

Communication from Public

Name: Citizens for Los Angeles Wildlife (CLAW)
Date Submitted: 12/01/2021 09:52 AM
Council File No: 21-1286
Comments for Public Posting: CLAW supports CF-21-1286 which is a step in the right direction. However, we emphatically support Councilmember Bonin's request to rescind/amend the ill-advised Bertoni Memo. Please restore the Design Review Board process and the public's voice. See attached letter:



CITIZENS FOR
LOS ANGELES
WILDLIFE

12444 Ventura Blvd. Suite 205 Studio City CA 91604
805-225-4766 info@clawonline.org www.clawonline.org

July 26, 2021

Mayor Eric Garcetti
Office of the Mayor
City of Los Angeles
200 N. Spring Street, Room 303
Los Angeles, CA 90012

City Council
City of Los Angeles
200 N. Spring Street, Room 340
Los Angeles, CA 90012

Re: Opposition to Director of Planning Bertoni's March 30, 2021, Implementation Guidance Memorandum

Honorable Mayor Garcetti and City Councilmembers:

Citizens for Los Angeles Wildlife (CLAW) joins The Sierra Club Angeles Chapter, Center for Biological Diversity, Santa Monica Mountains Conservancy, The Hillside Federation, Friends of Griffith Park, LA City's own Community Forest Advisory Committee, and numerous residents and stakeholders who have taken positions opposing Director of Planning Vince Bertoni's March 30 Implementation Guidance Memorandum (Memo), which has eviscerated a 30 year procedure of public review and guidance by the Mulholland Design Review Board (MDRB). In opposing the unilateral action of Director Bertoni, **CLAW asks you to instruct Director Bertoni to rescind his Memo, which negatively impacts the Mulholland Scenic Parkway Specific Plan (MSPSP) process.**

This drastic change to the MDRB process by Director Bertoni (downplayed as an "interpretation" in his Memo) impacts five council districts and eliminates public participation and review for an area twice the size of Griffith Park - over 9,000 acres of mountain habitat. The 1992 City Council-adopted MSPSP protects one of LA's crown jewels - a parkway that is not only home to people but endemic plants and unique animals, including a mountain lion population currently receiving state protection under the California Endangered Species Act. With such unique ecological importance, the MSPSP needs more expert public oversight, not less. This process has been working effectively for three decades without any interpretation needed or asked for. After 30 years of functioning, the time for a planning director to provide "interpretation" is suspect.

The MDRB is a forum that welcomes participation by agencies such as Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority, and with their participation, cooperative gains in the form of conservation easements have protected acres of wildlife habitat and corridors in the City's Santa Monica Mountains, including critical habitat of which more than 50% is now exempt from review under this Memo's policy change. As Chairperson of CLAW, I am keenly aware of the conservation importance of the MDRB, because senior city planners have proudly boasted about its successes to me in meetings, producing multiple maps of these easements with an exuberant appreciation for this special Specific Plan. The Planning Department is fully aware of the environmental and public benefits of this review process, and it is troubling that Planning has taken unprovoked steps to weaken it.

On June 25, 2021, the Hillside Federation filed a lawsuit against LA City and Director Bertoni for exceeding their authority. CLAW supports the lawsuit and notes that the Director, his staff, and all counsel tasked with advisement to the Memo should better understand their City Charter, their own code, and the gravity of playing it loose with the public's participation process.

Since March 30, 2021, when the ill-advised Bertoni Memo was drafted, CLAW has discussed this unilateral action with many city representatives and stakeholders. We now clearly understand the following, and hope everyone else in receipt of this letter takes heed:

- The Draft Wildlife and Ridgeline Protection Ordinances have not been adopted, are not environmental resources, and should not be used as reasons to justify the immediate evisceration of over 50% of MDRB oversight. A recent presentation by planners for the Draft Wildlife Ordinance reiterated that future regulations are meant to be complementary to, and not a replacement for, other planning tools such as MDRB public oversight.
- The Director's action abruptly eliminated review, and moved oversight from appointed experts to environmentally unfriendly, developer-biased Planning Staff, who are incapable and without expertise to extract functioning conservation easements for habitat connectivity and natural resource protection.
- The MDRB process should not be considered an issue of funding or capacity. Costs for all hillside projects (including staffing) have been addressed, as City Council has directed full cost recovery for all projects in hillsides. Furthermore, it is nonsensical for MDRB Planning Staff to claim they have too many projects to oversee, when there is a no-cost, volunteer review board of experts ready to be tasked with that work.
- For over 30 years, MDRB oversight has provided much needed baseline review for both the inner and outer corridors of the MSPSP. This public process is so important to the constituents of the City - important enough for them to sue over it.

These items provide a great rationale for Mayor Garcetti to give clear direction to Director Bertoni to rescind his Memo. Unfortunately, while we have heard much rhetoric from the Mayor's Office concerning the protection of natural resources, we have seen little meaningful action in this matter. Likewise, Councilmembers, we ask that you instruct Director Bertoni to rescind his Memo as well. We need the Mayor and the City Council to restore the voice of the public. Time is of the essence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Tucci', with a stylized flourish at the end.

Tony Tucci, Chair

CLAW is a public benefit non-profit 501(c)(3) environmental organization that works to protect and restore the environments of wildlife of Los Angeles and California from dwindling open spaces. Our mission is to promote, educate and protect the fundamental importance of wildlife, wildlife habitats and wildlife corridors everywhere.

Communication from Public

Name: Garrett Weinstein
Date Submitted: 12/01/2021 11:17 AM
Council File No: 21-1286
Comments for Public Posting: Please accept the attached letter (dated 4-19-2021) from the Santa Monica Mountains Conservancy, and include it in the Council File. Thank you.

SANTA MONICA MOUNTAINS CONSERVANCY

LOS ANGELES RIVER CENTER & GARDENS
570 WEST AVENUE TWENTY-SIX, SUITE 100
LOS ANGELES, CALIFORNIA 90065
PHONE (323) 221-8900
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April 19, 2021

Mayor Eric Garcetti
Office of the Mayor
City of Los Angeles
200 North Spring Street
Los Angeles, California 90012

Los Angeles City Council
City of Los Angeles
200 North Spring Street, Room 340
Los Angeles, California 90012

**Opposition to Policy of Exempting "Non-Visible" Projects in the Mulholland Scenic
Parkway from Design Review Procedures as Described in the March 30, 2021
Memorandum from Director of Planning**

Honorable Mayor Garcetti and Councilmembers:

The Santa Monica Mountains Conservancy (Conservancy) opposes the Director of Planning's (Director) recently stated policy of exempting Non-Visible projects in the Mulholland Scenic Parkway from the standard Design Review Procedure and hearings before the Design Review Board, as described in the Director's March 30, 2021 memorandum, "Review Process for Projects Not Visible from Mulholland Drive". The subject policy subverts the purpose and intent of the Mulholland Scenic Parkway Specific Plan (MSPSP) as envisioned when the City Council adopted the Specific Plan in 1992, and the City Planning Commission's adoption of the Design and Preservation Guidelines in 2003.

