

# Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



*The voice and conscience of the Santa Monica Mountains for 45 years*

[www.lvhf.org](http://www.lvhf.org)

Thursday, May 03, 2012

#42

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814  
Via e-mail to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov).

## **COMMENTS RE: FINAL DRAFT STATE POLICY FOR SITING, DESIGN, OPERATION AND MANAGEMENT OF ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS) – SEPTIC SYSTEMS**

### **Attention: OWTS Policy Team**

On behalf of the Las Virgenes Homeowners Federation (LVHF) please find comments re: the Final Draft State OWTS Policy. These comments are supplemental to the oral public comments given at two local hearings in Southern California.

LVHF is the oldest and largest federation of homeowner organizations in the Las Virgenes region of the Santa Monica Mountains, representing more than 14,000 homeowners. We are environmental, open space and clean water advocates and strongly support the implementation of statewide regulations for the siting, design, operation and management of septic systems.

While we appreciate the concern many local jurisdictions expressed at the initial hearings about the “Policy’s lack of recognition of effective local programs” which your OWTS Policy Team has now addressed in your “Response to Public Comments on the Initial Draft OWTS Policy”, **we would like to reiterate our concerns about local agencies**

**1** → **and local programs permitted to be more protective. Attached, you will find links to City Council hearings and several written articles reporting the actions of the City of Calabasas in relation to their “more protective” OWTS Ordinance which was punitive and selectively enforced. Some OWTS inspections were used as a means for entering onto private property and prosecuting owners for other building code violations** (See Los

Angeles Times articles <http://articles.latimes.com/2010/aug/25/local/la-me-stokes-canyon-20100825> and <http://articles.latimes.com/2010/sep/22/local/la-me-calabasas-crackdown-20100922>).

Their OWTS Ordinance appeared to have political overtures and was an attempt to force the sewerage up of a rural neighborhood to open it up for development. It cost Calabasas city taxpayers hundreds of thousands of dollars for prosecutorial and other actions – all for a total of an OWTS Ordinance with jurisdiction over **127** septic systems – with very few of those even anywhere close to 2000 feet of an impaired waterway.

1

Therefore, we ask that the two following paragraphs even more clearly simplify the appeal process and define potential recourse/remedy for the petitioner in a very timely manner. Many OWTS owners are oldtimer landowners who may not be savvy to any of this - may not even know what the RWQCB is or how to approach an appeal with the State - and 90 plus days is a significant and potentially expensive period of time (for example, in Calabasas, an elderly 82 year old resident was forced to pump every week and then every two weeks incurring over \$20,000 in pumping fees for a purported *failed* system. He was not near an impaired waterway and on 8 acres of land). Another large landowner's property (40 plus acres) was raided and the oldtimer thrown off – when the city had his water turned off.

The easier and quicker the potential to appeal for modification or revocation of a Local Agency Management Program, the better...and **not** leaving notice or information dissemination entirely in the hands of the Local Agency Management Program of “how to appeal” would also be a very good thing.

An easy and effective appeal process would also hopefully **dissuade** local jurisdictions from adopting punitive, special interest, **pro-development**, etc. Local Agency Management Programs (OWTS Ordinances) that can take advantage of OWTS owners and target the elderly and/or less affluent more easily too like the City of Calabasas did. Local jurisdictions cannot be allowed to manipulate the objectives of these OWTS State Standards.

*(Excerpted from the Final Draft Policy)*

5.4 A member of the public may request the State Water Board to resolve any dispute regarding the Regional Water Board's approval of a Local Agency Management Program if the member of the public timely raised the disputed issue before the Regional Water Board. Such requests shall be submitted within 30 days after the Regional Water Board's approval of the Local Agency Management Program. The State Water Board shall notify the member of the public, the local agency, and the Regional Water Board within 90 days whether it intends to proceed with dispute resolution.

5.5 The State Water Board shall accept and consider any requests for modification or revocation of a Local Agency Management Program submitted by any person, where that person has previously submitted said request to the Regional Water Board and has received notice from the Regional Water Board of its dismissal of the request. The State Water Board will notify the person making the request and the local agency implementing the Local Agency Management Program at issue by letter within 90 days whether it intends to proceed with the modification or revocation process per Section 4.4 above, or is dismissing the request. The State Water Board will post the request and its response letter on its website.

**See Attachments:**

**June newsletter: pages 12-15**

**July newsletter: pages 9-11**

Includes links to two council meetings where Calabasas Mayor Groveman denigrates the owners of septic systems (Minutes and hours have been indicated on the videos below).

April 28, 2010

14:09 +

especially 22:40

and especially 33:48

and especially 3:22:00 to 3:45:02

June 9, 2010

39:30 +

and especially 1:12:00 +

and especially 1:15:20 +

**August newsletter: pages 2-9**

**September newsletter: pages 3-8; 11-15**

**October newsletter: pages 9-11**

(To access Calabasas City Council Archives directly go to [www.cityofcalabasas.com](http://www.cityofcalabasas.com), click on Government, City Council and Archived Video)

\* \* \*

**2** → In the Final Draft **Definitions**, **under Qualified professional**, please consider removing or re-addressing the intent of the exception given (outlined in red below). By allowing Local Agencies to potentially **limit qualified inspection professionals is a problem** and could result in what transpired in Calabasas. **To further control and influence/manipulate the process**, the city forced residents to choose from a short list of less than 10 certified inspectors. Then the inspectors were all compelled to check in with the City PRIOR to doing an OWTS inspection (despite being hired by the resident) and were met for the most part at the inspection site (resident's home) by a city employee to watch over the inspection. **The inspectors were compelled by the city to send the results of their inspections directly to the city and not to the resident or septic owner who paid them. ALL** inspectors on the City's short list did exactly that.

**“Qualified professional”** means an individual licensed or certified by a State of California agency to design OWTS and practice as professionals for other associated reports, as allowed under their license or registration. Depending on the work to be performed and various licensing and registration requirements, this may include an individual who possesses a registered environmental health specialist certificate or is currently licensed as a professional engineer or professional geologist. For the purposes of performing site evaluations, Soil Scientists certified by the Soil Science Society of America are considered qualified professionals. **A local agency may modify this definition as part of its Local Agency Management Program.**

\* \* \*

We applaud the State’s loan program inclusion, Section 5.7 below. Again, many OWTS owners are senior citizens with no income. We do not want residents to have to walk away from their homes because they could not afford costly, unnecessary OWTS repairs or replacement or hook ups - and as you aptly laid out in the State’s, “Approach, Purpose and Scope” **that** is not the objective of these Standards. The objective is, **“.....more scrutiny of our installation of OWTS is demanded of all those involved, while maintaining an appropriate balance of only the necessary requirements so that the use of OWTS remains viable.”**

5.7 The State Water Board will make available to local agencies funds from its Clean Water State Revolving Fund loan program for mini-loan programs to be operated by the local agencies for the making of low interest loans to assist private property owners with complying with this Policy.

\* \* \*

Thank you once again for your efforts and this opportunity to comment on the Final Draft Policy which allows the continued use of OWTS - while protecting water quality and public health.

Sincerely,

Kim Lamorie  
President  
LVHF  
[www.lvhf.org](http://www.lvhf.org)



# Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



*"The voice and conscience of the Santa Monica Mountains since 1968"*

## September 2010 MEETING ([www.lvhf.org](http://www.lvhf.org))

**Thursday, 16 September 2010, 7:00 p.m.**

**The Place – Diamond X** – Take Las Virgenes to Mulholland; turn left on Mulholland. For the next 3/4 mile, the King Gillette Ranch will be on your right. After you've passed Stokes Canyon Road, in about 3/4 mile, you will see a sign on your right with "Diamond X" and the National Park Service logo on it. A short distance past the sign a narrow road goes south at a right angle. This is Wickland Road, and, at this point you are entering the King Gillette Ranch. Follow Wickland about 300 yards until the road forks; take the left-hand fork; keep bearing left to the lighted house on the right. Park; enter through the lit doorway.

**Call to Order  
Roll Call  
Agenda Changes/ Approval  
Delegates Reports**

**Correspondence/Announcements  
Officer's Reports  
Approval of Meeting Minutes**

### **Old Business/ Reports**

- 1. Nominating Committee Report - Jess Thomas**
- 2. Federation Oak Tree Committee Report & Update on HOO Meeting – Roger Pugliese - Chair**
- 3. Tapia Update - Deborah Low - LVMWD/Mary Hubbard - Chair Coastal**

### **New Business**

- 1. GUESTS - Katie Ziemann (Affiliate Mgr. CA Fire Safe Councils) & J. Lopez- (Deputy Forester, LA County FD Fire Plan Unit & Vice Chair.) Empower, educate & motivate residents to make communities safer from wildfire. Also-funds & Fire Safe Councils. Creative ideas. **Santa Monica Mountains CWPP Update & Discussion. A Road Map to Fire Safety.****
- 2. Calabasas OWTS Update/Action – Guests: Cold Creek- Smiths & Old Topanga Residents. Discussion NOV Response Letters/RWQCB .**
- 3. Prop 21- Westhills HOA**
- 4. Santa Monica Mountains Conservancy Land Supervision – Cold Creek CC**
- 5. Rim of the Valley Update/Discussion**
- 6. Malibu Valley Farms – Possible Action**
- 7. Annexation – Cold Creek CC**

## FEDERATION WELCOMES CPO

The Cornell Preservation Organization (CPO) is joining the Federation for the first time in its nearly two-decade history of activism in the Santa Monica Mountains.

CPO was founded in response to a proposed movie-theater complex at Kanan and Agoura Road, a project that was ultimately defeated. Its members worked for a decade on the Triangle Ranch issue. “We try to look at a potential development coming into the Santa Monica Mountains with an unbiased eye,” says CPO President Colleen Holmes. “We want to make sure it’s a responsible project because this is a very unique environment.”

CPO is supported by a network of homeowners in the Old Cornell area as well as some near Paramount Ranch and Seminole Springs and ranging as far as Malibou Lake and Monte Nido. Its core group is about 300 people, but the mailing list runs upwards of 800.

Membership in the Federation is a logical fit for an organization that focuses on land use and the environment, according to Holmes. “The Federation is a good platform to present ideas and hear what’s going on,” she says. “There needs to be a forum where we can all help each other.”

## FEDERATION LAUDS OPEN-SPACE PURCHASE

The Mountains Restoration Trust has saved 78 acres of prime open space in Cold Creek. Known as the Cold Creek High Trail property, it hugs Stunt Road on its eastern border and Cold Canyon Road on its western border. The Trust has sought to protect this steep parcel of land since 1992; it will be added to the 1,500+-acre Cold Creek Preserve, which includes 13 waterfalls and shelters numerous species unique to the Santa Monica Mountains.

This new addition to the Preserve is a critical segment of an east-west wildlife corridor linking Topanga State Park with Malibu Creek State Park and will help support wildlife migration during floods or fires. The acquisition also further protects the Cold Creek and Malibu Creek watersheds, which feed Malibu Lagoon. It connects with state and national parkland and includes a 1.6-mile section of the 17-mile Calabasas/Cold Creek Trail. Two tributaries to Cold Creek run through the property, creating a riparian forest and making for a superb wildlife habitat.

The Trust negotiated a favorable deal of \$2.5 million for what would otherwise have been 12 build-able lots appraised at \$4.25 million. Los Angeles County—specifically Supervisor Zev Yaroslavsky’s office—made the largest contribution toward the acquisition. Other money came from the Army Corps of Engineers In-Lieu Fee Program; Ty Sisson, owner of the property; and a 2009 Trust fundraiser that featured Jared Diamond, author of the Pulitzer Prize-winning *Guns, Germs and Steel: The Fate of Human Societies*. The California Coastal Conservancy kicked in the funding that finalized the purchase.

## WHO KNEW? CITY DEBUNKS OWN PROPAGANDA

Calabasas Mayor Barry Groveman continues to be the driving force behind the City's draconian OWTS ordinance. But it's difficult to decipher whether the allegations he and City staff make against the City's 142 septic systems—including the implication that the 40 systems in Old Topanga Canyon can't possibly be made to function—are fact, fiction or propaganda. If it's the latter, to what end will the propaganda be employed? Are exaggerations and untruths about water quality being manipulated to trick taxpayers into financing unnecessary sewers into Old Topanga, thus paving the way to profitability for developers? Is an OWTS raid on a family of old-timers who happen to own 60 acres next to a developer's land actually about forcing the hapless owners into a sale? Whose agenda are the citizens of Calabasas buying into anyway?

In a recurring theme, the mayor manipulates the threat of big fines from the Regional Water Quality Control Board (RWQCB) because of malfunctioning septic systems. He repeated this threat again last week to a reporter from the *Acorn*, who quoted him as saying, *"But if water quality standards aren't met, the Los Angeles Regional Water Quality Control Board could fine the city up to \$25,000 per day.... We have a responsibility to all the citizens of Calabasas to make sure we're not fined and residents are not going to be paying for violations we have not stopped."*

The Federation decided to take a closer look at the validity and context of the mayor's statements. Are his "facts" being manipulated to build a case that doesn't exist?

What we found was interesting. We unearthed a "response letter" from the City to the RWQCB that few, if any, members of the public even knew existed. The City's letter makes the case that residents' septic systems have virtually no impact on water quality—and none at all on Malibu Creek, Malibu Lagoon or Santa Monica Bay.

But first some background: Mr. Groveman's campaign against septic systems appears to be a re-casting of a Notice of Violation (NOV) that Calabasas received from the RWQCB on March 4<sup>th</sup>, 2008. The NOV was issued not to Calabasas alone but to **20** other cities, the County and its flood control district as permittees who *collectively* discharge urban runoff and storm water to Santa Monica Bay and who may have contributed *jointly* to bacteria levels at four monitoring sites along Santa Monica beaches. Furthermore, the court's recent ruling took away the ability of the RWQCB to pursue the NOVs, and no penalties were issued. These NOVs are no longer enforceable.

To understand the complexities of the RWQCB process, it helps to know that the RWQCB did not single out Calabasas for potentially polluting water at the beach, as the City has implied. Recipients of the NOV included Hidden Hills, Agoura Hills, Westlake Village, Malibu, El Segundo, Hermosa Beach, Inglewood, City of Los Angeles, County of Los Angeles, Los Angeles County Flood Control District, Manhattan Beach, Palos Verdes Estates, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Santa Monica, Torrance, Beverly Hills, Culver City and West Hollywood. Water pollution is generated at a multitude of sources. Many of

the NOV recipients are much larger than Calabasas and closer to the ocean; some have thousands and thousands of septic.

What's more, the RWQCB acknowledges that determining an individual city's alleged responsibility for violation is impossible because all the permittees and cities have a combined urban run-off/storm water discharge at the four Santa Monica beach monitoring locations. According to an official at the RWQCB, consideration also needs to be given for contamination that occurs at the actual monitoring sites.

(Click on this link and you will find the NOV's and follow-up orders for all 20 cities plus L.A. County

[http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/enforcement/nov/index.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/enforcement/nov/index.shtml) )

According to the NOV, Calabasas was included in the notice of violation because it "has some land area within the watershed draining to these beach sites." What parts of land in the city of Calabasas fall into that watershed category? According to the RWQCB's clarification letter, *"the [2008 NOV] actions relate solely to the discharges that flow to the Santa Monica Bay. It does not relate nor affect any discharges to/from Dry Canyon Creek that flow to the Los Angeles River."*

That statement from the RWQCB definitively removes Old Topanga (the focus of the mayor's continued attacks against septic owners and his justification to bring in sewers) and several other areas in the city from the equation entirely, as they drain into the Los Angeles River. They have nothing to do with the NOV and never did.

The RWQCB itself confirms that running sewers into Old Topanga is unnecessary, saying in its clarification letter, *"the Regional Board is not prescribing that the city construct sanitary sewers due to the NOV. Generally speaking, that action will not have any mitigation effect on the NOV for Santa Monica Bay."* Mayor Groveman's continued claims that the City is vulnerable to "fines" in this regard as they relate to the NOV are therefore spurious.

The final words on the subject should be the City's own, found in its May, 2008, letter of response to the NOV. (All cities and the County issued response letters.) Calabasas hired special counsel with expertise in real estate, land use and environmental compliance to write this response. In its letter, the City "denies the allegations in the NOV.... challenges the Order on a number of grounds...believes the Order was not authorized and is invalid because it improperly employs Water Code 13383... that it fails to provide sufficient evidence to support the requests made...further requires the city to spend a great deal of time and money to obtain a level of detailed information which in so far as the city's alleged discharges are concerned, would be a burden that far outweighs any benefit that would be gained by the Regional Board."

In its response, the City referred specifically to the Old Topanga Canyon neighborhood: "As the Regional Board knows, an insignificant portion (substantially less than one per cent) of the total land within the far southeast corner of the incorporated area of the City is actually tributary to an equally insignificant percentage of the total tributary

drainage on the fringe of the northwestern portion of the Topanga Canyon. In addition, this very minor area is all undeveloped hillside with no developed property or drainage from any City MS4 system tributary to Topanga Canyon. Therefore, there is no basis to suggest, there is any controllable source of bacteria in urban runoff from with the City tributary to Topanga Canyon or Topanga Creek.

Referring to Malibu Creek, the letter said: "As the Regional Board knows, with the exception of the extremely minor area, the remainder of the City drains to Las Virgenes Creek or its tributaries upstream of the confluence with Malibu Creek. Indeed not only does the City occupy slightly less than about 5% of the total drainage area of Malibu Creek, the City's southern boundary is approximately 11 creek miles upstream of the mouth of Malibu Creek and below Malibu Lagoon at the shoreline. Therefore, none of the storm drain discharge points from the City are in any proximity to the surf, and the most southerly point of discharge from the City's MS4 system is approximately 15 miles upstream of the mouth of the Creek. Thus, it is evident that there is a very low potential for runoff from within the City to directly impact bacteria conditions at any of the three referenced beach monitoring locations which exist in the general vicinity of the outwash from Malibu Creek.

"...through Malibu Creek's 15-mile path from the City's most southerly MS4 discharge point, there are innumerable opportunities for downstream water sources of bacteria, including but not limited to wildlife, human use of Malibu Creek, OWTS, to enter Malibu Creek. These other sources upstream of the Malibu Lagoon, are beyond the borders and control of the City. Moreover, and aside from these additional sources, there is the potential for bacteria re-growth within the stream system, in addition to the potential sources in the developed areas in the vicinity of the Malibu Lagoon and the Malibu beach itself.

"Substantial and reliable evidence further shows the disconnect between the City's discharge and any of the alleged violations...evidence includes monitoring data from locations further down gradient in Malibu Creek but upgradient from the Malibu Lagoon and the developed coastline. This evidence has shown few to no exceedances of e. coli or fecal bacteria levels which strongly suggests minimal to a complete absence of any linkage between bacteria from upstream portions of the watershed to exceedances in Malibu Lagoon or at the wave wash at or near the subject monitoring points.

While asserting its discharge was not in any way connected or contributing to shoreline pollution, the city said it had invested in a \$600,000 bio-filtration and remediation device over a storm drain to capture runoff from the Calabasas landfill and from several residential/commercial neighborhoods and another storm drain unit for capturing trash and sediment on Agoura Road. Other activities it initiated to reduce dry weather flow included: the Bark Park; educating public to pick up after their pets; installation of dog-waste pick-up bags and trash cans throughout the city; and annual creek clean-ups.

The City stated to the RWQCB that “no substantive evidence exists, nor has any been provided by the RWQCB, that the City is responsible for one or more violations.”

Based on “nonexistent substantive evidence,” then, the City has taken tremendous leaps without warrant in order to manipulate and exploit its citizens in regard to septic enforcement and compliance. Clearly, there must be motive at hand that is much more than water quality, with its complex and jointly shared responsibilities.

The Federation has said it repeatedly: We are clean-water advocates, and we strongly support septic inspection, repair, replacement and monitoring. We always support environmental best practices. But trying to blame or link 142 septic tanks to these pollutants is a travesty because it takes us completely off track from where we need to be and what needs to be done, which is to find the *real* sources of bacteria at the beach so we can eradicate them. We agree that all of the 1.2 million septic tanks statewide should be inspected and repaired when necessary, even though the legislative mechanism for doing that (AB 885) was rejected by the public and local governments. We hope for and anticipate the return of AB 885. That said, no one should be subjected to Calabasas’ punitive OWTS ordinance, which is being used as an opportunity and a tool to get onto private property and search for unrelated code violations.

Not all Calabasas Council members have supported the punitive and prejudicial OWTS ordinance, nor do they all support development in the city’s rural areas. From the beginning, Councilmember James Bozajian has been stalwart in his stand against running sewers into Old Topanga, and he has a longstanding record of supporting environmental policies and responding to his constituents. Councilmember Mary Sue Maurer likewise has expressed frustration with the OWTS ordinance and its “bullying” impact on her constituents. Like Mr. Bozajian, she has not been a proponent of sewerage up Old Topanga.

So, why then, with combined urban runoff from 20 cities, the county and a portion of Calabasas, are the City’s paltry 142 septic tanks getting blamed for pollution at four beach sites? They aren’t. Most of the 142 septic tanks aren’t even in that watershed, and they were not accused of being the culprits in the RWQCB’s NOV. The City’s campaign against septic tanks is all about playing on peoples’ fears, and exploiting those fears—a questionable solution in search of a problem. Meanwhile, the City’s letter of response makes the case that the City is not the source of pollution. You can read the letter at [www.lvhf.org](http://www.lvhf.org)

One last thing: Have you heard of any other city singling out and selectively persecuting a group of its own citizens as a result of the RWQCB Notice of Violation? We haven’t.

## **WATER DISTRICT RECONNECTING “THE SMITTY LINE” TODAY!**

After personally observing the Smith property at 3180 Stokes Canyon Road, the Las Virgenes Municipal Water District is restoring their water service today. Despite the family having been longtime customers in good standing, water and power had been disconnected by order of the City of Calabasas, which raided the property on July 8<sup>th</sup>.

Even the fire hydrant had been capped off, as demanded by the City’s community development director. Because of the seasonal high fire danger, the District unlocked the hydrant on August 25<sup>th</sup>. (It had also ensured the Fire Department had access to the hydrant, in case it was needed.)



The District says the Smiths may now use water on their R-Own-Ranch for landscaping, animals, clean up, dust control and construction/demolition. Full water service for indoor use requires a certificate of occupancy from the City of Calabasas.

"We are so very grateful to the water district for checking the facts and turning the water back on. Now we have water for our animals and garden and for cleaning the ranch," says owner Cindy Smith.

At the Water District board meeting on August 24, the directors seemed dismayed that staff had cut off water to the Smith family without investigating whether their property was up to code. "Our contract is with our customers, not with the City of Calabasas," said Director Glen Peterson.

Told that District staff had relied on photographs provided by the City of Calabasas, Director Joseph Bowman asked General Manager John Mundy, "Did we do our own

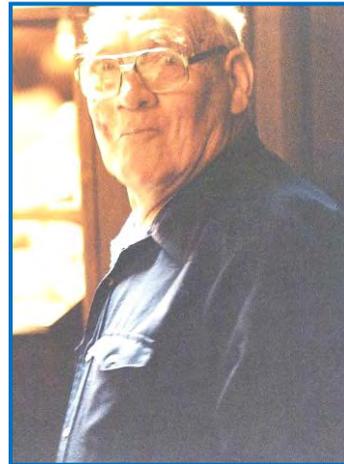
inspection?” When Mr. Mundy answered no, Director Bowman said, “This I will not abide.” He and the other directors then told staff to inspect the Smith’s property.

According to David Lippman, the District’s director of facilities and operations and one of its longest-tenured employees, “The Smitty line was installed as a part of the first series of pipelines and transmission mains to serve properties that were a part of the original formation of the water district. This included the R-Own-Ranch, so we can conclude that the ranch was one of the early properties included in the district.”



*The late, Edgar Smith, patriarch of R-Own-Ranch*

*(Excerpted from Earth Home Garden ©  
1980/2010 jim otterstrom)*



*“Smitty,” the sole rural letter carrier for Calabasas, delivered the mail to every residence for several decades.*

## **COULD A SAN BRUNO PIPELINE FIRE HAPPEN HERE?**

Yes, it could. Few Las Virgenes residents realize we have not one but three pairs of major regional oil and gas transmission pipelines that pass through and just to the north of our area on their way from the oil and gas fields of Santa Barbara and Ventura counties to refineries down south. They follow relatively straight lines, angling a little bit south of east about two miles apart. In one place where they have been exposed by erosion, they appear comparable in size to the one that blew up in San Bruno.

These pipelines were laid many decades ago and are now overgrown with natural vegetation so they are detectable only by small metal signs hundreds of yards apart marking their route.

The most southerly pair of pipelines passes through Oak Park and the northern edge of Old Agoura before entering Cheeseboro Canyon Park, where pipeline apparatus can be seen beside the trail over half a mile from the parking lot a couple of hundred yards south of the first trail crossing of Cheeseboro Creek.

From there, the paired lines head in an arrow-straight east-southeast alignment without regard to topography along the wooded north-facing slope of a side canyon. Both the California Division of Mines and Geology and developer Jerry Oren—who planned to fill Cheeseboro Canyon with condos, a shopping center and an industrial park back in the early '80s—identified this north-facing slope as largely composed of ancient landslides!

But weren't the oil companies and the Southern California Gas Company required to prepare an EIR and mitigate such hazards as part of their environmental documentation for this pipeline?

What environmental documentation? This pipeline, like the Calabasas Landfill, was built before the California Environmental Quality Act was passed in 1970, so as far as we know, there was no CEQA-type document analyzing the proposed routes of these lines before they were put into the ground.

This set of lines continue up and over the ridge into Las Virgenes Canyon, where they traverse a 6,000-foot-long, 400-foot-high, 100-foot-deep ancient landslide that hadn't yet been identified when the oil and gas transmission lines were laid high up on its north-facing slope just west of Firehouse Hill. (This landslide is probably why the developer of Mont Calabasas left that slope undeveloped and gave it to the National Park Service, except for the pre-existing easements for the transmission lines.

Up to this point the route of the transmission lines is mostly through undeveloped Park Service lands in Palo Comado and Cheeseboro Canyons, but that good fortune runs out when the poorly marked pair of lines leave National Park land and drop down to Las Virgenes Road next to the old Calabasas City Hall site, for the first time entering a heavily developed area. The pipelines had long been buried under what would later become Mureau Road when Ahmanson Commercial got approval from Mike Antonovich and his colleagues on the County Board of Supervisors for the business park that occupies both sides of Mureau Road east of Las Virgenes today. The proximity of oil and gas pipelines buried near Mureau in front of office buildings housing hundreds of workers didn't seem to be a consideration in the supervisors' decision in the early 1980s to approve the 300,000-plus-square-foot office complex.

There is a small yellow-and-black sign stuck in the hedge in front of 26010 Mureau, the most easterly building on the south side of Mureau. It says, "Petroleum Pipeline" and gives a phone number, "1-866-351-7473". Looking north from there, just behind the commercial buildings on the north side of Mureau, one can see the homes on lower Parkmor Road in Malibu Canyon.

We knew there was also a natural gas transmission line somewhere near this oil pipe line, but there is no sign mentioning it along Mureau. Searching for it, we walked down the asphalt driveway on the east side of the 26010 Mureau building. There was natural gas warning sign in sight from either the building or the road. We came to the end of the driveway and could hear the freeway humming above us, but there was no sign there, either. Finally, we turned left onto a short stub of a dirt road, partly obscured by native shrubbery, that went off to the east of the 26010 driveway for about 5 feet and ended in a cyclone fence-type gate, which was locked.

