



Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301

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

July 2011 MEETING

Wednesday, July 27 at 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

Correspondence/Announcements

Officer’s Reports

Approval of Meeting Minutes

Old Business/ Reports

1. Malibu Valley Farms

New Business

1. **REDISTRICTING UPDATE & STRATEGY** July 29 – Final Release
Maps - August 15 – Adoption/Legal Challenge
2. Guest
3. Agoura Hills – [Jess Thomas Update](#)
4. Calabasas OWTS Workshop
5. Calabasas Cell Tower Update
6. Newhall Ranch

REDISTRICTING SENATE BOUNDARIES HIT THE SANTA MONICA MOUNTAINS HARD

When is the last time you visited Simi Valley, Moorpark or Santa Clarita, never mind actually shop or commute to work up there?

When is the last time you drove your kids to school, read one of their newspapers, took a class or participated in an event to one of those communities almost 40 miles inland – let's say, a clean-up-the-creek or a Heal the Bay day? That's absurd.

Our Santa Monica Mountain/Coastal communities are not familiar with their school districts, newspapers, recreation or anything else, because we are completely disconnected regions. Santa Clarita, Moorpark, Simi Valley don't need Local Coastal Plans (LCP's) or share any of our land/coast in Coastal Commission jurisdiction. They're not even in our watershed, which is also a highly regulated watershed in regard to water quality.

Separated by geography and more, the inland communities north of the 118 are not in our playground and we are not in theirs. All of the Santa Monica Mountain/Coastal citizens' communities of interest lie east-west. We shop, work, play in our own Mountain/Coastal areas and commute along our own transportation corridors, the 101, Pacific Coast Highway and 405, not their 118, 26 and 5.

Truth is, we have no communities of interest with each other, so what are we doing in the same **East Ventura Senate District (EVENT)**?

Despite a concerted effort by Santa Monica Mountain/Coastal cities and citizens, including the Las Virgenes-Malibu Council of Governments (COG) and despite opposition from the communities north of the 118, the Redistricting Commission is nevertheless persisting in keeping us glued together.

In doing so, it **violates** almost every single one of the Citizens Redistricting Commission Guidelines. It just makes no sense.....because the Commission knows all of this. They've drawn our coastal/mountain communities into excellent east-west Assembly and Congressional Districts (that don't include communities north of the 118) which for the most part require tweaking, but not wholesale revision like this Senate District.

OK, so, what is going on? Well, it could be a combination of several factors. One is that we are two separate regions that have been pasted together simply because we are "leftovers" squeezed in the middle after the push from drawing redistricting boundaries by requirements and strong lobbying from both the north and south. The

Commission is operating under a number of legal mandates, such as the Voting Rights Act (which amongst other things protects minority groups from having their votes diluted), and requirements that districts must be of equal population. In order to meet these requirements, cities and interest groups are aggressively pursuing annexation of outlying areas to their districts to boost their population or their political “clout”.

Several aspects of the process have been surprising and disappointing. Tracking daily boundary changes to visualization maps on-line is not exactly ideal. We were anticipating a citizen driven process but that hasn't been the case. Lobbyists and consultants are getting the best results for their clients. Their jump on the process, inside track, connections, expensive maps and continued representation at hearings across the state for special interest group clients like the Valley Industry and Commerce Association (VICA) is impossibly tough to equal or compete with. You may ask yourself for example what role VICA's San Fernando Valley businesses (less than 400) should have in the Citizens Redistricting process - and why they have invested so much money (consultants), time, and effort?

Certainly, this is **not** what California citizens had in mind when they voted to approve Proposition 11 – the Voters First Act where authority for establishing State office boundaries was changed from elected representatives to a 14 member **Citizens** Redistricting Commission comprised of Democrats, Republicans and representatives of neither party. Prop 11 was approved only by the slimmest margin – 50.90% Yes votes and 49.10% No votes.

Our Los Angeles County Supervisor Zev Yaroslavsky, the cities and elected officials of Santa Monica (Mayor Richard Bloom) and Malibu (Mayor John Sibert, Mayor Pro Tem Laura Rosenthal and Councilmember Lou La Monte) in particular have made outstanding efforts on behalf of the Santa Monica Mountains/Coastal voters. The Las Virgenes-Malibu COG letter is also excellent and we have included a copy in the newsletter for your perusal.

Deadline for comments on last map visualizations was July 23. Final maps are scheduled to be released July 29 and adopted on Aug. 15. These were our simplified comments to the Redistricting Commission on July 23rd for the proposed Senate District **EVENT**, Assembly District **LAMWS** and Congressional District **WLADT** that pertain to us:

We have serious concerns with Senate District **EVENT** – the current boundaries do not work. Instead, we propose boundary alternatives for **EVENT** that do work and that have the support of the citizens.

The Assembly District **LAMWS** and Congressional District **WLADT** are excellent and we ask for minor but important border tweaking.

SENATE - PROBLEM
PROPOSED SENATE DISTRICT EVENT
DOES NOT WORK

These **EVENT** boundaries do **NOT** work in any way as they combine two distinct and completely unrelated areas. *Simi Valley, Moorpark, Santa Clarita* and other communities north of the 118 Freeway are a north INLAND corridor and the **Santa Monica Mountain/Coastal communities** are a south **COASTAL** corridor.



EVENT Senate District – Does NOT Work!

