

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

October 24, 2021

Tim Fargo
Department of City Planning
City of Los Angeles
6262 Van Nuys Bl, Suite 430
Van Nuys, CA 91401
Via email: tim.fargo@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
Bundy Canyon
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)
Mountaingate
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.

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

**Re: Hillside Federation Response to Curtis School Master Plan
MND, ENV-2017-3972-MND/CPC 2020-1086-SPE-DRB-SPP-MSP-ZAD-SPR –
OPPOSE**

Dear Planner Fargo:

The Federation of Hillside and Canyon Associations, Inc., founded in 1952, represents 46 homeowner and resident associations with approximately 250,000 constituents spanning the Santa Monica Mountains. Our mission is to encourage and promote policies and programs aimed at preserving the natural topography and wildlife of the mountains and hillsides, allowing for their safe enjoyment by all the people of Los Angeles, and maintaining the health and safety of our residential communities.

In this role we have been tracking the Curtis School's attempts at a master plan for over ten years.¹ Regretfully, we are still waiting for the school to submit a complete application supported by an adequate environmental review document, as required by the municipal code (LAMC § 16.50(E)(1)(b)(2)) and Mulholland Scenic Parkway Specific Plan, Section 11(I)(2), hereafter MSP or Specific Plan) and confirmed by the City Attorney and the Court of Appeal in *Nasha LLC v. City of Los Angeles*.²

REVIEW BY THE MULHOLLAND DESIGN REVIEW BOARD IS NOT OPTIONAL

The previous iteration of Curtis's so-called master plan was considered by the Mulholland Design Review Board (MDRB) on August 5, 2020. At that hearing the application was unanimously rejected by the MDRB as incomplete and inadequate. Curtis was presented with a laundry list of missing code-required elements -- elevations, lighting and landscape plans, environmental documents, etc. -- and asked by the MDRB to return with a complete application.³ The MDRB made its requests in a clear and

¹ List of Hillside Federation letters on Curtis: March 29, 2011 letter from Marian Dodge, Hillside Federation, to Robert Z. Duenas, Planning; July 17, 2012 letter from Marian Dodge, Hillside Federation, to MDRB; February 13, 2013 letter from Thomas R. Freeman, Bird/Marella, to William Roschen, CPC; April 15, 2013 letter from Thomas R. Freeman, Bird/Marella to William Roschen, Planning; Feb 19, 2014 letter from Thomas R. Freeman, Bird/Marella, to MDRB; February 20, 2014 letter from Marian Dodge, Hillside Federation, to MDRB; March 24, 2014 letter from Thomas R. Freeman, Bird/Marella, to CPC; all incorporated by reference

² July 16, 2012 letter from Law Office of John P. Given on behalf of BRC/BASPOA to Michael LoGrande, Planning, incorporated by reference

³ See August 5, 2020 MDRB decision signed by Chairperson Alan Kishbaugh on August 10, 2020, incorporated by reference

constructive manner and promised to make itself available whenever Curtis was ready to return. Curtis representatives made perfunctory (and irrelevant) excuses for the application's many shortcomings, ultimately making it clear they did not intend to come back with the REQUIRED code-mandated plans, details and environmental documents.

The current application and MND do not improve on the missing elements the MDRB requires; therefore the current application is as incomplete and inadequate as it was over a year ago, in August 2020. Like every other applicant, Curtis must follow the mandatory provisions of the municipal code. It is the only way the MDRB, the community, the Santa Monica Mountains Conservancy and other members of the public can have meaningful, informed input on the discretionary approval for any pending application.

