

SANTA MONICA MOUNTAINS CONSERVANCY

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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