

# Save Oak Savanna

May 1, 2016

Milena Zasadzien  
Major Projects Section  
Department of City Planning  
6262 Van Nuys Blvd., Room 351  
Van Nuys, CA 91401

SENT VIA U.S. POST AND EMAIL TO:  
milena.zasadzien@lacity.org

Re: **Draft Environmental Impact Report**

Vesting Tentative Tract No. 67505

Case Number: **ENV-2005-2301-EIR**

State Clearing House Number: 2005111054

Project Location: **22255 and 22241 Mulholland Drive, Woodland Hills, CA 91364**

On behalf of Save Oak Savanna ("SOS"), a 501(c)(3) Nonprofit Corporation, this letter and accompanying Save Oak Savanna Draft Environmental Impact Report Assessment ("Assessment") are submitted in response to the Draft Environmental Report for Case No. ENV-2002-2301-EIR and the project proposed to be located at 22255 and 22241 Mulholland Drive, Woodland Hills, CA 91364.

SOS challenges the DEIR's reliability in assessing and presenting the relevant facts, significant effects and realistic mitigation measures related to the proposed project. Merely presenting statements and conclusions in support of the project does not pass muster under applicable California Environmental Quality Act (CEQA) standards.

The California Legislature enacted CEQA to protect the environment of California, Cal. Pub. Res. Code § 21000(a); to protect the environmental health of Californians, Cal. Pub. Res. Code §§ 21000(b), 21000(6), 21404(9); to prevent the elimination of plant and animal species due to man's activities, Cal. Pub. Res. Code § 21001(b); to create and maintain ecological and economic sustainability, Cal. Pub. Res. Code § 21001(8); and to "take all action necessary to protect, rehabilitate, and enhance the environmental quality of the State." Cal. Pub. Res. Code § 21001(a).

The purpose of an Environmental Impact Report ("EIR") is "to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided," before a project is built. Cal. Pub. Res. Code § 21002.1(a). Specific data should be presented for a meaningful analysis of all significant impacts. Berkeley Keep Jets Over the Bay v. Bd. Of Port Commn's (2001) 91 Cal.App.4th 1344, 1381.

This project is wholly inappropriate in scale, density and meeting the compatibility standard for this location in the Mulholland Scenic Corridor. In particular, the DEIR fails to adequately address the Mulholland Scenic Parkway Specific Plan ("Specific Plan") and Guidelines. Details, examples, graphs and photos are included in the attached Assessment, where specific concerns with the DEIR, and recommended Actions are set forth. This letter and the Assessment should be considered together as SOS's comments and feedback on the DEIR.

## INTRODUCTION

The DEIR is offered up for approval without adequate examination of the substantial significant impacts and is therefore inherently unreliable. The project is planned for 2 parcels of land that are located within the inner corridor of the Mulholland Scenic Parkway. The Mulholland Scenic Parkway intentionally established land use controls and a design review process tailored to ensure that development within the Parkway is compatible with the unique character of the Santa Monica Mountains. The Specific Plan encourages environmentally and aesthetically sensitive development in the Scenic Parkway and seeks to ensure that all projects, both public and private, are compatible with the Scenic Parkway environment. As currently presented in the DEIR, this project does not adequately take into account the unique character of the Scenic Parkway environment.

As emphasized in the introductory section of the Mulholland Scenic Parkway Specific Plan (hereinafter "Specific Plan"), some of the purposes for establishing the Specific Plan, which require scrutiny for this project include:

- Assuring maximum preservation and enhancement of the parkway's outstanding and unique scenic features and resources preserving Mulholland Drive as a slow-speed, low-intensity drive
- Preserving and enhancing land having exceptional recreational and/or educational value
- Assuring that land uses are compatible with the parkway environment
- Assuring that the design and placement of buildings and other improvements preserve, complement and/or enhance views from Mulholland Drive
- Preserving the existing residential character of areas along and adjoining the right-of-way
- Minimizing grading and assuring that graded slopes have a natural appearance compatible with the characteristics of the Santa Monica Mountains
- Preserving the natural topographic variation within the Inner and Outer Corridors
- Minimizing driveway and private street access into the right-of-way.
- Preserving the existing ecological balance
- Protecting prominent ridges, streams, and environmentally sensitive areas; and the aquatic, biologic, geologic, and topographic features therein, and
- Providing a review process of all projects which are visible from Mulholland Drive to assure their conformance to the purposes and development standards contained in the Specific Plan and the Landform Grading Manual.

Noting that many of the Specific Plan Guideline parallel the above-referenced purposes, applying the purposes to the project described in the DEIR reveals many shortcomings in the adequacy of the DEIR. The size and scope of the project described in the DEIR will not preserve or enhance the parkway's unique scenic features. The project does not serve the purpose of preserving Mulholland Drive as a slow-speed, low-intensity drive. The project proposes uses of the land that are incompatible with the parkway environment. Instead, the concept of the project is based upon maximizing the number of units as well as the height of each rather than a scaled down plan with less units consisting of homes that are compatible with the existing homes located along the parkway and in the inner corridor.

The project design, placement of the units, street entrances and driveways focus on how many structures can be built rather than preserving, complementing or enhancing views from Mulholland Drive. Despite unequivocal and unanimous feedback from the community regarding concerns about compatibility with the immediate neighborhood, the project is still presented in a manner that does not preserve the existing residential character of areas along and adjoining the right-of-way.

The project proposes substantial grading and modification of the natural topography. The DEIR does not satisfactorily address the obvious issue regarding how their grading plan conflicts with the stated purpose that projects are supposed to minimize grading. The DEIR shows steeply graded slopes in order to fit in a greater number of units and the effect will not achieve a natural appearance compatible with the characteristics of the Santa Monica Mountains. This plan of manipulating the land does not serve to preserve the natural topographic variation within the inner corridor.