This is not the first time Curtis has presented a project lacking the specificity required by code, and it is not the first time the community has objected to an incomplete application. On September 10, 2012, similar issues were raised by the Hillside Federation. In response, then Deputy Director of Planning Lisa M. Webber laid out the MDRB's code-mandated role with crystal clarity, as follows: "The Mulholland Design Review Board receives a standard application package for review. That project package includes a CEQA clearance. Applications which the board acts on are formally deemed complete by the Department long before the Board reviews the project. Deeming an application complete is required within 30 days of the application being filed with the City. If within that time we find the application deficient, a hold is placed on the project and the applicant is informed what additional information is needed, it will not proceed without that information. We have adjusted the package requirements to include a complete MND for all projects, so your board may see any impacts and proposed mitigation measures, associated with the project."

Had the City required Curtis to follow the Specific Plan and code-mandated process during the intervening (almost 10) years since Ms. Webber wrote, surely we would have seen a complete application by now, including an adequate environmental review document. Instead, a failure to enforce the code persists. While it is true that Curtis has finally circulated a lengthy MND as part of its application, the MND itself is deficient -- not surprising since the project still lacks the specificity necessary for meaningful analysis and disclosure of potential significant impacts, thus denying stakeholders and design board experts alike their opportunity for input and as a result denying city decision makers the benefit of their professional expertise and firsthand familiarity with the area.

Furthermore, we were disturbed to learn just this past week that planning staff has determined that Curtis can proceed to a City Planning Commission [CPC] hearing, bypassing the code-mandated MDRB procedure that Ms. Webber previously confirmed was required. We were informed that the CPC will then decide whether the applicant will even be required to return to the Mulholland Design Review Board for review of individual elements. This order of business (going to the CPC for approval before receiving the code-mandated recommendation of the MDRB) clearly runs counter to mandated City/MDRB process as outlined in the code and confirmed by Ms. Webber. The suggestion that Curtis will make periodic visits to the MDRB (after City Planning Commission approval) as they build out their project piece-by-piece, ***without having gotten MDRB feedback on a complete master plan application FIRST***, is not lawful – it is simply **piecemealing** with the City's blessing, under the cover of a meaningless and completely non-binding misuse of the term "master plan." It guarantees there will be no consideration of cumulative negative impacts in the context of the whole project, let alone of cumulative negative impacts in the context of the Mulholland Institutional Corridor.

Full disclosure and detailed plans from the applicant are needed as a first step, and the review of the MDRB is the second step. Otherwise, the MND has little or nothing to disclose or analyze and the MDRB little or almost nothing to review, since by the time each piece would return for review it would have already been approved. This, by the way, is how the institutions on the Corridor have achieved much of their growth over the years, while avoiding meaningful analysis, oversight and mitigations. ⁴

But this highly vulnerable Mulholland Institutional Corridor has passed its tipping point, and the City cannot continue to conduct business as usual. The Hillside Federation joins the Santa Monica Mountains Conservancy (SMMC) in urging the City to follow its own code and require “all proposed phases of the subject project return to the Mulholland Design Review Board **before the case is heard by other City decision makers** [emphasis added].”⁵ MDRB approval is code-mandated; therefore Curtis must complete its application and take the entire packet, including environmental documents, to the MDRB for review.

SHORTCOMINGS OF THE CURRENT AND PREVIOUS APPLICATIONS

Like previous applications, the Curtis MND remains “flexible” (read vague and inadequate) on all manner of information that may have significant potential negative impacts, including such fundamental questions as how many classrooms will be added (between 10 and 20). ⁶ At the same time it remains totally inflexible regarding such subjective/arbitrary design features as the school’s self-professed need for a school gymnasium with a 37 foot high ceiling⁷ in the Inner Corridor, which violates code and would require a Specific Plan Exception (requiring variance findings); or the swapping of the athletic field with the parking lot, which would involve up to 115,229 cubic yards of grading of a prominent ridge and require both a Specific Plan Exception and a Zoning Administrator Determination. ⁸

The proposed 37-foot high gymnasium has always seemed excessive compared to similar facilities.⁹ The justification given on page 19 of the MND, “to accommodate indoor height requirements for volleyball and to maintain architectural consistency”, is arguable, to say the least. We have researched similar facilities and never found any evidence that a 37-foot ceiling is required for an **elementary school** volleyball court (or that the gym must be built to accommodate indoor volleyball, for that matter). This arbitrary height “requirement” has been addressed in previous Hillside Federation letters. There is no hardship (beyond a clearly self-imposed and self-defined hardship) that would justify a Specific Plan Exception in this case.¹⁰ As for “architectural consistency”, there is no ONE RIGHT WAY to design anything or to achieve/maintain architectural consistency.