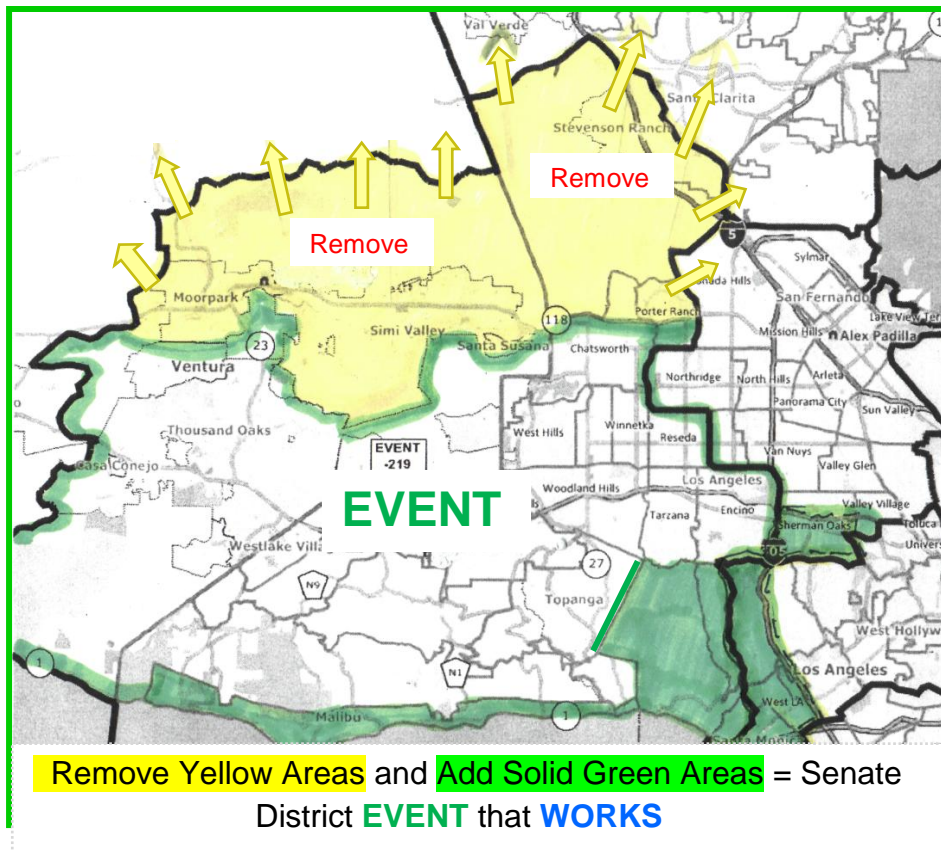
The Santa Monica Mountain/Coastal communities of interest all lie east/west, not north/south which is why the northern communities of *Simi Valley, Moorpark, and Santa Clarita* do **not** share any communities of interest with us and that includes having no socio-

economic links. The Santa Monica Mountain/Coastal region interests' are **all** connected in an east- west pattern, not in a gerrymandered north-south line. The Santa Monica Mountain/Coastal areas should not be amalgamated into a Senate District with these northern inland communities because we are adjacent to numerous other neighboring populations **east and west** with whom we share “**all**” of our communities of interest!

We do not share any transportation/commute corridors either – the Santa Monica Mountain/Coastal region has the 405, 101 and the Pacific Coast Highway (PCH) and the northern *Simi Valley, Moorpark* and *Santa Clarita* areas have the 118,126 and Interstate 5.

These **EVENT** boundaries even split up the Las Virgenes-Malibu COG and the SMMNRA – tearing off Malibu along our coastline and Topanga State Park – leaving the rest of the mountain/coastal communities heading more than 40 miles inland to unrelated areas of *Santa Clarita, Simi Valley and Moorpark*.

SENATE - SOLUTION ALTERNATIVELY, THIS **EVENT** SENATE DISTRICT **WORKS**



Although, this is not our preferred map for the Santa Monica Mountains/Coastal region, it meets the Commission's criteria.

- Communities of interest are consistent and established between the cities, major transportation corridors, and the Santa Monica Mountains and Coast.

- These boundaries comply with the Constitution and Voting Rights Act.
- This **EVENT** District has better geographical compactness and integrity.
 - It keeps all cities whole (Santa Monica, Malibu, Agoura Hills, Calabasas, Westlake Village, Hidden Hills and Thousand Oaks) with the exception of LA. It also keeps all Neighborhood Councils as well as major communities whole - Pacific Palisades, Brentwood, Topanga, Encino, Sherman Oaks, Tarzana, Woodland Hills, West Hills, Oak Park, Bell Canyon. It keeps our school districts whole (except for City of LA which includes multiple school districts). These are Oak Park, Conejo Valley, Las Virgenes Unified School District, Santa Monica/Malibu USD.
- The population meets the threshold required by the 2010 census (932,061)

So, re-drawing the **EVENT** boundaries to exclude all the areas north of the 118 Freeway including Simi Valley, Moorpark and Santa Clarita and then returning Malibu, Pacific Palisades, Brentwood, Santa Monica, Sherman Oaks (as in the map above) would make the **EVENT** Senate District **WORK**.

ASSEMBLY LAMWS – Excellent Return COG cities of Calabasas and Hidden Hills to LAMWS

LAMWS is an excellently drawn mountains/coastal Assembly District which recognizes the communities of interest between the mountains and coastal communities, etc.