The Conservancy is the principal State planning agency for the Santa Monica Mountains, which includes the Mulholland Scenic Parkway. Without question this change in Department of Planning policy will impair public notice and public participation rights in the vast bulk of MSPSP cases. It will result in the immediate degradation of the scenic qualities, ecological capacity, and watershed health of the eastern Santa Monica Mountains

As described in the subject memorandum, the Planning Department's new policy of exempting projects in the Mulholland Drive Scenic Corridor from Design Review, based on a property's visibility from Mulholland Drive would deprive the public of the opportunity

to give input on projects which previously would have had public hearings. This is a ministerial change that is outside of the language of the Mulholland Specific Plan drafted, and enacted, by the City Council in 1992.

These changes will deprive Planning staff and future decision makers of the expertise of the Design Review Board. The Design Review Board represents the interest of the public through the relevant council office appointments, and that voice should continue to be heard without restriction. The preservation of the unique resources of the Santa Monica Mountains may require delays in the Board hearing projects. That is a trade off that benefits the public and addresses City staff concerns.

The criteria cited in the subject memorandum for exempting a project from Design Review Procedures do not address “Non-Visible” projects within 200 feet of the public parkland marbled throughout the range, despite the MSPSP’s very specific language regarding parklands and environmental protections in Sections 5B.3, and 6B.

The Design Review process has been vital to both identifying and securing protections for wildlife movement through the Eastern Santa Monica Mountains in the City-designated Wildlife Habitat Linkage Zone. The Mountains Recreation and Conservation Authority (MRCA) routinely works cooperatively with Board and project applicants to achieve such protections that are vital to sustainable wildlife populations east of the 405 freeway.

The subject memorandum interprets the Citizen’s Advisory Committee transmittal letter (1970) to the City Council as only concerning itself with visible cases, but fails to account for the City Council’s subsequent actions in later years regarding the Mulholland Drive Scenic Corridor. The fact that the City Council established both an Inner and Outer Corridor when enacting the Specific Plan and Ordinance in 1992 speaks to their concern for both visible and non-visible projects.

These changes by the Director, now enacted without prior input from the public or the Design Review Board, severely curtail the professional oversight that Design Review Board architects and other professionals bring to all Mulholland projects. It eliminates in-depth reviews of impacts to parkland, scenic overlooks, scenic road corridors, wildlife corridors, riparian corridors, and the urban forest. Grading in the non-visible Scenic Corridor would also miss the benefit of additional (no public cost) professional review, as demonstrated by the numerous projects that have been initially presented to the Design Review Board in the past with grading discrepancies and erroneous slope calculations.

In short, this change diminishes transparency and site sensitive design in a plan that was created for just that purpose.

City Planning staff has represented this change in policy in due in part to the reduced number of staff available to work on projects under the Specific Plan. City staff should not

be mislead into believing that the burden of correcting the deficiencies in the application for a project should fall on them. Project delays may have to be a price paid to save the City of Los Angeles portion of the Santa Monica Mountains.

Well thought out projects that are designed to fit within the environmental constraints of a their respective properties are not held up by the Design Review process. Most projects that have been approved by the Mulholland Design Review Board typically benefit from the Board's expertise and proceed more smoothly through the remainder of the planning process.

As of this letter, the City has not provided the public any avenue for administrative remedy of this ultra vires decision by the Director or Planning.

If the Director of Planning desires a means of streamlining the review process and alleviating the workload for Planning staff, without limiting the ability of the public to participate in review of discretionary projects under the MSPSP, the following, bare minimum, changes in policy should be required:

1. Public noticing of MSPSP projects deemed Not Visible undergoing ministerial review by Planning staff, with a public comment period.
2. Project plans made available to the public via internet download during, and after, the public comment period. The measures taken to make MDRB project plans available electronically in response to the COVID-19 pandemic have demonstrated that it is feasible, and reasonable to continue this practice indefinitely.
3. Public noticing of all Letters of Determination issued for projects under the MSPSP, and Letters of Determination being made available online within 24 hours of each letter's date. This would ensure that the public has adequate time to file an appeal of MSPSP project's that have not received a public hearing. Presently, Letters of Determination are only sent to members of the public via physical mail, and are not made available online until well after the deadline for appeals have passed.

Without these simple, bare minimum measures, the main effect of the of the Director's stated policy for Non-Visible projects, regardless of the intent, will be to stymie public involvement in discretionary projects within the Mulholland Drive Scenic Corridor.

We respectfully urge the Council to pass a motion that reverses this erroneous decision by the Director of Planning. Failing that, the only alternative is to ensure that all projects and determinations under the MSPSP are publicly noticed as described above to ensure that the ability of the public to participate in the review process is not unfairly obstructed or obfuscated.

Sincerely,



IRMA R. MUÑOZ
Chair

Attachments: A – Memorandum: “Review Process for Projects Not Visible from Mulholland Drive”, March 30, 2021

CC: City Planning Commission

Vincent P. Bertoni, AICP, Director of Planning

Communication from Public

Name: Garrett Weinstein
Date Submitted: 12/01/2021 11:19 AM
Council File No: 21-1286
Comments for Public Posting: Please accept the attached Governing Board resolution (dated 11-22-21) from the Santa Monica Mountains Conservancy, and include it in the Council File. Thank you.

November 22, 2021

Resolution No. Resolution No. 21-60

RESOLUTION OF THE SANTA MONICA MOUNTAINS CONSERVANCY
AUTHORIZING SUPPORTING LOS ANGELES CITY COUNCIL MOTION FOR THE
PLANNING DEPARTMENT TO REPORT BACK ON THE UNILATERAL REMOVAL OF
NON-VISIBLE PROJECTS FROM MULHOLLAND DESIGN REVIEW BOARD REVIEW,
WILDLIFE PILOT STUDY, RIDGELINE PROTECTION ORDINANCE, HILLSIDE
CONSTRUCTION REGULATIONS, AND ON AN ASSESSMENT OF LAND
APPROPRIATE FOR CONSERVATION AS DETERMINED BY TRUSTEE AGENCIES
SUCH AS THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE AND THE
SANTA MONICA MOUNTAINS CONSERVANCY

WHEREAS, Five members of the Los Angeles City Council have introduced a broad motion to spur the City Planning Department to focus and report on the progress of multiple initiatives critical to the eastern Santa Monica Mountains;

WHEREAS, The motion represented by Council File (CF) Number 21-1286 requires the Planning Department to report back on the unilateral removal of non-visible projects from Mulholland Design Review Board review, Wildlife Pilot Study, Ridgeline Protection Ordinance, Hillside Construction Regulations, and on an assessment of land appropriate for conservation as determined by trustee agencies such as the California Department of Fish and Wildlife and the Santa Monica Mountains Conservancy;

Therefore Be It Resolved, That the Santa Monica Mountains Conservancy hereby:

1. FINDS that the proposed action is consistent with the Santa Monica Mountains Comprehensive Plan;
2. AUTHORIZES full support for the motion represented by Council File Number CF 12-1286 for protections of the eastern Santa Monica Mountains.

