



Local Agency Formation Commission
for the County of Los Angeles

Commission
Jerry Gladbach
Chair

Donald Dear
1st Vice-Chair

Gerard McCallum
2nd Vice-Chair

Kathryn Barger
Richard Close
Mitchell Englander
Margaret Finlay
Janice Hahn
John Mirisch

Alternate Members
Lori Brogin-Falley
Sheila Kuehl
Judith Mitchell
Joseph Ruzicka
Greig Smith
Vacant
(City of Los Angeles)

Staff
Paul Novak
Executive Officer

Adriana Romo
Deputy Executive Officer

Amber De La Torre
Doug Dorado
Michael Henderson
Alisha O'Brien
Patricia Wood

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www.lalafco.org

LOCAL AGENCY FORMATION COMMISSION MEETING AGENDA

Wednesday, January 9, 2019
9:00 a.m.

Room 381B
Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles 90012

Entrance to the Commission Meetings requires entry through security screening at any of the public entrances to the KHHOA:

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The entire agenda package and any meeting related writings or documents provided to a majority of the Commissioners after distribution of the agenda package, unless exempt from disclosure pursuant to California Law, are available at the LAFCO office and at www.lalafco.org.

1. **CALL MEETING TO ORDER**
2. **PLEDGE OF ALLEGIANCE WILL BE LED BY CHAIR GLADBACH**
3. **DISCLOSURE OF CAMPAIGN CONTRIBUTION(S)**
4. **SWEARING-IN OF SPEAKER(S)**

5. **INFORMATION ITEM(S) – GOVERNMENT CODE §56857 NOTICE**

None

6. **CONSENT ITEM(S)**

All matters are approved by one motion unless held by a Commissioner or member(s) of the public for discussion or separate action.

- a. Approve Minutes of December 12, 2018.
- b. Receive and file update on pending proposals.

7. **PUBLIC HEARING(S)**

- a. Annexation No. 2014-04 to the City of Calabasas (West Agoura Road) and Amendment to the City of Calabasas Sphere of Influence, and California Environmental Quality Act (CEQA) exemption.

8. **PROTEST HEARING(S)**

- a. Annexation No. 2015-09 to the City of Pomona and California Environmental Quality Act (CEQA) exemption and Mitigated Negative Declaration.

9. **OTHER ITEMS**

- a. Sativa County Water District Status Report.
 - i. Presentation by Rami Kahlon; Director, Water Division; California Public Utilities Commission (CPUC).
 - ii. Presentation by Jack Hawks, Executive Director, California Water Association.

10. **LEGISLATION**

None.

11. **MISCELLANEOUS CORRESPONDENCE RECEIVED**

None.

12. **COMMISSIONERS' REPORT**

Commissioners' questions for staff, announcements of upcoming events and opportunity for Commissioners to briefly report on their LAFCO-related activities since last meeting.

13. **EXECUTIVE OFFICER'S REPORT**

Executive Officer's announcement of upcoming events and brief report on activities of the Executive Officer since the last meeting.

14. **PUBLIC COMMENT**

This is the opportunity for members of the public to address the Commission on items not on the posted agenda, provided that the subject matter is within the jurisdiction of the Commission. Speakers are reminded of the three-minute time limitation.

15. **FUTURE MEETINGS**

February 13, 2019

March 13, 2019

April 10, 2019

May 8, 2019

16. **FUTURE AGENDA ITEMS**

Items not on the posted agenda which, if requested, will be referred to staff or placed on a future agenda for discussion and action by the Commission.