Please revisit your *original* LAMWS Assembly District map that you drew on July 14th that *also* included the city of **Calabasas** (pop. 24,000) and Hidden Hills (pop. 2,000). Both cities should be returned to the mountain/coastal LAMWS Assembly District. Calabasas and Hidden Hills should not have been taken out in a subsequent drawing and placed in the LAVSF Valley District where they do not belong.

Just looking at the map below, it is an obvious boundary that should be re-drawn. Calabasas is “the gateway to the Santa Monica Mountains” and its communities of interest lie with the mountains/coastal as opposed to the San Fernando Valley. Calabasas and Hidden Hills are also part of the Las Virgenes–Malibu COG – and these Assembly lines split Calabasas and Hidden Hills off from the other members, mountains and coast and thrust them north into the San Fernando Valley that does not work.



LAMWS - Excellent Assembly boundaries that work. Take COG cities of Calabasas and Hidden Hills out of LAVSF and return to them to LAMWS.

CONGRESSIONAL WLADT – Excellent Return COG city of Hidden Hills to WLADT

WLADT is an excellently drawn mountains/coastal Congressional District. Thank you for reuniting the COG cities, unincorporated county areas and coastal/mountain communities of the SMMNRA and Westside.

Please **keep these lines intact** and not make any line changes that would split up the SMM/coastal communities. Please also reunite the City of Hidden Hills with **WLADT**.



WLADT - Excellent Congressional boundaries that work!

Hidden Hills (pop. 2000) should also be placed in WLADT.

The Commission already recognizes the Santa Monica Mountains coastal/mountain communities of interest, understands the east-west pattern, transportation corridors, etc., has met their Redistricting criteria, and, drawn those appropriate and very important boundaries for our Assembly District **LAMWS** and Congressional District **WLADT**.

We respectfully request that the Commission do the same for our Senate District and re-draw the lines of **EVENT**, so they work. Our Senate boundary line alternative, “incorporates Santa Monica Mountains/Coastal region voters with similar interests, thereby ensuring these voices multiply in strength” (in accordance with the criteria established in Commission Guidelines) as opposed to being separated, greatly diminished and/or diluted to insignificance” as they currently stand in the **EVENT** Senate map.

* * *

Las Virgenes-Malibu Council of Governments

Member Cities: Agoura Hills, Calabasas, Hidden Hills, Malibu & Westlake Village

6165 Spring Valley Road, Hidden Hills, California 91302 • (818) 968-9088

July 20, 2011

Via Email to voterfirstact@crc.ca.gov

Citizens Redistricting Commission
1130 K Street, Suite 101
Sacramento, CA 95814

Honorable Chair and Members of the Commission:

In a previous letter to the Citizens Redistricting Commission, dated June 24, 2011, the Las Virgenes-Malibu Council of Governments (the COG) went on record in support of a redistricting plan that keeps our member cities (Agoura Hills, Calabasas, Hidden Hills, Malibu and Westlake Village) together, in the same Assembly, Senate and Congressional districts.

The most recent Senate District proposed by the Commission is completely unacceptable. The boundaries do not make sense as they combine two distinct and completely unrelated areas: the north INLAND corridor (Simi Valley, Moorpark and Santa Clarita) and the Santa Monica Mountains/COASTAL area (Westlake Village, Agoura Hills, Calabasas and Hidden Hills). Therefore, the COG respectfully requests that the Commission remove Simi Valley, Moorpark and Santa Clarita and replace those cities with Malibu, our member city, and the other coastal communities of Palisades, Brentwood, Sherman Oaks and Santa Monica. The Senate District would include all five COG cities, along with other coastal/Santa Monica Mountain communities, and meet the threshold required by the 2010 census (932,061).

The Assembly District released by the Commission on July 7 is also unacceptable as it excludes Calabasas and Hidden Hills from the LAMWS district and places them in the LAVSF district. Calabasas and Hidden Hills communities of interest lie with the mountain/coastal communities just like the other three COG cities. Therefore, the COG respectfully requests that the Commission keep Agoura Hills, Westlake Village and Malibu in the LAMWS district and add Calabasas (population 23,058) and Hidden Hills (population 2,017) to the district.

The WLADT Congressional District is also unacceptable as it excludes two of the COG’s members: Westlake Village (population 8,270) and Hidden Hills (2,017). The COG believes with some minor modification, the Commission could include Westlake Village and Hidden Hills in the WLADT district and create a district of cities with common interests and issues.

The Las Virgenes-Malibu COG hopes you understand how important it is for our five cities to continue to be in the same legislative districts. If you need any additional information, please let us know.

Yours truly,
Executive Director
Terry Dipple

cc: Agoura Hills
Calabasas
Hidden Hills
Malibu
Westlake Village

4-1 VOTE EXTENDS CALABASAS CELL TOWER MORATORIUM

Director's Approvals, No Safeguards Ignite Controversies

At the July 13 Council meeting, Calabasas Council members voted 4-1 to extend the City's cell tower moratorium for a full year while it updates its wireless facilities ordinance. Mayor Bozajian and Council members Lucy Martin, Mary Sue Maurer and Jonathon Wolfson voted in favor of extending the previously enacted 45-day moratorium, while Councilmember Fred Gaines, who had opposed the original moratorium, opposed the one-year extension when his proposed exemptions were not incorporated. Mr. Gaines wanted exemptions for cell phone tower installations in commercial areas as well as for a Verizon wireless facility with 11 antennas at the Summit at Calabasas that was in the application/approval process. Further controversy erupted around those exemptions when it was revealed that Community Development Director Maureen Tamuri advocated for the latter exemption by forwarding only to Mr. Gaines an e-mail regarding that exemption, excluding the Mayor and the other three Council members from that communication.