~End of Resolution~

I HEREBY CERTIFY that the foregoing resolution was adopted at a meeting of the Santa Monica Mountains Conservancy, duly noticed and held according to law on November 22, 2021 at various locations via videoconferencing, California.

Date: November 22, 2021


Executive Director

Communication from Public

Name: Garrett Weinstein
Date Submitted: 12/01/2021 01:12 PM
Council File No: 21-1286
Comments for Public Posting: Please include the attached letter from The Center for Biological Diversity in the Council File. Thank you.



June 2, 2021

Sent via email

Los Angeles City Council
via Los Angeles City Clerk
City of Los Angeles
200 North Spring Street, Room 360
Los Angeles, California 90012
cityclerk@lacity.org

Re: March 30, 2021 Memorandum on “Review Process for Projects Not Visible from Mulholland Drive”

Dear Los Angeles City Council,

We want to thank you for the investment you have made in protecting wildlife connectivity and native biodiversity in the FY 2021-22 budget. We appreciate the actions of you and City Planning in prioritizing these issues, and in developing a draft wildlife connectivity ordinance.

However, we are writing because we are concerned that the March 30, 2021 Department of City Planning Memorandum entitled “Review Process for Projects Not Visible from Mulholland Drive” (the “Memorandum”) eliminates an important existing planning tool to ensure the protection of wildlife habitat in the eastern Santa Monica mountains. We believe that the Memorandum is (1) inconsistent with the City’s obligations under the California Environmental Quality Act (“CEQA”); (2) inconsistent with the City’s obligations under the California Endangered Species Act (“CESA”); and (3) inconsistent with the 2019 Green New Deal Sustainability Plan. While we understand the Memorandum views a connectivity ordinance as taking the place of the existing review process, a connectivity ordinance has not been finalized or adopted at this time. In addition, the existing review process and a connectivity ordinance should be considered as complementary as opposed to interchangeable.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center and its members have worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Los Angeles.

The Memorandum is Inconsistent with the California Environmental Quality Act

CEQA is California’s landmark environmental law, and was enacted to “take all action necessary to protect . . . [and] enhance the environmental quality of the state” and should be “interpreted . . . to afford the fullest possible protection to the environment within the reasonable scope of the statutory language...” (Pub. Res. Code § 21001(a); Cal. Code Regs. 14 § 15003(f).) One of the goals of CEQA is to require “assessment of environmental consequences where government has the power through its regulatory powers to eliminate or mitigate one or more adverse environmental consequences” of proposed projects. (*Friends of Westwood v. City of L.A.* (1987) 191 Cal.App.3d 259, 266-267.)

CEQA applies to any “project” that meets two elements. First, the “project” is a discretionary activity directly undertaken by a public agency or supported in whole or in part by the public agency. (Pub. Res. Code § 21080(a); 14 Cal. Code Regs § 15002(d).) Second, it is an activity that may cause a direct or reasonably foreseeable indirect physical change to the environment. (Pub. Res. Code § 21065; 14 Cal. Code Regs § 15378.)

The definition of “project” also extends to any public agency action that will not have an *immediate* effect on the environment, but still has the *potential* to result in a reasonably foreseeable indirect physical change in the environment. (Pub. Res. Code § 21065; 14 Cal Code Regs §15378(a); *Union of Med. Marijuana Patients, Inc. v City of San Diego* (2019) 7 Cal.5th 1171, 1187; *Muzzy Ranch Co. v Solano County Airport Land Use Comm’n* (2007) 41 Cal.4th 372, 381-382.) Public Resources Code section 21080(a) also provides that a project includes activities like a zoning ordinance.

The Memorandum meets each of these elements, as set forth below.

First, the Memorandum is a discretionary activity of a public agency. Under CEQA, a “discretionary” decision is one in “which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, [or] regulations.” (14 Cal. Code Regs. § 15357.) Courts apply a “functional” test to determine whether an action is discretionary, focusing on whether “the agency has the authority to shape or condition the project in ways that are responsive to environmental concerns.” (*Friends of Juana Briones House v. City of Palo Alto* (2010) 190 Cal.App.4th 286, 302.)

Here, the Memorandum expressly refers to the Director’s “decision-making authority” in signing the Memorandum. (Memorandum at 6.) The Memorandum also states it was executed “under the authority granted to the Director of Planning . . .” (Memorandum at 6, underlining in original.) Under the plain wording of the Memorandum, the Memorandum would not qualify as a “ministerial” action of the Planning Department. And even if the Memorandum somehow qualified as “hybrid” between a ministerial and discretionary decision, CEQA would still apply. (See *Friends of Westwood*, 191 Cal.App.3d 259, 271 (CEQA extends “to hybrid projects of a mixed ministerial-discretionary character; doubt whether a project is ministerial or discretionary should be resolved in favor of the latter characterization.”))

Second, the Memorandum may result in a reasonably foreseeable indirect change to the environment. While the Memorandum in and of itself may not have an immediate effect on the environment, the Memorandum will have the effect of exempting a significant amount of the City’s remaining open space and wildlife habitat from existing regulations and guidelines. The Mountains Recreation and Conservation Authority (“MRCA”), an expert state agency, concluded in their April 14, 2021 letter to the City that the Memorandum “will result in the degradation of the scenic qualities, ecological capacity, and watershed health of the eastern Santa Monica Mountains.” (Attachment 1.) The Santa Monica Mountains Conservancy (“SMMC”) further explained in their letter of April 19, 2021 (Attachment 2) that “[t]he Design Review process has been vital to both identifying and securing protections for wildlife movement through the Eastern Santa Monica Mountains in the City-designated Wildlife Habitat Linkage Zone.” The enclosed map (Attachment 3) of the “inner” and “outer” corridor graphically depicts that the amount of lands subject to the Design Review Process in the “inner” and “outer” corridor, and indicates that the Memorandum would exempt a significant amount of lands in the “outer” corridor from this process and its attendant protections and review procedures.

