



# Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



August 2009, MEETING ([www.lvhf.org](http://www.lvhf.org))

**There will not be a meeting at Diamond X ranch this month because, as in July, many of our delegates are unavailable.**

**That doesn't mean important things are going on as you will see in the articles below.**

**Please plan on joining us at the September meeting when Senator Fran Pavley will be our guest.**

**Enjoy the final weeks of summer!**

## **LEON**

Leon Koziwicz, the long serving delegate from Las Virgenes Village, passed away on the morning of June 18, a victim of lymphoma. This gentle soul was born in South Bend, Indiana the first son of an Air Force Family. He spent his entire childhood moving from military base to military base, sometimes as often as twice in a year. Leon graduated from high school in Vallejo, California in 1955 and entered the University of Oklahoma that year (at that time his father was stationed in Oklahoma). He joined the Army in 1961 and served his country honorably while stationed in Germany where he met his lifelong friend Brigitte Heintel. After leaving the Army he spent the next few years living on the East Coast of the United States and in Germany. In 1972 he graduated from Penn State University with a degree in Mathematics and moved to the San Francisco Bay area where was employed by Bank of America. He later took a job with Blue Cross of California and, during a company reorganization in 1987, moved to Calabasas.

Leon became passionately involved in many environmental causes, including the successful effort to preserve the Ahmanson Ranch open space, the King Gillette Ranch and the overdevelopment of the west side of Las Virgenes. In all cases he was a gentleman, a gentleman who could ask some of the most extraordinary and probing questions of the powers that be in a very quiet, disarming way. He was an effective advocate for the Santa Monica Mountains and their fragile environment. His voice and humor will be greatly missed.

Leon is survived by his brother Michael, who along with his dear friends, will miss him very much.

## **SENATOR PAVLEY TO BE GUEST SPEAKER AT SEPTEMBER MEETING**

Just a heads up to mark your calendars and plan to come the next month's Federation meeting to get Fran's take on the "situation" in Sacramento. Thursday September 17, 7:30 PM at Diamond X Ranch.

## **CALABASAS ELECTRONIC NOTIFICATION — A WORK IN PROGRESS?**

As reported previously, and strongly supported by the Federation, on June 2nd at a special workshop session Calabasas City Council directed staff to initiate an "e-mail notification system" that would enable any interested person to simply subscribe and receive timely electronic notification of a variety of City information – most notably, pending Planning, Council, PC, DRC, DRP hearings and agendas. It was anticipated that because the City already offers an electronic sign up and notification service, its e-news and Connect-CTY, that the process might be relatively easy to implement.

As of today, and upon further review of neighboring cities, Calabasas is one of the few cities in the area that has not yet implemented an e-mail public information service. Many cities have initiated model notification systems keeping residents informed and playing an active role in their local governments. [Beverly Hills](#) is a good example: “***Our new eNotice system allows you to have information sent directly to you as it is published by the City.***” Subscribers simply check off which updates they would like to receive as in below:

- City Council Meetings – Agendas, Minutes
- Planning Commission – Agendas, Minutes
- Development Projects -updates
- General Plan (Updates)
- Traffic and Parking Commission
- Fine Art Commission agendas, Updates
- "Green" initiatives, including water conservation
- City Commissions
- Monthly newsletter: In Focus
- Architectural Commission – current agendas, staff reports,
- Design Review Commission – Agenda
- Community Services
- Commission Vacancies

The City of [West Hollywood](#) also provides “**e-mail updates in an effort to improve the timeliness and ease of access to information**”.....If you would like to subscribe to any of our Email Updates, simply enter your email address in the box below and click “Submit”.... You will be forwarded to our subscription page where you will be able to choose from our available lists. We look forward to keeping you informed.” West Hollywood offers its subscribers a wide range of electronic notification including Public Notice Updates, City Council Agendas and General Plan Updates – directly from the city into your mailbox. The notices are colorful, easy to understand and follow, and very timely.

