Re: Mulholland Mitigation Trees

June 30, 2015

Dear Mr. Barbour:

The Federation of Hillside and Canyon Associations, Inc., founded in 1952, represents 44 resident and homeowner associations with approximately 200,000 constituents spanning the Santa Monica Mountains. Federation representatives attended the Skirball Center meeting on the status of mitigation efforts for the I-405 Sepulveda Pass Widening Project. At the meeting, Metro asserted there is no space within the Project Area to plant 3,800 trees that were acquired for the express purpose of mitigating the Project’s environmental impacts in the project area, and the Mulholland Scenic Parkway in particular. Federation representatives believe that the assertion is incorrect. There is sufficient space for hundreds if not thousands of the mitigation trees within the area impacted by the Project, and that is where they should be planted—not outside the Project Area and its environs.

The Sepulveda Pass Project Area includes a portion of the Mulholland Scenic Parkway, which is recognized by the City of Los Angeles and community members as a treasure of the Santa Monica Mountains. Project impacts have impaired the aesthetic integrity of this important area. Specifically, the area north and west of the Caltrans construction yard is now far more exposed and barren than before the Project, which has impaired the protected scenic view from the Mulholland Drive right-of-way. Fortunately, the project impacts can be effectively remediated by planting the mitigation trees around the perimeter of the Caltrans construction yard and uphill within the impacted Caltrans parcel. The trees will provide critical natural cover, return the area to its natural scenic beauty, and provide additional habitat protection for local wildlife.
The tree planting mitigation within the Project area is critical to the restoration promised in the Project environmental documents. “Mitigating conditions are not mere expressions of hope,” they are legally mandated requirements under CEQA. Sierra Club v. County of San Diego, 231 Cal.App.4th 1152, 1167 (2014) (quoting Lincoln Place Tenants Assoc. v. City of Los Angeles, 130 Cal.App.4th 1491, 1508 (2005)). Thus, “[t]he one outcome that should not be abided under CEQA is to allow [a public agency] to make promises during the EIR review process that certain, specified environmental mitigation measures will be implemented in connection with a development Project, to enact those mitigation measures into law by ordinance, and then simply neglect or disregard its statutorily-imposed obligation.” Ingalsbee v. City of Burbank, 2015 WL 1730692, p. *20 (Cal. Ct. of Appeal, April 14, 2015).

The I-405 Widening Project’s EIR promised to mitigate the Project’s impacts within the Project Area. Now is the time for Metro to honor that promise by planting mitigation trees around and above the Mulholland Drive Caltrans construction yard.

Sincerely,

‘Marian Dodge’

Marian Dodge

cc: Cesar Moreno
    Hugh Lee
    Nazem Moussa
    Ned Racine
    Tami Podesta
    Terry Martinez
    Councilmember Mike Bonin
    Norman Kulla
    Sharon Shapiro
    Debbie Dyner Harris
    Ellen Isaacs
    Jay Greenstein