



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: August 7, 2012

SUBJECT: **Agenda Item VII: Public hearing and discussion regarding the proposed Mitigated Negative Declaration for the Ballona Creek - Milton Park project.**

Staff Recommendation: That the Governing Board conduct a public hearing and discussion regarding both the adequacy and completeness of the environmental documentation for the Milton Park project.

Background: Milton Park is located in the City of Los Angeles adjacent to the Ballona Creek and consists of 1.2-acres. Improvements include on-site as well as off-site "green street" elements. The on-site improvements will include a shade structure on elevated platform for shade and birdwatching opportunities, multi-functional lawn space, pedestrian pathways, bicycle garden with bike racks, new entry gateways, ADA-accessible ramp, outdoor classroom, overlooks, native landscaping, interpretive panels, storage shed, seating, and other park amenities. Improvements to the adjacent street include BMPs such as Vegetated Stormwater Curb Extensions (VSCEs) located on both sides of the street to clean dry and wet-weather runoff, native landscaping including approximately 54 street trees, storm drain screens, cross walk, and sidewalk on south side to improve public safety.

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 *et seq.*) and the CEQA Guidelines (Title 14, California Code of Regulations §15000 *et seq.*), an Initial Study (IS) was prepared to support the adoption of a Mitigated Negative Declaration (MND) for the Milton Park project. The IS/MND evaluated the potential environmental impacts associated with project implementation and identifies the mitigation measures that would reduce or avoid the project's significant adverse impacts on the environment.

Section 15367 of the CEQA Guidelines defines the Lead Agency as the public agency with the principal responsibility for carrying out or approving a project. The Mountains Recreation and Conservation Authority (MRCA) will be responsible for the approval and construction of the proposed project, as well as for its long-term maintenance. The MRCA is serving as the Lead Agency for the proposed project and is therefore responsible for complying with CEQA and the CEQA Guidelines.

Section 15063(c) of the CEQA Guidelines identifies the purposes of an Initial Study as follows:

- (1) To provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or a Negative Declaration;
- (2) To enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration;
- (3) To assist in the preparation of an EIR, if one is required, by focusing the EIR on the effects determined to be significant, identifying the effects determined not to be significant, explaining the reasons for determining that potentially significant effects would not be significant, and identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects;
- (4) To facilitate environmental assessment early in the design of a project;
- (5) To provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
- (6) To eliminate unnecessary EIRs; and
- (7) To determine whether a previously prepared EIR could be used with the project.

The Initial Study for the proposed project serves these purposes, and supports a MND. As analyzed in the IS, while the proposed project could have a significant effect on the environment, there will not be a significant effect in this case as revisions to the project have been made or agreed to.

The public review period for the IS/MND runs from July 23, 2012 through August 22, 2012. Notice to the public of the subject action was given via several methods. The Notice of Intent (NOI) was sent to local agencies, filed with the County Clerk, posted on MRCA's website, and mailed to all individuals who attended project community meetings. A notice was published in the *Los Angeles Times* on July 23, 2012, and the NOI and copies of the document were sent to the State Clearinghouse.

Following the public review period, the Governing Board shall consider adoption of the Mitigated Negative Declaration. Staff will respond in writing to all written comments and public testimony, which pertains to the adequacy and completeness of the environmental documentation received during the review period.