17. **ADJOURNMENT**



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 **DRAFT**

Commission

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REGULAR MEETING

MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION

FOR THE COUNTY OF LOS ANGELES

December 12, 2018

Present:

Jerry Gladbach, Chair

Kathryn Barger
Richard Close
Donald Dear
Margaret Finlay
Janice Hahn
Gerard McCallum
John Mirisch

Greig Smith, Alternate

Paul Novak, Executive Officer
Carole Suzuki, Legal Counsel

Absent:

Mitch Englander

Lori Brogin-Falley, Alternate
Sheila Kuehl, Alternate
Judith Mitchell, Alternate
Joe Ruzicka, Alternate
David Ryu, Alternate

1 CALL MEETING TO ORDER

The meeting was called to order at 9:03 a.m. in Room 381-B of the County Hall of Administration by Chair Jerry Gladbach.

2 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Jerry Gladbach.

COMMISSION APPOINTMENTS AND ANNOUNCEMENTS

Chair Gladbach announced that the Los Angeles County Board of Supervisors (BOS) has appointed Supervisor Janice Hahn as the Chair of the Board for 2019. The BOS also re-appointed Supervisors Janice Hahn and Kathryn Barger as Voting Members of the Commission, and re-appointed Supervisor Sheila Kuehl as the Alternate Member of the Commission.

Chair Gladbach also announced that Los Angeles City Councilmember David Ryu has been appointed as the City of Los Angeles Alternate Member of the Commission. Commissioner Ryu formerly served on LAFCO in 2017.

Chair Gladbach thanked Commissioner Mitch Englander as a Voting Member of Commission, as he moves on to a new opportunity in the private sector.

Chair Gladbach acknowledged that the Los Angeles City Council is considering appointing Commissioner Greig Smith to serve as the Acting Councilmember in the 12th District (vacated by Councilmember Englander). It is expected Mr. Smith will serve from January to August of 2019 while the City of Los Angeles conducts a special election to replace Councilmember Englander.

3 DISCLOSURE OF CAMPAIGN CONTRIBUTION(S)

The Executive Officer (EO) read an announcement, asking that persons who made a campaign contribution of more than \$250 to any member of the Commission during the past twelve (12) months to rise and state for the record the Commissioner to whom such campaign contributions were made and the item of their involvement (None).

The EO read an announcement, asking if any Commissioner had received a campaign contribution that would require disclosure and recusal from any item on today's agenda (None).

4 SWEARING-IN OF SPEAKER(S)

The EO swore-in three (3) members of the audience who planned to testify.

5 INFORMATION ITEM(S) – GOVERNMENT CODE §§ 56751 & 56857 NOTICE

None.

6 CONSENT ITEM(S) – OTHER

The Commission took the following actions under Consent Items:

- a. Approved Minutes of November 14, 2018.
- b. Approved Operating Account Check Register for the month of November 2018.
- c. Received and filed update on pending proposals.

MOTION: Dear SECOND: Hahn APPROVED: 8-0-0
AYES: Barger, Close, Dear, Finlay, Hahn, McCallum, Mirisch, Gladbach
NOES: None.
ABSTAIN: None.
ABSENT: Englander

7 PUBLIC HEARING(S)

None.

8 PROTEST HEARING(S)

None.

9 OTHER ITEMS

The following item was called up for consideration:

- a. Sativa County Water District Status Report.

The EO summarized the staff report on the Sativa County Water District (“District” or “Sativa”) Status Report.

The Commission opened the item to provide an opportunity for public testimony.

Dan Lafferty (Deputy Director, Los Angeles County Department of Public Works) came before the Commission. Mr. Lafferty noted that the main cause of brown water is lack of circulation within the distribution system, with many dead ends in the system. Mr. Lafferty indicated that at its December 18, 2018 hearing, the Los Angeles County Board of Supervisors will consider making a loan to Sativa in the amount of \$1.4 million to meet short-term goals to pay off current

debts, hire an accountant, conduct a forensic audit and to provide refunds to customers who were fined unnecessarily. Mr. Lafferty indicated that the goal is to stabilize the water system, and then transfer it to a long-term operator.

Commissioner Finlay asked if any criminal charges have been filed against District officials. Mr. Lafferty stated “no”.

[Commissioner Dear left at 9:16 a.m.]