The long and arduous path to Wednesday's decision was spearheaded not by the City, but by the outcry of residents, particularly Mulwood resident and cell tower activist Liat Samouhi. She and other watchdog citizens have been looking for safeguards from cell towers cropping up next to homes, in parks, at schools and along scenic corridors. As the process unfolded, these citizens discovered more and more irregularities by City staff.

Although the City counts each cell tower location as one "facility," no accounting is made of the number of antennas at each such facility. One building on the City's west side now has 29 antennas while 11 more were recently approved for a building nearby. The Planning Commission, using the recommendations of staff and the City's consultant, has until now been in charge of approving facilities on private property, while Community Development Director Ms. Tamuri has been solely responsible for administrative approvals for facilities in the public rights-of-way.

The current ordinance requires the placement of wireless facilities in public rights-of-way to be on existing utility poles. It further requires them to be screened or camouflaged and *prohibits* them in public parks and scenic corridors, yet Ms. Tamuri recently approved an unsightly cell tower at the public's Wild Walnut Park at the intersection of two scenic corridors, where historic photographs reveal there was *no existing utility pole*. As we reported in January, the massive underground components

of the site were buried under the parking lot in a streambed. When questioned by residents and the President of Mulwood HOA as to why the public had not been notified about the installation, Ms. Tamuri replied that the Planning Commission had approved it. That turned out to be untrue; Ms. Tamuri had given it administrative approval (see pics following).

UNSIGHTLY CELL TOWER INSTALLED AT WILD WALNUT PARK

On Mulholland Hwy/Old Topanga Canyon Scenic Corridors



CELL SITE WILD WALNUT PARK – BURIED COMPONENTS

On Mulholland Hwy/Old Topanga Canyon Scenic Corridors



Permits are required for upgrades or modifications to existing facilities, and a new radiation emission compliance check is required every five years and every time an upgrade is done. There have been new monopole and power upgrades but apparently the City has nothing on record. A recent public records act request turned up only *one* upgrade/modification request in the City's history. Either upgrades are being done by the telecoms without pulling permits, resulting in a loss of revenue to the City and loss of control over the process, or the City buried them in boxes or lost them, leaving the conditions of approval equally lost or buried.

Then, recently, residents learned what many had suspected all along: Of the nearly 60 facilities in the city, *only four* have been independently inspected to find out what level of radiation they are actually emitting. Those four inspections were primarily from 2003, before the Community Development Director Tamuri took her position. Since she was hired, there is *no* record of any independent compliance testing and only seven telecom-generated, unverified compliance reports, even though City code requires that “the applicant facility shall provide *the director* [emphasis added] a technically detailed report prepared by a qualified engineer verifying that the operation of the facility is in conformance with the...RF exposure standards established by FCC... prior to the commencement of unattended operations at the site.”

Under the current ordinance, the responsibility for approving and monitoring those wireless facilities in the public right-of-way belongs to Community Development Director Tamuri, but when asked directly by Councilmember Martin at the May 25 Council meeting, Ms. Tamuri admitted, “*We do not undertake active compliance testing on any of our sites—on the existing sites.*” Ms. Tamuri ascribed her failure to follow the

code to the lack of a budget for compliance testing. However, the current ordinance under which she has been operating clearly requires that “the applicant reimburse the city for its actual costs in observing and verifying that testing.”

At a later Council meeting Ms. Tamuri defended her lack of action on the grounds that it is too much work to make sure that facilities are in compliance with their conditions of approval:

“All of the projects approved in the city through an entitlement program carry some level of conditions, so we approve hundreds of these on an annual basis, and as you build that up over time, you have quite a volume of projects that carry conditions. Some projects can carry up to 170—over 200—different conditions of approval. Once a project is approved, we effectively file that project away because there are more projects that are coming in to the department...” she said.

Residents asked that wireless facility approvals be taken out of Ms. Tamuri’s hands and City officials agreed, passing an amendment to the old ordinance to immediately adopt the change. The Communications and Technology Commission will now be the review authority for all applications. City officials had also ordered the city attorney to draft a new ordinance, but after the city attorney’s office published several legal memoranda that were refuted at the May 25 Council meeting by a New York attorney who specializes in wireless facility ordinances, the City agreed to have the draft ordinance peer-reviewed. Citizens are advocating that the peer review be done by that attorney, Andrew Campanelli, whom they had flown in from New York to address Council.

After Campanelli’s testimony at the May 25, City Council hearing, Councilmember Maurer reprimanded Jonathan Kramer, the consultant the city has been paying \$220 an hour to review applications and provide legal and technical advice to the council and commissions, stating that “...after sitting through 20 potential new ordinance recommendations, I’ve heard very little [from Kramer].... And the questions that we have posed to you—the answers have been very vague....after seeing the attorney from New York who came up and kind of knew the material inside out and was so quick and so knowledgeable and really gave me more information in his 3+ minutes...”

Mayor Bozajian concurred, “I don’t think it should take this kind of public hearing after years and years of input [from our consultant] for *us* to make the suggestions that should be obvious to someone who’s an expert in the industry. It’s troubling to me...I rely on people we retain to give me fresh ideas, not for me to go fishing around and have to discover those ideas on my own.”