CEQA requires preparation of an environmental impact report or “EIR” whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. (*Quail Botanical Gardens Found., Inc. v City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602; *Friends of “B” St. v City of Hayward* (1980) 106 Cal.App.3d 988, 1002.) An agency may avoid preparing an EIR only if there is *no substantial evidence* in the record that the agency action may have a significant effect on the environment. *Parker Shattuck Neighbors v Berkeley City Council* (2013) 222 Cal.4th 768, 785.¹ Here, the MRCA and SMMC’s analyses qualifies as “substantial evidence” that the Memorandum may cause a significant effect on the environment. (See Pub. Res. Code §§ 21080(e) and 21082.2 [substantial evidence may include facts, reasonable assumptions predicated on facts, and expert opinions supported by facts].) As such, there is substantial evidence in the record that the Memorandum may result in a significant impact on the environment, and CEQA applies.

Based on the above, the Department’s issuance of the Memorandum without preparing an EIR or appropriate CEQA documentation is inconsistent with its obligations under CEQA. The Memorandum therefore must be rescinded.

The Memorandum is Inconsistent with the City’s Obligations under the California Endangered Species Act

The City has an obligation to protect species that are listed or provisionally listed under the California Endangered Species Act (“CESA”), including Southern California mountain lions. The mountain lions of the Santa Monica and San Gabriel mountains are provisionally listed under the CESA and are presently at risk of extinction, primarily due to loss of habitat connectivity and open space caused by poorly sited development and lack of wildlife crossings (Gustafson et al. 2018; Benson et al. 2016; Benson et al. 2019). Under CESA, the City may not

¹ And even then, a negative declaration must be prepared. (Pub. Res. Code § 21080(c)(1); 14 Cal. Code Regs. §§15063(b)(2), 15064(f)(3).)

approve projects that could jeopardize the continued existence of these populations or result in destruction of essential habitat (Cal. Fish & Game Code § 2053(a) and the City must require that appropriate mitigation measures be implemented for projects that could destroy mountain lion habitat or impair connectivity (Cal. Fish & Game Code § 2054).

In issuing the Memorandum, the City has eliminated one of the only land use planning tools available to ensure contiguous wildlife habitat in the eastern Santa Monica mountains, which is important to the survival of the Santa Monica mountain lions. Instead of eliminating design reviews that result in some level of mitigation for projects that harm mountain lions and their habitat, the City should be building upon existing mitigation structures to comply with state law and protect local wildlife. Again, while a wildlife connectivity ordinance is an important step towards these goals, an ordinance has not yet been adopted and is not interchangeable with the existing design review process.

The Memorandum Undermines the 2019 Green New Deal Sustainability Plan

In 2019's LA's Green New Deal Sustainability Plan, the 2021 Milestones and Initiatives are to "Set biodiversity targets and pilot LA's first wildlife corridor." The Green New Deal also includes "Achieve and maintain 'no-net loss' of native biodiversity by 2035." The Memorandum will result in the continued loss of native biodiversity in one of the most important habitat areas remaining in the City. We urge the City to uphold the goals in the Sustainability Plan and direct City Planning to rescind the Memorandum.

Conclusion

We again thank you and City Planning for advancing the wildlife connectivity ordinance. However, we remain concerned the Memorandum will result in the reduction of protections for the City's remaining open space and wildlife habitat. We also understand that other community organizations and state agencies have voiced strong opposition to this unfortunate decision, and we share many of the concerns voiced in their letters.² Please do not hesitate to reach out to us using the email addresses below if you would like to discuss these issues with us.

Sincerely,



J.P. Rose
Senior Attorney
Center for Biological Diversity
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jrose@biologicaldiversity.org



Elizabeth Reid-Wainscoat
Urban Wildlands Campaigner
Center for Biological Diversity
660 S. Figueroa Street, Suite 1000
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² MRCA, Federation of Hillside and Canyon Associations, and Bel Air Skycrest Property Owners' Association submitted "appeals" of the decision which we understand the City rejected, claiming the decision is not appealable. As such, we have not styled this letter as an "appeal".

cc:

Vincent Bertoni, vince.bertoni@lacity.org

Joe Buscaino, councilmember.buscaino@lacity.org

Bob Blumenfield, councilmember.blumenfield@lacity.org

Mike Bonin, councilmember.bonin@lacity.org

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Monica Rodriguez, councilmember.rodriiguez@lacity.org

Nithya Raman, nithya.raman@lacity.org

Herb Wesson, councilmember.wesson@lacity.org

References

- Benson, J. F., Mahoney, P. J., Sikich, J. A., Serieys, L. E. K., Pollinger, J. P., Ernest, H. B., & Riley, S. P. D. (2016). Interactions between demography, genetics, and landscape connectivity increase extinction probability for a small population of large carnivores in a major metropolitan area. *Proceedings of the Royal Society B: Biological Sciences*, 283(1837), 20160957.
- Benson, J. F., Mahoney, P. J., Vickers, T. W., Sikich, J. A., Beier, P., Riley, S. P. D., ... Boyce, W. M. (2019). Extinction vortex dynamics of top predators isolated by urbanization. *Ecological Applications*, 29(3), e01868.
- Gustafson, K. D., Gagne, R. B., Vickers, T. W., Riley, S. P. D., Wilmers, C. C., Bleich, V. C., ... Ernest, H. B. (2018). Genetic source–sink dynamics among naturally structured and anthropogenically fragmented puma populations. *Conservation Genetics*, 20(2), 215–227.

Communication from Public

Name: Garrett Weinstein
Date Submitted: 12/01/2021 01:15 PM
Council File No: 21-1286
Comments for Public Posting: Please include the attached letter from The Federation of Hillside and Canyon Associations, Inc. in the Council File. Thank you.

P.O. Box 27404
Los Angeles, CA 90027
www.hillsidefederation.org



PRESIDENT
Charley Mims
CHAIR
Marian Dodge
VICE PRESIDENTS
Mark Stratton
Jamie Hall
SECRETARIES
Julie Kremkus
Robin Greenberg
TREASURER
Don Andres

May 20, 2021

VIA US MAIL & EMAIL to vince.bertoni@lacity.org

Argyle Civic Assn.
Beachwood Canyon NA
Bel-Air Assn.
Bel-Air Hills Assn.
Bel Air Knolls Property Owners
Bel Air Skycrest Property Owners
Benedict Canyon Association
Brentwood Hills Homeowners
Brentwood Residents Coalition
Cahuenga Pass Property Owners
Canyon Back Alliance
Crests Neighborhood Assn.
Dixie Canyon Assn.
Doheny-Sunset Plaza NA
Franklin Ave./Hollywood Bl. West
Franklin Hills Residents Assn.
Highlands Owners Assn.
Hollywood Dell Civic Assn.
Hollywood Heights Assn.
Hollywoodland HOA
Holmby Hills Homeowners Assn.
Kagel Canyon Civic Assn.
Lake Hollywood HOA
Laurel Canyon Assn.
LFIA (Los Feliz)
Mt. Olympus Property Owners
Mt. Washington Homeowners All.
Nichols Canyon NA
Oak Forest Canyon HOA
Oaks Homeowners Assn.
Outpost Estates HOA
Pacific Palisades Res. Assn.
Residents of Beverly Glen
Save Coldwater Canyon!
Save Our Canyon
Shadow Hills POA
Sherman Oaks HOA
Silver Lake Heritage Trust
Studio City Residents Assn.
Sunset Hills HOA
Tarzana POA
Upper Mandeville Canyon Assn.
Upper Nichols Canyon NA
Whitley Heights Civic Assn.