Commissioner Hahn asked if the County of Los Angeles has a role in monitoring the progress of the new water purveyor. Mr. Lafferty indicated that preliminary compliance conditions could be included in the potential contract for sale of the water system.

There being no further public testimony, the item was closed.

The Commission took the following action:

- Received and filed the Sativa County Water District Status Report.

MOTION: Hahn SECOND: McCallum APPROVED: 7-0-0
AYES: Barger, Close, Finlay, Hahn, McCallum, Mirisch, Gladbach
NOES: None.
ABSTAIN: None.
ABSENT: Dear, Englander

9 OTHER ITEMS

The following item was called up for consideration:

- b. Independent Auditor’s Report for Fiscal Year 2017-2018.

Jennifer Farr (Principal, Davis Farr Certified Public Accountants) gave a brief presentation summarizing the audit findings. Ms. Farr noted that there are no significant deficiencies, no material errors, nor any incidents.

Commissioner Mirisch asked if future new employees will have a defined contribution for pension benefits. The EO stated “no”.

The Commission took the following action:

- Received and filed the Independent Auditor’s Report, audited financial statements, and associated documents for Fiscal Year 2017-2018, beginning July 1, 2017 and ending June 30, 2018.

MOTION: Finlay SECOND: Barger APPROVED: 7-0-0
AYES: Barger, Close, Finlay, Hahn, McCallum, Mirisch, Gladbach
NOES: None.
ABSTAIN: None.
ABSENT: Dear, Englander

[Commissioner Smith left at 9:52 a.m.]

9 OTHER ITEMS

The following item was called up for consideration:

- c. Sphere of Influence Updates and Municipal Service Review.

The EO noted that there were two typographical errors in the staff report located on page 5. The MSR Round Three, to be completed by the end of 2023 not 2022 as indicated in the staff report.

The EO recommended eliminating the Municipal Service Review (MSR) for the Los Angeles County Sanitation District No. 2.

The Commission took the following actions:

- Directed staff to undertake Round Three Municipal Service Reviews, and to prepare MSRs for the cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake Village (combined MSR); Avalon; La Mirada; South El Monte; and Whittier; as well as the following special districts: Antelope Valley Health Care District; Antelope Valley Resource Conservation District; Beach Cities Health District; Point Dume CSD; Resource Conservation District of the Santa Monica Mountains; Sanitation Districts 18 and 21 of Los Angeles County; Santa Clarita Valley Water Agency; and Wrightwood CSD;
- Directed staff to prepare resolutions to reconfirm the existing SOIs for all remaining cities and special districts in Los Angeles County; and
- Directed staff to provide the Commission with bi-annual updates on the progress of preparing and adopting MSRs through the completion of Round Three in 2023.

MOTION: Finlay SECOND: McCallum APPROVED: 7-0-0
AYES: Barger, Close, Finlay, Hahn, McCallum, Mirisch, Gladbach
NOES: None.
ABSTAIN: None.
ABSENT: Dear, Englander

10 LEGISLATION

- a. Legislative Update.

None.

11 MISCELLANEOUS CORRESPONDENCE RECEIVED

The EO noted that the following letter had been received:

- a. Letter of November 20, 2018 from Los Angeles City Council President Herb J. Wesson appointing Councilman David Ryu as the Alternate Commissioner representing the City of Los Angeles.

12 COMMISSIONERS' REPORT

None.

13 EXECUTIVE OFFICER'S REPORT

The EO, on behalf of staff, wished the Commission Happy Holidays and a Happy New Year.

14 PUBLIC COMMENT

None.

15 FUTURE MEETINGS

January 9, 2019
February 13, 2019
March 13, 2019
April 10, 2019

16 FUTURE AGENDA ITEMS

None.

17 ADJOURNMENT MOTION

On motion of Commissioner Mirisch, seconded by Commissioner Hahn, the meeting was adjourned at 10:01a.m.