The city has sent out Requests for Qualifications soliciting applications for the peer-review job and for a qualified engineer to do independent compliance testing of existing facilities. The Communications and Technology Commission (CTC) is still working on

the language for an RFQ for a consultant to review applications as they come in and to advise the CTC as they review applications.

Stay tuned.....

A STEP IN THE RIGHT DIRECTION

Temporary Amended OWTS Ordinance Passes in Calabasas

The highly controversial Calabasas OWTS Ordinance initiated and driven by former Mayor Barry Groveman and overzealously enforced by City staff has been replaced by a much improved, albeit temporary, *amended* Ordinance. The improved version incorporates several elements of Malibu's Ordinance, including the provision that Calabasas staff may no longer accompany and overrule certified OWTS inspectors on their first visit to the inspection site. Also, if a system has been given a 5 year permit, the system needs to be inspected only at the point of sale. If the point of sale is within 10 years of the last inspection, then no inspection is required.

The Federation has long been a proponent of Malibu's OWTS Ordinance, which is simple, effective and equitable.

Credit goes to Mayor Bozajian in Calabasas, who quickly agendized the Ordinance and led the way for immediate changes and for restoring sanity and some legitimacy to the process. He has been a proponent of the residents from the get-go, remaining steadfast in his opposition to the dictatorial actions of the City. Council member Mary Sue Maurer consistently joined him in his support of residents. For doing so, both Council members, like the 132 OWTS owners, were frequent targets of a bullying Mayor Groveman.

However, there is debate over this latest action by Council. It stems from a desire by the OWTS community to take time to create a new Ordinance that is impartial. According to Jody Thomas, president of the Old Topanga Homeowners Inc. (OTH), "Although this amended Ordinance is definitely a step in the right direction, it doesn't significantly change anything for the immediate future. Enforcement under the original ordinance still continues. The only substantive change is if you were fortunate enough to receive an unconditional permit (these were few and far between), you will not need to be inspected again until point of sale. However, Building Official Sparky Cohen can at any time and for any reason decide to condition your permit, requiring inspections at any time."

If you are new to this story or haven't been following it, a quick read through the Federation's reports in the past two years will give you a glimpse into what the 132 OWTS owners in Calabasas have endured. It will surprise you. The selectively enforced and persecutory Ordinance was initiated by then-Mayor Barry Groveman and

instituted by an overzealous community development director and building official. Taxpaying homeowners were raided and prosecuted by the City prosecutor. The City's last "home invasion"—in Old Topanga in March on Mr. Groveman's last day as a city official—brought out a news helicopter, the sight of which sent the City's prosecutor and building official scurrying to their cars. There haven't been any raids since. Yes, this sounds incredible, but it is all verifiable.

Old Topanga residents suffered many other indignities, including televised "update" presentations by the City's building official that were remarkably intrusive, inflated and erroneous. One of the most astonishing was the City's Power Point presentation that included a photograph of a truck collapsing into a septic system, presented as if it were taken in Old Topanga. However, it wasn't photographed in Topanga. It wasn't even photographed in California. It was a photo literally swiped off an internet website in New York. The owner's identification had been cropped off by City staff.

Collectively, these actions have taken a huge emotional and financial toll, particularly on some of the City's most vulnerable residents. The septic Ordinance has been used to gain access onto citizens' property to search for building code violations. In many instances, enforcement of the Ordinance has had life-altering consequences. For example, the Smiths, long-time residents of Stokes Canyon, were raided and thrown off their 50-plus acres by the City, which used the OWTS Ordinance as justification to get a warrant. Eighty-two-year-old Chet Allen of Old Topanga, recently deceased, spent the last year of his life fighting to stay on his 8-acre property under constant threats of prosecution and eviction. Other taxpaying Old Topanga residents have also been forced from their homes as a result of the questionable enforcement tactics.

As OTH's president points out, "No one has ever disputed the need to inspect and maintain the septic systems. All we ever asked for was a fair shake, which was promised but never delivered. It was the City that clearly violated state laws by failing to register the Ordinance and present viable findings in support and that illegally and selectively enforced it. Residents have been harassed, threatened and forced out of their homes".

We concur with Mayor Bozajian and Council member Lucy Martin that the City could go a long way toward restoring a small portion of good will, as well as saving the taxpayers further attorney costs, by just moving on. Let's make a fresh start and concentrate on the next step. Lest we and the other Council members forget, it was Mayor Groveman who regularly hurled the epithets "lawbreakers" and "violators" at septic owners from the Council dais. We need to bury that hatchet, not reinvigorate it.

When this debacle is finally over and the financial cost to the city is tallied, taxpayers will be stunned by the hundreds of thousands of dollars it has cost them to inspect 132 septic systems.

When Is It Going To Stop?

COMMUNITY DEVELOPMENT DEPT. VS. CITY TAXPAYERS

Despite requests from the public to take more time, hold a workshop, and then adopt a **new** OWTS Ordinance, Calabasas City Council decided to amend the one they had first. Then working backwards, they instructed staff to hold the workshop in August, **take community input** and the City would then proceed to create a new OWTS Ordinance.

