



# 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

## Meeting - Wednesday, May 16 at 7:00 p.m.

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

**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

1. Calabasas Wireless Ordinance

2. State OWTS Standards

### New Business

1. **Starbucks - Introduction of New "Evening Program"** at their store located at 26531 Agoura Road in Calabasas. "Evenings" (addition of alcohol) is being offered/tested in highly selected communities, in a limited number of states across the country. Guests.

2. **Los Angeles County Water Quality Funding Initiative** - Guest. LA County Clean Water, Clean Beaches Protection Measure. Proposed property owner election re: new parcel tax for funding clean-up.

3. **Poison in the Canyon** – Roger Pugliese – TASC.

4. **AB 2226** – This bill would aid the increasing frequency and practice of developer/landowners to **shield their identities from state agencies** through LLC's and other entities...i.e. would make it extremely difficult for California Coastal Commission to pierce the corporate veil or determine business realities behind mere record title to land ownership.

5. **Rancho Malibu Hotel Project EIR** (Malibu Canyon Road and Pacific Coast Highway). 275,000 square feet development -146 room luxury hotel resort, 21 casitas, retail shops, meeting rooms, 543 parking spaces. 189,760 cubic yards of earth exported.

# FEDERATION NAMES SUPERVISOR LINDA PARKS 2012 CITIZEN OF THE YEAR!

In the heart of the Santa Monica Mountains, at its 45<sup>th</sup> annual banquet, the Las Virgenes Homeowners Federation (LVHF) honored Ventura County District 2 Supervisor, Linda Parks, as **2012 Citizen of the Year!**

Supervisor Parks has been an open space and environmental superstar for more than two decades. She received two standing ovations from the packed crowd at the Malibou Lake Mountain Club for her outstanding record of environmental stewardship.



*LVHF honors 2012 **Citizen of the Year** Supervisor Linda Parks.*





LVHF is the oldest and **largest federation of homeowner associations** and groups in the Las Virgenes region of the Santa Monica Mountains. The Federation has been the strong and unwavering voice of the Santa Monica Mountains since 1968.



The banquet was once again a very successful forum - with the Federation continuing its tradition of inviting distinguished members of the community to reflect on the future of the Santa Monica Mountains and share their vision with fellow activists, agencies and **government officials who play important roles in formulating local land use and environmental policy.**



***The guest list “reads like a virtual who’s who of government and environmental movers and shakers.”*** Topanga Messenger





## PAYING TRIBUTE TO SUPERVISOR PARKS, OUR 2012 CITIZEN OF THE YEAR....



Above all else, our Citizen of the Year, Supervisor Linda Parks, is a person who has made a difference.

Passion, conviction and an unwavering environmental ethic are all features that define her. She is a leader, a standout, among standouts.

Supervisor Parks has been a force for "good" in the Santa Monica Mountains, having overseen the purchase of **thousands of acres** of open space and trails. She has tightened protected tree ordinances, scenic and hillside grading protections and achieved a moratorium on



development in open space to protect the greenbelt.

Our Citizen of the Year has also received the Heal the Bay “Walk the Talk Award” and the Environmental Defense Center’s Carla Bard Award.

We are privileged to call her “ours” – she once ran and **won** against an opponent who accepted \$90,000 from a single developer!

Supervisor Parks authored standards requiring a two-mile radius around Rocketdyne/Santa Susana Field Lab be tested for TCE and perchlorate. She was also instrumental in moving a precedent-setting wildlife corridor forward.

From 1998 to the present, she has served as a member of the Board of Directors of SOAR (Save Open space and Agricultural Resources), which works to minimize urban sprawl, preserve agricultural land and open space.

She ensured the removal of anti-coagulant-rodenticides from county parks, golf courses and landscaping, and brought attention to its effect on mountain lions, bob cats.

Supervisor Parks serves on the Santa Monica Mountains Conservancy - and opposed the Edge project in Malibu – as did the Federation. Interestingly, her father was the voice of Smokey Bear! For 17 long years, Supervisor Parks fought for the preservation of Ahmanson Ranch’s 3,000 acres of open space and --- what a win it was!

The admiration and response to this year’s honoree is profound and a tribute to the impact Supervisor Parks has had on enhancing and protecting the quality of life in our mountain communities and to the partnership efforts to preserve open space.

Congratulations Supervisor Parks and thank you for inspiring us all!

\* \* \*



The Federation also welcomed two other unequivocal environmental **champions** - our State Senator Fran Pavley and our Los Angeles County, Third District Supervisor, Zev Yaroslavsky.