Respectfully submitted,

Paul Novak, AICP
Executive Officer

AGENDA ITEM NO. 6b - January 9, 2019

PENDING PROPOSALS As of December 17, 2018

		LAFCO Designation	Applicant	Description	Status	Date Filed	Est. Date of Completion
1	DD	Annexation 2006-12 to Los Angeles County Waterworks District No. 40	Land Resource Investors	Annex 20 acres of vacant land located at the northeast corner of Avenue J and 37th Street East, City of Lancaster. Will be developed into 80 single family homes.	Incomplete filing: property tax transfer resolution, registered voter and landowner labels.	5/16/2006	Unknown
2	DD	Annexation No. 2006-46 to Los Angeles County Waterworks District No. 40	New Anaverde, LLC	Annex 1,567 acres of vacant land located near Lake Elizabeth Road and Avenue S in the city of Palmdale. Will be developed into 313 single family home.	Incomplete filing: CEQA, registered voter labels, landowner labels, and approved map and legal.	10/5/2006	Unknown
3	DD	Annexation No. 2011-17 (2006-50) to Los Angeles County Waterworks District No. 40	Behrooz Haverim/Kamyar Lashgari	Annex 20.62 acres of vacant land located south of Avenue H between 42nd Street West and 45th Street West in the City of Lancaster. To be developed into single family homes	Incomplete filing: property tax transfer resolution, registered voter and landowner labels.	12/1/2006	Unknown
4	DD	Annexation 2008-13 to Los Angeles County Waterworks District No. 40	Lancaster School Dist.	Annex 20.47 acres of vacant land located 2 miles west of the Antelope Valley frw. And the nearest paved major streets are ave. H. And Ave. I, in the City of Lancaster. For future construction of a school.	Need BOE fees to place on agenda for approval. Emailed district for fees on 4-18-17.	9/22/2008	Unknown
5	DD	Reorganization 2010-04 Los Angeles County Waterworks District No. 29	Malitex Partners, LLC	Detach 88 acres of vacant land from the Las Virgenes Municipal Water District and annex same said territory to Los Angeles County Waterworks District No 29 and West Basin Municipal Water District. The project includes future construction of three homes and dedicates open space. The project site is located north of Pacific Coast Highway at the end of Murphy Way, in the unincorporated area adjacent to Malibu.	Notice of Filing sent 07-15-10. Incomplete filing: CEQA. EIR on hold 4-14-15. Applicant requested to keep this file open, pending details how to proceed with the project 04/29/15.	6/9/2010	Unknown
6	DD	City of Palmdale Annexation 2010-05	City of Palmdale	49.6 acres located adjacent to residential properties to the southwest, southeast, and separated by the Amargosa Creek to the north.	Notice of Filing sent 1-3-11. Incomplete filing: property tax transfer resolution, insufficient CEQA, unclear pre-zoning ordinance, approved map and legal. Need to include DUC .	10/25/2010	Unknown
7	DD	Reorganization 2011-16 (Tesoro del Valle)	Montalvo Properties LLC	Annexation to NCWD and CLWA SOI Amendments for both districts. 801.53 acres regional access is provided via Interstate 5 (1-5) for north/south travelers from the east, and State Route 126 (SR-126) for travelers from the west. The existing local thoroughfare that provides access to the proposed area is Copper Hill Drive, which can be accessed directly from Tesoro del Valle Drive or Avenida Rancho Tesoro.	Notice of Filing sent 05-31-11. Incomplete filing: property tax transfer resolution. Project has changed ownership. Need new application	5/5/2011	Unknown
8	DD	City of Los Angeles Annexation 2011-27	Forestar Group	685 acres of uninhabited territory located east of Browns Canyon Road and northwest of Mason Ave, in the unincorporated area just north of the City of Los Angeles.	Notice of Filing sent 2-15-12. Incomplete filing: property tax transfer resolution, CEQA, pre-zoning ordinance, map of limiting addresses, list of limiting addresses, and approved map and legal.	12/8/2011	Unknown

