

**SANTA MONICA MOUNTAINS CONSERVANCY**

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Citywide Planning Commission  
City of Los Angeles, Room 272  
200 North Spring Street  
Los Angeles, California 90012

**Curtis School Expansion Project -15871 Mulholland Drive**  
**CPC-2009-837-CU-SPE – CPC 1989-763-CU-PA1**  
**DRB-SPP-SPR-DI-ZV ENV-2009-836-MND-REC1**

Dear Planning Commissioners:

A major objective of the Santa Monica Mountains Conservancy is to maintain habitat and trail connections throughout the greater Los Angeles area. The Curtis School proposal fails the public good in regards to providing neither trail nor protected habitat linkages. In letters to the Mulholland Design Review Board and the case Hearing Officer, the Conservancy has requested the inclusion of said habitat linkages and Mulholland Core Trail connections. (See Wildlife Corridor Mitigation exhibits.) The Conservancy's requests for said public benefits would not require any modifications whatsoever to the proposed project. Nonetheless, these requests have been ignored by both the applicant and in the Revised Mitigated Negative Declaration.

The applicant's stated obstacle to providing these public benefits is that the protected wildlife corridor would make it easier for outsiders to enter the campus from the Mulholland Drive area and compromise student safety. The objection to building the simple decomposed granite trail along Mulholland Drive was cost. Conservancy suggestions to locate security fencing inside of the property boundaries have been rebuffed. In short, the school's aversion to internal fencing and giving up future development rights along two property borders threatens a significant degradation of regional habitat connectivity across the 405 freeway.

The Conservancy urges your Commission to deny the subject project if the modest habitat and trail linkage conditions defined in this letter are not indelibly, and in whole, a part of the project conditions of approval. Neither requested public benefit alters or interferes with the proposed project.

### **Habitat Linkage - Wildlife Corridor Through Curtis School to Mulholland 405 Bridge**

The task of achieving and maintaining a permanently protected functional habitat linkage system across the 405 freeway in the Santa Monica Mountains is enormous amid both the regional transportation pressures through the Sepulveda Pass and school expansions in the Mulholland Institutional Corridor. To ensure this regional wildlife corridor functionality, no Curtis School entitlement should be approved without a commensurate, ecologically adequate, permanently-protected onsite habitat linkage. Maximizing the efficacy of every remaining 405 freeway bridge and underpass system for wildlife movement is a critical public objective.

A perimeter band of property around two sides of the Curtis School is an inextricable piece of the remaining wildlife corridor (habitat linkage) system that allows animals to cross the 405 freeway. This subject swath of land adjacent to Mulholland Drive is vital for animals to reach the Mulholland Drive bridge over the freeway. Most importantly, none of this key habitat linkage area on the school's land is either currently developed, or proposed to be developed under the proposal before you. A deed restriction or conservation easement over this subject area would be invisible and not alter the project one iota. But the school refuses to permanently protect this land as part of the entitlement process or any other process. The school's excuse is that student safety from outside intruders would be compromised by a protected wildlife corridor along the periphery of the campus.

Oddly, the school is not proposing any fencing where it fears this outside intrusion. The requested wildlife corridor protection would be on the school's property title only. There would be no sign posted that says, "Hey this is now a protected wildlife corridor to help folks sneak into the school." Nothing on the ground would change.

So the human intrusion threat of a protected wildlife corridor defined on paper is not based in physical reality. The only conclusion we can draw is that the school does not want to preclude its future campus expansion into the key wildlife corridor area. This could include fencing that would be extremely detrimental to wildlife movement. Our experience has revealed that most landowner/developers that reject providing protected habitat linkages in areas outside of a proposed development footprint do so because they possess plans for that area that have not been revealed.

To address the school's stated safety concern, our staff proposed security fencing in the area where the most concern was expressed. (That fencing would be located 100 percent outside the Mulholland Drive viewshed). This internal security fencing was rejected by the applicant.

Curtis School is asking to adjust many codes, ordinances, plans and laws for its requested entitlements. No entitlement should be granted to Curtis unless the school permanently protects an onsite habitat linkage along its western and southern boundary as an entitlement condition.

The boundaries of this required protected wildlife corridor should be those recommended in this letter as developed by the Conservancy's senior biologist, a local wildlife corridor expert. This demarcated wildlife corridor requires no changes to the school's current proposal. The attached figure, entitled, "South Area Wildlife Corridor Mitigation Measures" shows these boundaries.

### **Importance of Curtis School to Mulholland 405 Freeway Bridge Wildlife Movement System**

The Mitigated Negative Declaration (MND) states that the project is not part of a wildlife corridor. There is a broad difference of opinion among experts on this question. Our staff consulted with the National Park Service (NPS) staff currently doing Caltrans-funded radio collared animal tracking and wildlife movement camera work at all of the existing 405 freeway animal crossing points. These points include the Mulholland Drive bridge adjacent to Curtis School and the Skirball Center bridge.