⁴ July 16, 2012 letter from Law Office of John P. Given on behalf of BRC/BASPOA to Michael LoGrande, Planning, incorporated by reference

⁵ October 11, 2021 letter from Rorie Skei, SMMC, to Tim Fargo, Planning, incorporated by reference

⁶MND page 7

⁷MND page 6

⁸MND page 7

⁹ April 15, 2013 letter from Thomas R. Freeman, Bird/Marella to William Roschen, Planning, diagrams pp. 7-8, incorporated by reference

¹⁰ April 15, 2013 letter from Thomas R. Freeman, Bird/Marella to William Roschen, Planning, pp. 8-10, incorporated by reference

Regarding the athletic field/parking lot swap, the Specific Plan allows Director-approved grading of a prominent ridge up to 1,000 cubic yards -- if the appropriate findings can be made. The by-right grading limit permitted by the Baseline Hillside Ordinance is 3,200 cubic feet. Here the applicant is asking permission to exceed: 1) the by-right grading limit **by 114,162 cubic yards** and 2) the limit on Director-approved grading of a prominent ridge **by 114,229 cubic yards**.

To justify these grading requests the applicant downplays the project size by alleging that Curtis has grading and building “credits” left over from a previous build-out -- the supposed “development envelope” described under the Project Description on page 1 of the current MND -- and that the new project simply constitutes “finishing” the previously-approved project. No such (development window) designation applies. One has only to review the file to understand that they have neither grading nor building credits. Curtis had a site plan and in 1980 and subsequent years Curtis built out its campus consistent with the approval and site plan. And that was all they were permitted to do. This renders the MND Project Description inaccurate.

Similarly, on page 20 of the MND (Sec 3.4 Requested Permits and Approvals) Curtis asks for “A Plan Approval pursuant to LAMC Section 12.24 M for modifications to the Project’s Existing CUP and master plan.” This again implies that the new project is somehow a continuation of an earlier project and that it involves relatively minor adjustments to previous entitlements. That is not accurate either. This new application is not consistent with their originally-approved site plan. It is therefore not appropriate for the applicant to be asking for a plan approval. **This is a whole new project and must be treated as such.**

The applicant claims that the new layout of the athletic field/parking lot will improve the flow of school activities and that it will be safer for students. But there is no evidence from the past 40 years of operations that students have actually been harmed by the existing layout, which was of the school’s own design, or that the school has been disadvantaged in relation to other similar institutions.

WHERE ARE THE NECESSARY FINDINGS?

As stated in “Specific Plan Procedures” LAMC Section 11.5.7.F.1(a), “ An exception from a specific plan shall not be used to grant a special privilege, nor to grant relief from self-imposed hardships.” According to LAMC Sec F.2 the following findings would have to be made:

- (a) That the strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan;
- (b) That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area;
- (c) That an exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question;
- (d) That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property; and

(e) That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.

None of these findings can be made. As Thomas R. Freeman stated (on behalf of the Hillside Federation) in an April 15, 2015 letter to William Roschen, Planning, the hardship argument has been rejected in court. Granting such exceptions would set a precedent for other institutions along the Corridor that would be cumulatively detrimental to the public welfare.

In order for the Findings for this project to be made in the affirmative, there cannot be substantial negative impacts on the environment. There is not enough information in this MND to determine how this project will actually impact the environment and the community, in either the construction or operation phases.

