



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

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

DATE: September 18, 2012

SUBJECT: **Agenda Item VIII: Consideration of resolution authorizing adopting Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Milton Street Park project, Los Angeles.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing adopting Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Milton Street Park project, Los Angeles.

Background: The Milton Street Park Project is located in the City of Los Angeles adjacent to the Ballona Creek and consists of a 1.2-acre vacant parcel owned by the Baldwin Hills Regional Conservation Authority (BHRCA). The current project scope includes on-site park improvements as well as off-site "green street" construction. 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 with ADA-accessible ramp, outdoor classroom, overlooks, native landscaping, interpretive panels, seating, and other park amenities. Green street improvements to the adjacent street include Best Management Practices (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 native street trees and shrubs, storm drain screens to capture trash, 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 identified the mitigation measures that would reduce or avoid the project's significant adverse impacts on the environment. There will be no significant environmental effect from this project. Anything that could have been a significant impact will be reduced to less than significant because changes were

made to the project. These are the mitigation measures that will be required of the general contractor.

The Mountains Recreation and Conservation Authority (MRCA) will be responsible for the approval and construction of the Milton Park 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.

The mitigation measures are fully described in the attached Mitigation Monitoring and Reporting Program and reflect standard practices for this type of project. The proposed mitigation measures for Milton Park include construction practices to reduce emissions and noise, protection of nesting birds, and geologic requirements. Mitigation measures are also specified for procedures the contractor must follow in the event archaeological or paleontological resources are encountered.

The public review period for the IS/MND was from July 23, 2012 through August 22, 2012. A public hearing was held by the Governing Board on August 7, 2012 regarding both the adequacy and completeness of the environmental documentation. Notice to the public of the IS/MND was given via several methods. The Notice of Availability/Notice of Intent (NOA/NOI) was mailed to local agencies and members of the public who attended previous community meetings, filed with the County Clerk, and posted on MRCA's website. A notice was also published in the Los Angeles Times on July 23, 2012, and the NOA/NOI and copies of the document were sent to the State Clearinghouse. A copy of the IS/MND document was available at the MRCA's Los Angeles River Center and Gardens offices for public viewing. MRCA staff attended a meeting of the Del Rey Residents Association on August 6, 2012, to update and brief the community on the status of the project and the public comment process for the MND.

Per CEQA Guidelines Section 15074, the Governing Board shall adopt the proposed mitigated negative declaration "...only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis."

MRCA received seven (7) written letters or e-mails during the public review and comment period, no oral comments during the public hearing, and no written comment letters after the review and comment period. The commenting parties are listed in the attached "comments and responses" document. Comments that did not pertain to the potential environmental effects of the project are discussed below. Additionally, when applying for grants from Baldwin Hills Conservancy and State

Coastal Conservancy, MRCA received letters of support from the following agencies and partners: City of Los Angeles (Watershed Protection Division), Santa Monica Bay Restoration Commission, Ballona Creek Renaissance, County of Los Angeles (Watershed Management Division), and the Baldwin Hills Regional Conservation Authority.

While not an evaluation of the environmental documentation, the State Department of Fish and Game determined that for purposes of the assessment of CEQA filing fees, the project has no effect on fish, wildlife or their habitat and the project as described does not require payment of a CEQA filing fee. That fee is \$2,101.50 as of January 1, 2012.

Written responses were prepared to address each environmental concern raised, and this "comments and responses" document shall become part of the final MND along with the Mitigation Monitoring Reporting Plan. Any changes to any of these documents made at the September 18, 2012 meeting shall also become part of the final MND with no further action required of the Governing Board. Once the MND is adopted by the Governing Board, the Governing Board must approve the project, and the final step is to file a Notice of Determination which shall be filed with the State Clearinghouse and Los Angeles County Clerk.