Vincent P. Bertoni, AICP
Director of Planning
Los Angeles Department of City Planning
Los Angeles City Hall
200 N. Spring Street, Suite 525
Los Angeles, CA 90012

RE: Mulholland Scenic Parkway Specific Plan
Implementation Guidance Issued March 30, 2021

Dear Director Bertoni:

The Federation of Hillside & Canyon Associations, Inc. (“Hillside Federation”) was founded in 1952 and represents 44 resident and homeowner associations with 250,000 constituents spanning the Santa Monica Mountains. The Hillside Federation objects to your recently issued memorandum purporting to limit the jurisdiction of the Mulholland Scenic Parkway Specific Plan (“Specific Plan”) Design Review Board.

Many of our constituent groups and their members live within the Specific Plan area and rely on the Specific Plan as a primary planning and zoning resource to defend their neighborhoods from development in conflict with the Specific Plan area. These stakeholders also rely on the City’s recognized expert Specific Plan advisory agency, the Mulholland Design Review Board. The memorandum’s interpretation is in direct conflict with the express Council-adopted Specific Plan language and must be rescinded.

Mulholland Drive and environs are internationally recognized as a unique resource within the City of Los Angeles; the area attracts visitors the world over. The Specific Plan, adopted by the Los Angeles City Council in 1992 after decades of effort by City leaders working in collaboration with

CHAIRS EMERITI
Shirley Cohen
Jerome C. Daniel
Patricia Bell Hearst
Alan Kishbaugh
Steve Twining
CHAIRS IN MEMORIAM
Brian Moore
Gordon Murley
Polly Ward

Vincent P. Bertoni, AICP, Director of Planning

May 20, 2021

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interested stakeholders (including former Hillside Federation leaders), protects an approximately 20 square mile area and falls within the jurisdiction of five separate Los Angeles City Council Districts (Council Districts 2, 3, 4, 5, and 11).¹

The Specific Plan establishes comprehensive design review procedures that unambiguously require the Director of Planning to obtain the recommendation of the Specific Plan's Design Review Board before a permit for the use of land, building permit, grading permit, revocable permit to encroach, or B-permit may be issued. (Specific Plan, Section 11.A.) The jurisdiction of the Design Review Board does not relate to whether projects proposed within the Specific Plan area are visible from Mulholland Drive. (*Ibid.*) Moreover, no exemption to the design review procedures relates to whether a proposed project within the Specific Plan area is visible from Mulholland Drive. (*Id.*, Section J, p. 26.)

On March 30, 2021, however, with no advance notice to the public, your memorandum entitled "Mulholland Scenic Parkway Specific Plan Implementation Guide" was issued purporting to significantly limit the Design Review Board's jurisdiction. The memorandum describes its purpose is: "to supersede the 1998 Director of Planning's memorandum and to clarify Project Permit Compliance and Design Review Procedures for Visible and Non-Visible Projects in the Mulholland Scenic Parkway Specific Plan area pursuant to Los Angeles Municipal Code (LAMC) Section 11.5.7 and the Mulholland Scenic Parkway Specific Plan." (Memorandum, p. 1.) In its very first paragraph, your memorandum cites but one of the fourteen explicit purposes of the Specific Plan, suggesting it somehow acts as an express limitation on the jurisdiction of the Mulholland Design Review Board. (*Ibid.*) Your memorandum acknowledges it is merely an interpretation. (*Id.*, p. 6.) The Hillside Federation vehemently disagrees with your memorandum's conclusion that the language of the Specific Plan can be interpreted so as to limit the Design Review Board's jurisdiction in this way.

The memorandum suggests that the purpose of the Specific Plan relates only to aesthetic impacts visible from the Mulholland Drive right of way. This is grossly in error. While projects visible from Mulholland may have obvious impacts because they are visual, the numerous purposes of the Specific Plan also include: to "preserve and enhance land having exceptional recreational and/or educational value," to "assure that land uses are compatible with the parkway environment," to "preserve the natural topographic variation within the Inner and Outer Corridors," to "reduce the visual intrusion caused by excessive lighting," to "preserve the

¹ Mulholland Scenic Parkway Specific Plan (Los Angeles Ord. No. 167,943), available at: https://planning.lacity.org/odocument/1ca45b19-cbf5-40ec-b169-1735878beca2/Mulholland_Scenic_Parkway_Specific_Plan_.pdf. As the Specific Plan ordinance's recitals note, "Mulholland Drive...makes available to all people spectacular mountain, ocean and city views, and scenic and recreational opportunities from the Hollywood Freeway to the westerly Los Angeles City-County boundary line." It continues, "these amenities and resources are valuable to the city as a whole, and should be protected and enhanced by means of land use and design controls tailored to the physical character of the Mulholland Scenic Parkway and Santa Monica Mountains." (*Ibid.*, p. 2.)

Vincent P. Bertoni, AICP, Director of Planning

May 20, 2021

p. 3

existing ecological balance,” to “protect prominent ridges, streams, and environmentally sensitive areas; and the aquatic, biologic, geologic, and topographic features therein,” and to “protect all identified archaeological and paleontological resources.” (Specific Plan, pp. 3-4.) These numerous purposes do not specifically relate to visibility from Mulholland Drive, the protection of which is but one of numerous purposes of the Specific Plan.

A project currently under review by the Department, which but for the Department’s recent action would have been heard by the Design Review Board, exemplifies why the Board’s jurisdiction should not be limited. As a letter from the Mountains Recreation and Conservation Authority (“MRCA”) about a recent project notes: “Projects on ecologically sensitive properties...can only benefit from a transparent, public Design Review process, which will help to ensure that there are fewer complications during the permitting process and during construction. Public review by the DRB also reduces the likelihood of a project approval being appealed.”² While MRCA’s letter acknowledges that its “staff is in contact with the applicant’s representative, and we hope to reach mutually agreeable solutions” to address MRCA’s issues of concern, “consultation between project applicants and the MRCA is not a substitute for the professional expertise of the DRB.”³

The Hillside Federation, two of our constituent members, and the MRCA all attempted to appeal your unilateral action under Los Angeles Municipal Code section 11.5.7, which specifically provides that the “City Planning Commission shall hear appeals on Director interpretations which affect an entire specific plan or any of its subareas...” (LAMC, § 11.5.7.H(3).) Despite being timely filed, the Department of City Planning rejected all the appeals on the basis that the Director’s action was not appealable. The Hillside Federation disagrees with this contention. The memorandum admits it is an interpretation of the Specific Plan, and it is therefore the proper subject of an appeal to the City Planning Commission under the municipal code.