The DEIR pitches a project that does not minimize driveway and private street access into the right-of-way. The site of the project is a well-established wildlife corridor, and a sanctuary for wildlife, including migratory birds, since the time of the first owner. The DEIR fails to persuasively analyze how tearing up the topography and years of construction will preserve the existing ecological balance or protect the blue line stream, environmentally sensitive areas and the topographic features that currently exist on the land.

SOS requests that the Final Environmental Impact Report include details, supported by facts, which will demonstrate an effort at fulfilling the purposes of the Specific Plan and adherence to the Guidelines applicable to this proposed project.

**THE MULHOLLAND SCENIC CORRIDOR DESIGN REVIEW BOARD HAS THE AUTHORITY  
TO CONDUCT AN EARLY REVIEW OF THIS PROJECT**

The Specific Plan also provides for a design review process, sets forth general design criteria, and establishes a Design Review Board (DRB). In the design review process, the DRB and the Director of Planning apply the standards and criteria in the Specific Plan to ensure that all proposed projects within the Parkway preserve the natural environment and terrain of the Santa Monica Mountains, protect the hillside character of the Parkway, are compatible with the Parkway environment, and do not obstruct the views from Mulholland Drive.

Section 11. of the Specific Plan addresses the DESIGN REVIEW PROCEDURES and sets forth at Paragraph A. "Jurisdiction", that "No permit for the use of land; building permit; grading permit;

revocable permit to encroach; or B-permit; shall be issued for a project, until plans, elevations and/or other graphic representations of the project have been reviewed and approved by the Director acting on a recommendation of the Board”, with certain exceptions that do not apply for this project.

The Specific Plan clarifies the Design Review Board’s Authority and Duties in Section 11, Paragraph F: “with respect to development in the Specific Plan area and its consistency with this Specific Plan, the Board may advise the Advisory Agency on the layout and design of subdivisions, the Area Planning Commission and the City Planning Commission on zone changes and conditional uses, the Zoning Administrator on variances and conditional uses, and the appropriate City decision-making body on any public project or discretionary action.”

While this is a small project by city-wide standards, it is a large and unique proposal for the Mulholland Scenic Parkway Plan. SOS requests this project be reviewed by the Design Review Board as soon as possible. Early review will minimize inevitable delays and challenges in the future, presuming this project moves forward. Many of the concerns expressed in this letter and the Assessment could be addressed in this forum and save both time and money for the City of Los Angeles Planning Department, the developer and the community.

#### **THE DEIR GIVES SHORT SHRIFT TO THE MULHOLLAND SCENIC PARKWAY GUIDELINES**

The design Guidelines, prepared pursuant to the Specific Plan, state the policies, interpretations, and precedents used by the DRB in implementing the Specific Plan. The intent of this document is to guide applicants in designing projects that will be compatible with the Scenic Parkway environment, the Department of City Planning personnel in counseling applicants and evaluating application files, and the Departments of Public Works and Transportation, utility companies and others regarding projects proposed for construction in the right-of-way of Mulholland Drive.

Precisely because so many city departments and personnel, utility companies, the developer, community groups and neighbors have a stake in the outcome of the design review process, it is essential that the DRB be involved now.

SOS recognizes that the guidelines do not create entitlements and are not mandatory requirements. However, emphasis should be on preserving the Mulholland Scenic Parkway and this development must attempt to abide by the guidelines that have applicable importance to this site and planned project. SOS’s requested Action for early review by the DRB is made so the developer may be transparent with the community and the City Planning Department in addressing the guidelines that are applicable to the proposed project and site conditions.

The rights of the property owners should be balanced with the goals of the developer in building an appropriate and acceptable project that does more than just make a profit. In particular, this project must take into consideration that the project is in the inner corridor and most of the buildings will be visible from Mulholland Drive.

#### **THE DEIR FAILS TO ANALYZE CRITICAL TOPICS**

The DEIR avoids specificity and detail in discussing the realistic significant environmental impacts of the proposed project. The word “mitigation” is thrown in to justify unavoidable or inexcusable

impacts. Conclusory statements unsupported by empirical or experimental data, scientific authorities, or explanatory information afford no basis for comparison of the problems involved with a proposed project and the difficulties involved in the alternatives. Whitman v. Board of Supervisors (1979) 88 Cal.App.3d 397, 411.

The standard that must be achieved is the gathering of all that critical information necessary for informed decision making by both the public and decision makers. Laurel Heights Improvement Association v. Regents of the University of California, 47 Cal.3d page 409, fn. 12. The DEIR glosses over details, ignores critical facts, omits critical information (such as a sight study and compliance with the Baseline Hillside Ordinance) and includes inconsistencies throughout that should be fully developed in order for the DEIR to provide a legally sufficient discussion of all the environmental consequences of the Project.

#### **THE DEIR FAILS TO ANALYZE INDIRECT IMPACTS**

CEQA Guidelines Section 15126.2 requires the DEIR to identify and focus on all of the significant environmental impacts of the proposed project including in particular the identification and description of indirect significant effects of the Project on the environment, giving due consideration to both the short-term and long-term effects. Many examples of the deficiencies in data and other quantitative measures are discussed further in the Assessment.

SOS appreciates the opportunity to participate in the process of commenting on this proposed project.

Thank you,

Alan Wiessbrod  
President of Save Oak Savanna

Encl.: Save Oak Savanna Draft Environmental Impact Report Assessment