Comments received on the design of Milton Street Park

Some comments received during the public comment period pertained to park design and safety. Such questions do not relate to the IS/MND or environmental impacts and as such BonTerra did not cover them within the final environmental document. MRCA has taken the opportunity to respond to these design questions excluded from the MND. The questions and corresponding responses are provided below.

Comment 1:

Is there any difference between those two May 24th e-mail conceptual design PDFs and the illustrative design in exhibit/Figure 3-1 of the updated BonTerra Consulting document [IS/MND]?

Response 1:

The illustrative plan shows the park's layout and is based on the initial conceptual design. The illustrative design in the IS/MND is a refinement of the earlier conceptual design and it shows more detail as to types of site elements, locations of those elements, hardscape types, etc. The basics of the conceptual design are still present.

Comment 2:

Where can we see/view design diagrams that are large enough for readability? The two PDF files that you sent to us in May, while helpful, were a challenge to print and the fonts not large enough for readability once printed. It is difficult for us to get to your 570 West Avenue 26 location to see a readable illustrative design (that is exhibit 3-1), which is almost unreadable from the MRCA web site. It would have been helpful if a readable exhibit/Figure 3-1 were available at the DRRRA meeting because it is a new exhibit/Figure not seen at the neighborhood/community meetings held in 2008.

Response 2:

Comment noted. There was a readable printed copy of the design available at the DRRRA meeting. MRCA representative, Ana Petrljic, used it to explain the project and it's various design elements. A copy was also passed around the room for more up-close and detailed viewing. Additionally, if viewing on MRCA's web-site, it is possible to use the zoom tool to make the fonts on the illustrative design diagram as large as desired.

Comment 3: (Responses are provided below each comment in *italics*)

We are very concerned about the size and quantity of the trees that will be planted. Here are some related questions/comments:

a. What kind(s) of trees will be planted?

Sycamore trees will be planted along the sidewalks of Milton Street, pending approval by the City of Los Angeles during the plan check process.

b. Why are there so many trees in the design? Fifty-four strikes us as over-planting.

The purpose of the trees within the street is to create habitat for local wildlife, provide shade for pedestrians, reduce the Urban Heat Island effect created by an asphalt road, generate oxygen, and remove pollutants from the air thus helping to address and reduce Green House Gas (GHG) emissions and helping with the adverse impacts of global warming. The proposed spacing is intended to maximize those benefits.

As indicated on page 4-32 of the IS/MND:

The California Legislature adopted the public policy position that global warming is "a serious threat to the economic well-being, public health, natural resources, and the environment of California" (California Health and Safety Code §38501). Further, the State Legislature has determined that:

The potential adverse impacts of global warming include the exacerbation of air

quality problems, a reduction in the quality and supply of water to the state from the Sierra Nevada snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious disease, asthma, and other human health-related problems.

These public policy statements became law with the enactment of AB 32 in September 2006. AB 32 is now codified as Sections 38500–38599 of the California Health and Safety Code. Thus, the principal State plan and policy adopted for the purpose of reducing GHG emissions is AB 32. The quantitative goal of AB 32 is to reduce statewide GHG emissions to 1990 levels by the year 2020.

e. How far apart will the trees be planted?

The spacing varies due to the differing length of planters, and other obstructions, and is based on a 20' module.

f. Who (that is, what agency) will have responsibility for the trees' maintenance?

Tree maintenance obligations will be determined during the permitting process.

g. Are the 54 trees completely/totally on Los Angeles City property?

Yes, they are all on City of Los Angeles owned street right-of-way.

h. Are the 54 trees that the MRCA is going to plant on the City property on Milton considered part of the Park once they are planted, or do they become the property and responsibility of the City of Los Angeles once planted?

See response to question f above.

i. Is the Park completely on Los Angeles County property?

The park is in the County of Los Angeles but owned by the Baldwin Hills Regional Conservation Authority (a local park agency).

j. Who/what agency will own responsibility for the maintenance of the park?

Mountains Recreation and Conservation Authority will maintain the park.