The [City of Los Angeles](#) offers an extensive and comprehensive “**Early Notification System Subscription Page**”, with every conceivable facet of the local government process available to subscribe to your inbox. City Council, Commission, and Committee Agendas, Meetings, Calendars, City Department & Other City Commission Subscriptions; the items are too numerous to list. LA also offers an electronic format for encouraging residents to, “Submit your official position to City Council, Council Committees, Boards and Commissions, on topics of impact and interest”.

The [County of Los Angeles, Malibu, and Agoura Hills](#) (Sign Up for C-Mail) all have varying versions of “**electronic notification**” subscription or simple sign up for important city information with various options including Planning and Development issues and updates, Council and Commission Agendas and Public Hearings.

The [City of Santa Monica](#) however is clearly the “jewel”, the unequivocal leader and pioneer of electronic information notice, with its rich history dating as far back as 1998 and the implementation of its *Public Electronic Network*. According to City of Santa Monica’s Chief Information Officer, Jory Wolf, electronic notification “pushes information to residents so that they participate more in civic life”. It’s not just about the community being informed, but most importantly it enables government to be informed and directed by the community. It provides a forum for problem solving, thorough discussion and communication for all stakeholders.”

Subscribers to Santa Monica’s *Web Information Network (WIN)* can select from many categories including: ARB Agendas, Board/Commission Vacancies, City Council Agendas/Minutes/Wrap-up, CityTV Schedule, Construction/Street Work, Circulation Element, Cultural Events, Engineering Division Updates, Environmental News, EIRs, Green Buildings, Press Releases, Housing Commission Agendas, Maps, Planning Commission Agendas/Minutes & Caselist, Planning Division Active Projects Lists, Public Safety Notices, Bulletins, etc.

Currently, Calabasas residents have to go to the City’s website (instead of subscribing to a list serve) to try and locate the same information consistently and in a timely matter. While the City has combined more information on one place on the website, this method appears archaic, complicated, and difficult to use. It does not mirror other cities electronic notification efforts to facilitate and encourage input, instead, it gives the impression that the City may not encourage participation. Calabasas has a solid background as a community driven city, most recently evidenced by Council directed GPAC’s 18-month creation of a new General Plan. Calabasas is a leader, and we look forward to seeing the City’s final electronic notification system in place.

For your convenience the list of websites referenced are listed below:

Beverly Hills [www.beverlyhills.org](http://www.beverlyhills.org)

City of Los Angeles <http://lacity.org/lacity/>

Agoura Hills <http://ci.agoura-hills.ca.us/>

Malibu <http://www.ci.malibu.ca.us/>

West Hollywood [www.weho.org](http://www.weho.org)

## **COASTAL COMMISSION APPROVES MALIBU VALLEY FARMS REVISED FINDINGS**

In the latest episode of the now ten-year Malibu Valley Farms (MVF) saga, at its July 8<sup>th</sup> meeting, the California Coastal Commission (CCC) approved the Revised Findings needed for MVF’s controversial Coastal Development Permit (CDP) to permit

equestrian facilities within 100-feet of an Environmentally Sensitive Habitat Area (ESHA).

With all twelve Commissioners present, a substitute motion was initiated by *Shallenberger* to hold a “de novo hearing”, though; it was defeated 9 to 3. Commissioners *Wan* and *Mirkarimi* were in support, “there are inconsistencies, as I have assessed those findings, and revised findings, that don't add up to me”, *Mirkarimi* said.

In deciding on whether to adopt the Revised Findings, just seven Commissioners who had initially voted in favor of the CDP were eligible to vote, and the margin was 6 to 1 to approve – with Commissioners *Achadjian*, *Burke*, *Secord*, *Kruer*, *Neely* and *Potter* in favor and only Commissioner *Blank* opposed, “... because of the new evidence I read the court ruling about, what to depend on, and what not to depend on, I will not support the Revised Findings.”

This time, the new Revised Findings relied not on the ERB's decision, but instead on the project's “Comprehensive Management Plan” as adequately reducing the project's impact on ESHA without needing the 100-foot buffer zone required by the Malibu Land Use Plan. Although the initial 2006 staff report had concluded that the CMP was inadequate as a replacement for the many functions of a buffer zone, no evidence was offered for the new conclusion that it was now being considered adequate. The CMP was never reviewed by LA County or the ERB.