Posted on the partially obscured locked gate, where it could not be seen from Mureau Road and where a driver using the 26010 Mureau driveway would have to crane his neck to see it, there it was. Less than a couple of hundred yards from the homes of Malibu Canyon residents, but not visible to them, and much less than 100 feet from the workplaces at 26010 Mureau, was an ordinary white sign with blue letters that said,

“HIGH PRESSURE GAS PIPELINE. Call collect. Southern California Gas Company. 1-805-967-4612.”

So, why was a sign warning us of the potential of a San Bruno-type disaster right here in Las Virgenes placed in a location so obscure that it is virtually invisible?

The twin pipelines continue east along the north side of the freeway south of Mureau Road and Mountain View Estates, marked only by an occasional small metal sign that could easily be missed by a careless grading contractor. The transmission lines are much more difficult to trace east of that point, but one might suppose they continue through Calabasas and into the San Fernando Valley, marked by the same types of obscure signs.

A second set of paired oil and gas high pressure transmission lines can be seen along the main trail into Ahmanson Ranch 0.98 miles north of the park entrance off Las Virgenes. There is a building on the left here that emits a steady noise, and there are large pipelines crossing the wooded creek bed that compare in size to the San Bruno line, but fortunately there are no houses in this area, just a lot of beautiful oak trees. A mile or so further up the trail signs indicate the presence of a third buried pair of oil and gas transmission lines.

What risks do these paired oil and gas pipelines pose to the Las Virgenes community? The most obvious is that a contractor, not seeing the widely-spaced signs, will dig into one of the high pressure lines. That apparently happened in Oak Park many years ago. There was a major racket from the escaping gas, but fortunately, it didn't ignite.

How long would it take to shut off the high pressure gas line if this should happen again? *The Times* reported it took “at least an hour” to shut off the high pressure gas line in San Bruno. The San Bruno fire Chief reportedly said it took “60 to 90 minutes.” Here, with high pressure gas and oil transmission lines paired together, what would happen if an exploding gas line set fire to the oil line as well? (The San Bruno fire was an 8-alarm fire from a gas main alone.)

What about the fact that these high pressure paired lines traverse ancient landslides that could begin to move in an earthquake or a heavy rainfall year, possibly rupturing one or both?

Since these lines were probably laid at least half a century ago, could they wear out from corrosion? This has already happened to a few oil pipelines in the Valley.

When the lines were put in the ground, hardly anybody was living along their route except rabbits and coyotes. Things have changed since then. With the pipelines out of sight and little public consciousness of their presence, do state and local officials grasp the threat they may now pose to residents and businesses along their route?

# SMITH FAMILY HOMELESS AS CITY WAGES PROPAGANDA WAR

These photos were taken in late August and early September and reflect the continued unacknowledged abatement done by the Smith family on their property since the surprise raid in July by Calabasas on their 60-acre R-Own-Ranch in Stokes Canyon. The raid was orchestrated by the community development director under the guise of an OWTS inspection warrant.

Despite the Smith's best and continuing efforts, according to an observer, "The City appears more interested in looking for new problems rather than working with the family and revealing the improvements they have done." After more than six decades of ownership, family members remain homeless and cannot return to their land.

*Smith Family's R-Own-Ranch. 60 strategically located acres in Cold Creek.*



*Abatement*



We've seen it time and again at the OWTS update presentations at City Council: the City's use of photos (whether they are real or accurate doesn't seem to matter) to sensationalize and manipulate information to sway public opinion or to justify their actions or motives. The photos the City is now shamelessly manipulating on its website are no exception.

When asked what she thought of the City putting up pictures of her private property on its home page, Smith family member Karen Miller stated that the "information in the documents and pictures is inaccurate and prejudicial." Cindy Smith said "the action is disturbing and an invasion of our privacy."



*Karen Miller (r) and Al Giddens, an electrical contractor and solar energy expert who volunteered his services and gave electrical advice to the Smiths.*

The Smith family's R-Own-Ranch consists of three contiguous parcels of 35, 20 and 5 acres zoned hillside/mountainous, for a total of 60 acres. What the casual observer may not know given the City's propaganda is that the only parcel with structures and so-called code violations is the 5-acre parcel, not the entire 60 acres. (Although the City has yet to release the 35-acre parcel from its complaint, the family anticipates it will as there is currently no reason not to do so.) The other 55 acres remain natural and undeveloped.

Further, despite the raid having transpired over two months ago and despite the claims of pollution, the City has, of yet, produced no test results or charges.

What's happening in Calabasas is becoming increasingly frightening. Will every house in the City eventually be subject to this type of action? Will officials be knocking at gates wanting to come in and videotape and photograph the inside and outside of every home? And what pretense will the city use next time?

No one, and certainly not the Smiths, is saying that the ranch didn't need to be cleaned up or that elements aren't out of compliance. But what do you expect from structures built decades ago in a different era under different codes?

The time, energy and taxpayer money spent on persecuting, humiliating and evicting the Smiths could have instead been put into helping them become compliant. The outpouring of community support and fond memories of this historic family at the last Federation meeting demonstrates just how disconnected the Calabasas community development director is from the community she is entrusted to serve. As the Smiths have repeatedly asked, "Why didn't someone from the City just come and discuss the problems with us and tell us what we need to do?"

## AND NOW FROM OLD TOPANGA.....

### CALABLACKLIST

Two years ago, when Calabasas announced its intent to draft an OWTS inspection ordinance for the City's 142 off-site waste treatment systems (OWTS), septic owners were leery. Never disputed was the fact that some systems were old and that everyone should be diligent in maintenance and repair.

"When I first met with Public Works Director Robert Yalda to express concern over what many residents felt would be an overly punitive ordinance, I was assured it was merely intended to create a database of existing septic systems and for residents to prove they had utilized good maintenance practices," says Jody Thomas, president of the Old Topanga Canyon HOA. "But that was then.

"As feared," she continues, "the ordinance has developed fangs and claws, and in the most drastic cases, may force owners from their homes and toward financial ruin. Residents are frightened to death, many have been ridiculed and exposed, some have been threatened with so many punitive actions for non-septic code violations that their lives are turned upside down. Despite best efforts of Old Topanga homeowners to work with the City in the drafting of the ordinance, it became evident that something much more rank than sewage was at play. If you own a septic system, you are on the Calablacklist."

The expansion of sewers at taxpayer expense into the rural neighborhood of Old Topanga will change the face of that community forever, and that is not what residents want. Vulnerable and with a small political voice, the 40 homeowners have fought an uphill battle that many call "a fight for survival."

"When Old Topanga was first annexed by Calabasas, our concern was that this new City would strive to develop our serene, peaceful canyon," Ms. Thomas says. "At that time the city acknowledged and valued the rural communities as gems in their crown, and the General Plan and elected officials vowed to protect these jewels. But again, that was then. The General Plan has been rewritten, and it seems, so has the promise to protect the scenic corridor and the City's distinct neighborhoods. Certain politicians looking to elevate their political status have descended on our affluent City aware of the potential to reap the support of the *really* big money—the developers."

With undeveloped land increasingly sparse in Calabasas, certain elected officials and staff are seeking to open the city's oldest rural neighborhoods to builders. Long-time residents with significant acreage are particularly susceptible to these forces.

# OLD TOPANGA CASUALTIES

## OWTS Inspection Used To Gain Access & Search For Code Violations

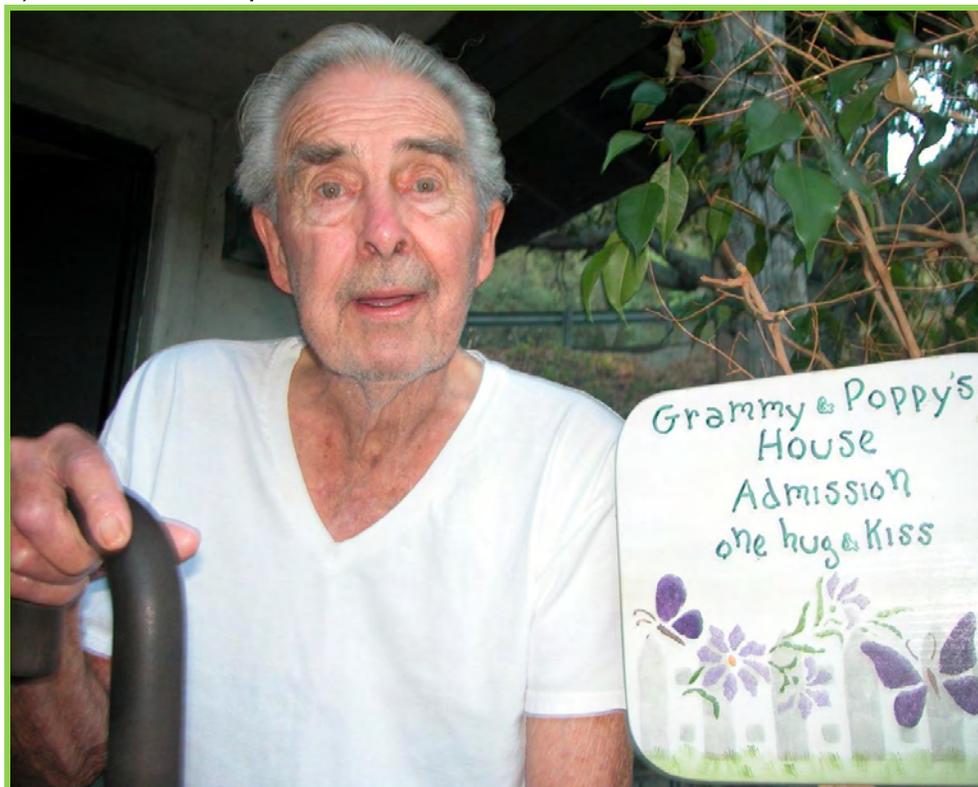
Chet Allen is an 82-year-old Calabasas resident who has lived on his 8-acre property at the end of a road in Old Topanga for more than 34 years. His land is contiguous to that of a developer, one who owns 100-plus acres and whose project was represented at the city last year by expediter Don Schmitz.

While working with his tractor several months ago, Mr. Allen ran over and broke a pipe that led to his septic leach field. He was repairing it when he was unexpectedly approached by a City building inspector offering help. A good-natured man, Mr. Allen naively allowed the Inspector to enter his property. Within days, he was served with a 12-page Notice of Violation (NOV) ordering his leach field to be capped and his septic tank pumped on a daily basis until further notice.

Following are excerpted orders from the first NOV Mr. Allen received:

- Engage a state licensed service provider at your expense (that is approved by the City) to pump all septic systems on the premises on a daily basis (seven days a week). The contractor must fax his/her pumping report to Attention: Sparky Cohen, building official each succeeding day by 11:00 a.m.
- Agree to allow a city official to undergo a city inspection of the interior and exterior areas of all structures and yards – the city will take photos, and measurements, and the inspection may also be videotaped.

In addition, a copy of the notice of violations was sent to Mr. Allen's banks (registered lien holders) and was to be posted on his doors.



*82 year old Chet Allen at his home in Old Topanga*

Caught completely off guard, Mr. Allen did everything in his power to comply with the City's request. The costs of continually pumping his tank have been exorbitant. Despite the fact that Mr. Allen's system has been repaired and subsequently approved by the City-approved inspector, Calabasas Building and Safety refuses to allow him to hook back up to his septic system.

As the costs continue to mount for this elderly man on a limited income, the City has now served him with yet another Notice of Violation, claiming the home he has lived in for well over three decades does not meet *current* Building Standards and constitutes a "public nuisance."

Apparently there is no "grandfathering" for this grandfather.....

## ANOTHER VICTIM

Another senior resident of the Old Topanga community, Robert Hahn, is facing a similar but even possibly more drastic fate than what has befallen Old Topanga's Chet Allen.

Despite having unearthed building permits dating back to the '40s and '50s, the City last week served Mr. Hahn with a voluminous Notice of Violation offering him one of



*Topanga resident Bob Hahn facing extreme hardship.*

three remedies, reduce the house to the original cabin size of 500 plus square feet, or make one single-family residence (if feasible) by dismantling rented rooms, or demolish the structure. He must comply or remove all his personal belongings and vacate his home of more than 30 years by October 11<sup>th</sup>.

Once again, a litany of code violations has been leveled against an older resident with limited means to stand up to the City of Calabasas's Goliath and its seemingly endless funds for fighting its own taxpayers.

More to come on this.....

## WHAT ARE THE “RIGHTS OF NATURE”?

Under our Constitution and such laws as the Clean Air Act, the Clean Water Act, and even our city and county oak tree ordinances, natural ecosystems are viewed as a form of property, with governments having the authority under the commerce clause of the Constitution to award permits to various entities to “take” or exploit the resources of this natural “property.”

A different legal view of the “rights of nature” and natural systems seems to be slowly emerging, somewhat like a baby bird first beginning to peck open its egg. This is the view that animals and the environments they depend on have a fundamental right to exist and that residents of the community have the legal authority to enforce that right to exist on behalf of those animals and the ecosystems they depend on.

A handful of U.S. communities have adopted ordinances that recognize legally enforceable “rights of nature.” Under these ordinances ecosystems are recognized as having fundamental rights to exist, giving them standing before the law. Citizens of those communities have the legal right to enforce the rights of those ecosystems to exist through appropriate legal action. For example, residents of Packer Township in Pennsylvania are recognized as having legal standing to defend the rights of ecosystems from pollution by the dumping of sludge. Any damages awarded under such a lawsuit would go directly to the ecosystem itself.

(Though our city and county oak tree ordinances don’t mention specific rights of nature, they do seem to imply there is a fundamental right of oak trees to exist and to have their habitat protected from harmful degradation, such as paving or trenching.)

In 2008, Ecuador became the first country to base its system of environmental protection on the rights of nature itself, rather than on a view of natural systems as a form of property, when it adopted a constitution that gave its citizens standing to sue in court to protect marine iguanas and other animals and the ecosystems they depend on.

Earlier this year, an international conference in Bolivia produced a Universal Declaration of the Rights of Mother Earth, which states the earth has “inalienable rights. Bolivian officials are talking about taking this declaration to the U.N. General Assembly for possible adoption.

## WHAT ABOUT THE RIGHTS OF AN ENTIRE SPECIES?

The September 2<sup>nd</sup> issue of *The Acorn* has a long article about one of our local endangered species, the Southern steelhead, a seagoing cousin of the rainbow trout.

Extinction becomes complete when people forget that a species ever existed. Today's Las Virgenes residents have no living memory of the California grizzly bear that graces our state flag, though it was once so common in the Malibu Creek watershed that it kept cattle ranching out of Malibu Canyon until the 1870s.

The Southern steelhead, one of the world's great game fish, once spawned in Malibu Creek and some of its inland tributaries. It's said that people in Lobo Canyon once took them out of the creek with pitchforks. But when the 90'-high Rindge Dam was built in Malibu Canyon in the early 1920s, it effectively blocked all steelhead spawning in the 200-square-mile watershed above the dam. Malibu Canyon now belongs to the State of California, and the dam serves no useful purpose, but its removal—which would allow steelhead to spawn in Las Virgenes Creek all the way up to the 101 freeway—would be costly.

Steelhead continued to spawn in a few coastal canyons in Malibu until Pacific Coast Highway was widened in the 1940s. A few still find their way into Topanga Canyon and one or two other coastal streams from time to time, but the great spawning runs of hundreds of fish ranging up 27 inches in length and up to 13 pounds in weight are a thing of the past.

The Southern steelhead has been driven to the verge of extinction because, like salmon, it can only reproduce in fresh-water streams. Man-made dams, concrete channels and pollution have blocked their access to most streams in southern California, threatening the survival of the species.

A few years ago the National Park Service acquired Solstice Creek, a year-round stream in Malibu that supported a steelhead run until the 1940s. Dams and other barriers to fish migration have since been removed from the creek. The *Acorn* article mentions plans by the Park Service, Fish and Game and the National Marine Fisheries Service to build a boulder-strewn fish ladder to permit spawning steelhead to swim up into to the creek from the beach. When this fish ladder is completed, there should be at least one stream in the area where steelhead would still be able to spawn.

## **FOR QUIETER MOTORCYCLES**

The motorcycle-tampering bill (SB 435) authored by State Senator Fran Pavley is now on the governor's desk. The bill aims to increase enforcement of current anti-tampering and noise-level statutes for motorcycles. It gives the CHP and Sheriff's deputies an effective mechanism to enforce current law, which requires motorcycles to bear an EPA label that states the motorcycle's emissions equipment is in compliance with federal noise standards.

The Federation voted to support this bill. To e-mail the governor and urge him to sign it, go to <http://gov.ca.gov/interact>

## WHAT WILL BECOME OF OUR STATE PARKS?

Last July a Westlake Village resident sent an email to Ron Schafer, Superintendent of the Angeles District of the California Department of Parks and Recreation, describing a recent visit to Malibu Creek State Park,

“... on a hike in Malibu Creek State Park, some friends and I were appalled by the unbelievable amount of garbage that covered the Rock Pool area. There were numerous people smoking and drinking. They seemed unconcerned about the dangers of smoking in the park and the trash surrounding them.

“I know there are severe cutbacks in the park budget, but this is a serious situation. Rangers need to patrol this area even after hours, as this is when the parties begin. It was so upsetting that I’m not inclined to return to what was always one of my favorite places to sit and contemplate the beauty of it all ... without proper care I feel despair for this park’s future ...”

Conditions such as that described above are what caused the Corral Canyon fire. Because of state budget cuts, staffing and operations budgets for our state parks have been cut back drastically. This has put us, our property, park users and park resources at risk from brush fires, wild parties, illegal shooting, vandalism and illegal marijuana plantings.

### ENTER PROPOSITION 21

With the legislature unwilling or unable to address the budget shortfall and our state parks deteriorating, the State Park Foundation has been able to qualify Proposition 21 for the November ballot. It would levy an \$18 annual surcharge on every passenger vehicle registered in the state (trucks, trailers and mobile homes would be exempt). In return, vehicles on which the surcharge has been paid and everyone riding in them would have free day-use admission to every California state park in the system for that year. (Out-of-state vehicles would continue to pay the park entrance fee.)

The \$18 surcharge would go into a trust fund that could be spent only to patrol and maintain state parks and wildlife preserves. Revenues from the trust fund are expected to be about \$500 million a year, 76 percent of which would be earmarked for state park maintenance and operations; an additional \$30 million or so would go to state conservancies, including the Santa Monica Mountains Conservancy.

With the revenue from the \$18 surcharge in hand, state parks would no longer need the reduced annual appropriation they now receive, and that money, about \$130 million, would help fund schools, fire protection, public safety and other pressing public needs. All this for an annual surcharge on our vehicle registration that doesn’t amount to much more than the one-time cost of admission to a state park.

In spite of the current recession, polls show Proposition 21 ahead in the polls with wide ranging endorsements from the Sierra Club, the Audubon Society, the Valley Industry

and Commerce Association, the Save the Redwoods League, Defenders of Wildlife, the Surfrider Foundation, the Valley Industry and Commerce Association, the Trust for Public Land, the California State Lifeguard Association and literally hundreds of other environmental, community, and business organizations.

Prop 21 is on our agenda for discussion and potential action on Thursday.

## **CLARIFICATION**

In last month's Federation article that referred to a major developer who wants to annex his land to Calabasas, the City Council did not vote 3-2 to have staff continue to study the matter and report back, they simply instructed staff to do so.

## **DEAL TO CLEAN UP SANTA SUSANA FIELD LAB**

As we have pointed out previously, most Las Virgenes residents are blissfully unaware of the existence of the Santa Susana Field Laboratory, better known as the Rocketdyne test site, located five or six miles northeast of Malibu Canyon, Saratoga Hills and Old Agoura. During the Cold War it was used by Rocketdyne as its main site for testing Saturn rockets and as a nuclear testing facility. It was also the site of what many consider the worst nuclear accident in U.S. history: the near-meltdown of a sodium reactor in 1959.

State and federal agencies have been slow to react to the need to clean up the former Rocketdyne site. Our former state senator, Sheila Kuehl, joined by our current assemblymember, Julia Brownley, finally got the ball rolling a few years back with the passage of SB 990, which requires the site to be cleaned up to the most protective rural residential standard, even though homes will never be built there.

The September 9<sup>th</sup> *Acorn* carried a story announcing that the California Department of Toxic Substances Control had reached agreement with two of the three entities that had operated the Santa Susana Field Lab—NASA and the Department of Energy—and that they would clean up their portion of the Santa Susana test site to the standards required by SB 990.

However, Boeing, which is heir to Rocketdyne and controls about 75 percent of the Field Lab's 2,850 acres has refused to agree to their share of the clean-up and has filed suit challenging the constitutionality of SB 990. Residents of the northwest San Fernando Valley have circulated petitions asking Boeing to drop the suit.

Meanwhile, the Environmental Protection Agency is planning to lend its expertise to monitoring areas of radiological contamination on the site. The plan is to complete the clean-up by 2017.

# **SANTA MONICA MOUNTAINS COMMUNITY WILDFIRE PROTECTION PLAN (CWPP) AVAILABLE ON LINE**

The public draft of the SMMCWPP is available to download at [www.forevergreenforestry.com/smmcwpp\\_pub.html](http://www.forevergreenforestry.com/smmcwpp_pub.html)

Deputy Forester J. Lopez of the Fire Plan Unit of the Forestry Division of the Los Angeles County Fire Department will be at Thursday night's Federation meeting to explain the SMMCWPP and answer questions about it. The SMMCWPP public draft points out that the incidence of wildfires in the Santa Monica Mountains has been increasing as more and more people move into the "urban-wildland interface." The SMMCWPP attempts, among other things, to prepare and empower residents to cope with this threat.

The SMMCWPP not only talks about protecting existing homes from wildfire, it also addresses wildfires that originate from human activities and infrastructure (vehicles, power tools, electric lines, etc.) and spread quickly into both developed and natural areas, especially in strong winds.

"While it is difficult or impossible to control a wildfire during extreme fire weather, it is certainly possible to reduce the chance of starting one. Fire prevention activities are more cost-effective than fire suppression," the document reads. "Wildfires will continue to shape the landscape of the Santa Monica Mountains and likely become more frequent and costly in terms of property and natural resource losses until humans can be more careful and adopt fire-safe practices that will improve the chances of structures surviving a passing fire ... The ideal situation would be one where all structures can withstand a wildfire – i.e. hardened homes and effective defensible space – and all people living there could safely evacuate when necessary."

\*\*\*\*

## **On Friday, September 24<sup>th</sup>, on the agenda for the Calabasas Architectural Review Panel**

-A Site Plan Review for a proposed 26,247 square-foot single-family residence which includes a 10,265 basement/garage, a solar panel array and appurtenant accessory structures located at 23594 Parksouth Street (across the street from Viewpoint on Mulholland Highway), within the Residential, Single-Family (RS) and Open Space (OS) zoning districts.

Submitted by: Ken Stockton

Planner: Talyn Mirzakhania (818) 224-1712  
[tmirzakhania@cityofcalabasas.com](mailto:tmirzakhania@cityofcalabasas.com)



# Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



*"the voice and conscience of the Santa Monica Mountains since 1968"*

## August 2010 MEETING ([www.lvhf.org](http://www.lvhf.org))

**Thursday, 19 August 2010, 7:00 p.m.**

**The Place – Diamond X** – Take Las Virgenes to Mulholland; turn left on Mulholland. For the next 3/4 mile, the King Gillette Ranch will be on your right. After you’ve passed Stokes Canyon Road, in about 3/4 mile, you will see a sign on your right with “Diamond X” and the National Park Service logo on it. A short distance past the sign a narrow road goes south at a right angle. This is Wickland Road, and, at this point you are entering the King Gillette Ranch. Follow Wickland about 300 yards until the road forks; take the left-hand fork; keep bearing left to the lighted house on the right. Park; enter through the lit doorway.

**Call to Order  
Roll Call  
Agenda Changes/ Approval  
Delegates Reports**

**Correspondence/Announcements  
Officer’s Reports  
Approval of Meeting Minutes**

### **Old Business/ Reports**

1. Oak Tree Committee Report & Update - HOO
2. The Edge
3. Tapia/RWQCB

### **New Business**

1. GUEST SPEAKER – STEVE HARRIS - “What it takes to protect our natural resources from development....from someone who knows both sides!”
2. GUESTS – SMITH FAMILY & Reps – Discussion/Action re: Calabasas OWTS Property Raid - Stokes Canyon – Cold Creek
3. STRATEGIC ALLIANCE FOR DE-ANNEXATION & NO-ANNEXATION Discussion/ Formation
4. Malibu Valley Farms Revocation Request

## CALABASAS RAIDS PROPERTY OF COLD CREEK FOUNDING FAMILY – Latest OWTS Casualty

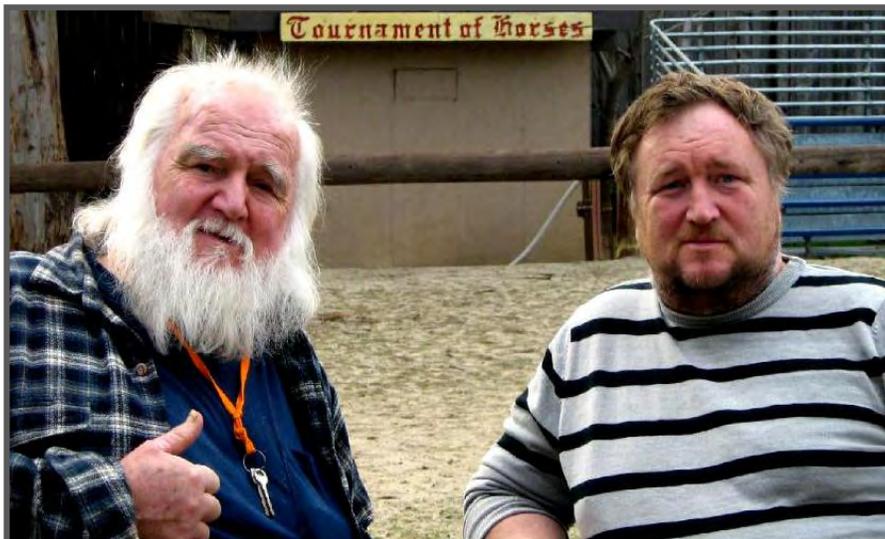
On July 8<sup>th</sup>, the Calabasas Community Development Department, its building official, code enforcement officers, other employees, personnel and agents, Los Angeles County Animal Control and armed Sheriff's deputies — a total of 14 people, eight of whom still remain unidentified despite requests for the City to identify them — descended en masse on one of Cold Creek's founding families in the heart of undeveloped upper Stokes Canyon, 1.2 miles off the beaten track.

Backed by a criminal inspection warrant issued by Judge Lawrence J. Mira of the Los Angeles Superior Court at the pleading of the City of Calabasas, the raid came with no warning or notice, terrifying and stupefying two residents who happened to be home at the time. Thus the City's war against septic systems has taken another casualty, with what is arguably the most draconian OWTS ordinance in California being used as a tool to invade and evict.

Almost all of Cold Creek relies on home septic systems, only two parts of Cold Creek lie within Calabasas city limits and are subject to the City's harsh and increasingly questionable actions on septic compliance: the homes along Mulholland Highway and Dry Canyon Cold Creek from Mountain Park to the county line—and the old-time Smith ranch in Stokes Canyon, which comprises **60** beautiful acres zoned Hillside/Mountainous (three adjacent parcels of 20, 35 and 5 acres).

Old-timers may remember "Smitty," who for decades delivered all of Calabasas' mail. Smitty was the son-in-law of Edgar Smith, who, according to one family member, bought the property in the upper reaches of Stokes Canyon in the 1940s after having fallen in love with the area as a teenager.

Now that property lies under a legal cloud cast by the City—and its four residents have no place to live.



