

Memorandum

To : The Conservancy
The Advisory Committee

Date: August 27, 2007

From : 
Joseph T. Edmiston, FAICP, HON. ALSA, Executive Director

Subject: **Agenda Item 15: Consideration of resolution authorizing an appeal of the City of Los Angeles Board of Public Works' approval of "B" permits for Tract No. 35022 and related projects, Elephant Hill, El Sereno.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing an appeal of the City of Los Angeles Board of Public Works' approval of "B" permits for Tract No. 35022 and related projects, Elephant Hill, El Sereno

Legislative Authority: Section 33211 (c) of the Public Resources Code

Background: Second only to Ascot Hills and Ernest E. Debs Regional Park, Elephant Hill is the largest open space area of the many Northeast Los Angeles hilltops in the approximate area of where the Los Angeles River and Arroyo Seco join. A portion of the hill system is in South Pasadena. The open space area is not bisected by any paved roads and contains significant natural resources. The attached aerial photograph figure shows the context of the subject development in Elephant Hill.

In the 1992, the City of Los Angeles certified a Final Environmental Impact Report (FEIR) for a maximum of 24 homes in Tract Map 35022 within Elephant Hill. An attachment entitled, Elephant Hill timeline, provides great detail of events both leading up to, and after, the FEIR certification and approval of the project. A series of other attachments provide background on how the City staff, the applicant, and opponents have addressed the issues.

At its June 26, 2007 meeting the Conservancy adopted a letter to the Director of Planning and the District Engineer stating that the project had not been adequately reviewed under the California Environmental Quality Act (CEQA) and that the current project boundaries far exceeded the project description in the relevant CEQA documents. The two attached figures show how the project was expanded and how the subject applicants would benefit with additional construction potential from the expanded infrastructure. Staff subsequently testified at two City Council Committee hearings and one City Council meeting. At this last City Council meeting on June 20, 2007, Councilmember Huizar, the 14th District representative, was successful in getting his colleagues to adopt a motion to require a Supplemental EIR. The applicant promptly filed suit against the City.

Then on August 8, 2007 the Board of Public Works adopted a recommendation of the City Engineer to: (1) Complete the remaining ministerial actions of issuing a B-Permit for work specified in the conditions for both Tract (No. 35022) and Parcel (No. AA-205-0849-PMLA) maps; (2) Process the Resolution of Acceptance for the dedication of land for the Pullman Street realignment adopted by the City Council on September 28, 2005; (3) Accept the final parcel map for recordation; and (4) Issue all other ministerial permits associated with the development of the Pueblo Avenue Subdivision (Elephant Hill).

Staff provided written and verbal testimony to the Board emphasizing that such actions were not supported with valid CEQA review.

The City Council can reassert its authority by a special vote as described below. However, if the vote is not successful, the Board of Public Works action must be formally appealed. It is unclear when that exact appeal deadline occurs. It may actually be necessary for staff to file an appeal prior to the Conservancy's August 27, 2007 meeting. Such an action is necessary for the project opponents to exhaust all administrative remedies. The proposed action authorizes such an appeal.

Subsequent to the Board of Public Works vote, Councilmember Huizar then submitted a motion under City Charter Section 245 to request that City Council assert jurisdiction over the action by the Public Works Board regarding the B-Permits for Tract 35022. The motion will come before City Council on September 11th. The wording of the motion is as follows.

MOTION-Submitted August 15, 2007

On November 28, 2006, the City Council referred a Motion (Huizar-Hahn) to the Planning and Land Use Management Committee that requested, among other things: (1) That the Planning Department, Building and Safety and the Bureau of Engineering, with the assistance of the City Attorney, to prepare a report, to determine whether the most recent grading plans and designs for the Pueblo Subdivision, evaluated against the previous Environmental Impact Report No. 172-85 (SUB)(REC), and its associated Statement of Overriding Considerations, trigger the need for a subsequent or supplemental Environmental Impact Report; (2) Whether new information of substantial importance related to the hydrology of the hillside triggers the need for a subsequent or supplemental Environmental Impact Report; (3) Whether all feasible mitigation measures, in light of substantial changes to the project and new information, have been incorporated into the Pueblo Subdivision Project; and (4) Whether any other circumstances exist that would merit conducting further environmental review under the California Environmental Quality Act

(CEQA), including CEQA Guidelines (Sections 15162-15164).

The Motion further requested that no discretionary, ministerial action or approval be granted for the Pueblo Subdivision Project, or any portion thereof, by the Planning Department, Building and Safety and the Bureau of Engineering, until the above-described report is presented to the City Council.

On June 20, 2007, the City Council took the following two actions regarding this matter:

(1) the report of the Planning and Land Use Management Committee that was submitted without recommendation; and (2) Adopted a Verbal Motion (Huizar-Zine) relative to whether a further Environmental Impact Report (EIR) is required for the Pueblo Subdivision Project, to require that a supplemental EIR be completed for this Project.

The action of the Board to issue the B-Permits and take the other described actions is inconsistent with the City Council directive that supplemental environmental review be conducted on this project before it proceeds.

I THEREFORE MOVE the City Council take the necessary steps to assert jurisdiction over the August 8, 2007, action of the Board of Public Works in adopting a report of the City Engineer recommendation to (1) Complete the remaining ministerial actions of issuing a B-Permit for work specified in the conditions for both Tract (No. 35022) and Parcel (No. AA-205-0849-PMLA) maps; (2) Process the Resolution of Acceptance for the dedication of land for the Pullman Street realignment adopted by the City Council on September 28, 2005; (3) Accept the final parcel map for recordation; and (4) Issue all other ministerial permits associated with the development of the Pueblo Avenue Subdivision (Elephant Hill).

I FURTHER MOVE that upon assertion of jurisdiction by the City Council, that this matter be referred to the Planning and Land Use Management Committee.

PRESENTED BY Councilmember Jose Huizar
SECONDED BY Councilmember Tom LaBonge

Staff is prepared to testify at the September 11th City Council meeting on this motion.