		LAFCO Designation	Applicant	Description	Status	Date Filed	Est. Date of Completion
9	DD	City of Palmdale Annexation 2011-19	City of Palmdale	405 acres of uninhabited territory located between Palmdale Blvd and Ave S and 80th and 85th Street East.	Notice of Filing sent 3-22-12 Incomplete filing: property tax transfer resolution, inadequate CEQA, maps of limiting addresses, list of limiting addresses, and approved map and legal. DUC adjacent	3/8/2012	Unknown
10	DD	Annexation 2014-04 to the City of Calabasas	City of Calabasas	annex approximately 43.31± acres of uninhabited territory to the City of Calabasas. The affected territory is generally located along Agoura Road between Liberty Canyon Road and Malibu Hills Road, in Los Angeles County unincorporated territory adjacent to the City of Agoura Hills and Calabasas.	Notice of Filing sent 3-20-14 Incomplete filing: property tax transfer resolution, landowner labels, approved map and legal	3/18/2014	Feb-2019
11	DD	Reorganization No. 2014-03 to the City of Calabasas	City of Calabasas	176± acres immediately north of and adjacent to the 101 freeway between the City of Calabasas and Hidden Hills.	Notice of Filing sent 1-8-15, Incomplete filing: property tax transfer resolution and approved map and legal.	12/10/2014	Unknown
12	DD	Annexation No. 2015-11 to the City of Palmdale (Desert View Highlands)	City of Palmdale	284 acres inhabited territory. Generally located north and south of Elizabeth Lake Road between Amargosa Creek and 10th street west, in Los Angeles County unincorporated territory surrounded by the City of Palmdale	Notice of Filing sent 9-22-15 Incomplete filing: property tax resolution, attachment 'A' plan for municipal services, CEQA (NOD), party disclosure, pre-zoning, map of limiting addresses, registered voter info	9/15/2015	Unknown
13	DD	Annexation No. 2015-09 to the City of Pomona	City of Pomona	5.76 acres uninhabited territory. Located south of Valley Blvd approximately 2500' east of Grand Ave, adjacent to the City of Industry and Pomona.	1-9-19 agenda	9/22/2015	Jan-2019