*Their family's 60-acre ranch has been Lloyd Smith's and his son Gary's home for decades.*

Citing several “possible” Municipal Code violations in addition to “possibly” maintaining an unlawful OWTS, the warrant authorized the City:

- “to make an interior and exterior inspection of all structures, recreational vehicles, trailers and adjoining open space areas. Take measurements, photographs, videotape, and samples of any substance or fluid and have them analyzed.”
- “to allow Sheriff’s Deputies to assist in the execution to ensure there is no interference,” and permit the City Prosecutor’s Office to attend.

Further

- “in order to avoid possible destruction, removal or concealment of evidence of code violations, execution of this warrant may occur **without prior notice of its issuance to the owners and without prior notice to any occupants.**”
- “execution may also occur if the owners and occupants are not present” when the City executes the warrant.
- **“the city is authorized to forcibly enter any locked structure, trailer and/or recreational vehicle by any means necessary...”**
- Animal control officers can participate in the inspection to “ensure dogs or other animals do not pose a hazard to inspecting officials.”

Whoa! Doesn’t the Fourth Amendment protect citizens from *unreasonable* search and seizure? Keep in mind this property is tucked away and has existed in this manner for decades with no record of any criminal activity or trouble. Yet the City – actually, according to the documents, Community Development Director Maureen Tamuri and Building Official Sparky Cohen — is suddenly empowered to unleash a grievous action of this magnitude?

And the justification given for surprising the family with a raid doesn’t resonate either, especially given that the warrant identifies there *may* be OWTS and *structural* code violations; it is difficult to imagine that either could suddenly become “concealed” or “removed.” So what is the real objective here? Is it about bringing the property into compliance, or is there some other motivation? Wouldn’t any work done prior to an inspection or with notification of a pending inspection be a significant advantage to public health and safety? Surely common sense and decency dictate giving the family opportunity to comply. Doing so would have allowed the actions perpetrated by the city (removing them from their homes and potentially forcing them into sale of their land) to be far less harsh.

Seven days after the incursion on July 15<sup>th</sup>, the City posted and served the owners and “[occupants of the encampment](#)” \* with a 9-page “**Notice of Violations and Immediate Threat to Public Health, Safety and Welfare,**” which the City said gave it justification for the following:

- “The Community Development Department will immediately ask Southern Edison to terminate all electrical service on or after July 19, 2010.”
- “The *Building Official* will immediately ask the Las Virgenes Municipal Water District to terminate all water service on or after July 19<sup>th</sup>”.

*\*Note: In acquiring the criminal warrant against the Smiths, the City’s affidavit disingenuously labeled the structures on the old Smith property as an “encampment,” which they clearly are not.*

When there is an actual immediate threat to public health and safety, City Code allows that the Director “may” (not must) order abatement. Why then did the City take an entire week after the initial inspection to inform the owners/residents that an alleged immediate danger existed and should be abated, urgently? According to the affidavit, Ms. Tamuri identified the “encampment” from aerial photos on April 29<sup>th</sup>. Might the reason be that the “immediate” threat was not so immediate after all? Or perhaps this strategy was necessary because on-the-spot abatement by the City would require an after-the-fact public hearing, at which the City would be expected to substantiate its allegations of immediate threat.

Despite this, the family made substantial efforts to cooperate and comply in the subsequent very short period of time allowed, but the abatement was not enough, and Ms. Tamuri shut off the Smiths’ electricity on July 19<sup>th</sup> and the water a week later on July 26<sup>th</sup>, consequentially forcing them out.

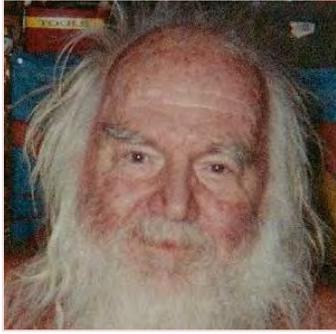
Two days later, the City then attempted to compel them to sign and accept a 12-page “Notice of Violation and Code Compliance Memorandum” with impossibly harsh demands, punitive restrictions and waivers of rights, such as allowing inspections seven days a week without warrant at almost any time, agreeing never to borrow money against their land, agreeing to indemnify the City for anything, or any action the City might take against them, etc. The document, laced throughout with implicit threats and bullying language, frightened the Smiths half to death — but with an outpouring of support from family and friends, they did not sign.

Meanwhile, the Community Development Director had the fire hydrant capped off; leaving the property totally vulnerable to fire should one spread there as it did in 1996. At the same time she did this, she was accusing the Smiths of a “fire risk” violation, saying that “structures are located in the Very High Fire Hazard Severity Zone – and a fire could have catastrophic consequences to the occupants and fire fighters, as well as persons and structures on neighboring properties.” So after using the high fire risk as a hammer to justify imposing the code violations, she cuts off the fire hydrant?

What is the taxpayer exposure and liability if the city intentionally blocks off a fire hydrant, depriving a property owner and the fire department of the water needed to fight fire in a high-risk fire zone during fire season (now!), should property or human life be lost?

John Mundy, general manager of the Las Virgenes Municipal Water District, acknowledged that district workers shut off the Smiths’ water, but said they did so based solely on the city’s allegations. He also acknowledged that the water district had done no investigation and had no proof of the pollution [by OWTS] beyond pictures provided by the city.

Unfortunately, based on Calabasas’ sketchy and inflammatory OWTS City Council updates, as we’ve reported previously, pictures and tests results done and presented by city officials have not been entirely credible. In some instances, actual test results have not even been disclosed, just a sensationalized description of what was allegedly found. So where do the alleged pictures and purported test results used to substantiate incrimination of the Smiths fit in that questionable record?



*Mr. Smith*

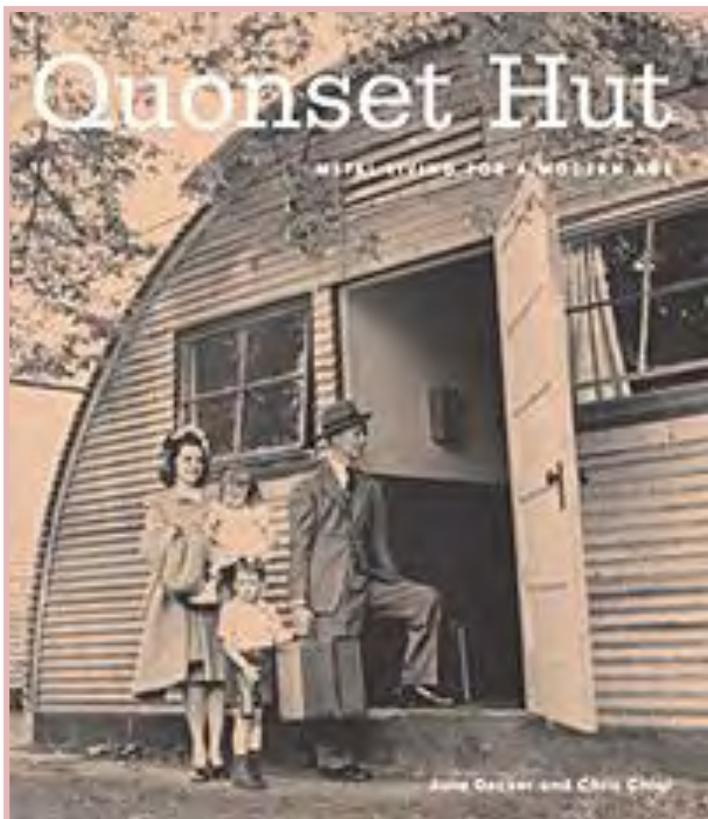
On August 1<sup>st</sup>, the elder Smith, weakened by extreme stress and anxiety, was rushed to the hospital when it appeared he was suffering a stroke and an inflamed diabetic condition. He was admitted and is still under medical care, with no home to come back to.

In its Notice, the City identified several violations, including OWTS, structural and gas and electrical installations that have not been approved by the City's Building & Safety Division. Most of those installations, however, predate the city. How fastidiously and with what goal in mind did Building Official Sparky Cohen search Los Angeles County permits that would date as far back as 50 or 60-plus years?

One of the remnants on the property is the foundation of the original ranch home built in 1927, which would have been grandfathered in. Sadly for the Smiths, it burned to the ground in the 1996 Calabasas fire that started next to the 101 Freeway just east of Las Virgenes Road, leaving the Quonset hut, where the elder Smith lived, and several trailers.

The Quonset hut – installed on the Smith property in 1956 – predated Calabasas cityhood by 35 years, and the City tried in vain in its Memorandum to force the Smiths to agree that it had been “installed, erected and established without land use approvals.”

In fact, the Quonset hut could potentially be considered for a historical designation in Calabasas under the city's Historical Preservation Ordinance.



*Quonset huts were developed by the British in World War 1. After World War II the U.S. military sold their surplus Quonset huts to the public for \$1,000 each, which approached the cost of a small home. A few in LA County are still standing, such as the Smith home in Calabasas.*

Laws that protect water quality and public health and safety are important, and septic systems must be kept in good condition. But using the OWTS Ordinance to gain access onto people's properties and to crawl through them with a fine-tooth comb *looking* for code violations and then requiring the owners of a century-old property to meet current code standards almost instantaneously is unrealistic and cruel. "Electrical and water service to the parcels will be restored when the hazards discussed herein are fully abated with all required approvals, permits and inspection approvals from the Community Development Department." (Excerpted from the *Notice*).

What's more, the Community Development Director also stipulated in the *Notice of Violations* that yet a second *Notice* would be forthcoming with more violations. When uniformed City inspectors visited the property just a few days ago specifically to inspect the septic tank, they had to be repeatedly asked by the family to stick to the pre-arranged purpose of the meeting and stop randomly wandering the property. Interestingly, one of the inspectors was noted to be carrying what appeared to be a handgun.

**Other government agencies manage this kind of situation with a kinder, gentler hand. Take, for example, the Santa Monica Mountains Enforcement Task Force, which includes representatives from the Sheriff's Department, County Public Works, the Coastal Commission and State Parks, among others. These officials meet monthly to deal with landowners who are out of compliance "to see where we can work together with the landowner," according to one member of the Task Force. "We never evict first. Even after we issue a cease and desist order it sometimes takes two or three years before we act. We don't want to hurt the landowner."**

So what is the City's motive for such aggressive action and timing? Was there a plan to force the Smiths to sell their long-held land? Surely the Smith's strategically located 60 acres are not connected to the City's current bid to again consider annexing the nearby property of developer Brian Boudreau and other landowners who may want to get out of the county and into the city of Calabasas so they can develop Stokes Canyon? According to the affidavit, Ms. Tamuri was looking at neighboring lands for sale. Why? Was it possibly to satisfy LAFCO requirements that annexation areas be contiguous and there be no zigzagging of boundaries?

The result is that one of the area's oldest settled properties — hidden in upper Stokes Canyon — was condemned by the City. Suddenly, after at least six decades on the land, the family could no longer live there. Their water and power were abruptly cut off. Vulnerable, frightened and distressed, they were threatened with so many penalties, actions, requirements and fines that abatement became daunting to finance and impossible to accomplish in the incredibly short time given them by the City.

Why did the City invest such an inordinate amount of energy, time, resources, and money into this — and *in this way*— when it seems that most, if not all, of the resources could have been saved, and most of the heartache and stress for one of Cold Creek's founding families could have been avoided? Who green-lighted the City's countless expenditures, such as prosecuting attorney fees, at a time when the city says it has no money and is even cutting back on Dial-A-Ride? Who authorized the

over-the-top show of force to crush four unassuming citizens and surprise them with a warrant of that scale? Elements on the property may be out of code, but what do you expect from a ranch settled almost 100 years ago? The family is eager to work to get the problems fixed and go home.

How will the City respond next? The Smiths' attorney asked that very question at the Council meeting last week, saying the city's enforcement attorney is not responding or returning his calls — to which he received a reply that the City has no control over its contracted attorneys.

If you would like to contribute to the Smith Family Fund and help them keep their land and get back in their homes please contact: *James Moorhead* at 818.761.6724 or [limehousekid@att.net](mailto:limehousekid@att.net). \*We will also be discussing this at the Federation meeting.

The information in this account is based on interviews and the following supporting documents:

1. Warrant Application submitted by the City of Calabasas to the Judge
2. The Warrant
3. The Notice of Violations
4. Code Compliance Memorandum

## **TELL US AGAIN: *HOW DID THEY GET THAT WARRANT?***

Although it appears to have been initiated and driven by Calabasas Community Development Director Maureen Tamuri, it was Sparky Cohen, the City's Building Official, who applied for the warrant to raid the Smiths' property. **“This application is based upon the declaration of Calabasas Building Official Sparky Cohen...” his affidavit reads.**

But it doesn't appear that he actually had firsthand knowledge of the property. Mr. Cohen attests to viewing “the *encampment* using the City's GIS system software and Microsoft's Bing Search Engine” and information provided by the Community Development Director Maureen Tamuri. “On April 29, 2010, Maureen Tamuri informed me that she identified an encampment of trailers and/or structures on 2 parcels of adjoining land from an aerial photo while using the City's GIS software to review neighboring lots that were for sale,” he wrote.

So what happened between April 29th and July 15th to create the Smith ranch's purported *immediate* threat to the *public's health and safety*, which was used to justify shutting off the family's power and water?

According to Mr. Cohen's Declaration, “The encampment presents the following concerns that form the basis of this request for an inspection warrant:”

- a) Persons in the Encampment *may be* unlawfully disposing of human waste [OWTS]

b) Persons in the Encampment *could be* unlawfully generating significant materials that are entering the Pacific Ocean.

c) Structures with installations *may exist* and uses *could be* occurring in the Encampment that violate the Building Code, as well as the Land Use and Development Code.

*Note:* Mr. Cohen states that he cannot locate permits showing construction of lawful structures but then he says when “reviewing historic records” that he obtained from the Los Angeles County Assessor, he notes a “Bldg Slip L.A. County Assessor’s Office” document referencing for a 1673-square-foot residence, a 810 foot cabin and a 90 square foot shed” on the property. He then states, “I am informed and believe and allege that the residence, cabin and shed burned down during a Calabasas fire in 1996.” He makes the determination that **all** the buildings burned down because James Jordan, the city’s director of public safety and emergency preparedness and a retired fire captain, reports that, “*he was present in the Encampment area in 1996.*” That area is large – hundreds of acres around the Smiths’ 60 acres — so it is difficult to decipher whether Mr. Cohen is actually saying Mr. Jordan *is attesting to seeing* those specific and original buildings **all** burn down five years ago.

*Note:* The city lists a shed and another structure as unpermitted violations in its *Notice*.

On June 8th, Mr. Cohen declared that he “spoke to Robert Desantes, the Los Angeles County Sheriff Deputy who is our liaison to the city.” He added, “I informed him the Department was going to ask for an inspection warrant for a remote and rural area in the city where inspecting officials could be exposed to danger because of unknown persons and activities.”

On June 10th, Mr. Cohen stated that Deputy Desantes informed him that he “*had sent 2 deputies to the property in a marked car* to determine if persons at that site might be dangerous...” Although there doesn’t appear to be an official report attached and there is no reference to an official report from the Sheriff’s department, Mr. Cohen states that Deputy Desantes “**gave** him the following information concerning his Department’s June 9, 2010 visit”: that they had spoken to a resident who was the caretaker of the property and that there were three other occupants [family members] living there including an 80-year-old man. Further, that it looked to be in disarray, sewer lines from the trailers were lying on the ground and appeared to be terminating in Stokes Creek and electrical lines were on the ground. There was no mention of “dangerous” people or activities [which could impact city officials in the future when they served the warrant].

How confusing. Did the two Sheriff’s deputies sent by Mr. Desantes at the City’s request go onto the property and do a pre-inspection? Was that information used by Mr. Cohen to substantiate his request for the warrant to the judge?

Even more confusing is that when we asked the elder Smith about the visit, he said he had indeed spoken to the two deputies who had come onto the property, and when he asked them why they were there, they said it was because there had been a “report of smoke in the area,” to which Mr. Smith replied, “I don’t smell any.”

Building Official Sparky Cohen was successful in acquiring the warrant and the right to

serve it without notice and by a total of 14 people, surprising the two City residents who were home and who by all accounts were anything but dangerous. The group, which included a locksmith, swarmed the property, videotaping, measuring and taking samples and pictures...

## **WHY WOULD A MAJOR DEVELOPER WANT TO ANNEX HIS LAND TO CALABASAS?**

Item 21 on the Calabasas City Council Agenda last Wednesday August 11<sup>th</sup>, was a recommendation “That the City Council discuss interest in extending the boundaries of the City southward...” According to the staff report “... a property owner south of the City of Calabasas has expressed interest in potentially annexing to the City.”

The staff report went on to point out that “...an annexation of territory south of the city will be more complex and involve more issues...” Some of the reasons for this are discussed in the report:

- “...properties south of the City are largely undeveloped ... consequently debate over possible transfer of Regional Housing Needs Assessment (RHNA) allocations from L.A. County to the City will be a central concern...” [i.e. where to put the additional state-mandated allocation of high-density (at least 20 units to the acre) low- and moderate-income housing to meet the state-imposed RHNA housing requirements for the annexation area? Potential annexation areas south of the City are mountainous and lack the road system needed to support high-density, low-income housing. Could this mean that additional RHNA low-income housing allocation required by this annexation would have to be placed in areas of the City further to the north in established communities closer to the freeway?]
- “...because the Coastal Zone protrudes into some of this area, annexation of any property within the Coastal Zone would require the City to prepare and adopt a Local Coastal Plan in accordance with state law.” [Because some of the planning policies of the Coastal Act are different from the policies of the Calabasas General Plan, the City would probably have to hire a new team of consultants to draft an LCP for the Coastal Zone portion of the annexation area.]
- “Also, recognizing that the City has been contacted by only one of several property owners in the area, the Council may wish for staff to canvass the entire [annexation] area to gauge property owner interest.” [How does the City staff propose to ensure this canvass of voters will truly reflect voter sentiment in the annexation area? Will residents adjacent to the proposed annexation be consulted? Would the Cold Creek Community Council and the Monte Nido Valley Community

Association have any say in how this canvass would be conducted in their communities?]

Let's cut to the chase. The "property owner south of the City [who] has expressed interest in potentially annexing to the City" is listed as a Robert Levin with a Moab, Utah, address. Levin of Moab claims to own 300 acres somewhere between upper Stokes Canyon and a point south of the present Calabasas city limits. [We can't tell exactly where Levin's property is because for some reason the staff report on Item 21 fails to provide a map showing the area proposed for annexation. However, it is common knowledge that Levin of Moab is often listed as the owner of record of much of the land east of Stokes Canyon that is actually controlled by local developer Brian Boudreau, including parts of Malibu Valley Farms and the undeveloped area north and east of the existing rural homes in Stokes Canyon.

[Brian Boudreau became well known in Las Virgenes in 2005 when he proposed the infamous Malibu Valley Inn. This 400,000-square foot mega-resort complex, grossly mis-labeled as a "bed and breakfast," would have put almost half the floor space of Westfield Shoppingtown on the hillside overlooking the entrance to King Gillette Ranch and added vastly more daily vehicle trips to Las Virgenes Road, which is already operating at over its capacity of about 18,000 daily vehicle trips and is especially crowded at peak hours and on weekends.

[At the instigation of then Councilmember Barry Groveman in 2005, the Calabasas City Council voted to hold a citywide referendum on the annexation and development of the Malibu Valley Inn, expecting it would easily gain voter approval. Instead, even after a deceptive advertising campaign showing horses running through green pastures, Measure C annexing the Malibu Valley Inn property to the City was voted down by 60 percent of the voters of Calabasas, suffering defeat in every community in the City except The Oaks.

[More recently, it was Boudreau, with the help of his attorney, Fred Gaines, who persuaded the Coastal Commission to ignore the required stream setbacks in the Local Coastal Plan and approve a major horse facility – Malibu Valley Farms – virtually on the banks of Stokes Creek and immediately upstream from the public-use areas of King Gillette Ranch, telling the Commissioners that the project had the support of Supervisor Zev Yaroslavsky when the opposite was the case.]

In their oral report to the City Council Wednesday night, City staff spoke of "...a number of property owners who own hundreds of acres" who supposedly wanted to annex to Calabasas, but none of that number of property owners got up and spoke in support of whatever it was that was proposed to be annexed. Levin of Moab sent a letter from far-off Utah. Five others sent letters of support for annexation but did not speak at the hearing. A couple of those who wrote letters supporting annexation cited lower development fees as their reason for wanting to annex to Calabasas.

City staff then talked about "additional areas that might be explored for annexation," possibly to satisfy LAFCO requirements that annexation areas be contiguous and that

there not be any “doughnut holes.” It was reported that a study of annexation would cost about \$50,000.

Joan Slimocosky, president of the Monte Nido Valley Community Association, which represents approximately 375 homes south of the City, submitted a letter from the board of directors and some 25 individuals stating Monte Nido was most definitely not interested in annexation. On a personal level, she stated that “despite shared battles and originally supporting cityhood when proposed, the values the City wanted some 14-15 years ago are not what I’m hearing tonight. Why would anyone want to belong to a city that treats the Smiths like it has or Old Topanga?” [See this newsletter’s article on the recent “raid” on the Smith property in upper Stokes Canyon.]

Joan Kay, representing the Coalition to Preserve Las Virgenes, reminded the City Council that the hawk in the Calabasas logo was the Council’s “sacred trust” and rhetorically asked, “after hearing what we’ve heard tonight, why not just replace that hawk with a high-rise?” Yehuda Netanel testified that those in Monte Nido made a choice to live in a rural area, not a city, even one with a certain beauty like Calabasas. He further stated, “That bird [the hawk] left the City long ago” but that, “We [in Monte Nido] will take care of it.”

Don Wallace of Cold Creek testified that no one from the City had ever contacted Cold Creek about any annexation proposal. He presented letters from residents opposing any study of annexation. Cold Creek resident Richard Lague testified, “None of my neighbors would want this; it’s about development.”

During this impassioned testimony, City Manager Tony Coroalles mentioned for the first time that the annexation proposal involved only areas north of Mulholland, especially the Stokes Canyon area.

Cold Creek Community Council President Cynthia Maxwell then testified that she lived [north of] Mulholland and didn’t want to be annexed; she then handed in a sheaf of letters from Cold Creek residents opposing annexation. Bob Singer announced he owned 50 acres in Stokes Canyon and presented 14 letters from the 18 residents of Stokes Canyon opposing annexation.

Lee Renger, a 43-year resident of Stokes Canyon, said he considered Calabasas “quite urban” and didn’t want to be annexed.

Malibu Canyon Community Association President Mary Hubbard again reminded the City Council of the RHNA requirement to provide a certain number of high-density, low income housing units for any annexation and the difficulty the City experienced finding any remaining suitable locations for high-density housing during the drafting of the General Plan. She reminded the City Council that our General Plan forbids the use of annexation to increase the permitted development density of a property.

Community Development Director Maureen Tamuri acknowledged that “The one large

parcel [Levin of Moab?] is not contiguous with the City of Calabasas” as LAFCO would require.

City Manager Tony Coroaalles then pointed out that to create an annexation “that works” the City may have to annex additional properties, including a few that may not want to be annexed.

Councilmember Mary Sue Maurer spoke up, saying she was “...embarrassed there’s such distaste for our city.” Councilmember James Bozajian announced he would not support annexation based on requests from two large developers.

But after assuring the assembled citizenry that the City would not move ahead with annexation if the people in the annexation area were opposed to it (as they clearly were), the same three City Council members did the same thing they did with the water park and voted 3-2 (Grovesman, Washburn, and Wolfson) to instruct the staff to continue to study the matter and report back. Bozajian and Maurer opposed more study of annexation.

### **3-2 VOTE DRIVES EIR FOR OLD TOPANGA SEWER**

Also, at its August 11th meeting, in a 3-2 vote, the Calabasas City Council authorized \$100,000 to prepare an Environmental Impact Report (EIR) for a proposed 6,300-foot sewer expansion into Old Topanga Canyon at taxpayer expense. Advanced by Mayor Grovesman, motioned by Mr. Wolfson and seconded by Mr. Washburn, only Council Members Maurer and Bozajian spoke in strong opposition, challenging both the need for a sewer and the fiscal irresponsibility of such expenditure in light of recent budget cuts.

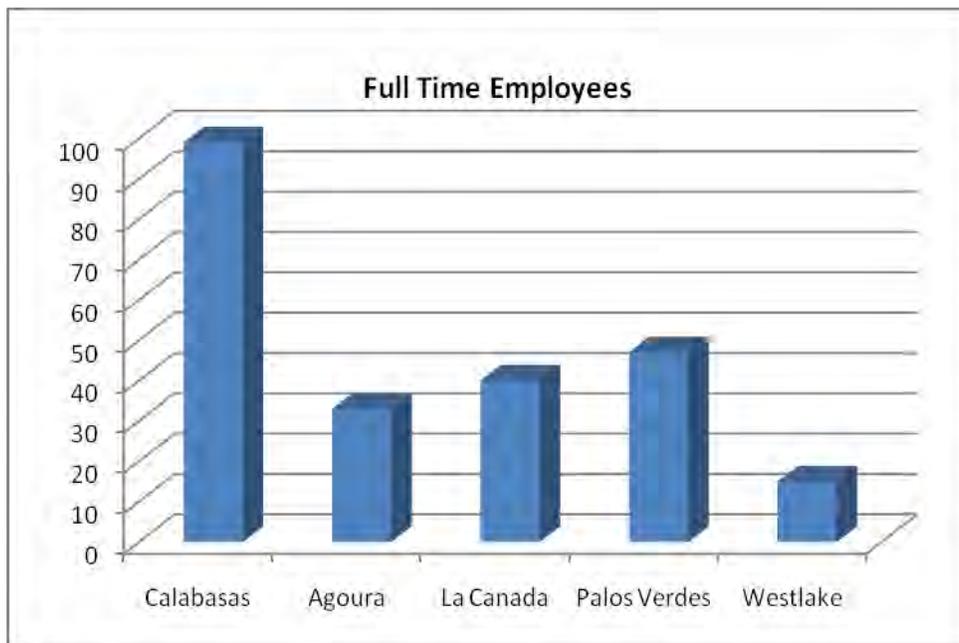
Consider this: The cost will undoubtedly soar, possibly to the tune of \$200,000 or even \$300,000, not the \$100,000 allocated. Why? Because there likely will be a lot of opposition, which will bring a change order for the amount of time allocated for response to public comments, which Rincon (the EIR consultant) is currently showing as a meager 48 hours. At \$300k, the Council could apply \$10k per household for 30 homes for septic repairs or upgrades. The cost of a new system (conventional) is about \$15k. A repair is typically a portion of that cost.....

So, for just about the cost of the EIR, the City could solve its purported problems.

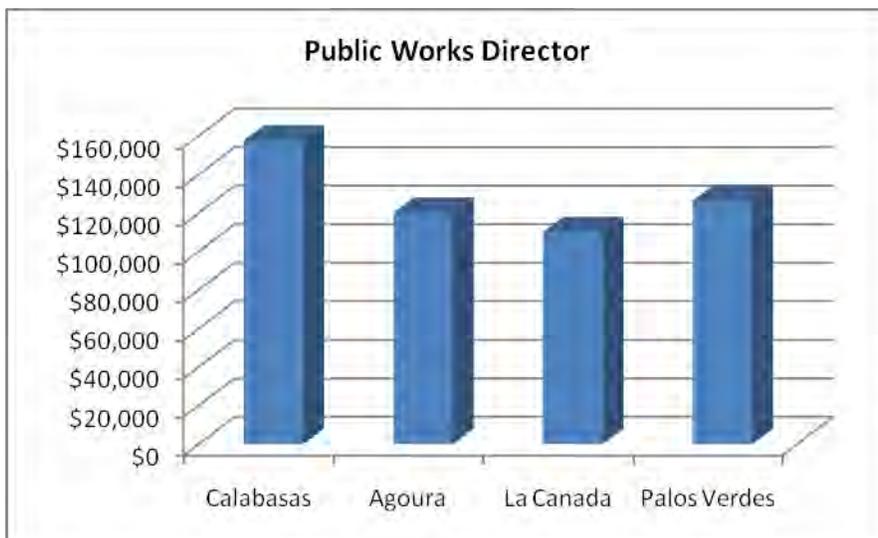
And you still think it’s not about bringing in sewers for development...?