MVF attorney Fred Gaines was the sole voice supporting the Revised Findings, with Don Schmitz MVF's agent in the original public hearing, also present.

Many significant community members and organizations made the lengthy trek to San Luis Obispo to testify against the adoption of the Revised Findings including representatives from, Resource Conservation District, Heal the Bay, the Las Virgenes Homeowners Federation, Save Open Space, The Sierra Club, and the ERB. The National Park Service and Santa Monica Baykeeper also sent letters urging denial. They expressed a variety of concerns including the precedent set by the case in allowing development in ESHA. Aside from the many structures allowed within what has previously been a sacred 100-foot stream setback standard, the Commission also authorized 23 acres of oak woodlands ESHA to be converted to agricultural use.

The Findings also relied on the project's supposed benefit to the community, however, it appears that MVF was not even zoned to legally provide the services and programs it claimed at the initial public hearing. Gina Natoli, with the Los Angeles County Department of Regional Planning testified that, “MVF is not an approved commercial or public facility and conducting visitor-serving, commercial, recreation activities on the property at this time would be a violation of county code. MVF has never received the conditional use permit that is required by the county to conduct commercial activities, including horse boarding on the property.” Secondly, she clarified references of “the fire safety benefits of this facility” with additional information that the project site is not a county designated refuge for horses during a wildfire, with the SMM having the second highest recurrence of wildfires in LA County. Thirdly, she corrected an inaccuracy that, “the applicant did not receive an award from LA County for BMPs (best management

practices) related to an equestrian management program - as the county has no such awards". MVF was given an award by Public Works for their smart business recycling program for participating in office waste reduction practices, such as double-sided copying, reducing the amount of paper waste going to county land fills.

Although MVF attorney Fred Gaines contested that "We don't do any boarding, as this is not a commercial facility... we don't need a CUP to make a private facility available on that basis when we are not boarding people's horses, and when we are not charging," Commissioner Shallenberger reminded commissioners that, "As you recall, we had testimony from somebody who boarded their horse there." "...It continues to get more and more confusing, the process is messy at best" she said, "the findings, every time they get revised, seem to move a little bit farther away from what the transcript actually shows was talked about at the hearing. And, then, you combine that with what appears to be a whole series of inaccurate information that we had, and just to name a few, there is this whole question, we weren't told, factually, by the project proponents, that the ERB had approved it. We were told that it was -- we were lead to believe that it was a designated fire refuge. We were lead to believe that the Fish and Game permit for streambed alterations had been gotten. We were lead to believe that they had gotten all of the water permits, when, in fact, it sounds now as if they, at least, don't have a 401 permit -- yes, a 401 permit. The list goes on of things that we now were told.. has become a very, very tenuous nexus, between what actually happened in the hearing, and what people said they were basing their decisions on, we are going to have a revocation coming back".

Correct she is. Project opponents expected the Revised Findings would be approved, since the scope of a Revised Findings hearing was limited to whether the Revised Findings accurately represented the proceedings at the initial 2006 public hearing. Stay tuned.... A Revocation Hearing request/submission was filed that same day.

## **CALABASAS DEVELOPMENT CODE UPDATE**

After GPAC's 18-month effort to create Calabasas' new General Plan, the *Draft Land Use & Development Code* to implement it, is a much different process. The Code has been constructed by Calabasas Planning Staff, directing input from consultant Joyce Parker Bozylinski and is currently in front of the Planning Commission for review in a Workshop format. As promised at GPAC, much of the Old Code has been proficiently incorporated into the New Code. However, that said, there are some new changes, insertions and deletions that warrant attention including consistency or inconsistency with the intent and policies of the new General Plan.