Setting up a workshop is easy, and following Council's instructions are pretty straight forward, right? Nope. It seems community development director Maureen Tamuri had a problem reconciling what the residents wanted and what Council directed - with what she wanted. Old Topanga Homeowners president Jody Thomas who engaged in dialogue with Ms. Tamuri re: setting up the workshop indicated Ms. Tamuri was not interested in working *with* suggestions put forth by the community. Ms. Tamuri refused to budge or compromise, selected the "City's" facilitator, guest panel and included the Regional Water Quality Control Board which she deemed a key stakeholder. (There are 132 septic in Calabasas). The community development director would not consider other facilitators and clearly was creating her own forum—one that would be videotaped, include her panel of guests and which would be completely unrelated to the **community-input** workshop promised by Council.

It took Councilmember Lucy Martin stepping into the fray and Mayor James Bozajian putting the workshop on the City Council agenda to finally get resolution—even more effort expended over holding a simple workshop to get citizen input on an issue that has already been horribly contentious and a thorn in the City's side for years.

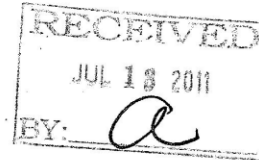
"The Community was told the workshop would be an opportunity for *our* input as to what we would like to see revised in the OWTS Inspection Ordinance," Ms. Thomas said. "We do *not* require 'experts' from the RWQCB, the State, or NAWT. We understand the MOU, we understand AB 885, and we do not need further schooling, lecturing, or justification on the part of staff. The Community was repeatedly assured by James [Mayor Bozajian] that we would have our chance to speak to specifics for a revision of the Ordinance, and quite simply, we would like our opportunity to do just that."

Ms. Tamuri was overruled, and the community will get its workshop. The community has chosen Pete Peterson of the Davenport Institute for Public Engagement and Civic Leadership at Pepperdine University as the facilitator, and he will conduct the community meeting on changes to the OWTS Ordinance as directed by Council in September – in a simple and fiscally responsible format. Mr. Peterson will submit his report on the public's comments directly to Council.

Meanwhile, one of the OWTS amendments adopted by Calabasas City Council was to expand the City's list of certified OWTS inspectors to include those on Malibu's list. We wager Council never anticipated that the City's building official would subsequently send the following letter to Malibu inspectors [the recipient's name has been removed]. This letter, rife with insinuation, is an embarrassment to the City and demonstrates yet again the adversarial attitude certain staff under the direction of the Community Development Director maintain towards the City's taxpaying residents.



CITY of CALABASAS



July 12, 2011

On October 14, 2009, the City of Calabasas Implemented an Onsite Wastewater Treatment System Operating Permit and Inspection Program (OWTS program). Nearly all 132 properties in our City serviced by an OWTS have already been inspected and the initial round of operating permits will hopefully soon be issued. At this point in time, and in anticipation of future inspections, we would like to expand our list of recognized inspectors to include all inspectors recognized by the City of Malibu's OWTS program. We are hopeful that you would consider applying to be recognized with our City as an authorized inspector.

If you interested in applying with the City of Calabasas as a registered OWTS inspector or are contacted by a property owner for any of the remaining uninspected OWTS, please contact me at (818) 224-1721. In conducting inspections, we need you to be aware of our administrative process and to ensure that the required operating permit application has been submitted to the City before you commence an inspection. Though we strive for customer service, should a homeowner or his/her representative attempt to influence the inspection result or demand deviations from good inspection practices provided in the City's OWTS inspection guidelines, the NAWT inspection manual, or the City's Plumbing Code, you may terminate the inspection and report to me the reason that you were unable to complete the inspection. In these unfortunate circumstances, the City will reimburse you for the inspection, based upon the fees quoted in the application. For your convenience, I have enclosed a copy of our OWTS inspection guidelines.

Sincerely,

Sparky Cohen
Building Official

cc: City Council
City Manager
Community Development Director
Jason Reithoffer, Plumbing Inspector

Attachments:
City of Calabasas Inspection Guidelines

City of Calabasas

100 Civic Center Way, Calabasas, California 91302

818.224.1600

Residents were required by the City to hire and pay for their septic inspections at the cost of hundreds of dollars, yet the certified inspectors (seven which had been green-lighted by the City) were compelled to give the results directly to the City and not to the residents who paid for them.

Thanks to Councilmember Lucy Martin, residents also finally received copies of the actual OWTS inspection notices they paid for - inspections that were done months and months ago.

Past history indicates that residents who question/challenge the Community Development Director's actions can count on some form of retribution. At times this retribution has even included press releases from the City naming individuals, or in the case of the Smith raid, pictures taken of their property, home, etc. were posted on the City's website.

More of the Community Development Director's administrative approval or decision-making authority is being re-routed by Council to public-hearing bodies like the Planning Commission, Communications and Technology Commission and to director's hearings, which allow for community input, etc.

As Thomas Jefferson said, "When the people fear their government, there is tyranny; when the government fears the people, there is liberty."

TRAFFIC-LAW ENFORCEMENT IN LAS VIRGENES

The state's budget blues are finally affecting the California Highway Patrol's work in Las Virgenes, according to CHP Public Information Officer Leland Tang, who spoke at the April 27 meeting of Operation Safe Canyons, a traffic-safety program coordinated by Los Angeles County Supervisor Zev Yaroslavsky's office.

Statewide, the CHP is no longer allowed to buy new patrol cars for the upcoming fiscal year, Tang said. "Starting in July, there is a strong possibility that local COPS officers will patrol in pairs—meaning only one patrol car is now available for the canyons," he said. "We will still respond to all calls for service, but it may take us a little longer to get there."

