

SANTA MONICA MOUNTAINS CONSERVANCY

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Agenda Item 12 SMMC 9/23/13



July 18, 2012

Mulholland Design Review Board
City of Los Angeles
6262 Van Nuys Boulevard, Suite 351
Los Angeles, California 91401

CPC-2009-837-CU-SPE-DRB-SPP-SPR-DI-ZV, Curtis School, 15800 Mulholland Drive

Dear Design Review Board Members:

The Santa Monica Mountains Conservancy (Conservancy) earlier submitted a letter to your Board on the Curtis School project dated June 21, 2012. That letter called out the importance of the cut slope along the northern portion of the subject property as a habitat linkage for mammals leading to and from the Mulholland Drive bridge over the 405 freeway.

One attachment that accompanies this letter shows how this wildlife corridor extends from the west end of the Mulholland Drive-405 freeway bridge northward along Caltrans right-of-way and then westward along a combination of Curtis School property and City-owned Mulholland Place right-of-way to public open space. We commend the applicant's biologist for showing this corridor in the City's Mitigated Negative Declaration (MND). We are however concerned that the section of the school Master Plan submitted to the mdrb shows a paved access road from Mulholland Drive through State property and the wildlife corridor to the school. To our knowledge the potential effects of this road on the corridor have not been addressed in the CEQA review to date.

Post-June 21, 2012 discussions with Caltrans and National Park Service biologists have painted a picture that increases the relative ecological value of this specific cross-405 free wildlife corridor leading to the Mulholland Drive bridge. More specifically other 405 freeway animal crossings will be not as robust as described by Caltrans in the EIR/EIS process, and more importantly, recent NPS photographic data collection in area has highlighted high visitation of target wildlife species along the boundaries of Curtis School. Unfortunately the MND for the project includes no mitigation to protect the wildlife corridor within the school property.

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The school is going both through the CEQA and Mulholland Design Review Board processes for components of its Master Plan and Caltrans is finalizing its design for the subject area at the northwest corner of the Mulholland Drive-405 freeway bridge. The timing to permanently protect the wildlife corridor is now.

Fulfilling our agency's role as the principal State planning for the Santa Monica Mountains, we reach out both to the City Planning Department and the Curtis School to find a vehicle to permanently protect the portion of this wildlife corridor on the school's property. The second attachment to this letter shows in detail the portion of the school's property that should be permanently protected to allow wildlife movement.

The proposed protected wildlife corridor is fully compatible with all of the schools' existing uses in the defined area and fully compatible with all of the schools' improvement proposed in the Master Plan for that subject area --- including the dirt nature path.

In light of this need to make no project changes to accommodate this protected wildlife corridor, we first urge the Curtis School to make the social commitment to the Santa Monica Mountains ecosystem to voluntarily agree to a project condition and mitigation measure to dedicate this the shown wildlife corridor as a conservation easement to the Mountains Recreation and Conservation Authority (MRCA). The pathway to achieve the integration of that project condition follows. If the Curtis School is not willing to voluntarily make such a dedication of a conservation easement we hope that the MDRB and the Planning Department require a permanent deed restriction that prohibits any future lighting, fencing, structures or grading with the same area.

We also urge the MDRB to design and condition the project to prohibit any additional lighting or fencing within the adjacent City-fee simple-owned right of way for Mulholland Place. If the school is not fully cooperative with either a fully protective deed restriction or conservation easement for the wildlife corridor we urge the MDRB to request that the existing approximately 52-inch high fence and entrance gate along the full public right-of-way (now in the middle of the habitat linkage) be entirely removed from public property.

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To allow the applicant to voluntarily accept a condition for a conservation easement, the applicant's attorney or president must state that they are in agreement on record before the Board or in writing. The Conservancy requests that the Design Review Board request the following as conditions of this project's approval to permanently protect wildlife movement potential:

1) That the applicant agree to voluntarily dedicate a conservation easement to a public agency over the northern portions of the property as depicted on the diagram accompanying this letter. (Please see accompanying Diagram of Proposed Conservation Easement.) At this time, the Mountains Recreation and Conservation Authority (MRCA) is the only public agency actively accepting dedicated conservation easements in the eastern Santa Monica Mountains.

2) The only way to ensure that such an easement is recorded is if the owner, or their authorized representative, verbally or in writing, states to the Mulholland Design Review Board that they will voluntarily accept the following permit condition language, which includes the allowed and disallowed uses within such a conservation easement.

MDRB Condition Language: Applicant shall show proof of recordation and agency acceptance of a conservation easement in favor of the Mountains Recreation and Conservation Authority (MRCA) covering no less area than that shown on the figure accompanying the Santa Monica Mountains Conservancy's letter dated July 18, 2012. No City permits shall be granted without proof of such an easement recordation and a Certificate of Acceptance from the MRCA. Said acceptance shall not be unreasonably withheld or delayed by the MRCA.

Applicant shall provide the MRCA with an engineer-stamped recordable easement metes and bounds legal description and plotted map, and a current preliminary title report. Said title report shall demonstrate that the conservation easement is not subordinate to any construction liens and that no new easements or encumbrances after the date of this letter will affect the conservation easement. The entirety of the easement area shall prohibit any fencing, lighting, planting of non-native vegetation, facilities, or hardscape. The easement shall expressly allow for fuel modification and the cultivation and irrigation of plants native to the Santa Monica Mountains.

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If you have any questions, please contact me at 310-589-3200, ext. 128 or Edelman@smmc.ca.gov. The applicant should also feel encouraged to contact our agency. Thank you for your time and consideration.

Sincerely,



PAUL EDELMAN

Deputy Director

Natural Resources and Planning

Attachments: A – Diagram of Proposed Conservation Easement and Wildlife
Movement Corridor

 B – Diagram of Proposed Conservation Easement and Wildlife
Movement Corridor, Zoomed In