Take, for example, haul routes. We know Curtis won't be doing its construction at night. So the trucks have only one option, and that is to use Mulholland Drive, which, because of commuter cut-throughs and school drop-offs, is already a parking lot from 6:30 AM to 11:00 AM every weekday morning and afternoons as well. A one and a half mile drive down Mulholland from Calneva to the 405, which should normally take less than five minutes, can easily take 45 instead. Every added vehicle, especially big, slow-moving haul trucks, add to the traffic burden, slow commute times, and jeopardize emergency response. This is too important to be given short shrift.

CURTIS IS SURROUNDED BY A WILDLIFE CORRIDOR

Likewise, the analysis of impacts on wildlife and the mitigations offered are not adequate, particularly as regards the disturbance of what is now confirmed to be an essential wildlife corridor containing habitat for a species of special concern. Information regarding wildlife movement in the vicinity of the Curtis School, as mapped by SMMC and the National Park Service¹¹ “clearly indicates that wildlife use the entire area around campus as a wildlife corridor and would be negatively impacted by its development.”¹²

In fact, a mountain lion was photographed on Mulholland Place in 2010 eating its deer kill on or immediately adjacent to Curtis property, on the western border of its campus.



¹¹ See Habitat Blocks Map attached to both August 4, 2020 MRCA letter to MDRB and October 11, 2021 SMMC letter to Tim Fargo, Planning, both incorporated by reference

¹² March 24, 2014 letter from Law Office of John P. Given on behalf of BASPOA to Renee Dake Wilson, CPC, incorporated by reference

Coyotes, bobcats, deer and endangered mountain lions (and many other species) move and migrate around the school. The coyotes migrate every night to hunt. Mountain lion P22 is thought to have migrated from the west to its present home in the Hollywood Hills along this stretch of Mulholland.

For years the SMMC has tried to work collaboratively with Curtis to protect this wildlife corridor by the use of permeable/"wildlife friendly" fencing. But Curtis has simply dug in their heels and ignored the agency's recommendations. In fact they say over and over again in the MND that "The existing black chain link fence around the perimeter of the project site would not be changed" (p. 30, Table 2 Project Consistency Guideline 6") as if this were a positive thing. The applicant clearly does not understand that, in the case of this fence, simply maintaining the aesthetic status quo is not enough. A project like this has negative impacts and mitigating those impacts means taking action above and beyond.

MITIGATIONS MUST BE HONORED

Implementation of the Mulholland Core Trail on the north side of Mulholland in front of the Curtis campus was a condition of their original 1980 approval. Condition 8(a) of CPC 28764 (CU) required "That, prior to the issuance of building permits, the following improvements...be constructed or suitably guaranteed to the satisfaction of the Department of City Planning and the City Engineer: Improvement of Mulholland Drive in conformance with Scenic Parkway standards, including hiking, equestrian, par course and bicycle trails..." Not only was this condition never implemented but the MND does not acknowledge that the applicant had any such obligation. **The school took the full benefit of the original approval they got by agreeing to this condition but did not hold up their end of the bargain.**

Previous mitigation measures cannot be brushed aside in this way. They must be analyzed, and the applicant must provide equal or better mitigations to offset the lack of implementation of this condition.

THIS IS A BIG PROJECT

Curtis proposes expanding the campus' existing 70,123 square feet of floor area and facilities to 130,053 square feet, an increase of almost 86%! In other words, Curtis is *almost doubling* the size of their facilities. And they are increasing staff and parking, which in itself represents a significant intensification of use.

At the same time Curtis reminds us over and over that they are keeping the student enrollment cap at the current level of 675, insisting that this guarantees there will be NO negative environmental impacts of significance. But it is clear that the applicant is expanding the campus in a way that will accommodate future enrollment increases and perhaps even the possibility of someday expanding to a High School (as Curtis originally intended). On page 18 of the MND, the applicant references "current market conditions" to explain how they will, in the course of their buildout, pin down currently flexible design decisions such as the number of classrooms. A blanket approval from the CPC without a recommendation from the MDRB will allow them the maximum freedom to define this project as they go. It is piecemealing, pure and simple.