Senator Pavley is one of the greatest environmental stewards the Santa Monica Mountains has ever had. She

gave guests an interesting update of what is transpiring in Sacramento and the many outstanding legislative policies she is working on. Senator Pavley welcomed the new communities encompassing *her and our* newly drawn Senate District.



Supervisor Yaroslavsky, the Federation's 2010 Citizen of the Year, spoke about the important projects he is planning on bringing to fruition in the Santa Monica Mountains before he is termed out. There would be no North Area Plan, Grading and Ridgeline Ordinance or a multitude of other great policies and principals like, "let the land dictate the use", without Zev. Zev will leave a legacy of environmental stewardship in the mountains like no other.

The Federation was also honored to host elected officials from the cities of Agoura Hills, Calabasas and Malibu. They included: Agoura Hills Councilmembers Harry Schwarz and Bill Koehler; Calabasas Mayor Mary Sue Maurer, Mayor Pro Tem Fred Gaines and Councilmembers Lucy Martin, James Bozajian and David Shapiro, as well as former Councilmember Michael Harrison; and from Malibu, the Mayor Pro Tem Lou La Monte and Councilmember John Sibert.

A number of environmental greats joined the Federation's HOA's, delegates and members: Joe Edmiston, Executive Director of the Santa Monica Mountains Conservancy; California State Parks District Superintendent Craig Sap and Senior Resource Scientist, Suzanne Good; Melanie Beck and Kate Kuykendall from the National Park Service; the Resource Conservation District's Executive Director Clark Stevens, and Director Nancy Helsley, Melina Watts and Rosi Dagit, the rockstar behind the County's Oak Woodland Conservation Management Plan; from the Las Virgenes Unified School District, upcoming Superintendent Dan Stepenosky and Board Member David Moorman; Board members Glen Peterson and Lee Renger from the Las Virgenes Municipal Water District; Jay Lopez – Forester with the County of Los Angeles Fire Department who has been working with the Federation's Oak Tree Committee; from the Mountains Restoration Trust, Debbie Brushaber, Executive Director and President of the Board, Steve Hess, who is also a Federation past president; from Save Open Space, Board Member Cynthia Maxwell and Fran and Bob Coutts; Ruth Gerson, president of the Santa Monica Mountains Trails Council; and the mighty list goes on!

Our favorite Zev staffers, Ben Saltsman - Planning Deputy and Susan Nissman - Senior Field Deputy, were also in attendance, as well as Timothy Lippman from Assemblymember Julia Brownley's Office. Calabasas Commissioners included: Dave Brown and Robert Lia - Planning; Linda Stock - Communications and Technology; Arlene Bernholtz and Judy Jordan – Historic Preservation; Clark Canfield – Traffic and Transportation; Richard Thompson - Public Safety.

The Federation also acknowledged the superlative efforts of three activist leaders this past year: Suzanne Goode from the Cold Creek Community Council, Jody Thomas from our Old Topanga HOA and Liat Samouhi from the Greater Mulwood HOA.

The Federation is most appreciative of its dedicated delegates and member associations for their efforts, integrity and commitment to the continuing preservation and protection of our natural resources.



The Federation's **keynote speaker was Dr. Brad Shaffer**, a professor of evolutionary and conservation biology, and the new Director of the La Brea Tar Pits and Center for California Conservation at UCLA.

Brad came highly recommended to speak to our passionate and savvy audience by none other than Woody Smeck, our 2011 Citizen of the Year, and former National Park Service Superintendent of the Santa Monica Mountains National Recreation Area.



Brad's credits and accomplishments captured everyone's attention - particularly his research on California reptiles, amphibians, frogs, turtles and our **endangered salamanders**, which is incredibly important to conservation across our great state. Brad described his past battles where science really has made a difference to preservation, and how he will be applying cutting edge genetics to conserve the precious biodiversity of our Santa Monica Mountains.

Attendees were also thrilled when Brad brought out his endangered California salamanders...and asked how many people had ever held an endangered species? That was a popular question and many flocked to the front to hold one .... and, as you can see the salamanders were pretty cooperative...!



After 24 years at UC Davis – he is ours now! The Federation looks forward to collaborating with and contributing to the esteemed efforts of Dr. Shaffer.

LVHF also said farewell to two wonderful individuals, delegate Peter Rothenberg from our Westhills HOA, whose unexpected and tragic death shocked us all, and Ruth Willer, the Federation's past treasurer and delegate from Calabasas Village HOA.