## CALABASAS PROFLIGACY?

We've heard a lot recently about the outrageous salaries provided to the senior management of the City of Bell. Those salaries, and the subsequent pensions, are inexcusable for civil servants. But here in Calabasas, there is another government payroll that is of concern. Ten years ago, the City had a budget surplus. Over the last decade, that surplus has been eroded, and the City now has an operating deficit. A big part of the problem is the bloated staffing levels at City Hall compared with other cities of similar size and demographics. In fact the City of Calabasas (pop. 24,000) has more than twice the number of full-time staff as the City of Agoura Hills (pop. 23,000), and Calabasas also has a small army of part-time employees.



How does the City Manager justify the burgeoning payroll? The other cities report high-quality city services, so it can't be argued that Calabasas residents get superior service. But the profligacy doesn't end there. For each senior management position, the City of Calabasas typically pays between 10 and 25 percent more compared with similar cities. For example, the City Manager in Calabasas is paid an annual salary of \$210,695 compared with \$188,946 in Agoura and \$171,564 in the City of La Canada. Other positions show similar differences:



These are not isolated examples. Calabasas staff is largely paid more than their peer group, and in comparison with the city of Agoura Hills, in some instances, there may be double the number of employees or more in similar positions. The City of Calabasas also has positions that other similar cities may not have. Some examples:

Position	Salary
Media Operations Director	\$137,855
Media Production Specialist	\$58,043
Senior Media Specialist	\$69,000
Media Supervisor	\$77,748
Deputy Director of Public Works	\$114,108
Financial Analyst	\$67,000
Information Systems Manager	\$102,804
Information Systems Assistant	\$52,283
Special Events Coordinator	\$65,000
Business Services Coordinator	\$65,000
Assoc & Ass't Transportation Planners	\$56,052 & \$69,743
Facility Supervisor	\$68,000

Indeed, the Deputy Director of Public Works in Calabasas makes more than the Director in most comparable cities. Collectively, these payments are larger than those in the City of Bell, which have been widely condemned.

So while the City of Bell may take the prize for the highest paid individuals, the City of Calabasas might win the award for the most employees per capita and for paying them mostly above the prevailing wage rate.

Can Calabasas residents afford this profligacy, particularly in these trying economic times? Some of the city's recent budget cuts include cutting back on Commission meetings (citizen volunteers), Dial-A-Ride and school bus subsidies....

## **AGOURA HILLS – A LEANER MACHINE**

We took a look at some additional full-time employee comparisons between our neighboring cities of Calabasas and Agoura. These base salary figures reflected do not include benefits or car allowances.

We will continue to report on budgets in future newsletters, including full-time, part-time and benefit management/employee comparisons and consultants as well as legal. Please note that we are reporting information:

Population (approx):

Agoura Hills – 23,000

Calabasas – 24,000

**A** - Full time employees - 35

**C** - Full time employees - 99

**A** – Director of Planning/Community Development \$132,000 (Michael Kamino)

**C** – Director of Community Development \$166,000 (Maureen Tamuri)

**A** - Director of Finance \$130,000 (Christy Pinuelas)

**C** - Chief Financial Officer \$162,000 (Gary Lysik)

**A** - Director of Community Service \$87,000 (Amy Jones-Brink)

**C** - Community Services Director \$131,000 (Jeff Rubin)

**A** – Recreation Manager \$86,000

**C** – Recreation Manager \$95,000

**A – Planning in addition to above Director : 4 for a total of \$356,000**

Ass't Director of Planning-106,000, Principal Planner - 95,000, Assoc. Planners - 83,000 & 72,000

**C – Planning in addition to above Director: 8 for a total of \$610,000**

City Planner-111,000 Senior Planners-87,000 & 87,000 Planners-71,000 & 69,000

Assoc. Planners-66,000 & 65,000. Planning Ass't - 54,000

**A – Inspectors and Code Enforcement Officers: 2 for a total of \$131,000**

Senior Building Inspector – 71,000 Code Compliance Officer – 60,000

**C – Inspectors and Code Enforcement Officers: 9 for a total of \$545,000**

Senior Building Inspector–68,000 Building Inspectors-58,000 & 64,000 & 58,000 Building Ass't–58,000

Code Enforcement Officers 54,000 & 52,000 Senior Public Works Inspector-68,000 Public Works

Inspector-65,000

**A – City Librarians: \$0**

Agoura is part of the County's system – Agoura owns building & County provides staffing. Calabasas chose to opt out of County system.

**C – City Librarians: \$310,000**

City Librarian-78,000 Librarian-57,000 Library Circulation Supervisor-51,000  
Library Assistant-38,000 Library Assistant-47,000 Library Technician-39,000

**A – Public Works Director & Engineers: 3 for a total of \$304,000**

City PWD & Engineer-119,000 Ass't Engineer-81,000 Senior Civil Engineer-104,000

**C – Public Works Director & Engineers: 6 for a total of \$557,000**

Public Works Director-158,000 Deputy Public Works Director-114,000 Senior Civil Engineer-89,000  
Assoc. Engineer-70,000 Assoc. Engineer-66,000 Building Engineer-60,000

## **CORRAL FIRE DECISION UPHELD ON APPEAL**

The Court of Appeal has upheld the decision of the Superior Court in *Avendon v California*. This case involved the State's potential liability for homeowner losses in the Corral Canyon Fire of November 23, 2007.

The Corral Canyon Fire was caused by careless young men who, with a Santa Ana wind blowing full blast in the middle of the night, started a bonfire in a cave on the ridgetop south of Malibou Lake, presumably to provide light so they could see to open their six-packs. Predictably, the fire spread and ended up burning almost 5,000 acres, destroying more than 50 homes and damaging many others downwind in Malibu.

Because the cave they partied in was just inside the boundary of Malibu Creek State Park, the victims of the fire filed claims against the state with the California Victim Compensation and Government Claims Board. When they were turned down, they filed suit, charging the state with maintaining a "dangerous condition on public property."

The Superior Court dismissed the plaintiffs' suit, holding that the existence of natural vegetation is not in and of itself a dangerous condition and that the legal responsibility for the fire losses lay not with the state but with the morons who started the fire in the first place.

The victims appealed the decision of the Superior Court to the Court of Appeal, continuing to contend that the state maintained a "dangerous condition of public property" by allowing "unrestricted and easy access to the top of Corral Canyon Road,

by failing to gate off the top of Corral Canyon Road (a County-maintained public road), and by failing to put up bars to deny access to the cave.”

The Court of Appeal rejected the victims’ argument that the state maintained a “nuisance” in providing access to its parklands, pointing out that Section 3482 of the Civil Code states that “nothing done under authority of statute can be held to be a “nuisance”, and that Section 5001 and 5003 the Civil Code give the California Department of Parks and Recreation the authority to “administer, protect, develop, and interpret the property under its jurisdiction for the use and enjoyment of the public, and that its decision to allow access to the cave and to the road near the cave fall squarely within its statutory authority.”

All this overlooks the state’s normal policy of closing its parks during high fire hazard weather, but enforcement of that policy is contingent on the state being given enough staff to patrol its parks during fire weather.

## **PROPOSITION 21 TO BE ON NOVEMBER BALLOT**

Proposition 21, the State Parks and Wildlife Conservation Trust Fund Act of 2010, has qualified for the November ballot. Proposition 21 is in response to the deteriorating condition of our state parks and the increasing inability of the state to protect state park resources and ensure the safety of park users and communities surrounding state parks due to staff cutbacks and inadequate maintenance resulting from budget cuts.

Proposition 21 would be funded by an \$18 annual State Park Access Pass surcharge on the license fees of all California cars, motorcycles and recreational vehicles (commercial vehicles and mobile homes would be exempt). In return, all California vehicles subject to the surcharge and all their occupants would have free admission to any and all state parks for that year. (Out-of-state vehicles would still have to pay the one-time \$15 to \$20 entrance fee each time they visited a state park.)

Trust Fund revenues could only be spent on state parks or wildlife, natural lands, or ocean conservation programs. 85 percent of the revenues from the Trust Fund would go to state parks, primarily to cover operation and maintenance costs.

With a dedicated revenue stream for state park operations in place, the \$130 million the state now spends on state parks could be diverted to other pressing public needs, like schools, police, and fire protection.

Expenditures from the Trust Fund would be audited by the State Auditor and by a Citizens Oversight Committee. Administrative, audit and oversight costs would be limited to 1 percent of annual Trust Fund revenues.

For more information on Proposition 21, contact the California State Parks Foundation at *Calparks.Org*, 714 W. Olympic Blvd, Suite 717, L.A. 90015, ph. (213) 748-7458, fax (213) 748-7495.

## LAS VIRGENES WEATHER REPORT

You've heard the old saying that everybody talks about the weather but nobody does anything about it. We Las Virgenes residents can't do much about weather systems that are influenced by global climate patterns, but we can avoid a lot of grief by learning what our weather is capable of doing based on past performance and planning our homes and landscaping accordingly.

The following information about Las Virgenes weather was gleaned from Weather.com and county rainfall records. Rainfall averages and peaks in major storms are higher and minimum temperatures are lower in mountain communities, such as Cold Creek, Malibou Lake, Monte Nido and Topanga.

August is normally the hottest month in Calabasas and Agoura Hills with an average high of 96, but with a more comfortable average nighttime low of 58. Monthly average high and low temperatures will drop fairly steeply from September to December until we've "bottomed out" at average highs of 69 and lows of 38 in December.

Temperatures rise gradually in the spring months, tempered by overcasts, until average highs are back in the mid-90's by July and August.

According to Weather.com recorded temperature extremes for Woodland Hills are 116 in 1985 and 18 in 1989. A low of 7 was recorded in Monte Nido about 35 years ago. Our temperature averages are pretty stable from year to year, but extremes of heat can occur at any time due to compression and Santa Ana winds. Pierce College recently recorded a rare reading of 119 degrees, and summer temperatures of up to 110 are not unusual. Our low humidity and low evening temperatures make such high temperatures more tolerable than in eastern cities.

Especially dangerous are the hot, dry "Santa Ana" winds of October and November because they come at the end of the dry season and create extreme conditions of high winds, heat and low humidity under which firefighters will freely admit they cannot control the spread of brush fires. That leaves it up to hillside homeowners to prepare their property beforehand to receive a fire. This means following Fire Department instructions on brush clearance. But it also means not planting highly combustible landscaping, such as cypress and juniper. If you live in a hillside location or adjacent to wildlands, it might be a good idea to observe how the wind blows onto your property during a Santa Ana and plan landscaping, brush clearance and sprinkler systems accordingly.

We do get frost and an occasional "black" freeze, and that puts limits on what plants we can use in our landscaping. Things that grow well on the Westside or even in the Valley (eucalyptus, banana plants, most tropicals, etc.) may be killed here by an occasional deep freeze. New residents would be advised to check with a local nursery to see what can safely be planted in their part of Las Virgenes before putting a lot of money into landscaping.

Weather.com tells us that our average annual rainfall over decades of record-keeping at the old Farmer place in Old Town, Calabasas was 19.08". Long-term unofficial records in Monte Nido, Malibou Lake, and Cold Creek show long-term annual averages between 22" and 23". Long-term official records at the Topanga Fire Station show an average annual rainfall of 23.63", with 80 percent of that falling in December through March.

But the average annual rainfall isn't the most important thing to consider when you're looking for a place to build a home; it's how often flood-producing quantities of rain have fallen there in the past. For example, between 1927 and 1980 County rainfall records show 12 individual storms dropping between 10" and 19" of rain in a period of one or two days.

Those same records show 30.49" of rain falling in Malibou Lake during an eight-day storm in January, 1969, capped with 10.61" on the final day. Almost every hillside in the Las Virgenes Valley failed in that storm, and floodwaters came close to topping the bridge at Tapia Park; in Topanga, cars were swept into the creek and carried out to sea. During a two-day storm in January, 1943, 19.13" of rain fell in upper Zuma Canyon. In two months from January 3<sup>rd</sup> to March 6<sup>th</sup>, 1978, 50.70" of rain fell in Malibu Creek State Park. Yes, it can rain in southern California, and that rain can generate a lot of runoff – 38,000 cubic feet per second at the mouth of Malibu Creek in March, 1978, for example.

Planners talk about "Flood Plains," which are the flat areas next to creeks that sometimes appear to be very desirable building sites, but they are called "flood plains" for a reason that becomes evident every time we have one of those abnormally heavy rains. There is a reason our General Plans and the Draft Local Coastal Plan require that new development be kept out of flood plains and set back a good distance from streams.

## **THE LATEST FROM LVMWD**

In case you missed it, this month's edition of *The Current Flow*, the newsletter of the Las Virgenes Municipal Water District, contains a lot of information on current and new District billing and conservation measures.

Your annual water budget is still in effect, but customers are now permitted to "roll over" billing periods of low water use and apply them against a billing period when the customer goes over budget – as long as the net use does not exceed the customer's water budget. If you have any questions about your bill or your water budget, call LVMWD Customer Service at (818) 251-2200.

- Sewer rates for single family homes have increased to \$108 per two-month billing period.

- Water rates have gone up about \$3 per month for an average home due primarily to increased costs from the Metropolitan Water District, the District's only supplier of drinking water.
- Mandatory water conservation measures remain in effect.
  - Irrigation is prohibited between 10 AM and 5 PM.
  - Irrigation may not run off the property into the street.
  - No "hosing" of sidewalks or driveways without a water broom.
  - Penalties range from a warning for the first violation to \$250 for a fourth violation to restriction or termination of service for repeat violators.

The Las Virgenes Municipal Water District is governed by a Board ("The Water Board") composed of five directors, each elected from a separate "division" or district. Here is the current Board membership,

Division 1 (Calabasas Park, Hidden Hills, Mountain View) – Charles Caspary

Division 2 (Malibu Canyon, Saratoga Hills, Old Agoura, Liberty Canyon, Triunfo-Lobo, Deer Springs) – Glen Peterson \*

Division 3 (Mulwood, Calabasas Highlands, Cold Creek, Monte Nido, Malibou Lake, Corral Canyon, Saddle Peak – Lee Renger \*

Division 4 (Lake Lindero, Westlake Village) – Joseph Bowman

Division 5 (Fountainwood, Morrison Ranch) – Jeffery Smith

\* Glen Peterson and Lee Renger are running unopposed for reelection on the November ballot. Jeffery Smith is being opposed by Barry Steinhardt.

## **ROAD MAP TO FIRE SAFETY!**

*ROAD MAP TO FIRE SAFETY – HOW TO CREATE DEFENSIBLE SPACE IN THE SANTA MONICA MOUNTAINS* has just been published by the Santa Monica Mountains Fire Safe Alliance.

Copies were sent to unincorporated Los Angeles County residents and to local cities for distribution. If you did not receive this guide, copies are available at County offices or online at [www.fire.lacounty.gov/Forestry/RoadMaptoFireSafety.pdf](http://www.fire.lacounty.gov/Forestry/RoadMaptoFireSafety.pdf)

The mission of the Alliance, a collaboration of related public agencies, departments and communities, is to find solutions and resources for property owners and land managers to improve stewardship in the wildland urban interface, including integration of best-management practices to create defensible space while protecting wildland. The Alliance will help create safer communities and protect natural areas by involving and educating stakeholders, sharing information and locating and providing beneficial resources.



# Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



## July 2010 MEETING ([www.lvhf.org](http://www.lvhf.org))

Thursday, 15 July 2010, 7:00 p.m.

**The Place – Diamond X** – Take Las Virgenes to Mulholland; turn left on Mulholland. For the next 3/4 mile, the King Gillette Ranch will be on your right. After you’ve passed Stokes Canyon Road, in about 3/4 mile, you will see a sign on your right with “Diamond X” and the National Park Service logo on it. A short distance past the sign a narrow road goes south at a right angle. This is Wickland Road, and, at this point you are entering the King Gillette Ranch. Follow Wickland about 300 yards until the road forks; take the left-hand fork; keep bearing left to the lighted house on the right. Park; enter through the lit doorway.

Call to Order  
Roll Call  
Agenda Changes/ Approval  
Delegates Reports

Correspondence/Announcements  
Officer’s Reports  
Approval of Meeting Minutes

### Old Business/ Reports

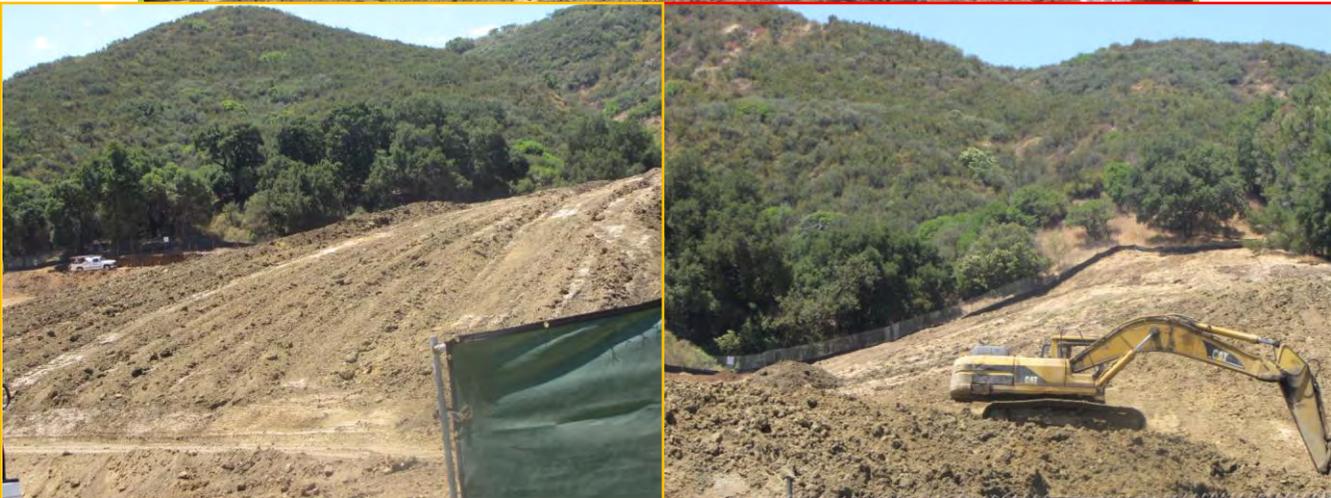
1. Oak Tree Committee Report – HOO
2. Los Angeles County Oak Woodlands Conservation Management Plan Report
3. Internal - Tag Lines for Federation & Newsletter & New Committees - Coastal & Fundraising
4. The Edge Update

### New Business

1. LVMWD – Director Carlos Reyes/Manager Jeff Reinhardt - Renewal of NPDES permit for Tapia Water Reclamation Facility with input from meeting with Heal the Bay
2. Living with Nature & Wildlife - Guest - Making yards safer for wildlife & people- lighting, fencing & landscaping. Report/update on anticoagulant poisoning of our wildlife in the Santa Monicas & how to use non-anticoagulant rodent control to prevent killing our coyotes, bobcats & mountain lions.
3. Update Steeplechase
4. Former Standard Pacific Project /new owners - Blue Marble - Update

# WHO'S DOING ALL THAT GRADING ON AGOURA ROAD?

*Riopharm - "Lucky Victim of History and Circumstance"*



*Riopharm grading on Agoura Road*

Locals have been asking what's going on with the extensive grading and removal of over 90 percent of the oak trees along a particularly scenic 14-acre property along Agoura Road in Agoura Hills about halfway between Chesebro and Liberty Canyon.

The grading and removal of 44 oak trees is the work of Riopharm USA, Inc. (previously RMR) in preparation for construction of 24 closely-packed single-family homes approved by the City Council in 2006. There will be only the most minimal separation

between the houses, very short driveways and little room for homeowners and visitors to park along the street. Here's how the project happened:

Back in the late '70s and early '80s, before Agoura Hills incorporated, land use planning was in the hands of a County controlled by absentee developers. In those days, the County Supervisors made zoning decisions based on obsolete A-1-1, (one-house-per-acre) zoning regardless of topography, access or environmental constraints. If this wasn't enough to satisfy the developer, he was usually given whatever higher zoning density he wanted. With the County under court order to adopt more restrictive zoning, developers were rushing to gain approval for higher density projects before the rules were changed. RMR was born out of that planning environment.

In the late '70s the County approved zoning for condominiums for RMR despite the property issues and constraints and the presence of so many oak trees. After Agoura Hills was incorporated in December, 1982, that multi-family zoning then found its way into the City's new General Plan, and the property was zoned "RM" (medium density residential).

With two separate tracts comprising the 14 acres and based on the densities permitted in the General Plan, entitlements in 1989 were acquired on one tract for 14 townhome lots and on the other tract in 1993 for 14 single family home lots. Once these subdivision maps were recorded, the 14 legal lots on each tract stay with the land; and are permanently recorded legal lots.

Meanwhile, the construction and design permits for housing on those legal lots were allowed to lapse.

In 2005, Riopharm applied for a conditional use permit to construct 27 detached single family homes and an oak tree permit to remove 33 oaks. The Agoura Hills Planning Commission held four public hearings on these permits and denied the request for the permits by a unanimous vote of all five commissioners, citing as reasons for the denial,

"The sizes and massing of the units ... "

"Lack of light, air, privacy, and open space ... "

"Incompatible ... lot and yard sizes ... "

"(The project) does not maintain an awareness of the City's natural environmental setting ... "

"The project does not preserve and protect the natural features of the property without requiring significant and detrimental impacts to the on-site oak trees."

Riopharm appealed the Commission's denials to the Agoura Hills City Council. This appeal was heard in three public hearings in 2006. Meanwhile, two of Agoura Hills' planning commissioners, Harry Schwartz and Bill Koehler, who had been part of the unanimous denial of Riopharm by the Planning Commission in 2005, were elected to the City Council.

They were advised by the city attorney that they could not vote on Riopharm because they had taken previous action in regard to the project [as planning commissioners].

This left the City Council's final decision on October 11, 2006, in the hands of only three of the five Agoura Hills councilmembers. Dan Kuperberg, a former Fountainwood delegate to the Federation, voted to deny Riopharm's permits, but Councilmembers Denis Weber and John Edelston decided to approve them. Thus, by a procedural fluke, a project that had been denied by the entire Planning Commission, and almost certainly would have been denied by a majority of the City Council, ended up being approved by the City Council on a 2-1 vote.

By that time, the density of the project had been reduced by approximately 25 percent. The one recorded tract of 14 townhomes was reduced and converted to 11 single-family homes, and the 14 single-family home recorded tract was reduced to 13 homes, for a total of 24 single-family homes.

In accordance with City of Agoura Hill's codes, the initial 2006 approval of the CUP and oak tree permit was good for two years. In October, 2008, grading and building plans had not yet received final approval from the City, so Riopharm was given a one-year administrative extension. In December, 2009, with Riopharm's project still unbuilt, the Agoura Hills City Council was asked to approve a final one-year extension, with the planning department also recommending City Council consider and approve the removal of 11 additional oak trees, for a total of 44, because removal of the additional oaks was "necessary for the required infrastructure and grading."

The removal of the 44 oak trees is to be mitigated by planting four replacement trees for each tree removed. Replacement trees are required to include one 36" boxed tree and two 24" boxed trees.

The grading Riopharm has already done has "vested" the City Council's October, 2006, approval, but why did Riopharm begin construction at a time when the housing market was so depressed? It may be they had no choice. After a decade of spending money drafting plans, hiring consultants and preparing for public hearings, Riopharm's approvals were set to expire on October 11, 2010, unless they did enough work on the site to vest their approvals.

Given the current state of the housing market we can only hope the Riopharm project doesn't end up an abandoned blight.

But the real question is: How could such a densely designed, environmentally destructive project be green-lighted in these more enlightened times?

County actions created zoning and a template that Agoura Hills incorporated and followed in their first General Plan. But the city had a mixed and divided City Council, one that included both pro-development and environmental members. At that time, the planning thinking was, if you were going to have higher density development then put it next to the freeway. Once they made that decision everything else flowed from there; the recording of the two tract maps with 28 legal lots that run with the land, further cemented it, and ultimately came back to haunt the city.

In addition, the extremely unusual situation of two planning commissioners elected to city council (after voting to deny the project as commissioners) between hearings which disqualified them from voting and left the Council decision making unbalanced.

The Council couldn't unravel previous decisions and go back to square one unless they proposed a plan amendment, which would have put the city at risk legally with the developer, particularly because the process had been so lengthy.

The only consolation for the loss of 14 acres of rural highway frontage and 44 oak trees is that the heavily wooded property to the east on both sides of Agoura Road is not scheduled for further development.

## **WHAT ABOUT AGOURA ROAD EAST OF RIOPHARM?**

The Riopharm 14 acre development doesn't reflect Agoura Hills' long-range plans for the rest of that rural section of Agoura Road. The remaining semi-rural, two-lane section of Agoura Road between Kanan Road and the Liberty Canyon community is slated to remain a two-lane road in Agoura Hills' General Plan. Part of the section of Agoura Road between Riopharm and Liberty Canyon follows the route of the original Camino Real and includes a section of pavement dating back to the 1930's, along with dozens of oak trees of various ages.

This stretch of road and the canyon leading off it to the southwest belong to the Santa Monica Mountains Conservancy and are to be permanently preserved as part of the "Liberty Canyon Wildlife Corridor" connecting Cheeseboro Canyon Park and the rest of the Simi Hills to Malibu Creek State Park and the rest of the Santa Monica Mountains, so that, as our former Congressman, Brad Sherman likes to put it, "our cougars won't have to date their cousins".

# COUNTY TO PROTECT AND RESTORE OAK WOODLANDS WITH CONSERVATION MANAGEMENT PLAN

*(This is the first in a series; as we continue to follow and report on the plan's implementation.)*

Successfully balancing the need to preserve, protect and restore our oak woodland resource with the rights of property owners has never been easy. The County of Los Angeles is making a valiant effort; Supervisors Zev Yaroslavsky and Michael D. Antonovich each contributed \$25,000 in grant money to launch a Strategic Alliance headed by Santa Monica Mountains Resource Conservation District Senior Conservation Biologist Rosi Dagit and comprised of stakeholders from the environmental, scientific, business and political communities as well as planners, consultants and representatives from government agencies, with the objective of developing and producing a Los Angeles County Oak Woodlands Conservation Management Plan (LACOWCMP).

The County has a long history of concern for its oak resources and in 1982 was one of the first governmental entities in the state to enact an Oak Tree Protection Ordinance, in which it identified oaks as “valuable historical, aesthetical and ecological resources.” However, the Ordinance only provides protection to individual trees; the oak woodland as a habitat and its associated ecology received no protection under the Ordinance. In other words, while the Ordinance has succeeded somewhat in preserving historic oak trees—reviews of its effectiveness indicate even more could be done—it has failed to protect the woodlands as a functional whole. Since the Ordinance’s adoption, over half of the land developed in the County has occurred in and near oak woodlands.

