-3590
5 Pro-per

FILED
LOS ANGELES SUPERIOR COURT

REC'D *S*
MAY 09 2007
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JOHN A. CLARKE, CLERK
A. Fajardo
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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES
11 UNLIMITED CIVIL CASE

12 MARY ALTMANN,

13 Petitioner/Plaintiff

14 v.

15 CITY OF AGOURA HILLS CITY
16 COUNCIL,

17 Respondents/Defendants
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Case No. BS104251

~~[PROPOSED]~~ JUDGMENT

Date: May 16, 2007 (OSC re: Judgment)
Time: 8:30 a.m.
Dept: 13 (Hon. James C. Chalfant)

Action filed: July 19, 2006
Trial Date: April 13, 2007

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MAY 10 2006

24 On Friday, April 13, 2007 this Court (Hon. James C. Chalfant, Judge
25 Presiding), heard oral argument from counsel of record for all parties named in this
26 action, on the motion of petitioner/plaintiff Mary Altmann (Petitioner) for peremptory
27 writ of mandate. On Friday, April 20, 2007 the Court filed a statement of decision on the
28

1 petition for writ of mandate.

2 The Court granted the petition, ordering issuance of a writ commanding
3 respondent/defendant City of Agoura Hills City Council ("City") to vacate and set aside
4 the adoption of resolution no. 06-1419 certifying the program Environmental Impact
5 Report ("EIR") for the Agoura Village Specific Plan ("AVSP"); the adoption of
6 statement of overriding considerations, adoption of a mitigation monitoring and reporting
7 program associated with this project, the adoption of the AVSP, the adoption of
8 Resolution No. 06-1420; the adoption of resolution No. 06-1421; the adoption of
9 ordinance No. 06-334, and adoption of zone change No. 06-335.

10 The court denied Petitioner's motion to augment the administrative record
11 with the map entitled "Pending Projects in Agoura Village".

12 The Court's statement of decision states that if the City intends to go
13 forward with the project, then the City must prepare a new EIR or conduct some other
14 appropriate review. The City must prepare a complete recent assessment of biological
15 resources, sensitive fish, wildlife, reptile and amphibian species including the pond turtle,
16 and all rare natural communities located on the entire site of the AVSP. The mandatory
17 surveys will also reveal where the grasslands are located. Furthermore, the City cannot
18 mitigate environmental impacts that have not been properly evaluated. The City will also
19 need an expert biologist to support the replanting of sensitive plant species as proper
20 mitigation, if they attempt to mitigate in this way. In addition, an update for the
21 individual projects may be necessary. The City will also need a more complete
22 discussion of why a reduced specific plan alternative does not meet project objectives.
23 Lastly, the Court ordered Petitioner to prepare and serve a judgment and a writ of
24 mandate consistent with the Court's decision.

25 Based on these rulings,

26 THE COURT NOW ORDERS, ADJUDGES AND DECREES as follows:

- 27 1. A peremptory writ of mandate shall issue from the Clerk of this
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1 Court, which shall remand the matter to the City of Agoura Hills City Council to:

2 1.1. Set aside and void the adoption of resolution no. 06-1419 certifying the
3 program EIR for AVSP; the adoption of statement of overriding considerations, adoption
4 of a mitigation monitoring and reporting program associated with this project, the
5 adoption of the AVSP, the adoption of Resolution No. 06-1420; the adoption of
6 resolution No. 06-1421; the adoption of ordinance No. 06-334, and approval of zone
7 change No. 06-335.
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9
10 1.2. If the City wishes to proceed with the project or with any alternative, the
11 City must conduct a new environmental review consistent with this Court's statement of
12 decision of April 20, 2007, and all other applicable provisions of CEQA and the State
13 CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.), before taking further
14 action concerning the AVSP and all its related components.
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16 2. After the City has complied with the peremptory writ issued pursuant to
17 this judgment, the City shall file and serve a return to the writ, showing full compliance
18 with the writ.
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20 ~~3. Petitioner's request for an award of private attorney general fees under~~
21 ~~Code of Civil Procedure section 1021.5 shall be determined by this Court, pursuant to~~
22 ~~noticed motion to be filed and served no later than 60 days after service of notice of entry~~
23 ~~of judgment in this action.~~

24
25 4. Petitioner shall recover costs from the City, ~~including the costs spent for the~~
26 ~~administrative record~~, in the sum of \$ _____.
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1 5. Petitioner shall serve notice of entry of this judgment to counsel of record
2 for the City, and shall promptly thereafter file a proof of service of notice of entry.
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4 DATED: May 14, 2007
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6 
7 _____
8 James C. Chalfant
9 Judge of the Superior Court

10 PROPOSED JUDGMENT LODGED BY PETITIONER MARY ALTMANN
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1 **PROOF OF SERVICE BY EMAIL**

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3 1. At the time of the email transmissions described below, I was at least 18 years of age,
4 and my address is 1857 Lookout Drive, Agoura, California 91301.

5 2. On April 27, 2007 I emailed Mr. Pierce of Richards/Watson and Gershon from my
6 email address which is msmaryalt@aol.com. the foregoing document entitled "[PROPOSED]
7 JUDGMENT." Mr. Overton's fax number is ppierce@rwglaw.com .
8

9 3. These email verification was reported as complete. I have attached to this declaration
10 true copies of this email.

11 I declare under penalty of perjury that the above is true and correct, and that I have
12 executed this proof of service in Agoura, California, on May 9, 2007.
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16 Mary Altman
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