To quote Robert Southey, *"No distance of place or lapse of time can lessen the friendship of those who are thoroughly persuaded of each other's worth."*

How lucky we are to have known these two special people who it is so hard to say goodbye to.

The Federation is committed as ever to conserving the wild and wonderful things in the Santa Monica Mountains for everyone and for future generations. We will continue to stand with these outstanding environmentalists as we share in the responsibility of protecting and preserving our finite natural resources.

*"A society is defined not only by what it creates, but by what it refuses to destroy."*

John Sawhill

**LVHF Citizen of the Year 2012 – Supervisor Linda Parks**

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## **THE EDGE STRIKES BACK!**

It's been several months since the Coastal Commission denied David Evans – aka "The Edge" - permission to grade a highway 1700' up the ridge east of Malibu Lagoon so he could build five mega-mansions on the most prominent coastal ridgeline between Santa Monica and Point Mugu, a ridgeline that can be seen from coastal viewpoints all around Santa Monica Bay.

The project was denied because, though the five applications were filed under five different names, the Coastal Commission staff uncovered evidence that the five applicants were business associates or in-laws in Ireland and, therefore, shared a unity of interest and were in fact proposing what amounted to a tract of five mansions complete with water line and access road.

Things were quiet for a while after the denial, but they didn't stay that way for long. AB 2226 slipped through the Assembly by a one-sided 53-11 vote (our Assemblymember Julia Brownley was one of the 11 no votes). If AB 2226 becomes law, it would eliminate the grounds by which the Coastal Commission had turned down The Edge project.

At first glance the Assembly bill seems harmless enough; AB 2226 would amend the Government Code to require state agencies to refer to the Evidence Code to determine who owns full title to a piece of property rather than referring to the "threshold of substantial evidence", a less demanding standard state agencies now use.



The difference between the standards of the Evidence Code and the “threshold of substantial evidence” may be difficult for laymen to grasp, but it is great enough for three state agencies that deal in land use issues – the Coastal Commission, the State Lands Commission, and the San Francisco Bay Conservation and Development Commission, to write a strongly worded letter to Assemblyman Ben Hueso, the author of AB 2226, urging him to reconsider his support for the bill, on the grounds that the bill increases the burden of proof of ownership required of state agencies without providing those agencies with the legal tools, such as subpoenas, powers of discovery, and sworn testimony to obtain that proof of ownership. The letter from the three state land use agencies claims this would “have a chilling effect on the state’s ability to effectively carry out their statutory land use planning activities and other regulatory proceedings”.

The letter continues, “We have noted with increasing frequency the practice of landowners shielding their identity from state agencies through the formation of Limited Liability Corporations (LLCs) and other similar corporate entities ... AB 2226 would make it demonstrably more difficult for state agencies to pierce the corporate veil or otherwise determine the actual business realities behind mere record title to land ownership ...”

“Increasing the burden of proof that state agencies must meet without the commensurate tools of discovery would have a chilling effect on the state’s ability to effectively carry out their statutory land use planning activities and other regulatory proceedings.”

The letter concludes, “We can foresee that this bill may have far-reaching impacts on numerous other state agencies ...”



*The Edge....*

The Federation is very familiar with this strategy of developer landowners shielding their “unity of interest” and true ownership under cover of different LLCs etc. and therefore the true environmental, cumulative impacts of a project are hidden.

AB 2226 heads to the Senate next month...

# MALIBU HOTEL PROJECT RETURNS ....

The City of Malibu is preparing an EIR for a major hotel project at the end of Malibu Canyon Road where it joins Pacific Coast Highway. The City has scheduled a scoping meeting on the scope and content of the EIR on Wednesday, May 16<sup>th</sup> at 6:30 pm in the Multi-purpose Room at Malibu City Hall, 23825 Stuart Ranch Road.



The project, known as the Rancho Malibu Hotel, consists of 275,000 square feet of development on 27.8 acres, consisting of a 146 room luxury hotel resort a main hotel, 21 detached two-story casitas, retail shops,

lobby bar, library, ballrooms, meeting rooms, fitness center and spa. The project will include 543 parking spaces, most of them to be located in a 166,827 square foot underground parking structure. 189,760 cubic yards of earth will be exported from the site.

The Civic Center area of Malibu is not served by a sewer system, so each individual project is supposed to provide its own onsite wastewater treatment system (OWTS).

On November 5, 2009, the Los Angeles Regional Water Quality Control Board prohibited onsite wastewater disposal systems in the Malibu Civic Center area except for those identified in the Table 4-zz list. The Rancho Malibu Hotel project is within the Malibu Civic Center area but was not originally included in the Table 4-zz list, although the developer has made a request to the RWQCB suggesting that it should have been. The City is proposing an alternative construction of a new state of the art water treatment facility to handle wastewater from the Civic Center area.