Oak woodlands are not just a collection of individual trees. An oak woodland is an oak stand with a greater than 10 percent canopy cover or one that may have historically supported that. Associated with that cover and connectivity are over 300 vertebrae species and more than 5,000 invertebrates, as well as hundreds of native plant species. The woodlands are a complex interconnection of oak trees, plants and animals that create a dynamic living system.

The trees filter out air pollution and absorb carbon dioxide; the canopies prevent erosion, and along with providing many health, recreational and other benefits, the woodlands are an iconic part of our visual landscape. Real estate prices for homes in or near oak woodlands are consistently higher than those without oaks or other natural spaces.



The County shares oak woodland loss with other urban areas in California, and in 2001 the state legislature created a fund through the adoption of AB 242 for oak

woodland conservation. In 2004, the legislature amended CEQA through SB 1334 to address the impacts and mitigation of land development in oak woodlands. Since 2009 the Natural Resources Agency and the California Air Resources Board have required evaluation of the impacts of oak conversion on greenhouse gas emission. A single large coast live oak can sequester over 9 tons of carbon dioxide in 50 years. Imagine how important oak woodlands are in mitigating greenhouse gas emissions!

The County is in the process of updating its General Plan, adopting new CEQA guidelines and updating the zoning code. When the OWCMP has been completed, the protection, enhancement and restoration of oak woodlands can be integrated into the overall planning process of the General Plan Update, ensuring it has the necessary teeth.

The draft OWCMP is currently undergoing a partial re-write and re-organization, accommodating many of the suggestions and input its author(s) have received to date.

Some of the elements we will discuss in future newsletters include educating and getting the public on board as advocates, creating opportunities for recovering oak woodlands as the focus of planning and community efforts, “qualifying” oak woodlands, policy differentials between larger developments vs. single family homes, and defining and making terminology less vague so reasonable people reading a definition and looking at the same data can make the same accurate assessment or determination.

To prevent impacts to existing oak woodlands, one of the OWCMP’s priorities is to create incentives and rewards for private landowners to entice them to voluntarily preserve and restore oak resources. Of course, this is essential for the plan to work, and we certainly understand the necessity and wisdom in offering attractive incentives. But we need to make sure the incentives don’t invite abuse by landowners and planners, such as increased density that ultimately causes loss of the oak resource anyway. Proper identification of woodlands, long-term monitoring of woodland health, enforcement and significant penalties will be key.

Here are some of the incentives/benefits being considered in the OWCMP:

#### - [Dedications or Donations of Land](#)

Dedicating conservation easements or woodlands to a public trust (this has implications for both single-family and larger developments).

#### - [Avoided Permitting, Mitigation and Monitoring Costs – Streamlined CEQA Process](#)

When a development is designed to avoid impacts to oak woodlands, the time, permit application development, mitigation and monitoring implementation costs may be avoided. Also, projects that do not require these permits can be expedited through the Regional Planning process.

Mitigation requirements for removing oak woodlands can be very expensive – one typical mature tree in woodland is valued as much as \$100,000 – and may involve planting twice the number of oaks removed.

#### - [Carbon Sequestration Benefits](#)

Because these fees for offsetting loss of oak woodland could be substantial, the financial incentives to property owners to preserve enhance or expand healthy oak

woodlands are significant.

#### - Existing Oak Woodland Expansion Credits

Property owners who preserve, protect oak woodland for a minimum of 5 years could receive limited additions or expanded development considerations due to their proven stewardship.

#### - Fire and Fuel Modification Benefits

Clearing up to 200 feet from all structures is costly. The presence of oak woodlands significantly reduces clearance costs because native understory is less flammable and oak trees are harder to ignite and not as prone to explosion. Oak stands that are well maintained prevent slope failure, reduce erosion and retard the advance of wildfire.

#### - Land Acquisition

Outright purchase acquisition is most direct way to ensure long term protection. One of the benefits of the OWCMP is the map that highlights priority purchases. Grant funding could be pursued from the County Oak Woodland Fund as well as from the Oak Woodland Fund managed by the Wildlife Conservation Board.

#### - Conservation Easements

Landowner retains the title for the land, but the County or a local land trust would obtain development rights in perpetuity, thus preventing development.

#### - Income and Property Tax Credit

When donating oak woodland conservation easements, landowners would receive tax benefits for full value of their ecological gift on County property taxes. The gift also meets U.S. Federal Income Tax deduction criteria.

#### - Transfer of Development Rights

Consideration of transfer of development rights for parcels within Priority Oak Woodland Conservation Areas obtained in exchange for higher density development in already disturbed locations.

The inclusion of the fire/fuel modification benefits outlined above are exceptional. It is great to see the County's appreciation of the role native vegetation and oaks play in slowing wildfire. It's the new science replacing the outmoded method of brush clearance, better protecting our homes and the environment.

We hope the Oak Woodland Conservation Management Plan's implementation will encourage the cities of Calabasas and Agoura Hills to add overlays to their oak ordinances/plans. Calabasas has long been a champion of its oaks and focused on their preservation and protection.

The OWCMP is the antithesis of County's proposed Healthy Oaks Ordinance (HOO). The HOO is not only inconsistent with most policy in the OWCMP, it erodes and undermines the original Oak Tree Protection Ordinance - never mind the untold damage and havoc it has the potential for wreaking on our remaining oak woodlands resource. This 200-plus-page document is a tremendous effort by members of the Strategic Alliance, particularly Ben Saltsman, Supervisor Yaroslavsky's planning deputy, and Senior Conservation Biologist Rosi Dagit, both of whom continue to do an exceptional job on a tight budget.

*\*This article contains excerpts from the LACOWCMP*

## OWTS UPDATES: CITY'S CREDIBILITY TANKS

The Calabasas City Council's ongoing public updates on the status of the city's off-site waste treatment systems (OWTS) continue to raise the eyebrows of even the most seasoned Council observers.

Their astonishment and disbelief is caused by city staffers' manipulation and distortion of facts and data, encouraged in public hearings by Mayor Barry Groveman (see the June newsletter at [www.lvhf.org](http://www.lvhf.org)). A city staffer's allegation to the Council during a recent update about finding the "smoking guns that you have been looking for" suggests that staff is receiving an overzealous and biased mandate.

Clearly, these public "updates" are being orchestrated for desired results. Go to the city's website (see links below) and tune in to archived meetings to see for yourself: the mayor has a mission. The updates are increasingly being used to justify fast-tracking an expensive and unnecessary sewer system into Old Topanga, a rural, antiquated subdivision of just 38 homes. Meanwhile, the city's Dry Canyon/Cold Creek area, which staff says has 42 septics, has not been considered for a sewer system. Similar environmental, health and safety issues apply in that community. Why is the mayor not thumping for sewers there?

The latest snafus came to light in a review of the OWTS update, including the slideshow, at the April 28<sup>th</sup> Council meeting. Mayor Groveman introduced the update by saying it was a "[report card on conditions of the septic tanks the city is finding...](#)"

City building official Sparky Cohen, responding to the mayor's leading questions, interjections and suggestions, at one point described the situation as "horrible." (So much for unbiased staff reporting.) When the mayor asked if "for-sales" have been increasing as a result of the OWTS ordinance, Mr. Cohen noted that staff was "seeing a lot of for sale signs," though he gave no comparison or analysis. He reported that city staff had compiled an inventory of for-sale homes with un-permitted septics and sent letters to the sellers' respective realtors "as a courtesy, informing them of the obligation to obtain operating permits for properties." The mayor lauded the staff for protecting unsuspecting buyers who might be "defrauded." We wonder: Why would the mayor want to involve the city in real estate transactions between private parties? The state already requires sellers to disclose defects or malfunctions in septic systems. Negatively impacting the ability of a homeowner to sell his home exposes the city to potential liability.

Instead, the city could *help* homeowners by revising the OWTS ordinance to require city **officials to return OWTS inspection results within a specified time**. Once the certified inspectors (paid by the homeowners) have completed their inspections, there are no time requirements for the city, in turn, to provide homeowners with the results and/or status of their inspection/permits, effectively leaving them in the lurch. Several residents who were given results by their inspectors in May still haven't heard back from the city, potentially leaving them unable to sell their homes in a timely manner.

Describing other "new challenges" in overseeing Calabasas OWTS, Mr. Cohen spoke of "seeing a lot of [home] expansions in areas with OWTS and no permits" and of

**“improperly abandoned systems where someone can fall in or a vehicle can run over it and cave in.”**

Responding to the mayor’s request to focus on the most important info so the Council could move to other items on the agenda, City Manager Tony Coroalles then described the next slide (below): “That is an abandoned septic that they didn’t properly abandon, because it’s got to be filled in, got to put gravel in it so that doesn’t happen if something drives through.” Councilmember Washburn remarked, “The truck fell into the septic.” Mayor Groveman then said, “I’m happy to be one person, and I’m sure you would all agree, I think we should make people aware of this - I wouldn’t want one resident to walk into this and pay hundreds of thousands to take these things out of the ground.”

Slide



There was only one big problem, as a Calabasas resident discovered just a few weeks ago: The slide showing a dump truck stuck in a collapsed septic tank that Mr. Coroalles described and Mayor Groveman and Councilmember Washburn commented on was not in the city of Calabasas, let alone in Old Topanga.



Photo use courtesy of InspectAPedia (New York) Daniel Friedman

The photograph was lifted from the Internet site InspectAPedia in New York ([http://inspectapedia.com/septic/Home\\_Septic\\_Safety.htm](http://inspectapedia.com/septic/Home_Septic_Safety.htm)), its copyright cropped out and the photo cropped and placed on a slide with a city of Calabasas logo. There are explicit instructions on the InspectAPedia site prohibiting use of its material without permission. The city not only used the photo without obtaining permission - flouting copyright law - but it also used the photo as an integral part of the OWTS update presentation April 28<sup>th</sup> describing, “conditions of septic tanks the city is finding.”

We are all advocates for clean water and for functional septic systems. But the casualty of these increasingly questionable updates and the city’s nearly constant manipulation of OWTS information is the issue of whether sewers are necessary. Councilmembers Bozajian and Maurer have distinctly and continually raised questions about the interpretation of the information presented at these updates, and they voted against the city seeking bids for an EIR in preparation for sewers in Old Topanga. Likewise, the Federation voted to oppose sewers in Old Topanga and to opt instead for cleaning up, repairing, monitoring and inspecting systems as the best and most environmentally savvy solution. Keeping sewers out of Old Topanga will allow the land to dictate its use, one of the guiding principles of the County’s North Area Plan.

The mayor’s attempt to justify a price tag of over a million taxpayer dollars to install sewers in a tiny, 38-home neighborhood by invoking such environmental victories as the purchases of Ahmanson Ranch and Soka/King Gillette and Councilmember Bozajian’s open space initiative for Calabasas is...well, absurd. Unless, of course, the mayor’s objective is to build out Old Topanga. Based on his pro-sewer, anti-septics actions, we can only surmise that development is his driving force.

Who is going to be held accountable to the citizens of the city, and who is going to restore the credibility of the OWTS inspection process and reporting? Councilmembers Jonathon Wolfson and Dennis Washburn surely do not want to see further erosion of the process. In the months ahead, they will have an opportunity to ensure that the ethical guidelines the staff recently proposed for the city’s volunteer commissioners are applied to the staff itself. Questions should be answered, OWTS updates should be credible, and, most importantly consideration should be given to saving the taxpayers’ money and preserving the Old Topanga community from the overdevelopment that unnecessary sewers will bring.

Link to OWTS Update on April 28<sup>th</sup> Council Meeting – at 14:20  
[http://calabasas.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=2827](http://calabasas.granicus.com/MediaPlayer.php?view_id=2&clip_id=2827)

Link to OWTS Update on June 9<sup>th</sup> Council Meeting – at 39:36  
[http://calabasas.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=2894](http://calabasas.granicus.com/MediaPlayer.php?view_id=2&clip_id=2894)

# FIRST AMENDMENT COALITION COMPELS CITY TO COMPLY

As we reported in last month's Federation newsletter, the City of Calabasas' ongoing refusal to provide access to or copies of requested public records ignited the attention of the First Amendment Coalition (FAC).

FAC is a California nonprofit public interest organization dedicated to advancing free speech, open and accountable government and public participation in civic affairs. The Coalition acts locally, statewide and nationally and strives through litigation and other efforts to prevent unnecessary government secrecy and to resist censorship of all kinds.

On June 2<sup>nd</sup>, the City received a request from an attorney for the Coalition to provide records that the City had recently denied as not being subject to disclosure under the Public Records Act. The FAC disagreed and demanded that all documents be provided.

The City of Calabasas did comply and began providing some of the documentation that was previously denied, with further documents still to be provided ..... We'll keep you posted!

## TALES OF "THE EDGE", PART II

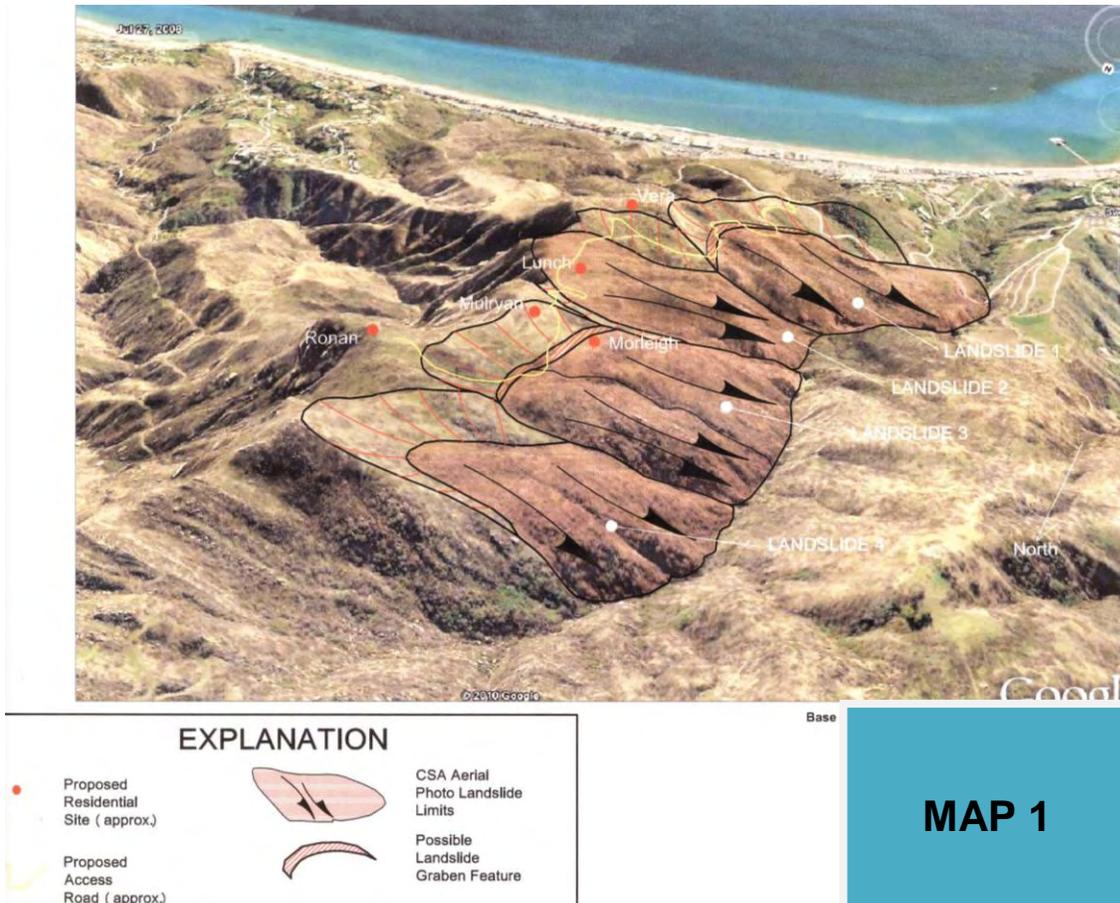
When we last left our hero, David Evans, (aka "The Edge" - the guitarist for the U-2 Rock Group) he was struggling mightily to overcome the laws of gravity, slope stability, and combustion to get Coastal Commission permits to build his "Sweetwater Mesa" development consisting of five mega-mansions and a new, mile-long, 20'-wide access road on the crest of a County-designated "significant ridgeline" at elevations of 1000' to 1700' on the south slope of Saddle Peak east of Malibu Canyon.

On its part the Coastal Commission staff found the geology report originally submitted by "The Edge's" lobbyist, Don Schmitz, to be inadequate and asked that there be a "peer review" of it by an independent geologist (to be funded by "The Edge") to determine if his home and four apparent "spec" houses would meet the requirements of the Coastal Act that all new developments must be,

- designed to minimize risks to life and property from fire, flood, and geologic hazards.
- designed to ensure stability and structural integrity, and
- visually compatible with the character of surrounding areas.

The two enclosed maps are from that second peer review required by the Coastal Commission and performed by the firm of Cotton, Shires, and Associates with funds provided by "The Edge".

The first map shows a view looking south down Sweetwater Canyon toward the ocean in the distance. Malibu Pier can be seen jutting out from the shoreline on the far right. On the left side of the canyon known landslides have a dull reddish color with black downhill arrows indicating the direction of movement, and are outlined with thin black lines. Uphill from these landslides and also outlined with thin black lines, but without a dull reddish color, are scars from the pull-away scarps where the five landslides originally pulled away from the canyon wall above them.



The five proposed building sites, all with Irish names, are shown as red dots. The proposed mile-long, 20' wide, access road to the building sites, with up to a 19% grade, is shown as a winding yellow line connecting "Ronan" and the other four building sites. The white line on the right dipping down into rugged Sweetwater Canyon (center of photo) and then climbing up the steep slope to join the proposed yellow access road is the existing steep, narrow, rough access road over an additional mile long that leaves Pacific Coast Highway just east of the Malibu Creek Bridge and passes through the gated Serra Retreat community off to the right of the photo.

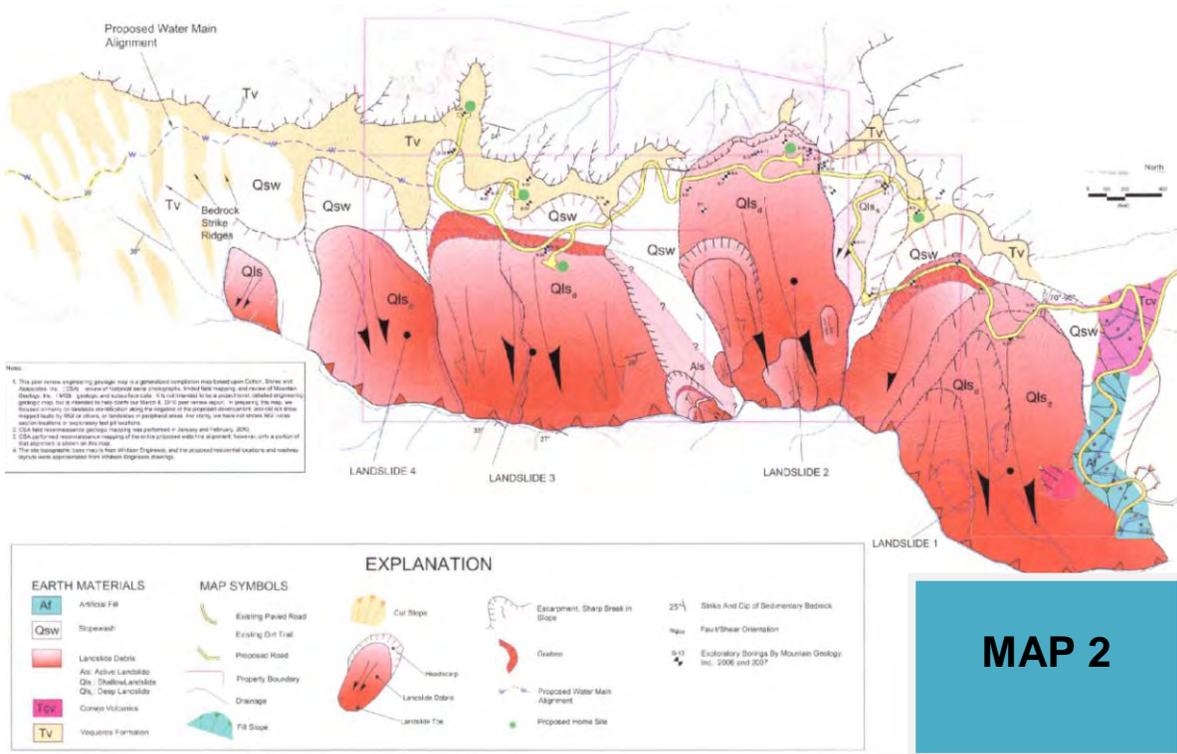
The existing, substandard white road and the proposed yellow ridgetop roadway would be the only means of access to the five mansion sites for emergency vehicles and the only means of escape for residents when this part of the mountains burst into flame, as they did in 1970, in 1993, in 2007, and surely will again in the future.

Los Angeles City Fire Chief Don Anthony told a state commission in 1977 that 40 to 100 acres of mature coastal chaparral, such as are found Sweetwater Mesa, would generate as much heat during a Santa Ana wind-driven brush fire as the atomic bomb that was dropped on Hiroshima in 1945, and that fire equipment would not be able to save homes situated on long driveways in remote areas far from main roads

Fires, typically driven by gale-force Santa-Ana winds and generating flames 100-200' long , would be driven up the steep, northeast-facing slopes and draws leading up to the Ronan, Mulryan, Lunch, and Vera building sites on the County-designated “significant ridgeline”, subjecting homes on those ridge-top sites to extreme heat and flame during wind-driven brush fire conditions. (The Morleigh site is slightly less exposed to fire, being off the “significant ridgeline”, but, nevertheless, at the top of a large landslide).

Mitigating the fire hazard by removing portions of the chaparral might reduce the fuel load in future brush fires, but it would significantly increase the landslide hazard because it would remove the deep, woody roots of the chaparral that play such an important role in maintaining slope stability.

The second map is a geology map from the same peer review report that looks east from Sweetwater Canyon to the “significant ridgeline”. Known mapped landslides are shown in red with arrows pointing downhill in the direction of movement. On this map the proposed building sites are shown as green dots, while the proposed mile-long access road, beginning in the purple “Qsw” area on the right, is shown in yellow. The 7600'-long water main to be built from the tank at the top of Saddle Peak is shown as a series of “W’s” connected by dashed lines coming from the upper left.

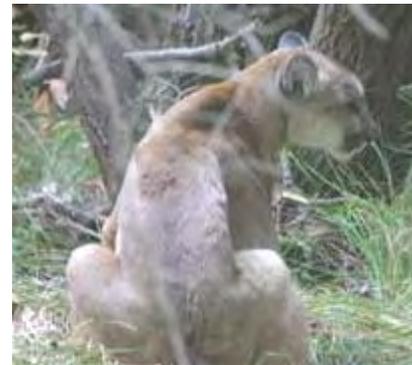


If things go as planned, the Coastal Commission will hold a hearing sometime in the fall at which David Evans (aka “The Edge”) and his team of consultants, lawyers, and lobbyists will try to overcome the constraints of the Coastal Act, the law of gravity, the law of storms, and common sense to gain approval for permits to build his dream house and four other apparent “spec” mansions in one of the most impossible locations in the Santa Monica Mountains. Will he succeed? Stay tuned.

## **SPEAKING OF LOVE-STARVED COUGARS ...**

He may not have been dating his cousin, but Cougar P-12 was spending a lot of time with a female last January. The result of this socializing made the papers a few days ago.

You may have seen the recent article in the *Los Angeles Times* about the newest residents of the Las Virgenes Area. Three baby mountain lion cubs, named P-17, P-18, and P-19, were born recently in the mountains somewhere south of Peter Strauss Ranch. This is the second litter of cubs born in the mountains near Malibu Lake in the past six years.



*Courtesy of the National Park Service*

The father of the cubs is believed to be P-12, the 140 pound male who somehow made it over or under the Freeway in the Liberty Canyon area late during the night of January 24<sup>th</sup>. He was reported to be spending time in the company of a female a few days later.

Because mountain lions are very shy and elusive, they go out of their way to avoid contact with people, so Las Virgenes residents may not realize that a handful of wide-ranging cougars are still at the top of our food chain. They generally stay out of sight, but the National Park Service which has radio-collared a dozen of them in the Santa Monicas, the Simi Hills, and the Santa Susanas since 2002, estimates there are currently seven cougars active in all three mountain ranges. Aren't cougars dangerous? Potentially, yes, but in the last 120 years there have been less than ten fatal attacks on humans in California, some of them involving rabid animals. There have been no reports of dangerous encounters locally, and Park Service radio-collar reports show cougars carefully staying out of developed communities.

While our local cougars haven't caused any human injuries, humans have caused the death of several cougars, while others have been killed in conflicts with other cougars.

Major causes of cougar deaths since 2002 include,

Several have been killed by automobiles, especially in Malibu Canyon.

Others have been killed by other cougars, especially males trying to eliminate competitors.

At least two have been killed by a buildup of anti-coagulant poisons in their systems.

The Park Service assures us there is plenty of food for P-12 and his progeny in the form of deer, coyotes, and raccoons, and studies show mountain lions rarely prey on pets or “hobby animals.”

## “MY BACKYARD AS A PARK”

Rebecca Steinberg, a second year graduate student who is working on her Masters’ Degree at the prestigious Yale University School of Forestry and Environmental Studies will be one of our guest speakers at our Thursday night meeting.

She will be speaking about large carnivore conservation in the greater Santa Monica Mountains, particularly bobcats and mountain lions, “with particular emphasis on non-target secondary anticoagulant poisoning” of these species through their consumption of rodents and other prey that has been poisoned with anticoagulants.”

In addition, she is working with National Park Service (NPS) biologists and will be giving us a preview presentation of their upcoming NPS community program called “My Backyard as a Park? Living with Nature and Wildlife,” scheduled from 4:00 to 6:00 p.m. on Saturday, August 7<sup>th</sup> at the pavilion at Paramount Ranch.

“My Backyard as a Park” is not intended to be a passive lecture program. Rather, it will be an active, participatory program especially designed for “people who live next to parkland, open space, and other natural areas who may be experiencing various wildlife conflicts.”

It provides an opportunity for community members and biologists to learn from each other regarding how to make homes and yards **safer for wildlife** as well as people, including kids and pets.” Topics include how to improve lighting, fencing, and landscaping and to share research to date on anticoagulants and their potential impact on wildlife.”

“My Backyard is a Park” is intended for the whole family. Children are especially encouraged to come. The Animal Guys from the Wildlife Learning Center will be there with live native animals for kids to see up close. Food and light refreshments will be provided.

So that organizers can know how much food to provide, residents interested in attending on the 7<sup>th</sup> should RSVP by either calling Rebecca at (805) 370-2331 or emailing her at [RSVP.CommunityProgram@gmail.com](mailto:RSVP.CommunityProgram@gmail.com).

## CUTS IN CALABASAS?

Many Calabasasans are suffering through “sticker shock” brought on by the 2010-11 – 2011-12 proposed budget recently submitted by the city manager and approved by the City Council. The budget projects a decrease in general funds balance, in other words a loss, of approximately \$3,350,000 over the next two years. Adding to the heartburn is the fact the projected actual loss for 2009-10 is \$3,476,300, a whopping 197 percent more than the loss they budgeted for. If the city’s budgeting acumen is as accurate now as it was last time, the city could be facing losses of \$6,600,000 over the two-year budget period.