The Lost Hills Sheriff's Department reported that deputies recently have been using undercover cars to help catch speeders on Mulholland. Sergeant Phil Brooks said there is also more "awareness in the courts," noting that the judges in Malibu who hear Las Virgenes traffic cases are more willing to convict excessively noisy motorcyclists.

The jurists are making innovative judgments, he said. "For example, a violator may be told that he won't be allowed to ride with his club."

Drivers are getting accustomed to the new, lower speed limit on Mulholland Highway, Sgt. Brooks added. "There has been more compliance with the 45-mph limit on Mulholland in Las Virgenes," he says.

Operation Safe Canyons usually meets quarterly. Participants include the CHP, the Sheriff's Department, Los Angeles County Public Works Department, representatives from the offices of State Senator Fran Pavley and State Assembly member Julia Brownley and traffic-safety activists from homeowners' and equestrian groups.

THANK YOU SARA WAN

For 15 years, Malibu resident and California Coastal Commissioner Sara Wan has been the nemesis of developers and the defender of the Santa Monica Mountains. Last month, her current term on the Commission ended.

We first met Sara in 1990, when the Malibu Canyon Community Association was in the news for opposing 32 duplex units on a very steep mountain in upper Alizia Canyon. Sara read a newspaper article about our opposition to the project and called us out of the blue to ask if we needed any help. We did, and in the next couple of years she and her husband, Larry, then president of the Malibu Township Council, not only helped us fight the duplexes but persuaded the Malibu Township Council to take out a voting membership in the Federation. After Malibu incorporated, Larry served a term as mayor of Malibu, while Sara went on to become deeply involved with coastal issues.

Sara was appointed to the Coastal Commission in 1996. A biologist by training, she acquired a detailed knowledge of the Coastal Act and always did her homework on the complex permit and planning issues that came before the Commission. She was always a strong environmental vote, and that made her many enemies among the developers who hang around Commission meetings.

Mark Gold, executive director of Heal the Bay, had this to say about the loss of Sara Wan: "Her loss on the Coastal Commission will be felt for many years to come because she was the environmental conscience of the Commission and the most knowledgeable of the Coastal Act..."

According to Peter Douglas, executive director of the Coastal Commission, "Losing Sara is a tremendous loss because I can't remember any commissioner who was more substantially engaged in our issues...Sara was a great commissioner."

Coastal commissioners are appointed from all over the state, making Sara Wan's loss particularly critical for us because she was from this area and understood the issues affecting the Santa Monica Mountains.

Thank you, Sara. We missed you at the *Edge*....

MONT CALABASAS TO CALABASAS

Earlier this month LAFCO approved the annexation of the beautiful community of Mont Calabasas to the city of Calabasas from unincorporated County.

This 490 acre property west of upper Las Virgenes Road was originally intended to be phases 3 and 4 of the old 1960's Malibu Canyon tract, but, after the developer of Malibu Canyon had done the requisite number of borings and trenches, he inexplicably went away, and the property lay fallow for the next 25 years.

In the late 1980's, our then Supervisor Mike Antonovich (who now represents Santa Clarita) and County Road Commissioner Tom Tidemanson, had decided to extend Thousand Oaks Boulevard through Cheeseboro Canyon Park and Firehouse Hill and up Las Virgenes Canyon, to the end of Victory Boulevard in Woodland Hills.

This would require moving about 17 million cubic yards of earth at an estimated cost of at least \$20 to \$30 million in order to build a four lane boulevard to enable developer Tom Pleman – who had purchased the 490 acres of phase 3 and 4 of Malibu Canyon zoned by the County for 110 homes.

Since there was no money in the County treasury to pay the cost of moving the 17 million cubic yards of earth, developer Tom Pleman said he would need to move on Firehouse Hill for the right-of-way for Thousand Oaks Boulevard. Antonovich and Tidemanson decided to get Pleman to build Thousand Oaks Boulevard and compensate him for the monumental cost of all that grading by a massive up-zoning of the 490 acres that would enable him to build 1400 to 1700 condos on the slopes of "Firehouse Hill" (an area which even Antonovich had previously zoned for only 110 homes).

Pleman and his partner, Grossbard, went ahead and filed a plan for the development of the 1700 condos, but the public outcry from Malibu Canyon, Las Virgenes Village, and Old Agoura, brought in a public interest attorney named Carlyle Hall, who had sued the County and overturned its General Plan fifteen years earlier. Hall wrote the County a very strong 50-page letter, and before long Pleman's condo project and the Thousand Oaks Boulevard extension were denied 5-0 by the Regional Planning Commission.

Several years later, Pleman and Grossbard finally got approval for the 110 homes they had always been entitled to under the County's then Area Plan. Those 110 homes became the Mont Calabasas we know today.

Luckily for us, Antonovich had been replaced by Supervisor Zev Yaroslavsky and the rest of the old “Malibu Terrace” property - about 325 acres - was at Zev’s request donated to the National Park Service as an addition to Cheeseboro Canyon Park.

The Regional Planning Commission had also approved five acres of commercial zoning, expecting that the 3000 homes approved on Ahmanson Ranch would want to shop there, but the Conservancy bought Ahmanson Ranch, and those shoppers ended up going somewhere else.

So, how do folks in Mont Calabasas feel about annexing their community to Calabasas? Well, for one thing the Mont Calabasas Homeowners Association initiated the annexation request, though community sentiment was not unanimous. According to *The Acorn*, Mont Calabasas resident Thomas Shuck claimed his community had been “duped”, and accused Calabasas of having a “harsh regulatory culture”.