Under Chair John Mueller's direction, the Planning Commission Workshops have provided an opportunity for the public to have more input and dialogue with members than would normally occur at a regular PC meeting. He has given ample time for public comment and the community responded most appreciatively and enthusiastically. Some of the meetings, have been somewhat contentious at times, particularly the most recent on July 30<sup>th</sup>, which appeared to leave community members frustrated with what they described as staff's disregard for *their* input into their own communities.

For example, Commissioner Klein proposed an amendment to the current method of calculating height – a method that has been successfully implemented in the City of Los Angeles for years. Basically, the current “parallel slope” method of calculating height is not working as illustrated by a recent staff recommended approval given by the Planning Commission. In this example the actual height (measuring from street level) approved for this home is 39 feet, despite the Overlay District dictating a maximum height of 27 feet. This 12-foot difference (more than one storey in height) has a tremendous impact that makes a mockery of the intent of the code to limit the height and impact of structures on an existing neighborhood. Obviously this is a problem that needs fixing, as it will continue to plague areas in the city that are not built out. Commissioner Klein’s proposal addresses this issue in part by measuring height from the down slope side of the structure keeping its actual approved height in line with the standard set in the code.

Klein’s proposal was heartily supported by the community and soundly rejected by Community Services Director Maureen Tamuri and Senior Planner Tom Bartlett. Surprisingly, instead of offering consideration, suggestions, alternatives, or a willingness to compromise, staff launched a presentation assailing the proposal’s merits taking issue with property rights, potential taking, GP inconsistencies, design, etc., Based on subsequent community testimony, the tone of that response and method in which it was presented, left residents feeling invisible and that staff was dictating policy to the citizens in which they are trusted to serve.

Other highlights of the meeting included:

1. Language in relation to “clustering” that was proposed by staff and rejected by GPAC has been inserted into the Code. Many community members expressed their anger and opposition to this as the GPAC discussions had been lengthy and drawn much interest and testimony from the public in not favoring clustering as outlined by that language. It is a very important policy that impacts the city’s H/M properties, particularly where the pressure for development looms in the future.
2. More decision-making authority is being given administratively - which also appears contra to GPAC/community wishes. GPAC encouraged more issues be heard in public hearings where possible by the Planning Commission and City Council.
3. Appeal process—was hoped to be expanded and made easier for community members. Instead the goal of stopping frivolous appeals became predominant. No numbers were given by staff, for how many frivolous appeals had been filed or what was considered frivolous? The public on the other hand was sensitive to the cost and short 10-day window available to appeal as notification in the past has been a problem. Staff felt that cost was not a factor in Calabasas, to which the community responded it was – that HOA’s and individuals cannot and have not always been able to afford the hundreds of dollars that it takes to appeal. Commissioner Klein also disagreed in response to suggestions that appeals be more limited, and felt that limiting the public’s ability to appeal would be unwise.

## **LVMWD OFFERS RESIDENTIAL WATER BUDGET ADJUSTMENTS**

The Las Virgenes Municipal Water District is offering water budget adjustments to residential customers that meet certain usage conditions. The adjustment consists of additional allowed usage per billing cycle based on certain criteria. According to the LVMWD website these criteria are: 1, more than 4 permanent residences; 2, Multi-family residences; 3, Medical needs; 4, licensed care facility and 5, livestock. The process is relatively easy, just go to the website ([www.lvmwd.com](http://www.lvmwd.com)) and follow the "Water Budgets Explained" link and locate the request form (it takes some clicking). An easier way is to simply follow this link directly to the form:

(<http://www.lvmwd.com/Modules/ShowDocument.aspx?documentid=638>)

Print the form, complete and fax it to (818) 251-2109 attention Carol Palmer. Note that the fax to: information is NOT on the form so please keep this number handy.

## **MRT ACQUIRES SECRET TRAIL**

The Mountains Restoration Trust has successfully negotiated the acquisition of the 120 acres of open space between Mulholland Highway and the Calabasas Peak through which the popular Secret Trail ascends to the Calabasas Motorway. The Secret Trail is a 1.59-mile critical segment of the 17-mile Calabasas/Cold Creek Trail that traverses the range.