*\* More on this to come.....*

## NPS SEEKING COMMUNITY OUTREACH & VOLUNTEER PROGRAM MANAGER

I am very excited to share with you a unique employment opportunity with the National Park Service located at Santa Monica Mountains National Recreation Area. We are seeking a Community Outreach and Volunteer Program Manager (GS-0025-11) to work with community organizations and groups in fostering greater connections to our national and state parks, especially for under-served communities throughout Greater Los Angeles. The incumbent will be responsible for managing and coordinating a variety of community outreach programs, including media and marketing, recreational outings, transportation, volunteerism, service learning, and youth employment. A description of the opportunity and application requirements can be found at USAJobs under announcement # SAMO 10-03D, or follow this link: <http://bit.ly/bG6ihx>. The opportunity is open to all US Citizens; no previous federal employment is required. Please assist us in circulating this opportunity and identifying potential candidates.

As always, thanks for your assistance in helping us make parks more relevant and welcoming.

=====  
Woody Smeck  
Acting Deputy Regional Director  
National Park Service, Pacific West Region

## **CONGRATULATIONS!**

The Federation congratulates our delegate and president of the Old Topanga Homeowners, Inc., Jody Thomas for her Emmy Nomination as the Foley Artist on HBO's World War II Miniseries "The Pacific" produced by Tom Hanks and Steven Spielberg. The category is "Outstanding Sound Editing for a Miniseries, Movie, or Special." Good luck Jody!

## **222,000 SQ FT SENIOR RESIDENTIAL FACILITY PLANNED ON CALABASAS INN SITE**

The Calabasas Planning Commission will hold a public hearing this Thursday for a proposal to demolish the Calabasas Inn facility and develop the site with a 222,379 square foot senior residential facility with 106 assisted living units and 104 independent living units on approximately five acres of the former Calabasas Inn property on the south side of Park Sorrento between Park Entrada and the Tennis and Swim Center.

The Commission will hear testimony on the following matters,

- Site Plan Review for the 222,379 square foot residential facility.
- Conditional Use Permit.
- Development Plan to increase the allowed building height from 35' to 46'.
- Oak Tree Permit to permit removal of four oak trees and encroachment into the protected zone of 20 additional oak trees.
- A reduction in required parking of 25% for Phase I and 20% for Phase II.
- A Tentative Tract Map to subdivide the property into condominium units.

Access to the property would be from Park Sorrento west of the Tennis and Swim Center.

For more information contact City Planner:

Glenn Michitsch

(818) 224-1707

[gmititsch@cityofcalabasas.com](mailto:gmititsch@cityofcalabasas.com)



# Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



**June 2010 MEETING ([www.lvhf.org](http://www.lvhf.org))**

**Thursday, 17 June 2010, 7:00 p.m.**

**Oak Tree Committee 6:15 p.m.**

**The Place – Diamond X** – Take Las Virgenes to Mulholland; turn left on Mulholland. For the next 3/4 mile, the King Gillette Ranch will be on your right. After you've passed Stokes Canyon Road, in about 3/4 mile, you will see a sign on your right with "Diamond X" and the National Park Service logo on it. A short distance past the sign a narrow road goes south at a right angle. This is Wickland Road, and, at this point you are entering the King Gillette Ranch. Follow Wickland about 300 yards until the road forks; take the left-hand fork; keep bearing left to the lighted house on the right. Park; enter through the lit doorway.

**Call to Order  
Roll Call  
Agenda Changes/ Approval  
Delegates Reports**

**Correspondence/Announcements  
Officer's Reports  
Approval of Meeting Minutes**

## Old Business/ Reports

- 1. Water Park/Pool Expansion - De Anza Park - Back to Council - Update/Strategy**
- 2. The Edge Update**
- 3. Internal - Tag Lines for Federation & Newsletter**

## New Business

- 1. Mountain View Estates Water Committee**
- 2. Mont Calabasas - Update Annexation**
- 3. Old Topanga - EIR Sewers - Discussion/Strategy**
- 4. Guest**
- 5. Oak Woodlands Conservation Management Plan**

**Oak Tree Committee - Healthy Oaks Ordinance (HOO) Discussion/Update/ Prep**

# “FIREHOUSE HILL” IS SAVED!

**“This has to be the primo acquisition since King Gillette Ranch.”  
Ginny Kruger - Supervisor Zev Yaroslavsky’s Arts Deputy and Former  
Chief Planning Deputy**

## Thank you ZEV!

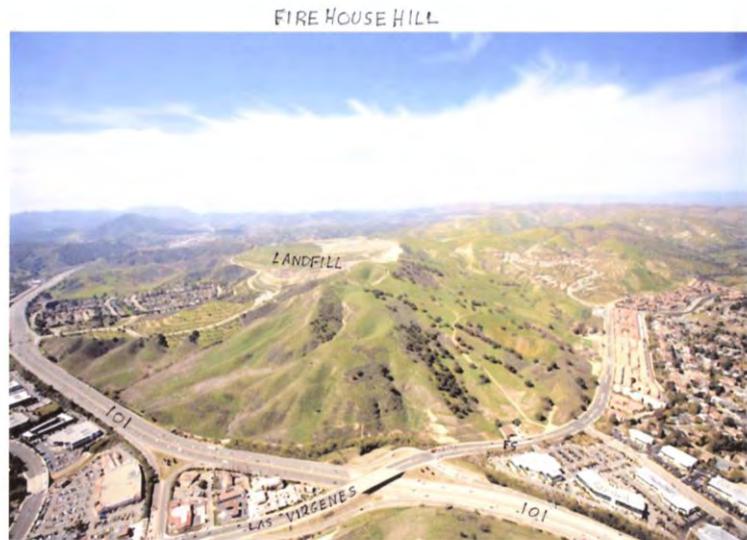
On the morning of June 12<sup>th</sup>, a Saturday, 10 Federation delegates gathered with many other citizens and elected officials in a grove of oak trees on the hillside known as “Firehouse Hill” above Fire Station 125 just north of the Las Virgenes Interchange on the Ventura Freeway.

The occasion was to celebrate the purchase of the 207-acre, 600-foot high hill and its hundreds of oak trees and to dedicate it as the “Zev Yaroslavsky Las Virgenes Highlands Park.” The land had been purchased just a few days earlier with special acquisition funds from the Calabasas Landfill.



*(Clockwise from top center) Los Angeles County Supervisor Zev Yaroslavsky, Calabasas Planning Commissioner & Federation Past President Dave Brown, Old Agoura President & Federation Past President Jess Thomas, NPS Outdoor Recreation Planner Melanie Beck, State Senator Fran Pavley, SMMC Executive Director Joe Edmiston, Calabasas City Council Member Mary Sue Maurer, SMMNRA Superintendent Woody Smeck.*

Those of us who live on the far west side of the Valley and must commute to our workplaces on the crowded freeways and unsightly boulevards of the Big City begin to notice a difference in our surroundings as we go east from Woodland Hills and start up the Calabasas Grade. The crowded commercial buildings and unsightly billboards of Los Angeles thin out and then disappear altogether, and before long, oak trees begin to replace houses on the hillsides.



As we pass over the crest of the grade, the city disappears from view, and, like a blast of fresh air, a panorama of wooded hills and the Santa Monica Mountains opens up before us.

As we start down the grade, dominating the view ahead of us is a large hill dotted with oak trees looming over the fire station at its base. Some people call it “Firehouse Hill”; others call it by the name of its former owner, developer Bob Zuckerman, or his development company, “Continental Communities,” which made several attempts to plaster over this hill with a hundred condominiums and dozens of ridge-top “million-dollar mansions.”

Back in the late ‘80s, most mansions were still worth less than a million, so when Zuckerman began to talk about “million dollar mansions,” it piqued a lot of people’s interest, while those who were of a more skeptical frame of mind wondered how those wealthy buyers would get up the steep mountainside to the ridge top. Zuckerman’s reply to his critics was that his millionaire mansion owners would be able to drive their stretch limos up to their high-class digs using the existing access road up to the Calabasas Landfill, sharing the road with loaded garbage trucks.

To make things even more bizarre, Zuckerman’s tract map showed his mansions would be built on the very rim of the landfill, where his affluent buyers would have a commanding view of the vast amount of garbage produced by the entire West Valley as it was being unloaded and carefully rearranged below them. Meanwhile, the ever-present seagulls would fly around, decorating the owners’ million-dollar patios.

Not content to propose a mere 136 condos and mansions on a rugged hill that County planners had zoned for only 20 homes, Zuckerman added “Calabasas Center,” a 46-

acre commercial and retail center planned for a small pocket in the steep cliffs between Saratoga Hills and the Las Virgenes Interchange.

“Calabasas Center” was not to be just a run-of-the-mill shopping center. It would have 40 percent more retail floor space than The Commons (which in the late ‘80s, was yet to be built). Plans also included a 19-plex theater, 281,000 square feet of retail floor space and 1,849 parking spaces. Slick brochures announced the Center would, “serve the affluent areas of Calabasas, Hidden Hills, Agoura, Woodland Hills, Westlake Village, and Malibu, as well as the San Fernando and Conejo Valleys.” The “projected opening” was scheduled for the fall of 1992.

Of course there were still a few doubting Thomases who wondered how the narrow, two-lane Lost Hills Bridge could possibly handle all the traffic from a 46-acre, 281,000-square-foot shopping center plus several hundred existing homes in Saratoga Hills and Saratoga Ranch.

To placate this last group of un-believers Zuckerman revealed plans for a four-lane boulevard along the north side of the 101 connecting Calabasas Center to the Las Virgenes Interchange. (Caltrans later shot down this idea because, among other things, it would have wiped out the northbound on-ramp at the Las Virgenes Interchange!)

Meanwhile, unbeknownst to those of us who were chuckling among ourselves over this crazy developer who was proposing a mega-shopping center half the size of Topanga Plaza in an area where most of the inhabitants were coyotes and rabbits, Zuckerman, operating on the old P.T. Barnum theory that ‘there’s a sucker born every minute,’ was busy lining up investors who were long on cash and utterly lacking in business savvy and persuading them to invest their life savings in Calabasas Center, presumably in the hope that, “If you build it, they will come.”

In those days, all our planning and development decisions were made downtown by the Board of Supervisors, led by our then Supervisor Mike Antonovich, who, it was believed, “never met a developer he didn’t like.”

When the public hearings began downtown, we were surprised at the large number of people from places like Canoga Park, Woodland Hills, Van Nuys, and Reseda who gave glowing testimony about the virtues of the Calabasas Center and how it would benefit the Las Virgenes community. Of course, we soon discovered these were probably the investors, many of whom had presumably turned their savings over to a smooth-talking Bob Zuckerman.

Before too long Continental Communities went bankrupt, leaving the investors and a couple of not-too-savvy-banks holding worthless paper. We thought that was the end of Bob Zuckerman, Continental Communities and Calabasas Center, but somehow, like Lazarus, Zuckerman came back from the dead and managed to buy the property back from the bank. This time he set out to finance his new development proposal by persuading an out-of-state Indian tribe to sign on to a bond issue.

Meanwhile, there had been some changes down at the County that Zuckerman had not planned on. Reapportionment had moved Antonovich out to the North County, and his place was ultimately filled by Zev Yaroslavsky, who had little patience with over-development and shady development scams.

As Zev describes it today, Zuckerman made one big mistake – he took Zev up to see the land, hoping to win his support. Instead, Zev was so impressed with the beauty of the hillside he told Zuckerman he could not support his proposed zone change.

Meanwhile, the *Los Angeles Times* had run a series of investigative reports condemning County planning practices in the Santa Monica Mountains. According to the *Times* reports,

“ ... an exhaustive computer analysis ... revealed that greed and incompetence allowed one of southern California’s last wild areas to be effectively gutted. While developers funneled hundreds of thousands of dollars into campaign coffers, the Board of Supervisors and its appointed commissioners routinely approved housing projects larger than permitted by (existing county) plans, undermining efforts to protect the area.”

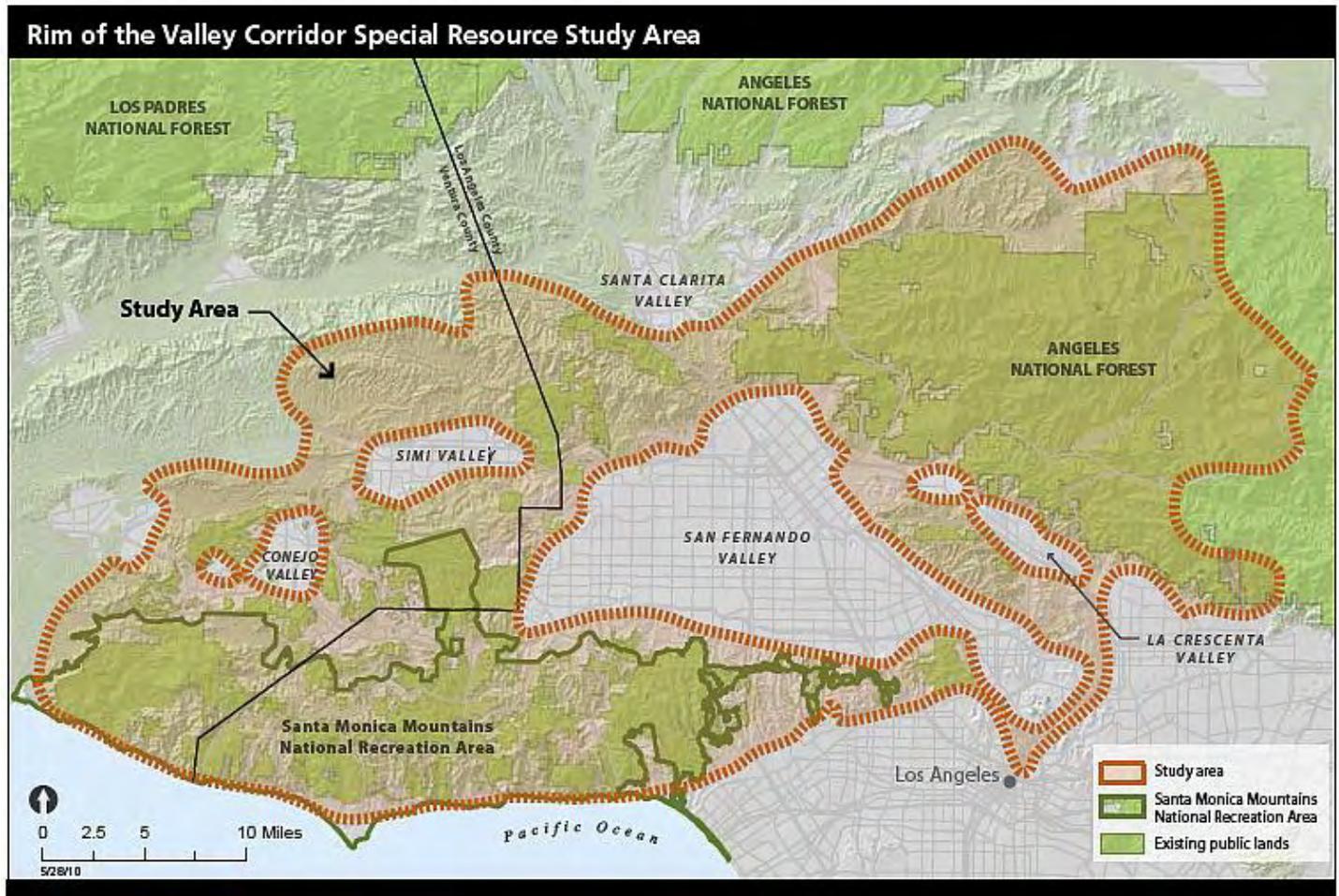
In May, 2000, Zuckerman made one last attempt to persuade the Board of Supervisors to give its blessing to a re-born Continental Communities and Calabasas Center. Armed with ammunition from the *Times*’ investigative reports, Zev Yaroslavsky persuaded his colleagues on the Board of Supervisors to take the unprecedented step of voting unanimously to deny a zone change for the first time in at least a quarter century of what the *Times* had called “that oxymoron, County planning”.

The long struggle over Continental Communities focused public attention on the beauty of Firehouse Hill, but, unfortunately, there were other, more pressing demands on the limited supply of state and federal acquisition funds, such as Ahmanson Ranch and Soka. By the time funds had been found to purchase those properties, Firehouse Hill had a new owner, realtor Fred Sands, who initially had his own grandiose plans for development.

The years went by while Supervisor Yaroslavsky and the Santa Monica Mountains Conservancy worked to persuade Fred Sands to sell Firehouse Hill at a price the County could afford. He held out for a long time, but the more he looked at the hill; the more he realized how wrong it would be to develop it. In the end Sands agreed to sell the 207- acre property for \$6.25 million.

So, it came to pass last week that Firehouse Hill got a new owner and we got a solid commitment from Zev and the Conservancy that the Hill would always be there to welcome us back home at the end of a busy day in the Big City.

# NATIONAL PARK SERVICE TO STUDY POTENTIAL “RIM OF THE VALLEY CORRIDOR” EXPANSION



The National Park Service (NPS) is conducting a “special resource study” of the area known as the “Rim of the Valley Corridor.” (see map above). This is the area that generally includes the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi and Conejo Valleys of Los Angeles and Ventura Counties.

The \$500,000, four year study will thoroughly examine how and if the 450,000 acre area might successfully connect a series of trails and recreation areas around Ventura and Los Angeles counties to create a vast network of open space for wildlife and humans!

Woody Smeck, Superintendent of the Santa Monica Mountains National Recreation Area (SMMNRA) said, “It potentially would connect a string of pearls.” He said extending the park’s boundaries would provide better conservation opportunities and allow many different groups – federal, state, local and private entities to work

together to develop solutions to “cutting edge challenges” to protect our finite natural resources.

The study will approach and analyze the benefits of integrating a whole park system rather than just simply fragmented park pockets. It will explore: protection of wildlife habitat and linkages between open space areas; completion of the Rim of the Valley Trail system; preserving recreational opportunities and facilitating access to recreation for a variety of users; protection of rare, threatened or endangered species and rare or unusual plant communities and habitats; and the needs of communities within and around the study area.

According to long time activist Dave Brown.....“It would be especially good to put the entire area of the Simi Hills bordered by the 101 on the south, the San Fernando Valley on the east, Thousand Oaks on the west, and the City Of Simi Valley on the north into the SMMNRA. Existing and potential trails and trailheads could make this area directly accessible to over 100,000-plus residents of Thousand Oaks, 100,000-plus residents of Simi Valley, hundreds of thousands of residents of the West San Fernando Valley, and over 50,000 along the Ventura Freeway Corridor, as well as protecting and opening to remarkably wild and unspoiled wildlife habitat and habitat linkage that could ultimately connect the SMMNRA to the San Gabriels.”

If the Park system expands to encompass a Rim of the Valley Corridor, all private land within its boundaries would remain private and the various state and local agencies would maintain ownership of their properties. Some of the usual suspects, like the American Land Rights Association (ALRA) is already (as reported in the Ventura County Star) making accusations and trying to rattle property owner cages with the unfounded fear that this is some type of land grabbing ploy to control what landowners can do with their property. Nothing could be further from the truth. The Park Service has no power to dictate what landowners can or cannot do with their private property. ALRA used the same tactics in attempting to get homeowners to oppose the establishment of the SMMNRA in 1978. It has long been funded by developers and land speculators with a history of using scare tactics to try and block park proposals.

The National Park Service wants to hear from “you” about the Rim of The Valley Corridor. The initial comment period for the study has started, and will extend through Oct. 29, 2010. They’ve launched a website with information, e-mail notification, and a link where you can conveniently submit your comments electronically <http://www.nps.gov/pwro/rimofthevalley/> .

There will also be initial public meetings held in cities throughout the study area in September and October, 2010.

We’ll keep you posted.....here is a great opportunity for you to weigh in and support designating the corridor as a unit of the Santa Monica Mountains National Recreation Area and protection of the corridor by the National Park System - “helping to care for special places saved by the American people so that all may experience our heritage.”

# FIRST AMENDMENT COALITION: CONCERNS OVER SECRECY IN CALABASAS...

The City of Calabasas' ongoing refusal to provide access to or copies of requested public records has ignited the attention of the First Amendment Coalition (FAC).

FAC is a California nonprofit public interest organization dedicated to advancing free speech, open and accountable government and public participation in civic affairs. The Coalition acts locally, statewide and nationally and strives through litigation and other efforts to prevent unnecessary government secrecy and to resist censorship of all kinds.

According to Peter Scheer, FAC's executive director, "The First Amendment Coalition has taken an interest in enforcement of open government laws in Calabasas. We have concerns with the City's compliance with the Public Records Act and the Brown Act."

On June 2<sup>nd</sup>, the City received a request from an attorney for the Coalition to provide records that the City had recently denied as not being subject to disclosure under the Public Records Act. The FAC disagrees; its detailed and inclusive two-page Public Records Act Request demands that all documents be provided.

Stay tuned....we'll keep you posted on the people's right to know.....the Brown Act....and freedom of speech in Calabasas.

## WELCOME TO THE CITY OF CALABASAS.....OR...NOT?

Mayor Barry Groveman threw out a *welcome* to Calabasas mat for potential new Mountain View Estates (MVE) residents on May 26<sup>th</sup> at a Council meeting that can only be described as embarrassing and that casts a shadow on the city.

Up for consideration was Council approval of the pre-zoning of the Mountain View Estate subdivision and its open space—a 385-single-family-home community and 560 acres of open space (total 840 acres)—in preparation for potential annexation into the City from unincorporated Los Angeles County. The City of Calabasas has proceeded with annexation despite opposition in the Mountain View community.

Seven Mountain View residents and one Calabasas resident took the time and effort to prepare testimony and trek into City Hall, likely expecting they would have opportunity to be heard. Mayor Groveman quashed that expectation and began the public hearing by saying, "We have a *number* of speakers so I am going to ask that we limit comments to **one** minute which will be enforced by the clerk". Allotting one minute to speak has not been customary practice in Calabasas, especially for a mere eight speakers on a particularly important, controversial and impactful community issue.

The mayor's aggressive tone and discourteous treatment displayed toward several of the speakers, as well as his abruptly cutting them off, and interrupting, was clearly

perplexing and gave the impression that he either didn't like, didn't agree with or wasn't interested in what they were trying to squeeze out in a minute.

Mountain View residents had anticipated more time than one minute; several were reading comments they could not finish despite best efforts to race through them. One resident who verbalized he had expected three minutes was told by the mayor, "I apologize but it's one minute." As the speaker sped thru through his comments, approaching a minute and a half, the mayor cut in and said, "I've asked you to wrap it up." The resident asked, "May I finish my sentence?" Mayor Groveman said an emphatic NO. "You have 10 seconds." The frustrated resident replied, "Great to know—you want us to annex, but you won't even listen to us."

Public comment for the MVE hearing was limited to less than 10 minutes.

We compared the MVE public hearing to another recent hearing that similarly concerned a narrower community issue as opposed to a citywide issue. This hearing focused on the Calabasas Park Homeowners Association (CPHA - the master association for Calabasas Park) – the controversy over funding maintenance of Lake Calabasas, and if all residents who live in *that community* and pay taxes should be given access to walk around the lake regardless if they choose to become members of CPHA or not.

The scope, flavor and tone of this hearing was completely different. The mayor was accommodating and very generous with time and comments, frequently asking the speakers, "How much time do you want?"

He began with, "I've got a lot of cards. I'm inclined to give two minutes, except the leaders, who I will allocate more time." He then asked, "Three minutes for each, will that do?"

The first speaker said, "Maybe longer for me." The mayor said, "All right, four for you...."

As you can see below, there was no actual *enforcement* of time. There were 13 speakers (five more than spoke at the Mountain View hearing), and they were given significant amounts of time; two were given more than nine minutes each, as much as all the MVE speakers combined!

Speaker 1	5 ½ minutes
Speaker 2	9 minutes
Speaker 3	8 minutes
Speaker 4	4 ½ minutes
Speaker 5	4 ½ minutes
Speaker 6	4 minutes
Speaker 7	5 minutes
Speaker 8	2 minutes
Speaker 9	2 minutes
Speaker 10	1 minute
Speaker 11	1 ½ minutes
Speaker 12	1 ½ minutes
Speaker 13	9 ½ minutes

Five of these speakers were allowed to come back up and testify again, adding four minutes more of public comment.

Public comment for the CPHA hearing was a total of 62 minutes.

Unfortunately, what transpired at the MVE hearing gives a bad impression of the City to Mountain View residents who came to testify and to others now who surely have “tuned” in. Why would anyone want to annex to a city that treats any of its *residents* that way?

Subsequently, at the June 9<sup>th</sup> Council meeting a resident from MVE came back to protest: “I am protesting the fact that the Mountain View Estates residents choosing to have their voices heard at the public hearing ..... were limited to one minute per speaker. Regardless of whether you are for or against annexation, zoning, as a condition of annexation is a grave and significant issue to the whole Mountain View Estates community. Why hold a Public Hearing if you're not going to hear the public?"

Here are the links to both hearings: paste them in your browser and check out what occurred for yourself.

Link to Mountain View Hearing May 26<sup>th</sup> Council Meeting (Total meeting time 01h 17m)  
Item #13 - 26:43

[http://calabasas.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=2873](http://calabasas.granicus.com/MediaPlayer.php?view_id=2&clip_id=2873)

Link to CPHA Hearing April 14<sup>th</sup> Council Meeting (Total meeting time 03h 01m)  
Item #13 - 16:14

[http://calabasas.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=2813](http://calabasas.granicus.com/MediaPlayer.php?view_id=2&clip_id=2813)

## **MOTORCYCLE NOISE AND AIR POLLUTION: FRAN TRIES AGAIN**

As part of her continuing efforts to curb climate change, our own State Senator Fran Pavley has reintroduced last year’s Senate Bill 435, an emissions control enforcement program for motorcycles. The Motorcycle Tampering Enforcement Act addresses the root cause of noise and air pollution from motorcycles: the illegal removal of catalytic converters and other pollution control equipment. Current federal law regulates emissions-control equipment on motorcycles, but it lacks proper enforcement mechanisms. Pavley’s bill, now before the Assembly transportation committee, would empower law enforcement officers to cite an owner who tampers with EPA-approved equipment.

If you support this bill, address a letter of support to the Members of the Legislature

and submit it—*before June 21*—to:  
Senator Fran Pavley  
State Capitol, Room 4035  
Sacramento, CA 95814

Include your name, contact information and the name of your organization, if any.

## **YOUTUBE VIDEO PROMOTES DANGEROUS DRIFT RACING IN OUR SANTA MONICAS**

Speeding, performance driving and motorcycle racing in the Santa Monica Mountains probably started as soon as the pavement was laid down. But in the last decade, the problem has worsened dramatically, partly due to stunt drivers' promotion of their favorite roads on the Internet. At last month's meeting of Operation Safe Canyons, a traffic-safety task force formed by Supervisor Zev Yaroslavsky's office, CHP officers and Sheriff's deputies reported on the latest enticement to race our roads: a video on YouTube that has become a monster hit.

About six months ago, the Los Angeles Film Office granted a permit for a Mulholland Highway film shoot sponsored by the energy drink Rockst\*r. The 4-minute, 15-second video celebrates a dangerous form of driving called "drifting" or "drift racing" and so far has viewed by nearly 850,000 YouTube visitors. Shot near Seminole Drive, "Tanner Foust Street Drift: Mulholland" provides viewers with the GPS coordinates for the start and finish of the two-mile course. It has brought a massive influx of drifters, motorcycle racers and wannabe stunt drivers into Las Virgenes.

As a result of this unprecedented influx, CHP Public Information Officer Leland Tang foresees an increase in traffic fatalities in the Santa Monica Mountains. "We had 18 fatalities in our patrol area for 2009," he said, "and we were looking to reduce that number to 16 or 17 for 2010. Instead this year has the possibility to be much worse, unless we start being proactive now!"