The applicant for the Rancho Malibu Hotel Project listed in the City's Notice of Preparation is attorney: "Fred Gaines  
Green Acres, LLC  
P.O. Box 6528  
Malibu, CA 90264"

Mr. Gaines is a City of Calabasas Councilmember and the Mayor Pro Tem. More to come on this project...

# WHAT ELSE BESIDES WILDFLOWERS COMES OUT IN THE SPRING?



We all know May is the month when wildflowers cover our hillsides with yellow mustard, pink Clarkia, and orange poppies. But there is something else that also comes out at about this time of year. Spring is the time when our most famous local reptile, the Southern Pacific Rattlesnake (*Croatalus Viridis Viridis*), comes

out of hibernation and begins its search for a summer territory, a search that may bring it into our yards and gardens or even onto our front doorsteps.



Residents - especially those new to the area – should be reminded that rattlesnakes are part of life in Las Virgenes, and that we cannot always count on them to rattle. In fact, most rattlesnakes normally don't rattle, and it is not unheard of for a hiker to feel something like an Oscar Mayer wiener under his boot and look down to find himself confronted with a very indignant serpent.

*Rattlesnake crossing trail.*

Gloria Glasser, who writes the “On the Trail” column in *The Acorn*, did a very thorough article on rattlesnakes in the April 26 issue. Here are a few high points of her article coupled with some of our personal experiences and observations.

Gloria recommends that homeowners who find a rattlesnake on their property should not harass it or try to pick it up, as this may cause it to strike. Instead, she recommends that residents treat a rattlesnake on their property as a “life-threatening emergency” and call in the Fire Department.

Unfortunately, the Fire Department usually responds to rattlesnake calls by killing the critter. This may take care of the “life threatening emergency”, but it overlooks the fact that rattlesnakes play an important role in our ecosystem and food chain, and can be especially beneficial to humans when they consume and control rodents and other pests. Snakes are a natural and necessary part of any healthy environment.

Snakes do not aggressively attack humans. They attack only in self-defense or when feeding. There is no reasonable need to kill any snake that is encountered, which often occurs due to our instinctive and emotional fear of snakes.



A more humane alternative for rattlesnakes that stray into our yards is to call on professionals with experience in snake removal and re-location, like the person the California Wildlife Center calls – Jose Becerra (818.624.2051) from *The Critter Trapper*. Jose will respond, but prefers to consult with the homeowner too, rather than just trap and relocate. He indicates that unless the property owner modifies either the environment that is attracting the snake or identifies the source of attraction for the snake, then additional snakes will continue to visit.

The Agoura Hills Animal Shelter (818.991.0071) will respond to emergency calls, and although their *official* policy is to destroy the snake, there is a good possibility they will try and re-locate him, but there are no guarantees. The Agoura Hills Animal Shelter likewise prefers to encourage Santa Monica Mountain residents to co-exist with the critters.

Two other companies in the area respond quickly to snake emergencies and practice “No Kill Removal” only:

- Jason McElroy of *Southern California Snake Removal* (818-785-9321) who is based in Van Nuys. Jason and his crew also offer non-pesticidal snake repellent spraying of backyard perimeters.

- Mike Gordon of *The Critter Getters* (818-632-4332) is based in Marina Del Rey and will come out, catch and remove (re-locate) any snake, at any time. Usual fee is \$65.

Relocation back to the wild, rather than killing rattlers, would certainly be preferable, so they can continue their roles as mobile rodent exterminators, helping to keep our population of rats, mice, and ground squirrels under control.

While you are waiting for help to arrive to catch and relocate your snake, keep an eye on it from a safe distance.

Don't forget to advise your neighbors to the presence of a rattlesnake in the area.

If the snake starts feeling threatened, he may rattle. This does not necessarily mean he is getting ready to strike. The rattle is the snake's way of warning intruders to “back off” so the snake is not forced to waste precious venom defending itself from the intruder.

If rattlesnakes usually don't rattle, how can you tell if you're dealing with a rattlesnake instead of a harmless, species such as a Gopher Snake? The answer lies in the snake's head. The large poison glands at the



*Rattlesnake*

base of a rattlesnake's head give its head a distinctive wide, triangular shape, as opposed to the longer, narrower, rounder heads of non-poisonous snakes. Mature rattlesnakes will also have several rattles at the end of their tail.

