

SANTA MONICA MOUNTAINS CONSERVANCY

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October 29, 2012

Frank Quon
Department of City Planning
City of Los Angeles
200 N. Spring Street, 7th Floor
Los Angeles, California 90012

Curtis School Expansion -15871 Mulholland Drive
CPC-2009-837-CU-SPE
DRB-SPP-SPR-DI-ZV ENV-2009-836-MND

Dear Mr. Quon:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments on the above-referenced project within the Inner Corridor of the Mulholland Scenic Parkway Specific Plan. The Conservancy's letter and accompanying attachments on the subject project dated July 18, 2012 to the Mulholland Design Review Board (MDRB) are incorporated by reference.

The Conservancy's principal objective is for the above-referenced Curtis School project entitlements, including its the final California Environmental Quality Act (CEQA) document, to maximize permanent protection of both the onsite and Mulholland Place right-of-way portions of existing habitat linkages connected to the west side of the 405 Freeway Mulholland Drive bridge. Sufficient permanent habitat protection can only be achieved through a combination of dedicated conservation easements and deed restrictions. In addition, adequate future wildlife corridor function cannot be achieved if stringent conditions that limit lighting and light spill in specific wildlife movement areas are not required. Such lighting restriction conditions of approval must be written with precise geographic specificity and no ambiguity in their potential interpretation.

The Conservancy also seeks a condition requiring the immediate construction of the Mulholland Core Trail section that abuts the school's property. Such construction shall work around existing obstacles if permission to remedy them requires permission from any entity other than the City's Department of Transportation and Street Services Divisions.

The final outcome of the Curtis School project approval will either permanently secure, or result in significant unavoidable adverse impacts to, wildlife's ability to adequately

move to and from the Mulholland Drive bridge over the 405 Freeway. The above-referenced MND is deficient for neither including nor analyzing potential wildlife movement to and from the Mulholland Drive freeway bridge through and adjacent to the Curtis School property.

The MND is specifically further deficient for not analyzing potential wildlife movement from the Mulholland bridge along the southern portion of the school property across the school entrance driveway and up the cut slope just east of an existing Department of Water and Power facility. The MND is also deficient for not addressing the ecological importance of Mulholland Place public fee simple right-of-way to wildlife movement to and from the Mulholland Drive bridge. Currently, Curtis School fencing on fee simple public land separates said fee simple public land from the pavement of Mulholland Place.

With a few minor exceptions, these Conservancy objectives can be met with little or no project modification if, and only if, the applicant is will to accept mitigation measures or conditions of approval that provide for amply configured deed restrictions and volunteered conservation easements, both to be recorded and accepted by public agencies prior to the issuance of any permits. Final boundaries and legally binding mechanisms to achieve adequate permanent habitat protection will take some work. The two attachments to this letter conceptually show how best to achieve the Conservancy's habitat linkage (wildlife corridor) objectives on the north and south-west sides of the project. Both our staff and Curtis representatives generally agreed to these solutions.

Staff toured the property with Curtis School representatives on October 25, 2012. The goal was to arrive at habitat linkage solutions around the north and south-west property boundaries. The premise of solutions for a northern habitat linkage was that Curtis School possesses an irrevocable easement from the City of Los Angeles over all portions of the Mulholland Place public fee simple right-of-way between the school property boundary and the edge of Mulholland Place pavement. Part of that premise is that the school can by-right fence any portion of said right-of-way up to the edge of the pavement, and by default, have continued exclusive use of said public fee simple rights-of-ways.

If such an irrevocable easement over public land in favor of Curtis School does not exist, or provides far less rights than stated above, the Conservancy will provide additional comments to steer the project's fencing within the City fee-simple-owned rights-of-ways

along Mulholland Place closer to the core of the developed campus. The dedication of that public right-of-way to public purposes—such as contributing to a regional wildlife movement corridor—is a superior use of public land that happens not to be essential to the school’s proposed expansion footprint. In any case, any and all responses to comments or new CEQA documentation should address the presence or absence of such an easement and whether or not Curtis possesses a revocable right-of-way permit for its driveway, fencing, irrigation, and utilities within the Mulholland Place fee simple public right-of-way. If the Curtis School does not possess an irrevocable easement over Mulholland Place from the City, the MND is deficient in describing critical baseline conditions.

The above-referenced October 25, 2012 site visit also revealed to our staff the significant value and function of a habitat linkage along the southern and western portions of the Curtis School property. This south and west habitat linkage benefits from potentially having no Caltrans right-of-way fencing to contend with between the school property and the Mulholland Drive bridge. There appears to be ample room for a permanently protected habitat linkage through this portion of the school property with the exception of one corner of the new, large proposed parking area.

It is our understanding that Curtis School is requesting a Specific Plan exception for grading on this subject prominent ridgeline along the western boundary of the school property. It is also our understanding that the applicant is requesting a variance from the newly adopted Baseline Hillside Ordinance (BHO) for grading quantities in excess of the maximum grading quantity permitted by the BHO. These additional impacts to the ridgeline provide the nexus to require adequate wildlife corridor width and protect by the new proposed parking area.

For the record, Conservancy staff site visit provided new information that reverses some earlier comments made in Conservancy letters in response to the MDRB.

The MND is deficient for not including and analyzing a proposed rear access road from Mulholland Drive through Caltrans right-of-way to the school. What understandings, and/or approvals does the school have with Caltrans to date? This access road could result in significant adverse visual, ecological, traffic circulation, and land use impacts. The consistency of this proposed southern access road with the Mulholland Scenic Parkway Specific Plan is unknown. The nature and scope of such an easement on Caltrans land must be disclosed to adequately analyze its potential impacts. The

allowed uses of the road and whether or not lighting would be permanently prohibited must be analyzed.

The MND is deficient for not addressing that the proposed project is integral to the creation of the Core Trail contained in the Mulholland Scenic Parkway Specific Plan. We urge the City to require a condition that requires immediate construction of the Core Trail where the Curtis School property abuts the Mulholland Drive right-of-way. The Specific Plan may show the conceptual Core Trail alignment on the opposing side of Mulholland Drive; however, the feasibility of that alignment has been compromised by a medley of school related improvements on fee simple public land. The Specific Plan is adaptable enough to allow for realignment of sections of the Core Trail on opposing sides of the scenic parkway. If minor slope easements for trail construction are needed from the Curtis School, the provision of those easements should be required as part of the conditions of approval.

The project description does not address where storm water runoff will leave the site and where it will travel to enter into the storm drain system. The Conservancy urges the school to incorporate retention basins and large scale bio-swales into the project design to the maximum extent possible.

All of the above project concerns and MND deficiencies must be dealt with at this project review and entitlement juncture and not be sloughed off to be dealt with by the MDRB at some future date even a decade from now. The protection of a regional wildlife corridor can be addressed in a piecemeal fashion.

Please direct any responses and questions to Paul Edelman of our staff at (310) 589-3200 ext. 128 or edelman@smmc.ca.gov.

Sincerely,

Original to be signed by

ELIZABETH A. CHEADLE
Chairperson