The preservation of existing trails and natural areas in west Los Angeles County has been a high priority on acquisition lists for the City of Calabasas, Los Angeles County Department of Parks and Recreation, Mountains Restoration Trust, the third Supervisorial District, and local communities.

The acquisition has a two-fold benefit; to protect rare plant species, wildlife habitat and to preserve passive recreational uses of the area.

Mountains Restoration Trust (MRT) and Los Angeles County Department of Parks and Recreation (LACDPR) have worked together since 1999 to acquire missing links in the 17-mile Calabasas/Cold Creek Trail. Over 500 acres have been acquired to protect this scenic trail as part of the 1300-acre Cold Creek Preserve known for its biodiversity and clean stream water.

## **MRT & LILI SINGER TEAM UP ON "LOOK MA, NO LAWN!"**

Award winning horticulturist, freelance writer and host of the NPS talk show "The Garden Show" Lili Singer will be holding two summer workshops at the MRT for "Water Wise Gardeners". The workshops, entitled "Look Ma, No Lawn!" and "California Native Plant Horticulture" will focus on the replacement of high cost (and thirsty) lawn & turf with low cost native plants. Native species use no fertilizer and only a fraction of the water. These events are presented by the Mountains Restoration Trust (MRT) and the Theodore Payne Foundation for Wildflowers and Native Plants. Event information:

“Look Ma, No Lawn! With Lili Singer” – replacing your turf with native species.  
Saturday, **September 19**, 9:00-11:00am; and Friday, **September 25**, 6:30-8:30pm

“California Native Plant Horticulture with Lili Singer” -- The basics on gardening with California flora – recommended for beginners.

Saturday, **August 22**, 9:00am-noon; repeating Friday, **August 28**, 6:30-9:30pm

Location: Headwaters Corner at Calabasas - Masson House, 23075 Mulholland Hwy. Calabasas 91302 (Intersection of Mulholland and Old Topanga Canyon)

Fee: \$40 - *Preregistration required. For tickets, call the Theodore Payne Foundation at (818) 768-1802*

## **VENTURA COUNTY STAR LITTERING LOCAL STREETS?**

Sometime in the first quarter of this year the Ventura County Star began throwing advertising packages in front of addresses in the Las Virgenes area. These advertising pages have begun to litter Mulholland, Cornell, Malibou Lake, Malibu Canyon and many other areas with plastic bags and coupon packets. Four calls to the Ventura County Star requesting that my individual address be removed from circulation have gone unreturned or without action. Please take a minute to contact the *Star* (800) 221-7827 and tell them you do not wish to receive their throwaway packets and tell them to please stop littering our roads and waterways with their trash.

## **GUAVA FRUIT FLY ALERT**

We received the following letter from Supervisor Yaroslavsky's office:

Dear Friends,

On August 12, County staff detected two specimens of Guava Fruit Fly in the Las Virgenes area - one in Calabasas and one in Agoura Hills. The Guava Fruit Fly is a serious exotic insect pest, and the California Department of Food and Agriculture (CDFA) is launching an eradication program to protect our State from the negative economic and environmental impacts its establishment could cause.

The treatment consists of a small spot of bait applied to streetside tree trunks by a specially equipped truck that drives slowly through the area. These “bait stations” are established approximately six to eight feet up on the trees. Male fruit flies feed on the bait and are killed by a small amount of pesticide (Naled) in the bait. CDFA advises that human exposure to this pesticide is negligible and well below levels of concern. The owners of affected properties will be notified in writing at least 24 hours in advance of treatment, and they will also be given notices following treatment detailing precautions they should take.

Please click [here](#) for complete information from CDFA.

For other **important info**:

§Official notice for the cities of Agoura Hills, Calabasas, and Hidden Hills.

§Map of treatment area for Guava Fruit Fly, Calabasas/Agoura Hills.

§Guava Fruit Fly Eradication Project Work Plan.

§Proclamation of an Eradication Project Regarding the Guava Fruit Fly

§Pest Profile

As always, if we can be of any help, feel free to contact my office.

Zev Yaroslavsky

Supervisor, Third District