Furthermore, the proposed theater, arts building, amphitheatre and expanded athletic facilities are growth-inducing events venues that will bring parents and other visitors to the campus on a more frequent basis.

All this intensification of use must be fully disclosed and properly analyzed. An MND is not the appropriate environmental review.

CURTIS ISN'T THE ONLY INSTITUTION ON THE CORRIDOR

The institutions always claim their expansions will have a less-than-significant impact, which is simply false. Mulholland remains a two-lane country road with few turnouts, impacted by commuter traffic and the cumulative negative impacts of 10 schools. The Mulholland Institutional Corridor infrastructure is inadequate to support the enormous expansion that Curtis imagines in the next 15 years. And Curtis is not the only institution expanding.

Mirman is expanding their middle school facilities and adding one hundred students (200 possible additional car trips).

A mile or two away at the other end of the Corridor, the Aaron Milken Childhood Learning Center at the Stephen S. Wise Temple is also expanding. (Although this school is located on the other side of the 405 from Curtis, institutions on both sides of the Corridor must be understood as contributing to the cumulative traffic conditions.)

Meanwhile, Los Angeles County and the Santa Monica Mountains Conservancy are looking to open Mission Canyon Park in 2022. The new park is expected to attract hundreds of recreational trail users from across Los Angeles. Although the park entrance and parking lot will be accessed from Sepulveda, many parkgoers from the West Valley will approach the park by cutting across Mulholland and right past Curtis to Skirball Center Drive/Sepulveda.

WHERE WE'RE AT NOW

In March of 2018 the Hillside Federation voted unanimously that we cannot support any further construction or development along the Mulholland Institutional Corridor until there is a comprehensive traffic and safety plan for the area that would incorporate the input of all institutions on the corridor as well as neighboring residential communities and council representatives from CDs 11, 4, and 5. Especially in light of the increasing threat posed by wildfires to our hillside communities, all projects must be required to present a truly comprehensive analysis of and mitigations for the dangers posed by traffic and densification exceeding infrastructure capacity.

CEQA makes it very clear that whenever, as in this case, there are significant potential negative impacts that cannot be mitigated to less than significant, an Environmental Impact Report is required. The following is a list of deficiencies in the Curtis MND triggering the need for a full Environmental Impact Report for this project:

- 1) Improper project description
- 2) Lack of disclosure/analysis of potential significant negative impacts
- 3) Inadequate growth inducing impacts analysis
- 4) Inadequate cumulative impacts analysis
- 5) Lack of analysis of continuing growth on the Mulholland Institutional Corridor without corresponding infrastructure improvements
- 6) Lack of analysis of recent proliferation of wildfires; including lack of detailed safety and evacuation studies and roadway capacity studies
- 7) Inadequate analysis of the major wildlife corridor along Mulholland Institutional Corridor, confirmed by recent studies and identification of mountain lions as a species of special concern
- 8) Failure to disclose and address previous unrealized mitigation measures (the Core Trail condition)

The code makes it clear that if significant environmental changes have occurred since the EIR, an MND is not sufficient and a new EIR is required. This MND does not reflect or analyze cumulative changes due to continued development on the Institutional Corridor nor does it take into account the impacts of climate change that we have experienced with growing intensity since 1980.

We ask the Planning Department to require an EIR for the reasons stated above. And when the applicant returns with a complete application and a new project (not a plan approval), as required by code, Curtis must be directed to first present its application to the MDRB as the first review in the City's multiple approvals process.

Thank you.

Respectfully.

A handwritten signature in cursive script that reads "Charley Mims".

Charley Mims, President

Cc:
Planning Director Vince Bertoni
City Attorney Mike Feuer,
Councilmember Mike Bonin
Councilmember Paul Koretz