

SANTA MONICA MOUNTAINS CONSERVANCY

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December 15, 2014

City Council
via Los Angeles City Clerk
200 N. Spring Street, Room 360
MS 160-01
Los Angeles, California 90012

**Appeal to City Council of Notice of Exemption and Board of Public Works Approval
for the Class "B" Permit for Voluntary Non-Standard Improvements
on Bulwer Drive – w.o. No. BR003460 (File No. 13-121)
Public Resources Code Section 21151(c)**

Honorable City Councilmembers:

The Santa Monica Mountains Conservancy (Conservancy) hereby appeals any certification of the Notice of Exemption (NOE) (Categorical Exemption) dated March 12, 2014 by the Board of Public Works for the above-referenced project prepared by the Environmental Management Group of the Bureau of Engineering. The Board of Public Works final action on the project and NOE was September 15, 2014.

The Conservancy is the chief State planning agency for the Santa Monica Mountains Zone that includes the subject property. The Conservancy respectfully urges the City Council to deny approval of the subject project and NOE until the California Environmental Quality Act (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 grounds for the Conservancy's appeal are summarized below.

The project is not categorically exempt from CEQA because it does not adequately disclose, analyze, and mitigate potential biological, visual, growth-inducing and cumulative impacts. The project is located in the Mulholland Scenic Parkway Specific Plan area.

As noted in the subject Categorical Exemption (NOE) narrative, in 2006 the Planning Department determined that a proposal to develop 8033-8037 Bulwer Drive (City Planning Case DIR 2005-8437-DRB-SPP) was not entitled to categorical exemption status under CEQA, "Based in part on the construction of 800 linear feet of fully-improved roadway within City right-of-way (Bulwer Drive) in conjunction with the proposed single-family dwelling project." Narrative at page 5. The Planning Department reasoned that, "full development

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of this portion of Bulwer Drive is likely to result in the development of at least ten additional vacant lots which will be service by this roadway. The environmental effects of the road construction could therefore be cumulative and potentially growth-inducing."

The NOE erroneously concludes that this 2006 determination by the Planning Department does not apply to the current proposal for non-standard improvements because those improvements would not satisfy the requirements for development of the vacant lots that the drive serves, and that therefore the proposed project will not in itself allow any further development. This conclusion is far reaching and mostly false because City approval of single family homes on substandard roads without full compliance with the Hillside Ordinance's requirements is a common outcome. It is reasonably foreseeable that the improvements proposed would result in the development of existing vacant parcels along Bulwer Drive as the primary obstacle to development – improving the road – would be removed.

For example the proposed project would provide paved access via a "B" permit to six undeveloped (applicant-owned) lots located between the applicant's two existing houses and existing paved city street. If the City in 2009 issued Certificates of Occupancy for the applicant's two existing houses, with access via the existing dirt road conditions, how could the City deny approval of new single family homes on the subject six lots with a new paved road and new appurtenant drainage infrastructure? If the proposed road improvements make the road adequate for the two existing houses, then it is reasonable to foresee that owners of vacant lots located even closer to the existing standard city roadway should expect approval of single family homes. The City's CEQA analysis has not looked at an adequate range of alternatives to address the applicant's issues without resulting in significant environmental impacts.

The NOE does not address how the subject portion of unpaved, City-owned Bulwer Drive is a critical element of the wildlife habitat linkage system between Laurel Canyon Boulevard and the Nichols Canyon watershed. Residents regularly photograph bobcats and mule deer using the subject portion of the dirt road as a wildlife corridor. The fact that the contiguous City-owned street right-of-way cannot be unilaterally blocked by private fencing makes it an irreplaceable natural asset. The impacts of the proposed project on this resource have not been disclosed or analyzed. The potential impacts of grading within the driplines of protected coast live oak trees adjacent to the proposed improvements have also not been disclosed or analyzed.

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As part of the proposed project, two landowners must give the City permission to grade and pave their properties to benefit the applicant, a private party. If the landowners do not provide consent, the City probably must condemn easements. The NOE is potentially deficient for not addressing the implications of those two landowners not providing such consent.

The NOE does not adequately describe the need, location and details for the proposed drainage improvements included in the project description on four private properties owned by the applicant. Those drainage improvements could be growth-inducing and result in visual impacts from both Mulholland Drive and City-owned parkland at the southwest corner of Mulholland Drive and Laurel Canyon Boulevard. Currently there is a wide open earthen chute that steeply descends from the applicant's two existing houses on Bulwer Drive straight to Laurel Canyon Boulevard where it terminates at a standpipe protected by temporary k-rails along the street. The deficiencies of this drainage element relative to the remainder of the proposed project must be evaluated as part of the proposed project.

The NOE states that two feet of native dirt would be excavated for a minimum of the full proposed pavement width for a distance of 750 feet (one seventh of a mile). If the pavement averages approximately 12 feet in width, not accounting for excavation expansion, 700 cubic yards of material would have to be trucked out of the neighborhood. To fill the area, 700 cubic yards of fill and 200 cubic yards of paving material would have to be trucked in. The NOE does not address the potential impacts of these truck trips on the neighborhood or on the stability of the subject portion of Bulwer Drive. The NOE is further deficient for not addressing the longterm compatibility of the proposed improvements with the existing road bulwarks on both public and private land.

Any questions and correspondence should be addressed to my attention at the above letterhead address, by phone at 310-589-3200 ext. 128, and by email at edelman@smmc.ca.gov.

Sincerely,



PAUL EDELMAN

Deputy Director

Natural Resources and Planning

cc: City of Los Angeles Board of Public Works