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April 23, 2015

Los Angeles City Council
Attention: Public Works and Gang Reduction Committee
Room 395, City Hall
Los Angeles, CA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) APPEAL OF BOARD OF PUBLIC WORKS CEQA FINDING FOR THE CLASS "B" PERMIT FOR VOLUNTARY NON-STANDARD IMPROVEMENTS ON BULWER DRIVE (COUNCIL FILE NO. 14-1297)

Honorable City Council:

On September 15, 2014, the Board of Public Works (Board) found the Class "B" Permit for Voluntary Non-Standard Improvements on Bulwer Drive to be categorically exempt under the California Environmental Quality Act (CEQA) and approved the "B" Permit. On December 15, 2014, the Santa Monica Mountains Conservancy submitted to the Office of the Clerk an appeal to the City Council relative to: (1) the finding that the Class B Permit for voluntary non-standard improvements on Bulwer Drive was categorically exempt under CEQA and (2) the filing of a Notice of Exemption (NOE) under CEQA. This CEQA Section 21151(c) appeal was filed by Paul Edelman, Natural Resources Planning Deputy Director of the Santa Monica Mountains Conservancy.

The CEQA appeal urges that the City Council deny approval of the NOE until the CEQA documentation is revised to adequately disclose the project's significant adverse impacts and until all feasible alternatives and mitigation measures have been adopted as required by CEQA. The Department of Public Works, Bureau of Engineering (BOE) staff has reviewed the appeal and the finding of exemption. BOE believes that the appeal does not present substantial evidence that the finding was not proper based on the requirements of CEQA.

Therefore, it is the BOE staff's recommendation that the Public Works and Gang Reduction Committee recommend that the City Council:



1. DENY the appeal filed by the Santa Monica Mountains Conservancy relative to the finding by the Board of Public Works that the Class "B" Permit for Voluntary Non-Standard Improvements on Bulwer Drive is categorically exempt under the California Environmental Quality Act (CEQA).
2. ADOPT the September 15, 2014, action of the Board of Public Works of the City of Los Angeles (Board) in which the Board found that the project is categorically exempt under CEQA after considering the notice of exemption on file in the Board Office.
3. DIRECT staff of the Department of Public Works Bureau of Engineering to file a Notice of Exemption with the Los Angeles City Clerk and the Los Angeles County Clerk.

The City also received a letter dated February 17, 2015, from Jeffer Mangels Butler & Mitchell LLP, which represents the project applicant, Bulwer Drive LLC. This letter states that the CEQA appeal filed by the Santa Monica Mountains Conservancy on December 15, 2014 is not available because the appeal was filed more than 35 days after the filing of the NOE of the Board's action on September 18, 2014. As explained in the enclosed report, BOE believes the City Council may properly consider the current CEQA appeal.

The enclosed report (Staff Report with three Attachments) was prepared in consultation with the Office of the City Attorney and is hereby submitted for consideration to each point raised in the appeal and the letter submitted on behalf of the applicant concerning the appeal.

Sincerely,



Gary Lee Moore, PE, ENV SP
City Engineer

GLM/mm
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Enclosure