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February 17, 2015

VIA E-MAIL (MICHAEL.KAPLAN@LACITY.ORG) AND U.S. MAIL

Michael Kaplan, Deputy City Attorney
Office of the City Attorney, City of Los Angeles
200 North Main Street, Room 701
Los Angeles, California 90012

Re: Appeal to City Council of Notice of Exemption and Board of Public Works Approval for the Class "B" Permit for Non-Standard Improvements on Bulwer Drive, w.o. No. BR003460 (File No. 13-121) (the "Project")

Dear Mr. Kaplan:

This office represents Bulwer Drive, LLC.

We are in receipt of a purported notice of appeal filed by the Santa Monica Mountains Conservancy (the "Conservancy"), dated December 15, 2014, of the Notice of Exemption dated March 12, 2014, by the Board of Public Works for the above-referenced Project, which was prepared by the Environmental Management Group of the Bureau of Engineering ("BOE").

No such appeal is available. The Notice of Exemption for the environmental clearance given the Project was filed on September 18, 2014. As I am sure you are aware, CEQA provides short limitations periods in which to attack a lead agency's environmental determination. As relevant here, Public Resources Code § 21167(d) provides that an action alleging that a public agency has improperly determined that a project is not subject to CEQA or is exempt must be filed within 35 days of the filing of a Notice of Exemption. Accordingly, the time period in which to challenge the issuance of the subject exemption by BOE expired on October 23, 2014. As a result, the Categorical Exemption is no longer subject to challenge in court or in further administrative proceedings. See Kosta & Zischke, *Practice Under the California Environmental Quality Act* § 23.31 (2014) (lead agency may only reconsider exemption determination if new discretionary action is taken).

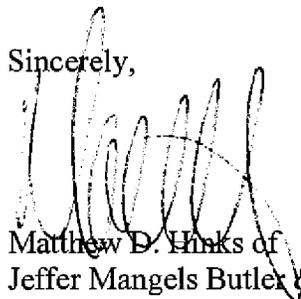
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Accordingly, no appeal is available to the Conservancy. We hereby demand that the City terminate appeal proceedings immediately and notify us as soon as it has done so.

All rights and remedies accruing to Bulwer Drive, LLC are expressly reserved.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew D. Hinks". The signature is stylized and somewhat cursive, with a large initial "M" and "H".

Matthew D. Hinks of
Jeffer Mangels Butler & Mitchell LLP

MH:mh

cc: Kevin K. McDonnell