The Hillside Federation has long prided itself on being a valued and respected partner of the City of Los Angeles with a shared goal of protecting and defending the City’s precious and unique hillside resources, including the Mulholland Scenic Parkway.⁴ While we strongly prefer to work in partnership with the City in fulfilling our mission, the Federation will not shy away from taking all steps we deem necessary to protect the Mulholland Scenic Parkway Specific Plan.

² Garrett Weinstein, MRCA Project Analyst, letter to Olga Ayala, Department of City Planning regarding Planning Case No. ZA-2021-2468-ZAD-DRB-SPP-MSP, p. 2, May 13, 2021.

³ *Id.*, p. 1 (emphasis added).

⁴ This is made clear by our longstanding mission statement: “The mission of the Hillside Federation shall be: To protect the property and the quality of life of the residents of the Santa Monica Mountains and other hillside areas of Los Angeles and its environs, and to encourage and promote those policies and programs which will best preserve the natural topography and wildlife of the mountains and hillsides for the benefit of all the people of Los Angeles.”

Vincent P. Bertoni, AICP, Director of Planning

May 20, 2021

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If the Department of City Planning believes there is cause for amending the Specific Plan, including making changes to its design review procedures, we insist that it engage in an appropriate public process that allows interested stakeholders to participate and comment on Planning's recommendations through the Charter-mandated process for adopting land use legislation. (See Los Angeles City Charter, § 558.) Until then we urge you to rescind and withdraw your March 30, 2021 memorandum and honor the Mulholland Design Review Board's jurisdiction as it is unambiguously expressed by the Specific Plan language adopted by the Los Angeles City Council in 1992.

Sincerely,

A handwritten signature in cursive script that reads "Charley M. Mims". The signature is written in black ink and is positioned above the printed name and title.

Charley M. Mims
President

Cc's (by email only):

Kevin Keller, Executive Officer, Dept. of City Planning
Honorable Paul Krekorian, Council Member, District 2
Honorable Bob Blumenfield, Council Member, District 3
Honorable Nithya Raman, Council Member, District 4
Honorable Paul Koretz, Council Member, District 5
Honorable Mike Bonin, Council Member, District 11

Communication from Public

Name: Garrett Weinstein
Date Submitted: 12/01/2021 01:17 PM
Council File No: 21-1286
Comments for Public Posting: Please include the attached letter from the Sierra Club in the Council File. Thank you.



Angeles Chapter
Central Group
3250 Wilshire Blvd. #1106
Los Angeles, CA
90010-1513

June 30, 2021

Mayor Eric Garcetti
Office of the Mayor
City of Los Angeles
200 North Spring Street
Los Angeles, California 90012
VIA EMAIL
mayor.helpdesk@lacity.org

cc:

councilmember.krekorian@lacity.org
Honorable Paul Krekorian, Council Member, District 2
Karo.torossian@lacity.org
Karo Torossian, Chief of Staff

councilmember.blumenfield@lacity.org
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Honorable Mike Bonin, Council Member, District 11
jason.p.douglas@lacity.org
Jason Douglas, Senior Planning Deputy

Los Angeles City Council
City of Los Angeles
200 North Spring Street, Room 340 Los Angeles, California 90012

RE: Opposition to Policy of Exempting "Non-Visible" Projects in the Mulholland Scenic Parkway from Design Review Procedures as Described in the March 30, 2021 Memorandum from Director of Planning

Dear Mayor Garcetti and Councilmembers Krekorian, Blumenfield, Raman, Koretz, and Bonin:

The Sierra Club Angeles Chapter spans Los Angeles and Orange Counties in Southern California and represents 100,000 members and supporters collectively. Sierra Club's purpose is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

Sierra Club strongly opposes Director of Planning Vincent Bertoni's March 30, 2021 Mulholland Scenic Parkway Specific Plan Implementation Guidance Memorandum, exempting Non-Visible projects in the Mulholland Scenic Parkway (spanning five council districts) from the standard Design Review Procedure and hearings before the Design Review Board. This memo is in direct conflict with all that we value as an organization. According to the Santa Monica Mountains Conservancy (SMMC), this action eliminates in-depth review of impacts to parkland, scenic overlooks, scenic road corridors, wildlife corridors, riparian corridors, and the urban forest.

- The Director's decision is inconsistent with the city's obligation under the California Endangered Species Act ("CESA"). It has eliminated one of the only land use planning tools available to ensure contiguous wildlife habitat in the Santa Monica Mountains zone, which is crucial to the survival of the mountain lions, and will result in the degradation of the ecological and watershed health of the area.
- The Southern California mountain lion was recently provisionally listed under CESA and are presently at risk of extinction, primarily due to loss of habitat connectivity and open space caused by poorly sited development and lack of wildlife crossings (Gustafson et al. 2018; Benson et al. 2016; Benson et al. 2019). The City has an obligation to protect these species.
- In 2019's LA's Green New Deal Sustainability Plan, the 2021 Milestones and Initiatives are to "Set biodiversity targets and pilot LA's first wildlife corridor" and "Achieve and maintain 'no-net loss' of native biodiversity by 2035." The Memorandum's action will result in the continued loss of native biodiversity in one of the most important habitat areas remaining in the City.

It would only take one ill-planned project to disrupt or block wildlife connectivity completely. This could be as small as an impenetrable fence or too bright a light being projected into a wildlife

pathway. That is why the city is currently working on a Wildlife Ordinance with the purpose of maintaining and protecting existing wildlife and their ecosystems. We must seek to preserve a balance between private property development and enhancement of habitat areas vital for wildlife connectivity. This balance is achieved by receiving input from the Mulholland Design Review Board hearings procedure. Ignoring this process jeopardizes important mitigation for wildlife and natural resource protection.

The Director's memorandum was issued unilaterally with no prior notice or opportunity for public comment, is in direct conflict with the express language of the Specific Plan, exceeds his authority under the City Charter, and usurps the legislative function of the City Council which signed the Specific Plan into law in 1992.

At an April 19, 2021 SMMC board meeting Executive Director, Joseph T. Edmiston, powerfully stated: "The Mulholland Design Review Board and the Mulholland Ordinance have really been singularly responsible for the fact that we have preserved wildlife corridors. It's really the only effective tool that we have."