Under LAFCO rules, if 25% of the registered voters in an annexation area sign statements protesting the annexation, an election must be held. If 50% of the voters in that election vote against annexation, the annexation is terminated. In the case of Mont Calabasas, 22 of the 176 voters – about 12.5% sent in protests against the annexation, so no special election had to be called.

However, the City will need to hold an election to change the lighting district from the County to the City because there will be an increase in cost. If they do not vote in favor of the increase in fees, City residents will have to subsidize those costs. The City will also have to transfer waste collection and recycling service for Mont Calabasas from United to Waste Management, which has the contract with the City.

The new Redistricting draft Assembly maps currently show Mont Calabasas voting with the Santa Monica Mountain communities and not the San Fernando Valley where Calabasas and Hidden Hills have just been re-drawn into. Calabasas and Hidden Hills have been dissected from the mountains/coastal communities into the San Fernando Valley by lobbying efforts with special interests. The Federation and the Malibu-Las Virgenes Council of Governments have asked that the Redistricting Commission return the cities to their rightful Assembly District in the mountains and that they keep all of Calabasas and the other cities of the Malibu-Las Virgenes Council of Governments in the same Assembly, Senate, and Congressional Districts. However, it appears that is unlikely to happen.

With 110 households, Mont Calabasas is about 1/2 the size of Saratoga Hills. At the same time proceedings for annexation for Mont Calabasas from unincorporated County to Calabasas have gone forward, the City threw a wrench in efforts by the Old Topanga neighborhood to detach from Calabasas back to unincorporated County. There are also growing concerns and discontent from the City’s other rural and mountainous/canyon neighborhoods that instead of protecting its rural communities as it once did as a defining characteristic, it has steadfastly become a dumping ground for

poorly conceived and over development. Is the City Manager or Community Development Director interested in the preservation of the city's rural resources? Certain elected officials are responsible for the discontent too, like former Mayor Barry Groveman who initiated an OWTS Ordinance with the purpose of failing systems in Old Topanga to justify bringing in sewers – and development, which would have changed the face of that small, rural community forever.

*

Before moving from the area, the Federation's Vice President Craig Overlock emanated from the Mont Calabasas neighborhood. We miss his most superb activist voice!

In Case You Missed It....

MALIBU PROPOSES VIEW RESTORATION ORDINANCE

Many cities have adopted view protection ordinances, but the Malibu Planning Commission wants to go a step further and is recommending the City of Malibu adopt a view *restoration* ordinance. It would work something like this:

The proposed ordinance, which passed the Planning Commission by a 3-1 vote, would allow a homeowner to "reclaim" one 180-degree primary view that has been obstructed by foliage "growth" within 1,000 feet of their home.

To qualify, the view must have been unobstructed when the property was purchased or at the time of the city's incorporation in 1991, whichever is later. A primary view is defined as "visually impressive scenes of the Pacific Ocean, offshore islands, the Santa Monica Mountains, canyons, valleys, or ravines."

Native trees are exempt from the draft ordinance. Oaks are native and protected under Malibu's Local Coastal Program's Native Tree Protection Ordinance.

As part of the ordinance, a View Restoration Committee comprised of citizens would be formed. The committee could issue an official opinion on view restoration disputes.

Before getting out his chain saw, the aggrieved homeowner would be required to "consult" with the owner of the offending foliage to try to reach an agreement. If this failed, the City would pay for a mediator at a cost of \$300 to \$450 an hour for up to three hours to help the two sides reach an agreement.

A City staff report notes that there are up to 4,030 households in Malibu that could be eligible for mediation.

Mediation would not be legally binding unless both sides agreed to submit the dispute to arbitration by a neutral party and be bound by the result.

Absent agreement, the aggrieved homeowners would have to file a civil lawsuit and take their chances in court. (*Article includes excerpts from the Malibu Times*)

MAYOR OF SANTA MONICA APPOINTED TO SMMC

Last month Coastal Commissioner and Santa Monica Mayor Richard Bloom was appointed by the California Coastal Commission to the Santa Monica Mountains Conservancy Board.

Mayor Richard Bloom is also a candidate for the State Assembly, hoping to represent the 41st Assembly District currently held by Assemblywoman Julia Brownley.

“I’m proud of my record on the environment,” Mr. Bloom said. “On the California Coastal Commission, I’ve fought to protect our irreplaceable coastline and its resources.”

SIGN THE PETITION TO SAVE THE SANTA CLARA RIVER AND OPPOSE NEWHALL RANCH

Newhall Ranch is a 21,000 unit – 60,000 person city proposed for development on the Los Angeles –Ventura County line that will cause significant harm to water quality and endangered wildlife and plant species.

It is a 12,000 acre site that abuts one of the most pristine reaches of the Santa Clara River. The Santa Clara is the last free-flowing wild river in Southern California. It is home to over 117 threatened, endangered or sensitive plant and wildlife species or communities. Of these, 18 are federally listed, two are candidates for listing and 14 are state-listed. This project would result in filling 20 miles of on-site streams and the valleys that contain them, with 208 million cubic yards of fill material taken the hill tops –that’s enough soil to fill dump trucks and wrap them around the earth’s equator over 3 times.

Please sign this petition to save the Santa Clara River at:

<http://www.change.org/petitions/protect-the-santa-clara-river-oppose-newhall-ranch-2>