

REPORT OF GENERAL MANAGER

NO. 08-40

DATE February 6, 2008

C.D. 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BELLEVUE PARK RECREATION CENTER - APPROVAL OF INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR OUTDOOR IMPROVEMENTS PROJECT

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*[Signature]*  
General Manager

*FEB 20 2009*

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Review, consider and adopt the Initial Study (IS) and Mitigated Negative Declaration (MND) for Bellevue Outdoor Improvements Project, (MND Document No. MND-RP-772-05) finding that on the basis of the whole record of proceedings in the project, including the IS/MND and any comments received, there is no substantial evidence that the project will have a significant effect on the environment, and all potentially significant environmental effects of the project have been properly disclosed, evaluated, and mitigated in the IS/MND in compliance with the California Environmental Quality Act (CEQA) and the State and City CEQA Guidelines, and reflect the Department of Recreation and Parks' independent judgment and analysis;
2. Adopt the Mitigation Monitoring and Reporting Plan published under separate cover that specifies the mitigation measures to be implemented in accordance with the CEQA Guidelines (Section 15074(d)); and,
3. Direct Staff to file a Notice of Determination for the adopted IS/MND with the Los Angeles City Clerk and the Los Angeles County Clerk five Council meetings after of the Board's approval.

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### SUMMARY:

The Bellevue Outdoor Refurbishment Project is a Proposition K funded project approved in 2003 that generally included the refurbishment of the two baseball fields, the basketball court, and the children's play area; and installation of new sports field and security lighting, walkways, and picnic facilities. The proposed Mitigated Negative Declaration (MND) was prepared in response to concerns about project review under the California Environmental Quality Act (CEQA) when the project was originally exempted on June 20, 2003, as an improvements project to an existing recreational facility. Specifically, local residents and the Silver Lake Neighborhood Council raised concerns to the Proposition K Steering Committee about the Local Volunteer Neighborhood Oversight Committee (LVNOC) process of defining the project and whether the CEQA clearance (exemption) addressed the final recommended project components. The surrounding homeowners and the community were generally in favor of the project, but opposed to the installation of the sports field lighting and a batting cage that were added after the Notice of Exemption (NOE) was filed. Ultimately, the project was approved by the Board on September 4, 2004 (Board Report No. 04-281) based on the recommendation of the Steering Committee. The project opponent subsequently filed a lawsuit (i.e., a Writ of Mandate) in State Superior Court on October 13, 2004, to set aside the Board's decision on the grounds of a violation of CEQA and State CEQA Guidelines.

The City Attorney and the litigants conferred on the pending lawsuit and clarified that the only elements of the project at issue were the sports field lighting and the batting cage. Ultimately, it was decided that this matter could be settled out of court by the City agreeing to evaluate the environmental impacts of these two project elements in context with the entire project.

On February 16, 2005, the Board, in conformance with the settlement, approved the construction bids and contract for the project with the exception of the sports field lighting and the batting cage, Deductive Alternatives Nos. 4 and 7, respectively (Board Report No. 05-45). It was also decided that it would be prudent-via change order-to install an underground electrical conduit to support any future sports field lighting that might be approved. This was for the sake of avoiding the costly and damaging need to tear out some of the newly installed park improvements to accommodate any future lighting. The original Notice of Exemption filed for the project covered these Board actions. These park improvements have been completed and final Board acceptance of the project was approved on August 9, 2006 (Board Report No. 06-207). Staff was also directed to proceed with the additional CEQA documentation. Accordingly, the Department retained an environmental consultant to prepare the appropriate environmental documentation. An IS/MND was prepared that determined that all potential environmental impacts could be mitigated to a level less than significant.

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The IS/MND was made available for public review for a 30-day period from October 28, 2005, to November 28, 2005. In addition, a public hearing was held on November 10, 2005, at the Bellevue Recreation Center to provide information on the proposed project and MND process and to receive additional comments. A copy of the hearing transcript is included in Appendix C of the MND.

During the review period, the Department received 255 written comments; of that amount 143 supported the project and 112 raised issues of concern. A vast majority of those letters noting concerns were in form letters. The main issues raised were lighting, noise, parking and traffic, loitering, trash, land use, and biological resources. It is important to note that while a lead agency's written responses to comments are required prior to the certification of an Environmental Impact Report (EIR), such a requirement is less stringent for the adoption of an MND. Specifically, Section 15074 (b) of the CEQA Guidelines states that the lead agency need only "CONSIDER the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process" (emphasis added) before adoption. Nevertheless, the Department staff elected to thoroughly respond to all comments received, and the responses are contained in Section 5.0 of the Final MND. Based on the review of all comments received, the Department concluded that no reasonable or fair arguments have been made that identified new environmental impacts from the project or that would require additional mitigation measures. In addition, staff has determined that there have been no substantial changes in the environmental conditions at the park or in the design of the project since the preparation of the MND; therefore, no revisions to the MND or additional public review and recirculation are required.

If the IS/MND is adopted, staff would proceed with the evaluation of the funding and design requirements for the lighting and batting cage components. The City Attorney and staff of Council District 13 concur with this approach.

### FISCAL IMPACT STATEMENT:

Adoption of the MND will initiate the need to reevaluate the sports field lighting and batting cage components. Approximately \$259,000 in Proposition K funds are earmarked for the completion of this project, but it is uncertain if these will be sufficient until a revised project estimate is completed.

This Board Report was prepared by Michael Shull, Superintendent of Planning and Development.