If we reduce protections in this area, we will allow even further irreversible damage to occur. It is the responsibility of the City of Los Angeles to protect the environment and the wildlife that inhabit it. As the elected officials who represent Mulholland Scenic Parkway constituents, and who are responsible for appointing the Mulholland Design Review Board members, we ask that you collectively urge Director Bertoni to immediately rescind and withdraw his illegal memorandum.

Regards,

A handwritten signature in black ink, appearing to read "Dennis Loya". The signature is fluid and cursive, with a large initial "D" and "L".

Dennis Loya
Chair
Angeles Chapter, Sierra Club

Communication from Public

Name: Garrett Weinstein
Date Submitted: 12/01/2021 01:19 PM
Council File No: 21-1286
Comments for Public Posting: Please include the attached letter from United Neighborhoods for Los Angeles in the Council File. Thank you.



United Neighborhoods for Los Angeles

www.un4la.com

UN4LA Board

Casey Maddren, President

Cherilyn Smith, Treasurer

Richard Platkin, Secretary

Annie Gagen

Jack Humphreville

Kim Lamorie

Gina Thornburg

August 2, 2021

Mayor Eric Garcetti &
Members of the Los Angeles City Council
Los Angeles City Hall
200 N. Spring St.
Los Angeles, CA 90012

Re: Opposition to March 2021 Guidance Memo from Director of Planning Vince Bertoni Regarding the Mulholland Scenic Parkway Specific Plan

Mayor Garcetti and Members of the City Council,

United Neighborhoods for Los Angeles (UN4LA) is a community group formed to foster better planning and better government within the County of Los Angeles, and all cities and unincorporated areas contained within the County's borders. UN4LA's goal is to reach out to the diverse communities of Los Angeles County and partner with them on issues of concern. Among UN4LA's primary areas of focus are planning, ethics, governance, and the environment.

We are extremely concerned over the March 30, 2021 memo from Director of Planning Vincent P. Bertoni that exempts projects not visible from Mulholland Drive from review by the Mulholland Design Review Board (MDRB). We strongly oppose this change which Mr. Bertoni has unilaterally enacted. Not only does this action conflict with the purpose of the Mulholland Scenic Parkway Specific Plan (MSPSP), but it also conflicts

with the City's stated commitment to sound environmental stewardship. Mr. Bertoni's memo also shows an alarming disregard for public participation in decisions that affect the welfare of the citizens of Los Angeles.

The MSPSP covers approximately 20 square miles (over 12,000 acres), a significant portion of the Santa Monica Mountains. It is within the boundaries of the State-designated Santa Monica Mountains Conservancy Zone, and the Federally-designated Santa Monica Mountains National Recreation Area. The area within the MSPSP contains a wealth of environmental resources which contribute to LA's impressive biodiversity. Unfortunately, in recent years the area has suffered significant environmental damage due to new development. Large numbers of trees have been removed (including protected species), hillsides have been recklessly carved up, and wildlife habitat has been eroded. In addition, the warmer and drier conditions brought about by climate change have had severe impacts on the hillsides. Together these factors have caused serious stress to the ecosystems within the MSPSP.

The Director of Planning seems oblivious to all of this. He has attempted to justify his Implementation Guidance Memo by incorrectly claiming that the intent of the MSPSP was solely to protect viewsheds, thereby exempting projects not visible from Mulholland from review by the MDRB. It appears that Mr. Bertoni has failed to read all of the Specific Plan's provisions. Under Section 2, Purposes, the MSPSP includes the following:

- *To preserve the existing ecological balance.*
- *To protect prominent ridges, streams, and environmentally sensitive areas; and the aquatic, biologic, geologic, and topographic features therein.*
- *To protect all identified archaeological and paleontological resources.*

This makes it clear that the Plan was intended to do much more than simply protect viewsheds. In his memo, Mr. Bertoni notes that since the MSPSP was adopted the City and State have taken numerous actions to protect and preserve environmentally sensitive areas. This is true, but inconsistent implementation and a disturbing lack of enforcement have allowed continued degradation of these areas. It is particularly galling that Mr. Bertoni mentions the California Environmental Quality Act, since during his tenure as Director of Planning the department has increasingly tended to declare projects categorically exempt from CEQA, no matter how serious their actual impacts may be. You can pass all the laws you want, but they don't mean a thing if government agencies fail to enforce them.

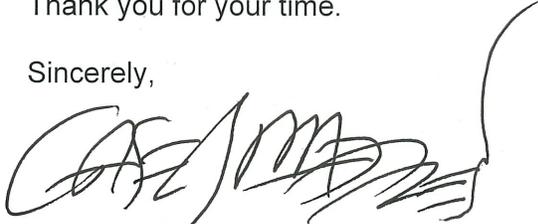
Beyond the specific impacts of Mr. Bertoni's memo regarding projects within the MSPSP, we are concerned that this action continues a disturbing trend toward vesting more power in Planning Department officials while shutting the public out of the planning process. City Planning is currently preparing the New Zoning Code (NZC), and at the same time updating a number of community plans. As part of both of these endeavors, the Department has shown its clear intention to reduce the number of required discretionary approvals, allowing a greater number of projects to be processed ministerially. The Hollywood Community Plan Update would increase the threshold for Site Plan Review from 50 units to 200 units, allowing projects below that revised threshold to receive a ministerial approval. The NZC hardwires significantly higher density bonuses into the Code, allowing larger projects to be built with less public review. Furthermore, the City Council is on the verge of approving the Processes & Procedures Ordinance, which will give the Director the power to make decisions

regarding project adjustments and alternative compliance. It is clear that City Planning is working hard to increase its own authority. Mr. Bertoni's unilateral action regarding the MSPSP is just the latest assault in his Department's campaign to increase its power while removing the public from the decision-making process.

As stated above, Mr. Bertoni's action regarding review of projects within the MSPSP is in conflict with the Plan's stated purposes. Beyond that, it is yet another example of his Department's embrace of an authoritarian, anti-democratic approach to planning. We urge the City Council to take steps to reverse the Director's action. If left in place, it will result in the further degradation of ecosystems which have already suffered significant damage.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Casey Maddren', with a long, sweeping flourish extending upwards and to the right.

Casey Maddren, President
United Neighborhoods for Los Angeles

cc: Citizens for Los Angeles Wildlife
Community Forest Advisory Committee
Hillside Federation
Neighborhood Council Sustainability Alliance
Sierra Club

Communication from Public

Name: Garrett Weinstein
Date Submitted: 12/01/2021 01:22 PM
Council File No: 21-1286
Comments for Public Posting: Please include the attached letter from the Bel Air-Beverly Crest Neighborhood Council in the Council File. Thank you.