To help deal with the expected increase in unsafe driving, the Malibu/Lost Hills Sheriff's Station's Canyon Deputy Patrol sends deputies into neighborhoods covered by the CHP to assist with the expected increase. If you see or hear racing and stunt driving, call the CHP dispatcher at 323-982-4900. Or call the Lost Hills Sheriff's Station at 818-878-1808 and ask that they send someone from the Canyon Deputy Patrol.

Be careful out there.

To watch the video, go to [www.youtube.com/watch?v=5Kaj0QyAUoo](http://www.youtube.com/watch?v=5Kaj0QyAUoo)

## COURTROOM CALABASAS

***“I am not going to be intimidated by five people”***

Mayor Groveman in reference to members of the public testifying

It's been three months since the Calabasas City Council's yearly re-organization and like every other Councilmember it became Barry Groveman's turn to rotate in as mayor for the year.

Sadly, the expectation of democratic participation in decision-making has frequently disintegrated into Council meetings and public hearings that at times resemble a personal courtroom where the mayor is judge, jury and attorney, where the public is subject to being bullied or ignored and where staff is also subject to be led into presenting/swaying information like “leading witnesses” on the stand to prove a desired result.

This was all too evident at last week's (June 9) Council meeting and the now infamous On-Site Wastewater Treatment Systems (OWTS) update hearings. This time, the impact for the tiny Old Topanga Canyon neighborhood was not just the OWTS Ordinance but also the consideration of a Request for Proposals (RFP) for an EIR to expedite sewer expansion into its rural and distinct community, despite opposition to sewer expansion by all 38 homeowners.

To provide some context, Calabasas implemented “by choice” a stringent and what many consider punitive OWTS Inspection Ordinance for its 141 septic homeowners. (There are 1.2 million septic systems state-wide). We excerpted the following from a letter sent by Calabasas Community Development Director to local environmental groups prior to finalizing the Ordinance:

Today, we are writing to seek your collaboration and endorsement of our proposed City inspection program for on-site wastewater treatment systems (OWTS) which exceeds the proposed AB885 regulations now under review throughout the State.

Interestingly, the Ordinance attached to that letter was for the most part a copy of Malibu's Ordinance, which, as we reported last month, is completely different, far less severe and activated by triggers, such as renovations or sales. Also, since that time, AB 885, which mandated state-wide inspections, has been rejected by the citizens and local governments throughout the state and taken off the table.

A slide presented at the June 9 hearing entitled RWQCB MOU *OBLIGATIONS* ignored the fact that the City of Calabasas *voluntarily* signed a Memorandum of Understanding with the Regional Water Quality Control Board to mandate inspections. The City was 1 of only 13 cities in LA County that did.

Suspicious from the beginning, Old Topanga Canyon residents had feared that the strict OWTS Ordinance was a ploy to justify bringing in sewers and development. This, in fact, appears to be the case. At the June 9 meeting, the Council gave a go-ahead to the City Manager, in a 3 to 2 vote, to get bids for an EIR on the sewer expansion, an item that wasn't even agendized as an action item. Mayor Groveman and Councilmembers Washburn and Wolfson voted to go ahead with the RFP, while Maurer and Bozajian opposed.

Mayor Groveman addressed the Old Topanga Canyon residents' concerns as: "a phony environmental movement, disguising a public health threat and a lot of violators."

To be clear: The Federation has long advocated for clean water. We have supported inspections for OWTS systems statewide. Our hope is that AB 885 eventually returns to the table. We voted to advocate for inspection, cleaning, repairing and or replacing septic systems in Old Topanga, but we are strongly opposed to bringing in sewers that will also bring in a slew of new potential development, changing the face of that rural community forever.

At the meeting, Councilmember Maurer brought up the significant costs associated with sewer expansion as opposed to bringing 38 septic systems (some of which are not problematic) into compliance, especially when sewers are not warranted, not wanted and not an environmentally superior alternative.

Staff Estimated Costs:

Sewer installation: **1.2 million** (exclusive of what it will cost the 38 residents to hook up; staff didn't have that figure to report, but it is anticipated to be in the tens of thousands of dollars each )

EIR: **\$60,000-\$90,000**

Enforcement attorney, legal costs of serving notices of violations to residents, staff time: Unknown.

Is the city looking for OWTS problems to expose? Or is it looking to help its residents overcome OWTS problems? According to an Old Topanga resident who testified, last month an 82-year-old neighbor was served with a 15-page Notice of Violation. He had run over a septic-system pipe with his tractor and was in the process of fixing it when city officials asked to have a look at the problem. He was suddenly faced with demands to pump his system daily; the city notified his lien holders and video-taped the inside and outside of his home. "This has got to stop, you are beating up people, he's sick, you've got 4 people crawling all over his house, his house was built as a boarding house in the '30s," the elderly man's neighbor testified. "There were different codes back then, you need to help these people, work with them, don't attack them."

So what are the ingredients that could possibly lead to such a situation? Old Topanga is a small community. Its 38 homeowners have virtually no political clout. It is an older

more vulnerable neighborhood of residents living in older homes built mostly prior to the city's incorporation. An issue like "septics" can easily be exploited and sensationalized, and most Calabasas taxpayers have no idea what the real issues are. A city without the financial resources that Calabasas boasts would not even consider wasting taxpayer money on sewers for 38 houses.

During the June 9 meeting, the Mayor focused on the six people in Old Topanga who purportedly expressed an interest in sewers. He asked about offering "an amnesty program for people to come forward and say they want the sewers." "Could we provide assistance or an incentive," he asked. "What could we come up with for them to bridge the gap, seek the safe harbor, assuming we are going to accelerate the sewers and get it done?"

It took City Councilmember James Bozajian to set the record straight, time and time again. "The staff report says six people *enquired* about sewers, not that I want to get on the sewers as soon as I can...somehow that got overlooked. We need to make that clear. Somewhere that line was totally crossed."

Councilmember Maurer agreed, saying, "Let them come forward. I haven't heard from one person who said they want sewers."

Another question the Mayor focused on—looking for the answers he knew were there— "Are you finding unpermitted structures," he asked a building official.

"Oh yeah, we find that every week," was the answer.

Councilmember Bozajian then responded that he wanted "to make it clear that by including this report in here you are segregating this [Old Topanga Canyon] as a rogue community...finding unpermitted structures or code violations can happen anywhere, with or without septic systems or sewers. These have nothing to do with this issue and they have no business being in this report. We are taking a closer look at these homes than any others in the city...of course you are going to find violations. If they are not directly related to septic issues why are they here?"

Councilmember Bozajian then hit on the most important issue: "I can't get away from the growth inducing impacts," he said. "I think that in the long run this is one of the worst effects - to develop a lot of those lots classified as undevelopable - what a shame that would be if that was the main side effect of this - if we could have had a much less alternative...keeping up our enforcement, monitoring the situation and not having the additional development out there. I am not in support of the EIR; I could not foresee voting for that at this time."

Councilmember Maurer agreed saying that, "residents should be encouraged to fix the septic."

Mayor Groveman then retorted. “For the record, let me be one person on behalf of others in the city who says that if several people buy property years ago, they all have an entitlement to develop that property,” he said. “Just because somebody moved in first doesn’t give them the right to block the other people who also envisioned a retirement home in the same place and to make it undevelopable is unconstitutional.”

As Councilmember Bozajian pointed out again regarding the property the mayor was referring to: “It was undevelopable at the time.”

Old Topanga lots are, of course, anything but standard. They are small substandard lots that for the most part could not be created today because they are too steep or are too close to the creek or have no access. They were created before there was any environmental regulation. Over 80-plus years since they were created, the good cabin lots have been built on. The ones left empty are problematic at best. How would the narrow, antiquated, or “paper” streets of an ancient, pre-CEQA subdivision of over 200 lots designed for weekend camping accommodate the eventual build out of over 200 modern homes?

Based on the mayor’s comment about property “entitlements,” it appears the issue may not be health and safety, as he has been espousing, but rather expediting development. Since he is speaking “on behalf of others in the city” perhaps these others should identify themselves. Are they property owners/developers that have an interest in developing out every lot in Old Topanga?

It is not the responsibility of the residents of Calabasas or Old Topanga to make lots developable for any person who purchased real estate that, for whatever reason, was or is impaired. Neither should the citizens’ pay for an expensive sewer under the guise of comparing it to other environmental battles like Ahmanson Ranch, which was also alluded to. In actuality, the fight for Ahmanson Ranch stopped build out, whereas sewer installation in Old Topanga will expedite build out.

But don’t hold your breath. As the mayor said, “I am “not sympathetic to this problem.....” “I am not going to be intimidated by five people” (referring to the Old Topanga residents who had spoken during public comment).

## **PARKS & RECREATION COMMISSION SENDS UNANIMOUS MESSAGE TO COUNCIL – “NO” POOL!**

**Residents just keep saying NO any way you package it**

Last night, June 14, 2010, the City of Calabasas Parks and Recreation Commission held a hearing concerning whether Westside residents wanted a pool on the

Westside. After extensive testimony, the overwhelming majority of which again showed that Westside residents were opposed to such a pool, the Commission voted unanimously to report to the City Council that the residents did not want a pool.

This was a follow up meeting to the April 28, 2010 public hearing the Calabasas City Council held concerning discussion and direction to staff regarding Swim Center West at De Anza Park. Despite overwhelming citizen testimony against a swim center, the Council in a 3-2 vote led by Mayor Barry Groveman, Council members Dennis Washburn and Jonathon Wolfson referred the matter to the Parks and Recreation Commission. Councilmembers Mary Sue Maurer and James Bozajian had no problem hearing their constituents and voted no.

\*

City Hall filled to capacity Monday night as Westside Calabasas turned out to say an emphatic “NO” to the question the City Council assigned to the Commission: Do Westside residents want a pool and, if so, where?

Commissioners revealed that e-mail responses mirrored the high proportion of opponents to proponents present at the meeting. Only five people spoke in favor.

Speakers shunted about many alternatives, all of which were prefaced with statements about West Calabasas not being interested in hosting the proposed regional, commercial enterprise, but that if the city did somehow find it in its best interest to impose the notorious “water park” that it should be located...well, almost anywhere except in their neighborhood park. King Gillette Ranch, the Water District Headquarters, Viewpoint, office buildings, the Salvation Army camp, and other community’s neighborhood parks all came up as alternatives, but a joint use agreement with the school district for shared use of existing facilities was the most commonly offered alternative.

One of the Commissioners initially lectured about how naysayers show up for public hearings and how the comments at the hearing had smacked of Not In My Backyard syndrome (NIMBY), but then she apparently remembered that, in fact, the question posed by the city in an individual mailing to every Westside resident had essentially been, “Do you want a pool on the Westside (in effect in your backyard?)”. She then ended up proposing the motion to tell City Council that “NO” – Westside residents did not want a pool.



# Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



*"The voice and conscience of the Santa Monica Mountains since 1968"*

## October 2010 MEETING ([www.lvhf.org](http://www.lvhf.org))

Thursday, 21 October 2010, 7:00 p.m.

**The Place – Diamond X** – Take Las Virgenes to Mulholland; turn left on Mulholland. For the next 3/4 mile, the King Gillette Ranch will be on your right. After you've passed Stokes Canyon Road, in about 3/4 mile, you will see a sign on your right with "Diamond X" and the National Park Service logo on it. A short distance past the sign a narrow road goes south at a right angle. This is Wickland Road, and, at this point you are entering the King Gillette Ranch. Follow Wickland about 300 yards until the road forks; take the left-hand fork; keep bearing left to the lighted house on the right. Park; enter through the lit doorway.

Call to Order  
Roll Call  
Agenda Changes/ Approval  
Delegates Reports

Correspondence/Announcements  
Officer's Reports  
Approval of Meeting Minutes

### Old Business/ Reports

1. Tapia Treatment Update – Guest – Jeff Reinhardt – LVMWD
2. Calabasas OWTS Status Update

### New Business

1. Presentation for proposed **Conrad N. Hilton Foundation Headquarters** on Agoura Road in Agoura Hills at Lady Face Mountain. Guest speaker representing project: Mr. Bigalow.
2. Guest Ben Saltsman – Planning Deputy to Supervisor Zev Yaroslavsky
3. Annexation Discussion/Update/Action - Cold Creek
4. Discussion Possible Change in Procedures "For or Against"  
Recommendations for Candidates for Public Office
5. Old Topanga NOP
6. Malibu Valley Farms

***This Just In...*** An October 18 letter to Calabasas from the California Building Standards Commission indicates the City hasn't yet provided the findings for the OWTS ordinance. Attorney Nancy Schreiner released this statement today in response: "The State confirmed our analysis and presentation at City Council that Ordinance #2009-262 [OWTS] lacked the appropriate findings, and as a result, is still not operative and effective." An excerpt from the Commission's letter:

This letter acknowledges our receipt of and details our findings regarding your submittal pertaining to your Ordinance Numbers 2007-240, 2008-246, 2009-262, and 2009-264 from the City of Calabasas, CA. These files were received from the City of Calabasas for filing at this office on September 27, 2010.

We understand that your submittal is intended to file with the California Building Standards Commission (CBSC), the City of Calabasas' changes to the California Building Standards Code as provided for by California Health and Safety Code (HSC), sections 18941.5 and 17958.7. These provisions of law permit a city or county to make necessary modifications or changes for reasons of local climatic, geological or topographical conditions. Additionally, Section 17958.7 also provides that no modifications or changes shall become effective or operative for any purpose until the findings and modifications or changes have been filed with the CBSC.

- Ordinance No. 2009-262 amends Section 15.04.610 of the Calabasas Municipal Code regarding onsite wastewater treatment systems. Staff was unable to locate your express findings of local climatic, geographical, or topographical conditions in the submitted ordinance documents. This ordinance is presently not acceptable for filing. Please provide your express findings to this office in order to complete the filing.

\*\*\*\*\*

## **OLD TOPANGA CANYON ROAD IDENTIFIED AS CALABASAS HISTORIC LANDSCAPE**

As part of the City of Calabasas's ongoing efforts to identify, designate and protect its cultural resources, it hired consultants with expertise in historic preservation. Last week Galvin Preservation Consultants presented the results of their "historic landscape survey" at the Historic Preservation Commission meeting.

They identified *Old Topanga Canyon Road* (from Mulholland Highway to the City's southern limits) and three other landscapes as historically significant and worthy of protection, including *Warner Brothers Movie Ranch*, *Juan Bautista de Anza Trail* and the *Park Moderne Bird Path*. They recommended all four landscapes for local historic listing under the city's Historic Preservation Ordinance, but they determined that Old Topanga Canyon Road is also eligible for submission for state and national recognition.

While these special landscapes are all associated with events that made significant contributions to Calabasas' history, Old Topanga Canyon Road also made a significant contribution to California and U.S. history. A requirement for designation under the National Register of Historic Places and the California Register of Historical Resources is that historic landscapes retain sufficient integrity to convey their historic significance, which Old Topanga Canyon Road does.

It is a historic main artery, serving two important purposes in Calabasas over time: first as a stagecoach route for mail delivery and later as a critical link between Calabasas and the sea. As a transportation resource it also enabled early settlement with homesteaders constructing homes along the route.

With the close proximity of El Camino Real (later Highway 101), Calabasas had access to a major north-south transportation route from the late 1700s. What it did not have until after California became a state was access to the Pacific Ocean. The access came in the form of a stagecoach trail linking Calabasas to the shore and forged through the mountainous area to Calabasas' south, becoming known as Old Topanga Canyon Road. The trail was formed circa 1865 and led from Calabasas to the beach just north of what is now Pacific Palisades. It became an important link between the San Fernando Valley and Santa Monica in 1893, when the Long Wharf, part of the original Port of Los Angeles, was built. Old Topanga Canyon Road provided a vital route across the Santa Monica Mountains from the wharf to Calabasas.

Today, Old Topanga Canyon Road is still the original six-mile, mountainous road that intersects Topanga Canyon Boulevard (State Route 27). The two-mile portion stretching from Mulholland Highway south to the City's boundary qualifies as a historic landscape because it retains its integrity of location, setting, design, feeling and association. According to the survey: "The residences are sparse and mostly set far back from the right of way and often not visible behind the tall trees and dense natural landscaping [oak woodland] that line the road [and adjacent creek]. There are no curbs, gutters, swales, lighting, signs, sidewalks, tree lawns or overlooks. No trees appear to have been planted in conjunction with the road. The topography is a character-defining aspect of the road, ranging from very hilly to mountainous, and serves as the road's primary organization feature, as the road slopes and winds in accordance with the hillsides. The 25-foot-wide road evolved from a dirt trail into a paved road circa 1932, and there are still no visible realignments and no new road construction." All these factors help make the case for Old Topanga Canyon Road's historic designation.

The newer portion of the road north of Mulholland, which changes its name to Valmar and fronts Calabasas High School, does not qualify because it has been widened, altered and urbanized, and its natural vegetation no longer exists.

The Historic Preservation Commission approved the recommendations of the Historic Landscape Survey which then became part of the City's Historic Context Statement. Calabasas' Historic Preservation Ordinance was initiated and driven by Councilmember James Bozajian.

## **ANNEXATION REQUEST RAISES HACKLES**

On the surface, the request seems innocuous: A landowner in Stokes Canyon wants to annex his property to the City of Calabasas. So why have the last two Council meetings, in which the issue was addressed, been the scene of angry storms of protest?

## **Development Threat**

Many people suspect that the annexation proposal is a precursor to a large development proposal that will surface soon after annexation is complete. Just five years ago, Calabasas residents solidly voted against an annexation proposal that included a 400,000-square-foot convention center. It came from the same landowner, Brian Boudreau, and would have put 2,000 to 3,000 additional cars per day on Las Virgenes Road. Option A of Calabasas' current annexation proposal, which initially looks like the smallest and thus most palatable option is the same property that was the site of the convention center proposed in 2005. It is the flattest and most easily developable portion of the property currently being proposed for annexation.

Because some members of the City Council are perceived as pro-development, many observers believed in 2005—and still fear—that the developer's primary purpose in asking for annexation was/is to seek a more favorable political venue for getting his development proposals approved. In fact, Mr. Boudreau's attorney, Fred Gaines, who has represented developers, is rumored to be running for Calabasas City Council in the upcoming election. Los Angeles County, on the other hand, has gone back and forth with Mr. Boudreau for years over illegal property uses, unpermitted buildings, misrepresentations by the developer in obtaining permits and expiration of entitlements. Supervisor Yaroslavsky, along with then-Senator Sheila Kuehl and then-Assemblymember Fran Pavley, was openly opposed to the convention center proposed in 2005.

Residents speculate that the developer may be trying to annex first and then ask for development permits in a couple of years, (known as piece-mealing a development proposal) instead of trying to do it all at once, a tactic that raised too many alarms in the community the last time he tried it.

## **Questionable Ownership**

There is a continuing question about who actually owns the largest properties proposed for annexation. In 2005, the tax assessor's office listed Soka University as owner of most of the property known as Option A in the current staff report, though Mr. Boudreau was signing all the paperwork with the city and making appearances before the City Council. When members of the public revealed this fact, the ownership was quickly changed to Malibu Canyon L.P., but there didn't seem to be a reassessment of property taxes as is usually the case when property changes hands. While the Articles of Incorporation filed with the Secretary of State for Malibu Canyon L.P. show Spectrum Development as its only General Partner and the Articles of Incorporation for Spectrum Development name Mr. Boudreau as the CEO, CFO, secretary, director, and agent of service. Attorney Gaines stated at a Coastal Commission hearing in San Francisco that "Mr. Boudreau is a 1 percent owner...actually his...a company that he is president of is a 1 percent owner...as the general partner of a limited partnership 99 percent controlled by other entities of certain other properties." Watchdogs fear the presence of well financed silent partners seeking development profits.

Robert Levin of Moab, Utah, is the recorded owner of the horse farm property on the corner of Stokes and Mulholland; though the Coastal Commission has a letter stating that he has transferred it to Boudreau in an unrecorded deed. The 300-plus eastern acres where Mr. Boudreau's so-called 81 home entitlements lie now show up as being owned by Mr. Levin.

## **The Annexation Process**

Annexation must be approved by the Local Agency Formation Commission (LAFCO), whose legislated purpose is to “assist the legislature in promoting orderly development and in balancing development with competing state interests of discouraging urban sprawl, preserving agricultural, open space land and extending government services efficiently.” In reviewing an annexation proposal, LAFCO takes into consideration some 15 different factors, including “the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.”

In spite of the city’s efforts to round out Mr. Boudreau’s proposal with Stokes Canyon property owned by other individuals, the borders of the area proposed for annexation remain highly irregular, leaving awkward peninsulas of unincorporated LA County land sandwiched between what would become City of Calabasas property. Driving Stokes Canyon Road would take the traveler through seven changes from unincorporated LA County to City of Calabasas, according to the map included in the city’s staff report.

LAFCO also considers “the extent to which the proposal will affect a city...and the county in achieving their respective fair shares of the regional housing needs,” which is another major concern of stakeholders.

## **Fiscal Impact**

The City’s staff report concludes that there is no fiscal impact to exploring the annexation of the Boudreau/Levin property. However, the staff report asks for an extended amount of staff time to address the many issues annexation of this particular property will raise if the city wishes to pursue it. Opponents object that committing extended amounts of staff time to addressing the many hurdles the project faces is a considerable fiscal impact that is being ignored. They point out that at a time when most organizations are downsizing, Calabasas’ staff remains three times the size of that of Agoura Hills, despite comparable size of populations, and that there is a heavy opportunity cost to committing staff time to projects that do not benefit current residents, many of whom are already receiving reduced City services.

Thousands of dollars in real costs, which do not include any accounting for expenditure of staff time, already have been spent pursuing the Mont Calabasas and Mountain View annexations, which have dragged on for years. The Boudreau/Levin property faces additional challenges for several reasons: An EIR would most likely be required, and because large portions of the property are in the Coastal Zone, the City would have to prepare an entire Local Coastal Program that would have to be approved by the Coastal Commission in order for the City to administer coastal development permits as a local branch of the Coastal Commission.

Los Angeles County has spent several years preparing a Local Coastal Program which has yet to get to the Coastal Commission for approval. However, unlike the County, which controls huge amounts of land in the Coastal Zone, the City of Calabasas has no other property in the Coastal Zone to justify that use of staff time. Thus, the taxpayers of Calabasas could end up paying the annexation preparation costs for County property with complicated issues that may well prevent LAFCO from allowing it to be transferred to City control.



*Portion of Stokes Canyon from New Millenium Trail.*

## **MORE ON THE STOKES CANYON ANNEXATION**

On September 22, residents of Stokes Canyon—about 75 percent of the voting population—bought an ad in *The Acorn* opposing annexation. Some showed up at Council meetings to voice their opposition. Staff responded with an annexation boundary recommendation that carved out all the parcels whose owners didn't want to be part of Calabasas, leaving an annexation boundary that resembled a hunk of Swiss cheese.

The latest staff recommendation offers the City Council a choice of three “Annexation Study Areas.” Annexation Study Area Option B would limit annexation to the rugged mountains south of Stokes Canyon and a small area in mid-canyon, creating an hourglass-shaped City that would be difficult to administer. Annexation Study Area C would consist of the 128 acres of Option A plus the rugged south side of Stokes Canyon, and it would be separated from the present Calabasas City limits by a 1000' to 2000' strip of County territory north of Stokes Canyon Road.

Option A, which is rumored to be developer Brian Boudreau's choice, would annex a strip comprising a mile of frontage on the north side of Mulholland from Las Virgenes Road to a point opposite the entrance to Diamond X. If we assume Boudreau, Robert Levin and whoever else is behind this venture would want to squeeze whatever additional development they are able to get the City to approve after annexation of this 128-acre area, it would be difficult to avoid the serious visual impacts on the broad

meadows and mountain vistas of King Gillette Ranch Park, Malibu Creek State Park, Mulholland and Las Virgenes (State-designated scenic highways) and the Park Service Visitor Center being built just inside the King Gillette entrance across the street. It's been only five years since state and federal park agencies paid \$35 million to purchase King Gillette in order to preserve this exceptional mountain-ringed valley as the focal point and main visitor center for all the state and federal parks in the Santa Monica Mountains.

It is the northern rim of this exceptional mountain-ringed valley that is being proposed for annexation to Calabasas, with the owners' plans for the location, type and intensity of post-annexation development not indicated anywhere in the 2008 General Plan or in any other plans now available to Stokes Canyon residents or Calabasas residents. In effect, the City is being asked to buy a "pig in a poke" if it decides to go ahead and process this annexation request without first amending the 2008 General Plan to define what Boudreau-Levin will be permitted to do with this very sensitive property.

Normally, the first step for a city asking LAFCO for permission to annex an area would be first to go through the process of "pre-zoning" that area for the land uses and intensity of use that would be allowed there after annexation.

While the current 2008 Calabasas General Plan has pre-zoned the proposed annexations of Mont Calabasas and Mountain View Estates, there is no pre-zoning in place for the Stokes Canyon acquisition. There was a very low rural density shown for Stokes Canyon in the City's 1995 General Plan and in early iterations of the 2008 General Plan, but it was removed by staff at some point without public input, and no pre-zoning of any kind is currently shown for Stokes Canyon in the General Plan.

It is unusual for a city to begin annexation of property within its planning area that has no land-use designation in its General Plan, especially when the area is already covered by the County's North Area Plan, which City staff seems ready to ignore. This raises questions about the intentions of both the City and the landowners.

Another issue in the Stokes Canyon annexation controversy affects the entire City: The allocation of RHNA numbers between the County and the City. In Mont Calabasas and Mountain View Estates annexations, the City is required to take a portion of the County's required RHNA housing development allocations, including low-income housing, which must be zoned for 20 housing units to the acre. The Southern California Association of Governments, which adjudicates such matters, has typically required that RHNA allocations include about 50 percent low-income housing at 20 units to the acre. In the case of the Stokes Canyon annexation, will SCAG require the City to put those low-income units at 20 units to the acre somewhere on the Boudreau-Levin property? Or will SCAG force the City to zone areas near Saratoga Hills or on the Pontoppidan property for high-density, low-income housing that were rejected for that use in 2008? Or will more units in Old Topanga and Calabasas Highlands be designated to meet the City's RHNA requirements?

The next City Council hearing on the proposed annexation is scheduled for Wednesday, December 8th.

