

SANTA MONICA MOUNTAINS CONSERVANCY

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SMMC
Item 9(a)
Draft Comment Letter
April 23, 2012

Mr. Michael LoGrande, Director of Planning
City of Los Angeles
200 North Spring Street, Suite 525
Los Angeles, California 90012

**Case No. AA 2012-707-WTM / DIR-2008-2620-DRB-SSP-MSP, 2775 North Cahuenga
Boulevard, Cahuenga Pass**

Dear Mr. LoGrande:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments and recommendations on the above-referenced proposed project in the Cahuenga Pass. These recommendations are in addition to those made in our previous letter to the Mulholland Design Review Board (MDRB) dated December 1, 2011. (Please see attached letter.) The subject property's proximity to public open space and location between two wildlife crossings over the 101 Freeway prompted the Conservancy's recommendation that the City require as a condition of this project that the applicant dedicate a conservation easement to a public agency over the undeveloped portion of the property depicted on an accompanying project site plan. (Please see attached project site plan dated 12-1-2011 for proposed dimensions of conservation easement.) The Letter of Determination from the MDRB issued by your office does not appear to be available at this time. It is our understanding that the MDRB conditionally approved the project based on the provision of this wall-to-wall open space conservation easement to the Mountains Recreation and Conservation Authority (MRCA). The MRCA is the most expeditious agency to accept such an easement dedication.

The subject property is located in the Outer Corridor of the Mulholland Scenic Parkway, and is zoned for Medium Residential use. The subject project proposes 42 single-family homes on the 261,033 square-foot lot. MRCA-owned public open space is situated within less than 500 feet to the north and south.

The applicant's request for a waiver of the proposed project's Tract Map requirement is a significant shortcut for a development of this scale and scope in the eastern Santa Monica

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Mountains and Mulholland Scenic Parkway. Our recommendation with regard to this waiver is that it only be granted if the applicant agrees in writing to the following conditions outlined below, and that a conservation easement be recorded prior to any map recordation or the issuance of any permits.

The Conservancy recommends that the recordation of the proposed conservation easement be made a condition for all permits related to the proposed project. The location of 42 homes in the eastern Santa Monica Mountains and the Mulholland Scenic Parkway is a substantial project in a sensitive ecological and viewshed area. Strong compensatory mitigation is required to offset this intrusion. The applicant must put in writing that he voluntarily accepts the aforementioned conservation easement condition. If the applicant does not provide that in writing or in sworn testimony to the City decision-making body, we urge denial of the project.

The conservation easement should be written in form and content acceptable to the Staff Counsel of the MRCA. Suggested allowed and disallowed uses for said easement can be found in the attached letter dated December 1, 2011. Additionally we request that a condition be added to require that the property owner put a notarized letter in the City's project file stating that they agree to the dedication of said conservation easement prior to the recordation of the Final Tract Map.

For the proposed conservation easement to be effective in preserving the long-term scenic and ecological habitat values of the site, it must contain language explicitly forbidding any grading within the easement boundaries. Whether or not the project can be graded within the proposed limits of grading is not clear to our staff. There is presently no condition to prevent substantial grading in the proposed conservation easement area, which has to date been disclosed as natural open space with some fuel modification overlays. If that disclosure and scope of environmental review is correct, we see no reason why the applicant would not consent to all of the detailed specific conservation easement condition language in this letter and our December 1, 2011 letter.

The Conservancy recommends an additional condition that the portion of the property labeled as "Not a Part" (in the northwest area of the property) on the project site plan be dedicated in-fee to the Mountains Recreation and Conservation Authority, or be included within the subject conservation easement area. Future affected homeowners or a Homeowner's Association of the proposed residential development should also retain an easement over this "Not A Part" portion if necessary for fuel modification purposes.

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If you have any questions, please contact Paul Edelman, Deputy Director of Natural Resources and Planning, at 310-589-3200, ext. 128. Thank you for your consideration.

Sincerely,

ELIZABETH A. CHEADLE

Chairperson