November 15, 2021

Eric Garcetti, Mayor
City Council
City of Los Angeles

Honorable Mayor Garcetti and Councilmembers:

Earlier this year, the Director of Planning recently stated a change in policy of exempting Non-Visible projects in the Mulholland Scenic Parkway, from the established Design Review Procedure and hearings before the Design Review Board as described in the Director’s March 30, 2021 memorandum, “Review Process for Projects Not Visible from Mulholland Drive”. This new policy subverts the purpose and intent of the Mulholland Scenic Parkway Specific Plan as envisioned when the City Council adopted the Specific Plan in 1992, and the City Planning Commissions’ adoption of the Design and Preservation Guidelines in 2003. The Bel Air-Beverly Crest Neighborhood Council objects to and opposes this unilateral determination that undermines Council’s clear action and directives.

Many of our stakeholders and those of other Neighborhood Councils that are located within the Specific Plan area rely on the Specific Plan as a primary planning and zoning resource to protect their neighborhoods from development in conflict with the Outer Corridor of the Specific Plan. These stakeholders rely on the City’s recognized expert Specific Plan advisory agency, the Mulholland Design Review Board. The Director’s interpretation is in direct conflict with the express Council-adopted Specific Plan language and must be rescinded.

Without question this change in Department of Planning policy will impair public notice and participation rights in the vast majority of MSPSP cases. It will also result in the immediate

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STAKEHOLDER GROUPS

Bel Air Association
Bel-Air Crest Master Association
Bel Air Hills Association
Bel Air Ridge Association
Benedict Canyon Association
Casiano Estates Association
Doheny-Sunset Plaza Neighborhood Assn.
Holmby Hills Homeowners Association
Laurel Canyon Association
Residents of Beverly Glen

RESIDENTIAL DISTRICTS

Bel Air District
Bel Air Glen District
Franklin-Coldwater District
North of Sunset District

NON-RESIDENTIAL REPRESENTATION

At-Large Members
Commercial or Office Enterprise Districts
Custodians of Open Space
Faith-Based Institutions
Public Schools & Private Schools

degradation of the scenic qualities, ecological capacity, and watershed health of the eastern Santa Monica Mountains.

Mulholland Drive, and its environmental assets are internationally recognized as a unique resource within the City of Los Angeles. This area attracts visitors the world over. The Specific Plan, adopted by the Los Angeles City Council in 1992, after decades of effort by City leaders working in collaboration with interested stakeholders, protects approximately a 20 square mile area that currently falls within the jurisdiction of five separate Los Angeles City Council Districts.

The Specific Plan establishes comprehensive design review procedures that unambiguously require the Director of Planning to obtain the recommendation of the Specific Plan's Design Review Board before a permit for the use of land, building or B-permit may be issued (Specific Plan, Section 11.A). The jurisdiction of the Design Review Board does not relate to whether projects proposed within the Specific Plan area are visible from Mulholland Drive. Moreover, no exemption to the design review procedures relates to whether a proposed project within the Specific Plan area is visible from Mulholland Drive.

On March 30, 2021, without advance notice to the public, the Director issued a memorandum entitled "Mulholland Scenic Parkway Specific Plan Implementation Guide," purporting to significantly limit the Design Review Board's jurisdiction. The memorandum describing its purpose is, "to supersede the 1998 Director of Planning's memorandum, clarify Project Permit Compliance and Design Review Procedures for Visible and Non-Visible Projects in the Mulholland Scenic Parkway Specific Plan area. Pursuant to LAMC: Section 11.5.7, and the Mulholland Scenic Parkway Specific Plan, the Memorandum in its very first paragraph cites all but one of the fourteen explicit purposes of the Specific Plan, suggesting it somehow acts as an express limitation on the jurisdiction of the Mulholland Design Review Board. The memorandum acknowledges it is merely an interpretation. The BABCNC vehemently disagrees with the memorandum's conclusion, that the language of the Specific Plan can be interpreted to limit the Design Review Board's jurisdiction this way.

The memorandum suggests that the purpose of the Specific Plan relates only to aesthetic impacts visible from the Mulholland Drive right of way. This is grossly stated in error. Although projects visible from Mulholland Drive may have obvious impacts because they are visual, the numerous purposes of the Specific Plan also include: to preserve and enhance land having exceptional recreational or educational value; to assure that land uses are compatible with the parkway environment; to preserve the natural topographic variation within the Inner and Outer Corridors; to reduce the visual intrusion caused by excessive lighting; to preserve the existing ecological balance; to protect prominent ridges, streams and environmentally sensitive areas, the aquatic, biologic, geologic, and topographic features therein; and to protect all identified

archaeological and paleontological resources. These numerous purposes do not specifically relate to visibility from Mulholland Drive, the protection of which is but one of the numerous purposes of the Specific Plan.

What was the reason, or reasons, for this drastic change in policy without public hearings? This seems to have been done capriciously without regard for the consequences or respect for either the Specific Plan or stakeholders in the community.

The criteria cited in the subject memorandum for exempting a project from the Design Review Procedures do not address “Non-Visible” projects within 200 feet of public parkland seen throughout the range. The Design Review process has been vital to both identifying and securing protections for wildlife movement through the Eastern Santa Monica Mountains in the City-designated Wildlife Habitat Linkage Zone. The Director’s memorandum eliminates the crucial role of the Design Review Board in gathering information and advising the Department on these important issues.

We respectfully urge that the Director’s memorandum be rescinded, or that the City Council reverse this erroneous and illegal decision by the Director of Planning.

This letter was approved at a regularly scheduled meeting of the Bel Air-Beverly Crest Neighborhood Council on October 27, 2021, with a quorum of members present by a vote of 21 ayes and zero noes.

Sincerely,



Travis Longcore, Ph.D.
President

cc:

Vincent Bertoni, Director, Dept of City Planning
Kevin Keller, Executive Officer, Dept of City Planning
Honorable Paul Koretz, Council Member, CD 5
Honorable Nithya Raman, Council Member, CD 4
Honorable Paul Krekorian, Council Member, CD 2
Honorable Bob Blumenfeld, Council Member, CD 3
Honorable Mike Bonin, Council Member, CD 11

Communication from Public

Name: Kathy Schaeffer

Date Submitted: 12/01/2021 03:02 PM

Council File No: 21-1286

Comments for Public Posting: Although Mr. Bertoni may have had the authority to modify the Mulholland Wildlife Corridor on his own, it would have been more prudent to consult with other stakeholders. To modify the boundaries such that property not viewed from Mulholland Dr is exempt from the Mulholland Corridor will cause major disruption to wildlife and be one more nail in the coffin of biodiversity. Additionally, should additional property become available to developers, there are many geologic and fire hazards that need to be taken into account for both new and existing homes.