Rattlesnakes also tend to have wider, heavier bodies and are usually more sluggish in their movements than other snakes.

If the snake in your yard does not have a wide, triangular head, is not sluggish, and moves away from you at a high rate of speed, then it's not a rattlesnake, and, is therefore harmless. If someone tries to pick up any snake, it may nip or bite them in self-defense, but only rattlesnakes inject venom when they bite.

If your yard borders on open land, to protect your dog – and your children – from being bitten by snakes that may make their way into the yard during hot weather, Gloria recommends regular visual inspections of areas near or under decks, porches, garden furniture, or dense shrubbery where rattlesnakes might seek shade on hot days.



In addition to rattlesnakes, there are several non-poisonous snakes in the Las Virgenes area that are not dangerous and simply wish to be left alone. The most common of these harmless snakes is the Gopher Snake, a constrictor that, true to its name, feeds on gophers and other rodents. While rattlesnakes have bands of black or dark brown, Gopher Snakes have bands or patches of a lighter brown. Their heads are round, not triangular, and they are longer and thinner than rattlesnake's. Gopher snakes can be up to six feet long. Their tails come to a tapered point with no rattles at the end, and, unlike rattlers, they move with what Gloria Glasser calls, "a fluid, gliding motion".



California King Snakes – also harmless and beneficial – have pale, creamy-colored bands on a brown background. Gopher Snakes and King Snakes are reported to actually kill rattlesnakes by constriction.



A particularly interesting – and harmless – snake that inhabits mountain canyons in the Monte Nido/Cold Creek area is the Mountain King Snake, which has black, white, and reddish bands. Unfortunately, this colorful snake is

*Harmless Snakes. From top to bottom: Gopher Snake, California King Snake and Mountain King Snake.*

sometimes mistaken for the venomous Coral Snake. Coral snakes are a desert species and are not found in the Las Virgenes Area. The unusually colorful Mountain King Snake has no relationship to the desert Coral Snake, and is not poisonous or particularly aggressive. It is not only harmless to us, but it's one of our most interesting animals.

The Mountain King Snake is found only in shady mountain canyons, where it is able to operate at cooler temperatures than the lizards it feeds on. It is considered to be a relic of the cooler, damper climate that prevailed in southern California during the Pleistocene.

If you live close to any open space area, Gloria recommends you create a "rattlesnake perimeter" by trimming up shrubs and large plants so you can see what's under them. Don't leave a lot of junk around in your back yard, as it will attract rodents, which, in turn, will attract rattlesnakes. Firewood should be stacked on pallets. Dog houses and rabbit cages should be elevated off the ground.

Gloria reminds us that, during the hottest days of summer, rattlesnakes tend to be extremely active at night. For this reason, experienced residents have learned to carry a flashlight when they go outside at night. During hot days snakes will often seek out shady spots, such as under bushes or lawn furniture.

Those who go out hiking at night or late in the day should be on the lookout for snakes that are lying on roads or trails trying to soak up the last warmth as the day cools down toward evening. These snakes are often almost asleep, so that it's possible to step on them if you're not watching where you're going.

Young rattlers are small, but can release a large dose of venom in a single bite. Horses are vulnerable when they're grazing in tall grass, as are people walking in tall grass. Best advice is to stay on the trail. ☺

According to Gloria, "if you, or your dog or horse is bitten on parkland, the National Park Service advises you to call NPS 24-hour dispatch at (661) 723-3620 for a quicker response than 911 would bring."

*Gloria Glasser is a freelance writer specializing in the natural history of the Santa Monica Mountains as well as gardening related topics. Reach her at [ranchomulholla@hotmail.com](mailto:ranchomulholla@hotmail.com)*

## **STATE SENATE APPROVES SENATOR PAVLEY'S BLIGHT PREVENTION BILL**

The California State Senate unanimously approved Senate Bill 1472, authored by Senator Fran Pavley (D-Agoura Hills). SB 1472 is a bill that will provide local governments additional tools to fight blight caused by foreclosed properties primarily owned by banks and financial institutions.



SB 1472 is part of the package of legislation sponsored by the State Attorney General legislative package, the "**The California Homeowner Bill of Rights.**" The bill now goes to the California State Assembly for consideration.

Senator Pavley said, "Bank and financial institution's foreclosed homes can create a nuisance for neighboring residents. Properties not being cared for lowers the value of surrounding homes, and abandoned properties attract gangs, drug users, and squatters. Untended properties also create mosquito abatement problems and increased fire risks."

# # #

Please visit [www.lvhf.org](http://www.lvhf.org) for the latest updates.