The NPS data over two years clearly shows wildlife use of both bridges (pre-bridge replacement) with unexpectedly high usage of the Mulholland bridge. Further, it shows substantial wildlife movement activity on the Caltrans-owned slope that extends north of the Mulholland bridge behind the full length of Curtis School. For an animal to get to or from the west end of this bridge, it must traverse Curtis School or Caltrans property. However, only the Curtis School property located adjacent to Mulholland Drive is free of six-foot-high Caltrans right-of-way fencing. Basic aerial photograph analysis and ground truthing show how critical the western and southern edges of the Curtis School property are to allowing the full range of medium and larger Santa Monica Mountains mammal species to successfully reach the freeway bridge in the middle of the night. The MND is deficient for not recognizing and analyzing how the school property is part of a habitat linkage leading to and from the Mulholland Drive bridge over the 405 freeway.

The MND does state, and the school's biological experts will likely state, that the Skirball Center Bridge is the superior freeway wildlife crossing structure. That may be the case with the new bridge construction. However, multiple crossings in different locations and with different characteristics are necessary for a cross-405-freeway habitat linkage system. For example a key quality of the Mulholland bridge system is that it requires no crossing of Sepulveda Boulevard, because at that point the street tunnels beneath the mountains. Another example of continuing change is that since the FEIR for the 405 freeway expansion was certified, the habitat linkage (freeway crossing) efficacy of the approved design continues to erode on a near monthly basis as the design-build freeway construction proceeds. However this area will be restored when the freeway construction is completed, making it critical that the wildlife linkage be maintained.

#### **Need for Mulholland Core Trail - What Happened to 1980s EIR-Required Public Trails?**

The Conservancy is quite certain that City conditions of approval and a certified Final EIR required the construction of a series of connected public trails along the western flank of the property. One such trail abuts the curb along Mulholland Drive (Core Trail). This trail corridor coincides with the Conservancy's proposed protected wildlife corridor area. Curtis School did not fulfill these required conditions.

The current school proposal further ignores these unmet conditions of approval. Is it legal for the City to eliminate a CEQA mitigation measure without subsequent CEQA review? The Revised MND makes no mention of the required 1980s trail system. The Revised MND is deficient for this omission.

The approved 1980s trail network includes a trail that would be covered by the new proposed parking lot. What compensation is the public receiving for this proposed elimination of a public trail granted as mitigation for a project entitlement? The answer is none.

The Curtis School proposal must not be approved without the construction of a public trail system on the prominent ridgeline that separates the campus from Mulholland Drive and the construction of the Mulholland Core Trail at the maximum feasible width.

#### **What Right does School Have to Fence-Off Mulholland Place Public Right-of-Way?**

The school has long fenced off public (fee simple) land on the south side of Mulholland Place. This land has considerable value for habitat linkage purposes on the northern

campus boundary. The school has neither an encroachment permit nor an easement for this fencing. The school maintains exclusive use of the public land to the detriment of regional wildlife movement. A second habitat linkage courses along the northern campus boundary and connects to Caltrans right-of-way at the terminus of Mulholland Place. Unfortunately Caltrans regulations do not allow unfenced right-of-way. Deer jump the Caltrans fence into both the school and Muholland Place. This habitat linkage would function better if the school's perimeter fence was moved off of public land closer to the campus. The Revised MND is deficient for not addressing this condition in the biological resources section. The current condition represents a gift of public funds and an adverse impact to wildlife movement.

### **Adverse Effects of Proposed Back Access Road Through Caltrans Open Space**

The proposed secondary access road from Mulholland Drive to the back of the school crosses an area now fully accessible for wildlife to use the Mulholland Drive bridge over the 405 freeway. This proposed road includes two sections of retaining wall in excess of 275 feet in length with heights ranging from nine to five feet. No permission has been granted from Caltrans. No geological testing has been done. This road as proposed is speculative. It could require much more significant grading and retaining walls. The consistency of this road and its connection to Mulholland Drive with the 405 Freeway project FEIR have not been analyzed by the Revised MND. The MND includes no figure showing how the road would tie into Mulholland Drive. What types of gates and lights might be required?

All these factors would contribute to how great of an ecological impact such a road might have. That analysis cannot be adequately performed based on the inadequate project description. The Revised MND is deficient for not adequately analyzing the potential adverse habitat linkage impacts the road could have and how it could degrade the habitat block on Caltrans land. The potential need for slope drainage v-ditches and where that drainage would end up is also not addressed in the Revised MND.

If the Revised MND traffic analysis is all based on this additional road, and the road is speculative, how can the public get an adequate picture of the potential project's traffic impacts?

### **Promise to Return to Mulholland Design Review Board Proposed to be Dropped**

The School last year took its Master Plan to the Mulholland Design Review Board. The Board approved a piece of the plan with a promise from the school, and an accompanying

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condition, that all future development would come back for Board review. Now the school is renegeing on that promise. The Conservancy objects to this breach of process and by-passing of a key environmental review process.

Please address any future correspondence to Paul Edelman of our staff at the above address and by phone at (310) 589-3200 ext. 128.

Sincerely,

IRMA MUÑOZ  
Chairperson