# SIGNIFICANT FINDING ON LOSS OF SPECIES DIVERSITY IN THE SANTA MONICA MOUNTAINS

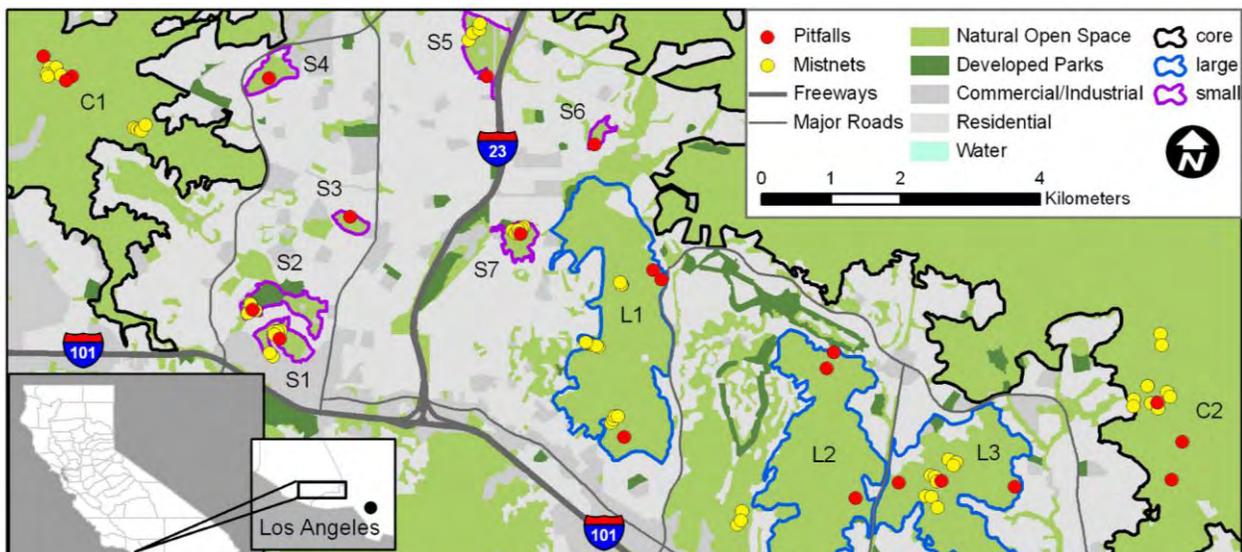
An important scientific finding has been made on species diversity in the Santa Monica Mountains. National Park Service and U. S. Geological Survey scientists working in the Santa Monica Mountains National Recreation Area have published a peer-reviewed study of significant genetic changes caused by habitat fragmentation

The scientists looked at the populations of three common species of lizards and a small songbird (wrentit) and how they are being affected by urbanization and fragmentation. The study involved isolated scrubland patches surrounding Thousand Oaks and State Route 23, an area that was mostly contiguous wilderness only 50 years ago. Their data shows that the populations of lizards and wrentits have become disconnected and isolated as their natural habitats have been divided. Unable to cross urban barriers, the populations have begun to inbreed and lose genetic diversity. The consequences may lead to extinction over time, a reality that could be accelerated by climate and other environmental changes.

The findings have major implications for land-use planning in the SMMNRA and for the proposed Rim of the Valley Corridor. They also underscore the significance of open space advocacy for wildlife corridors and wildlife conservation in general.

Urbanization is a common cause of fragmentation, and conservation efforts point to dramatic land-use changes associated with urbanization as one of the largest threats to biodiversity. The landscape of southern California continues to be rapidly altered by urbanization, habitat loss and fragmentation, even though it is part of the California Floristic Province and is one of Conservation International's world biodiversity hotspots. The SMMNRA is under intense development pressure, and urbanization could increase to as much as 47 percent of the area by 2050, whereas only 11 percent was urbanized in 2000.

*Thanks to Seth Riley, Ph.D., and Kathleen Semple Delany, Ph.D., of the National Park Service, and Robert Fisher, Ph.D., of the San Diego Field Station of the U.S. Geological Survey for this important work. Their article was published in the scientific journal PLoS ONE and is available at <http://dx.plos.org/10.1371/journal.pone.0012767>*



A. Sampling sites, roads, and habitat patches (S = small, L = large, C = core) within the study area.

## FACT VS. OPINION

In the October 7 issue of The Acorn, Calabasas City Attorney, Michael Colantuono's name appeared over a lengthy "guest opinion" headlined "Calabasas septic tank inspections prompted by law, environment."

Mr. Colantuono wrote that he was responding to "some of the debate [that] has produced more heat than light" and that "a few facts have been obscured. I write in an effort to create better understanding of those facts."

We agree that facts have been obscured. But before we delve into "the light", why in this time of budget crisis is the City of Calabasas spending taxpayer money to have the city attorney write an "opinion" piece for the local newspaper—and how much did it cost? How is this kind of decision made at City Hall? Are there checks and balances – do the mayor and city manager answer to the other Council members?

What was the "heat" that inspired the city manager to direct the city attorney to write this well crafted opinion? Was it damage control? Could it be because the legality of the City's OWTS ordinance and its enforcement are being challenged by attorney Nancy Schreiner, who contends that the City violated state law by not properly filing the ordinance nor making the mandatory findings?

Let's take a closer look at the city attorney's opinion:

*"Calabasas' ordinances do not require septic systems to meet a higher or different performance standard than do those of Malibu, Los Angeles County or any other community governed by the version of the Uniform Plumbing Code adopted by the state Building Standards Commission,"* he wrote.

*"The Regional Water Quality Control Board is requiring inspection programs, so Malibu and Calabasas are on the leading edge of this environmental issue but will soon be followed by others. Calabasas requires systems to be inspected this year and every five years in the future; Malibu requires inspection each time a property is sold,"* he continued.

Actually, the ordinance that Mr. Colantuono appears to be dancing around is the OWTS ordinance, and the fact is that Los Angeles County does not have one! Calabasas and Malibu do—but only because they *voluntarily* signed a Memorandum of Understanding with the Regional Water Quality Control Board to implement a septic-inspection ordinance. The RWQCB did not "require" Calabasas' specific ordinance, and few other cities were willing to sign an MOU—only 13 of 88 in Los Angeles County chose to do so.

Malibu's simple ordinance (applicable to 5,500 septic) is eight pages long and triggered only by home sales and construction. Calabasas' is 30 pages long and mandatory for its 142 septic. The two are hardly comparable.

Only Calabasas requires its septic owners to sign a release on the application that includes this statement in order to have their systems inspected: ".....I further consent

and hereby authorize City representative(s) to enter upon my property for the purpose of **examining and inspecting the property** in preparation of any reports, **photos** and/or required environmental review for the processing of the application(s) being filed.” Unlike Calabasas, Malibu inspectors are not accompanied by city officials with cameras.

Mr. Colantuono next wrote,

*“... the city did make the findings required by state law that its local, substantive amendments to the uniform building codes are justified by local topography, geology and climate. We do not know why a lawyer for some unidentified property owners erroneously concluded otherwise.”*

If the City made the mandatory statutory findings as he claims, then why has the City not provided them? There is no reference again to the OWTS ordinance, even though the required findings for that Ordinance are still missing which is what is being challenged. Where *are* the findings? As a member of the public testified at a recent Council meeting, why doesn't the City post the findings on its website with the same zeal that motivated it to post damaging and erroneous information about the Smiths (the family the City evicted from their home in Stokes Canyon) on its website?

In a letter to Mr. Colantuono, Nancy Schreiner wrote, “Your letter and the City's Press Release state that findings were made. This information was not provided by either the City Clerk or the Building and Safety Department as a result of earlier public record requests. There is no information provided in the City's response to earlier Public Record Requests that findings were made for each of the above-referenced Ordinances. Either the City failed to comply with the California Public Records Act in its prior responses, or willfully failed to provide information.”

Attorney Schreiner subsequently made another public records request for these findings, and here is an excerpt from what she received from Calabasas in place of the requested findings:

**RE: Request for information received September 28, 2010**

Dear Ms. Schreiner:

This letter is in response to your public records request received on September 28, 2010. Due to the need to conduct further research to collect the necessary information and pursuant to Government Code Section 6253, we will be extending the time period for an additional fourteen (14) days, which is October 22, 2010. We will make every effort to complete this request as soon as possible and will contact you when we determine what documents are responsive to the request.

Attorney Schreiner responded, “In light of the fact that the City purportedly sent on or about September 23, 2010, certified copies of the Ordinances and supporting findings for each of the requested Ordinances to the California Building Standards

Commission, as evidenced by the City's own Press Release, these documents should be readily available, please provide the basis for this delay in production of the requested documents.

“I do not believe the City can refuse to provide the records or extend the production of such for an additional 14 days. At the very least the records that are readily available must be produced. This again appears to be a failure by the City to comply with mandatory statutory requirements.”

In his opinion piece in *The Acorn*, Mr. Colantuono continued,

*“That attorney and I simply disagree as to whether Calabasas was required to file its inspection ordinance with the state Building Standards Commission. This is not unusual: statutes sometimes lend themselves to competing interpretations and, of course, that attorney’s clients have different objectives than does the city. The city has filed its ordinances with the state, and this issue can be of only academic interest in just a few months.”*

An earlier letter to Mr. Colantuono from Attorney Schreiner is the best answer to Mr. Colantuono’s opinion:

“Dear Mr. Colantuono:

I am in receipt of your letter dated September 28, 2010, and I have also seen the City's Press Release. Both your letter and the City's Press Release contain inaccurate information and apparent misrepresentations to the citizens of your community. I find it disingenuous that the City states such inaccurate information in a Press Release.

Obviously, the City realized it had failed to properly file any of the City's local amendments until after my public comment and letter. According to my discussion with representatives of the Commission, the Commission does not consider the local amendments operative until it sends the response letter.

Health and Safety Code section 17958.7 provides that none of these local amendments are effective or operative until filed. Thus at the earliest, assuming all proper findings were made, Ordinance Numbers 2007- 240, 2008-246, 2009-262 and 2009-264 are not effective until yesterday or today. Substantive findings are not sufficient. Only findings based upon climate, topographic and geological conditions are permitted to support local amendments. Your assertion of water quality and environmental issues are not pertinent to support local amendments to the Building Standards.”

We’ve seen the “light”, and we think the “heat” has only begun to rise.

*To read Mr. Colantuono’s entire letter to The Acorn, visit*

<http://www.theacorn.com/news/2010->

[1007/Editorials/Calabasas\\_septic\\_tank\\_inspections\\_prompted\\_by\\_law\\_.html](http://www.theacorn.com/news/2010-1007/Editorials/Calabasas_septic_tank_inspections_prompted_by_law_.html))

## SHANGRI-LA.....HUH?

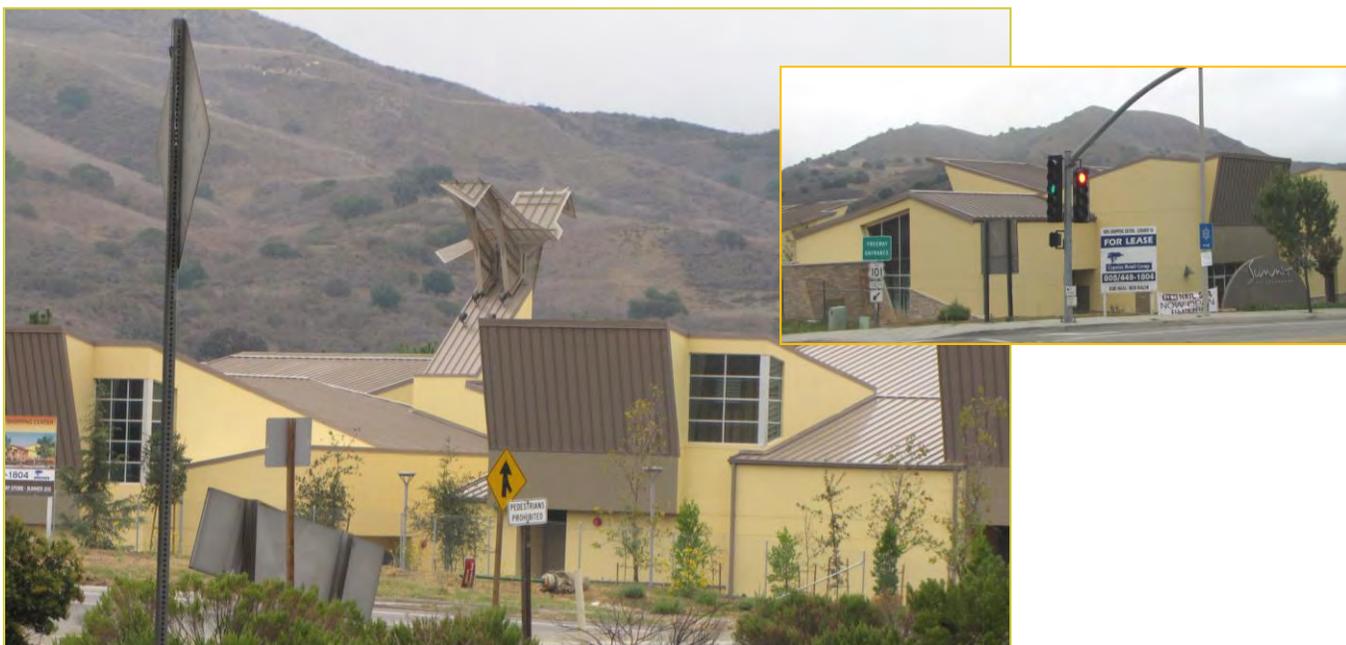
**Shangri-la** – *any place of complete bliss and delight and peace. A remote beautiful imaginary place where life approaches perfection: utopia; promised land (Merriam-Webster)*

At the September 22 Calabasas City Council meeting, in response to negative testimony from residents of Stokes Canyon who don't want to be annexed into the City, Mayor Barry Groveman stated that he would "...not want to force anybody to be annexed into this great city...which is probably the closest thing to Shangri-la in California."

Based on the City's recent governing track record and abuse of its own residents, there are more than a few citizens and nearby community members who would disagree with the mayor that Calabasas is utopia. Far from it, actually. Some neighborhoods would like to de-annex, others passionately don't want to annex, and many residents are shocked and angry at how the city has been shaken upside down. Many blame the mayor for the aggressive role he's played in bullying residents and Councilmembers alike, undermining the once sterling reputation of the City. Take, for example, the October 13 Council meeting.

This time, the agenda item that ignited the mayor and City Manager Tony Coroaalles was an item for discussion initiated by Councilmember Maurer and Wolfson on the possibility of establishing a loan program for septic systems and building code violations repair.

Just last month the City Council unanimously approved an interest-free \$987,000 loan to the Dollinger Properties developer of the Summit of Calabasas, the infamous new shopping center at Lost Hills Road and the 101 Freeway with design features and colors intensely disliked by the community. Apparently the developer was unable to pay \$987,000 in bridge and thoroughfare fees, which were due to the City by November 1.



*Dollinger Properties Developer received a \$987,000 interest free loan from the City.*

Despite enthusiasm for making a large, interest free- loan to a developer, Mr. Groveman was less enthusiastic about making small loans to homeowners who can't afford to repair their septic systems. "Why would we help people who thwart the law?" he asked, and at another point, "Should we give lawbreakers loans?" The vilification continued. He appeared to compare Calabasas homeowners whose systems are not yet inspected or with questionable compliance - to burglars. At least 10 times he referred to them as "lawbreakers" and several more times as "people in violation of the law." In reference to the condition of their property, Mr. Groveman said, "A lot of these things are crimes" and "Some of these things are felonies."

Meanwhile, Mr. Coroalles frequently interrupted Councilmembers Bozajian and Maurer and strongly voiced his opinion despite not being asked. In a forceful tone that matched the mayor's threats of strong action the city was going to take against Calabasas homeowners, he repeated more than three times in various ways that "the next step that they [those who have not been inspected] are going to get is a letter from the prosecutor telling them you better or..." , "the next step is getting a letter from the city prosecutor much stronger than the original letter, a precursor to do something about it – a more formal letter with teeth." (How much is it going to cost Calabasas taxpayers now for the prosecuting attorney to write threatening letters?)

All this aggression, despite the fact that the City has been advised by attorney Nancy Schreiner that it was in violation of state law by neglecting to file the OWTS ordinance with the state and make the mandatory statutory findings. She indicated the ordinance, therefore, has been illegally enforced. So who at the City is responsible for the serious neglect? How can the City compel a septic inspection without a legal ordinance? Does this mean Calabasas taxpayers are now at risk for lawsuits or damages, particularly in light of the forceful actions the city has taken to enforce the OWTS ordinance? The City must have realized it failed to properly file the ordinance because within days of Ms. Schreiner's testimony, Calabasas filed the ordinance with the State Building Standards Commission.

At one point in the discussion on loans, Councilmember Maurer asked when the City had last corresponded with septic owners about the October 15 inspection deadline, which set off a further flurry of insults. The mayor asked, "Why are we making exceptions?" After all, the City wasn't writing letters to all burglars telling them not to rob banks! This despite his having agreed a moment earlier with notifying homeowners that the deadline was coming up.

Throughout the discussion, Councilmember Bozajian was an outstanding advocate for the citizens of his community. He, along with Councilmember Maurer actually listens to his constituents and represents their issues and concerns as elected officials are supposed to do. Councilmember Wolfson also responded. Bozajian made it clear that the potential "loans of last resort" the Council was considering to help residents bring their systems up to code was a small measure and that "his preference all along, based on the numerous problems we've had, would be to repeal our septic ordinances and start all over again." He acknowledged that the [City] now sees the punitive things that have happened and the unintended consequences of the OWTS ordinance and

said the City could craft a much better ordinance. He noted that the City has a big black eye in many of its neighborhoods and that the ordinances are not serving the purpose for which they were intended.

Mayor Groveman disagreed and said, “We should have had these sewers done a long time ago.” Councilmember Bozajian made sure the record accurately reflected that he was not an advocate of sewers [in Old Topanga].

Kudos to Councilmember Bozajian for his unwavering dedication to the citizens and City and to Councilmembers Maurer and Wolfson for initiating the discussion of loans for those who have been adversely impacted by the OWTS ordinance.

Here is a link to the October 13 Council meeting:

[http://calabasas.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=3043](http://calabasas.granicus.com/MediaPlayer.php?view_id=2&clip_id=3043) For the loan discussion go to item 9 at 01:10:40.

## **APPROACHES TO WATER QUALITY DIFFER**

If there was any doubt that the City of Calabasas is determined to spend millions of taxpayer dollars putting sewers into Old Topanga, the agenda is now clear.

On Saturday, October 16 (one day after the OWTS septic inspection deadline), the 38 Old Topanga homeowners received by certified mail a Notice of Preparation for a Draft Environmental Impact Report Scoping Meeting on the sewer to be held Monday, November 8 at the City’s Founders Hall.

Never mind that most Old Topanga residents are complying with the OWTS ordinance or that properly working septic systems are environmentally preferable to sewers or that there have never been any studies linking Calabasas septic systems to environmental damage.

While Calabasas’ water quality efforts have primarily been focused on enforcing a controversial septic ordinance, the City of Agoura Hills has chosen to educate and persuade its citizens to comply with “best practices” behavior to prevent degradation of water quality. To see how Agoura Hills handles water quality, visit <http://ci.agoura-hills.ca.us/Index.aspx?page=262>.

Once there, check out Agoura’s exceptionally informative resource links, such as the Sewer Maintenance Program, Proper Pool Drainage – Landscaping and Pool Maintenance, Clean Water Act & Our Backyards, Santa Monica Bay Restoration Commission, Overwatering, Living Lightly in Our Watersheds and Water Quality Pilot Projects.

## HIGH-PRESSURE OIL AND GAS PIPELINES – UPDATE

As we reported last month, there are high pressure gas and oil transmission lines that pass through Calabasas from west to east. We are not talking about local utility pipelines but rather major regional high-pressure oil and gas transmission lines similar to the one that blew up in San Bruno.

The City of Calabasas has hired former Fire Captain Jim Jordan as a consultant, and he has obtained maps of the oil and gas transmission lines, but efforts to contact the pipeline companies have been complicated by the sudden desire of cities all over southern California to find out more about the pipelines in their midst.

A high-pressure petroleum transmission line passes through the upper edge of Old Agoura, goes through Cheeseboro Canyon Park and is marked by triangular yellow and black signs on both sides of Las Virgenes Road where it enters Calabasas about 150' north of Fire Station 125. It follows the alignment of Mureau Road, crossing over the Freeway near the BMW, and then passes under several streets in Calabasas Park to exit the City at the junction of Park Ora and Valmar.

What hazard does this high pressure petroleum pipeline pose to residents of the areas through which it passes? The best information we've been able to obtain to date is that, if ruptured, it would not explode, but could send up a fountain of crude oil as much as 200 feet high.

The high-pressure natural gas transmission line is not as well marked as the petroleum transmission line, but it also passes through the upper part of Old Agoura and Cheeseboro Canyon Park and enters Calabasas a few feet north of the petroleum transmission line. There are blue and white high pressure gas line warning signs on both sides of Las Virgenes Road about 175' north of Station 125, but they are difficult



to see, and the one on the east side is mostly covered by a large bush. For hundreds of feet along Mureau Road the high pressure gas transmission line is less than 300' from homes in Calabasas Colony, Las Virgenes Village and other townhomes along Las Virgenes Road and homes on lower Parkmor, Ruthwood, and Red Bluff in the Malibu Canyon community to the east.

*Sign marking high pressure gas transmission line obscured by shrubbery on the east side of Las Virgenes Road near Fire Station 125 a block north of the Ventura Freeway.*

Questions have also been raised about the fact that the high-pressure natural gas transmission line passes through several ancient landslides, most notably a 300-acre Pleistocene landslide on the mountainside west of Fire Station 125. Could these landslides be activated during heavy storms or earthquakes, causing the line to rupture?

Others point out that we have corrosive soils in the area that could be weakening the pipelines over time. From Malibu Canyon the unmarked gas and oil transmission lines follow the general alignment of Mureau Road, with the gas line dropping down closer to the 101 Freeway, until it, too crosses over the 101 and follows Calabastas Road to The Commons, where it apparently breaks up into several distribution lines.



A second high pressure natural gas transmission line passes through the northern part of Hidden Hills and next to El Camino High School and continues eastward into the Valley along the general alignment of Burbank.

We have been told that high pressure natural gas transmission lines are under so much pressure that, in case of a break, the natural gas would not be likely to ignite and explode.

For now our high pressure gas and petroleum pipelines have been buried out of sight and out of mind for so long that generations of residents have lived out their lives here without even being aware of their existence.

*Outdoor smoking area on top of high pressure gas transmission line behind 26010 Mureau Road.*

## **LOWER SPEED LIMIT ON MULHOLLAND HIGHWAY**

On October 9, the stretch of Mulholland Highway that runs through Las Virgenes from Stunt Road to Westlake Boulevard got a new speed limit. The Department of Public Works is replacing speed-limit signs that previously ranged from 35 to 55 mph with signs that limit speed to 45 mph, a result of a recent engineering and traffic survey (E&TS).

The CHP can use radar to enforce speed limits only if a survey is conducted every seven years, explains Todd Liming of the County's Traffic and Lighting Division. "When conducting any E&TS, we generally try to set the speed limit as low as possible while staying within highway-safety guidelines and the California Vehicle Code," he says. "One of the restrictions states that we should only transition a speed limit along a

roadway at locations that would make the transition obvious to motorists, such as an intersection with a stop sign or stoplight.” That consideration and the speed-count data from the E&TS indicated that the best option was to set the entire stretch at 45 mph.

“Posting a lower speed limit should cause most reasonable motorists to slow down, making the roadway safer for everyone, including motorists, equestrian traffic, bicyclists and pedestrians,” says Liming. “We wanted to allow CHP and County Sheriffs to continue to utilize radar enforcement, which is arguably the best method to combat speeding.”

A word to the wise: When speeds are first reduced, locals are usually the majority of violators, so slow down.

## **LVMWD OFFERS FREE TOUR ON [NOVEMBER 6](#) & TOURS BEHIND THE SCENES 2011**

Las Virgenes Municipal Water District (LVMWD) will present a free tour of its water distribution facilities on [Saturday, November 6 from 8:45 a.m. to 1 p.m.](#) The bus tour will begin at LVMWD headquarters, 4232 Las Virgenes Rd. in Calabasas. Guests will learn first-hand about water infrastructure and will visit the Las Virgenes Reservoir and Filtration Plant in Westlake Village, a site normally closed to the public.

In 2011 LVMWD hosts quarterly tours for customers to see first-hand the processes of water filtration and wastewater treatment. Sign up for one of these educational and entertaining tours – learn where your drinking water comes from, how it gets to your tap, and what happens to it once it goes down the drain.

### 2011 Dates

[Potable Water System tour dates:](#)

[Sat. May 7 and Sat. Nov. 5](#)

[Wastewater Treatment tour dates:](#)

[Sat. Feb. 5 and Sat. Aug. 6](#)

Registration is required to attend all tours. Sign up on-line at [www.LVMWD.com](http://www.LVMWD.com), under Services/Quarterly Facilities Tours, or call 818-251-2100. Guests must be at least 12 years old and those under 18 years old must be accompanied by an adult. All tours start at 8:45 a.m. and end at 1:30 p.m. A light lunch is provided. Guests should wear comfortable shoes as moderate walking and stairways are encountered during the tour.

“Our popular tour program is a great way for area residents to understand the infrastructure, costs and challenges we must overcome to provide safe, reliable water service,” said John R. Mundy, LVMWD’s General Manager.

LVMWD serves some 65,000 people in the communities of Agoura Hills, Calabasas, Hidden Hills, Westlake Village and adjacent unincorporated areas of Los Angeles County.



## Reminder...Deadline for Comments is October 29, 2010!

This summer, the National Park Service initiated a new "special resource study" of the Rim of the Valley Corridor in Los Angeles and Ventura Counties of southern California, and to date, hundreds of participants turned out for one or more of our nine public meetings. For those of you who were able to participate, thank you for taking the time to share your thoughts and ideas. If you are just learning about the study or were unable to attend a meeting, the materials presented are now available online including a copy of the presentation and display maps.

**As a reminder, the Rim of the Valley Corridor study's purpose is to determine whether any portion of the study area is eligible to be designated as a unit of the national park system or added to an existing national park such as the Santa Monica Mountains National Recreation Area. The study will also explore other ways that private or governmental entities can protect resources and provide more outdoor recreation opportunities.**

**Please note that the public comment period extends through October 29, 2010.** Once the comments have been received and reviewed, a summary report of what we heard throughout the scoping period will be prepared and distributed. In the meantime, for more information about the study and how to submit comments, please visit the study website: <http://www.nps.gov/pwro/rimofthevalley/>

### How to Participate

- [Download the Newsletter](#)
- [Provide Comments Online](#)
- [Review the Public Meeting Materials Online](#)
- [Email](#) or mail your comments

### Contact Information

Website: [www.nps.gov/pwro/rimofthevalley](http://www.nps.gov/pwro/rimofthevalley)

Phone: Anne Dove, Project Manager (323) 441-9307

E-mail: [pwr\\_rimofthevalley@nps.gov](mailto:pwr_rimofthevalley@nps.gov)

Margie Steigerwald, Planner (805) 370-2373

## **FEDERATION ELECTS NEW VICE-PRESIDENT**

Last month, Federation delegates elected Mary Ellen Strote, a delegate from Cold Creek, as new vice-president. She has been involved with Santa Monica Mountains land-use issues since moving to Calabasas in 1971 and is co-“scorekeeper” of the Calabasas Environmental Scorecard with Bob Benson and Hal Helsley.

Mary Ellen replaces Craig Overlook, a long-time delegate from Mont Calabasas. Craig never missed a meeting! He was a valuable, much appreciated, highly skilled activist and delegate, and we will miss him greatly. His sense of humor is second to none, and we wish him the very best wherever his endeavors may take him. Happy trails, Craig!

## **CALABASAS PLANNING WORKSHOPS ON LAS VIRGENES TRAIL**

The purchase of “Firehouse Hill” has eliminated a major obstacle to completion of the Las Virgenes Trail, which could some day create a system of bike trails and footpaths along Las Virgenes Creek from Ahmanson Ranch all the way to Malibu Creek State Park, enabling citizens – and especially our children - to walk or ride their bicycles from their homes in Malibu Canyon, Mont Calabasas, Las Virgenes Village, and Deer Springs to Albertson’s, AE Wright, and De Anza Park without having to ride or walk in traffic.

The Las Virgenes Trail will get us out from behind the wheel of our cars, reducing traffic and emissions while giving our kids the badly needed exercise of walking or riding their bikes to school every day along the wooded banks of our local creek. Calabasas plans to begin the process of planning for the segment of the Las Virgenes Trail from Agoura Road to De Anza Park in two Community Visioning Workshops on the following dates and locations. Children are welcome to attend.

- Wednesday, November 3<sup>rd</sup> from 6:00 to 8:00 PM at the Calabasas Library
- Saturday, November 6<sup>th</sup> at the Agoura Hills – Calabasas Community Center

For questions, call Senior Planner Geoffrey Starns at (818)224-1706