Comment 4:

At the DRRA meeting you stated that the eucalyptus trees, which are currently on the property, would not be removed. You stated that the Army Corps of Engineer's vegetation policy does not allow trees in the Park; and, therefore, the eucalyptus trees will remain because they will be the only trees in the Park (basically, they are *grandfathered*). The eucalyptus trees were a strong/hot

topic of discussion at the neighborhood meetings held in 2008 by the MRCA for neighbors' input. At that time, a tree expert stated that they are prone to root rot and are not California natives. A large section of one such tree crashed down on the bike path a couple of years ago because of dry rot. Fortunately, no person was its victim. The eucalyptus trees alongside Milton are exceedingly top heavy, have limbs that hang precipitously low, have limbs that fall off, and are a source of crime. Gunshots have been fired from the trees across Ballona Creek to Rosy Circle. The trees create a dangerous canopy for people with bad intent hiding within them. While driving on Milton recently, we witnessed bicyclists going under the canopy and using it as a toilet.

Response 4:

To clarify, there is only one eucalyptus tree on BHRCA property. The other eucalyptus trees in the vicinity are located on an adjacent property owner's land.

As explained in the Del Rey Residents Association (DRRA) meeting, MRCA had our certified arborist inspect the current health and safety of the tree in May 2012. After a thorough investigation, he deemed it to be both healthy and safe (without any dry rot).

The branches that fell from the tree a couple of years ago did not fall as a result of "dry rot". It was due to some un-maintained heavy branches. MRCA will keep the tree maintained.

Comment 5:

We have requested that a community meeting be held to receive comments for the *Notice of Intent* design, which is a different design compared to what was agreed to in 2008 by the neighbor community? Does the comment period of 7/23/2012- 8/22/2012 preclude such a meeting?

Response 5:

The design depicted in the IS/MND is not different than the 2008 version of the conceptual design, but it has been refined and further developed. For example, some of the park elements, such as the shade structure and pedestrian path, were rearranged on-site. MRCA had two public meetings during the comment period. The first opportunity for the public to meet with MRCA and provide their comments and concerns regarding the project was on August 6th at the Del Rey Residents Association meeting at which a presentation and project update was provided by MRCA's Ana Petrlc and questions from the community were answered. According to the president of the DRRA (Elizabeth Pollock), invitation to this meeting was sent to "everyone on the Del Rey Residents Association and the Del Rey Neighborhood

Council e-mail lists". The second meeting was held on August 7th when the MRCA Board held a public hearing to receive comments on the IS/MND.

Comment 6:

The Notice of Intent came in an envelope from Bonterra Consulting, 225 South Lake Avenue, Suite 1000, Pasadena, CA 91101. Who/what is Bonterra Consulting? Has it done other MRCA projects? If so, which ones?

Response 6:

BonTerra Consulting is MRCA's environmental consulting firm on this project. They are also working with MRCA on another, separate project, in the area called "Park to Play Regional Trail".

Comment 7:

What is the budget for this Park? How will it be funded? When will it be funded?

Response 7:

The current budget is \$3,000,000. The project will be funded by the Baldwin Hills Regional Conservation Authority, Baldwin Hills Conservancy, State Coastal Conservancy, and Santa Monica Bay Restoration Commission. We expect full funding by December 2012.

Comment 8:

At the DRRA meeting, you mentioned that there will be an area of steps for an outdoor children's classroom. What are the overall measurements of those steps?

We are concerned that those very steps/stairs will attract the homeless both day and night and be a problem for the schoolchildren and for the people enjoying the park. How and by whom will this be monitored?

Response 8:

The rise of each entry step is 6" and the tread is 12". The width varies from 37' at its widest width to 30'6" at its narrowest.

Comment noted. MRCA's belief is that good use drives out the bad: The more the park is used, the more eyes that are on it, there will be less crime and homeless presence that may occur. Currently there is no positive public use of the land. LAPD is available to respond to any incident in addition to MRCA Rangers. Residents should always call 911 for emergencies.