		LAFCO Designation	Applicant	Description	Status	Date Filed	Est. Date of Completion
14	DD	Annexation No. 2015-10 to the City of Agoura Hills	City of Agoura Hills	117 acres uninhabited territory. Located northeast and southwest of Chesebro Road directly north of the Highway 101	Notice of Filing sent 11-3-15 Incomplete filing: property tax transfer resolution.	11/2/2015	Unknown
15	DD	Reorganization No. 2016-01 to the Las Virgenes Municipal Water District	Las Virgenes Municipal Water District	Detachment from West Basin Municipal Water District, and annexation to the Las Virgenes Municipal Water District. Both districts require SOI amendments. The territory consists of 26 single-family homes, generally located south of Cairnloch Street, west of Summit Mountain Way, all within the City of Calabasas.	Notice of Filing sent 04-19-16 Incomplete filing: property tax transfer resolution, and map and legal not approved.	2/22/2016	Unknown
16	AD	Annexation No. 2017-02 to the Newhall County Water District	Newhall County Water District	uninhabited territory, located west of the 5 freeway and north of the intersection of The Old Road and Calgrove Blvd.	Notice of Filing sent 06-21-17 Incomplete filing: property tax transfer resolution, CEQA, approved map and legal.	6/15/2017	Unknown
17	DD	Annexation No. 2017-09 to the Wilmington Cemetery District	Wilmington Cemetery District	inhabited territory around Wilmington	Notice of Filing sent 6-10-17 Incomplete filing: property tax transfer resolution	7/10/2017	Unknown
18	DD	Reorganization No. 2017-10 to the Las Virgenes Municipal Water District	Robert Douglass	5.26 acres of uninhabited territory. The affected territory is generally located northeast of the intersection of Hovenweep Lane and Schueren Road, in the unincorporated area north of Malibu	Notice of Filing Sent 11-30-17 Incomplete Filing: property tax transfer resolution, approved map and legal	11/8/2017	Unknown
19	AD	Annexation 298 to District No. 15	Sanitation Districts	4.01 acres of uninhabited territory. The affected territory is generally located on Del Valle Avenue west of the terminus of Mentz Street, all within the City of La Puente.	Notice of Filing Sent 01-04-18 Incomplete filing: property tax transfer resolution.	1/3/2018	Unknown
20	AD	Annexation 754 to District No. 21	Sanitation Districts	0.4 acres of uninhabited territory. The affected territory is located on Padua Avenue approximately 100 feet south of Alamosa Drive, all within the City of Claremont.	Notice of Filing Sent 01-04-18 Incomplete filing: property tax transfer resolution.	1/3/2018	Unknown
21	AD	Annexation 755 to District No. 21	Sanitation Districts	2.5 acres of uninhabited territory. The affected territory is located on Via Padova approximately 400 feet west of Mt. Baldy Road, all within unincorporated Los Angeles County.	Notice of Filing Sent 01-04-18 Incomplete filing: property tax transfer resolution.	1/3/2018	Unknown
22	AD	Santa Clarita Valley Sanitation District of Los Angeles County Annexation 1087	Sanitation Districts	0.311 acres of uninhabited territory. The affected territory is located on the northeast corner of Ferguson Drive and Cherry Drive, all within the unincorporated area of Los Angeles County.	Notice of Filing Sent 2-15-18 Incomplete filing: property tax transfer resolution.	2/13/2018	Unknown
23	AD	Santa Clarita Valley Sanitation District of Los Angeles County Annexation 1088	Sanitation Districts	6.796 acres of uninhabited territory. The affected territory is located on Sierra Highway approximately 600 feet south of Quinn Drive, all within unincorporated Los Angeles County.	Notice of Filing Sent 2-15-18 Incomplete filing: property tax transfer resolution.	2/13/2018	Unknown
24	AD	Santa Clarita Valley Sanitation District of Los Angeles County Annexation 1090	Sanitation Districts	0.58 acres of uninhabited territory. Located on Sierra Highway approximately 150 feet south of Sand Canyon Road, all within unincorporated Los Angeles County.	Notice of Filing Sent 2-15-18 Incomplete filing: property tax transfer resolution.	2/13/2018	Unknown

		LAFCO Designation	Applicant	Description	Status	Date Filed	Est. Date of Completion
25	DD	Reorganization No. 2016-33 to the City of Los Angeles	County of Los Angeles	1.34 acres of uninhabited territory located east of the intersection of W 116th St and Isis Avenue in the City of Los Angeles.	Notice of Filing Sent 2-15-18 Incomplete filing: property tax transfer resolution, ceqa, party disclosure, and approved map and legal	2/3/2018	Unknown
26	AD	Annexation 757 to District No. 21	Sanitation Districts	0.566 acres of uninhabited territory. The affected territory is located on the southeast corner of Mountain Avenue and Sage Street, all within the unincorporated Los Angeles County.	Notice of Filing Sent 03-07-18 Incomplete filing: property tax transfer resolution.	3/7/2018	Unknown
27	AD	Annexation 428 to District No. 22	Sanitation Districts	1.67 acres of uninhabited territory. The affected territory is located on Crestglen Road approximately 300 feet east of Vista Bonita Avenue, all within the City of Glendora.	Notice of Filing Sent 03-22-18 Incomplete filing: property tax transfer resolution.	3/21/2018	Unknown
28	AD	Annexation 297 to District No. 15	Sanitation Districts	13.88 acres of uninhabited territory. The affected territory is located on the southwest corner of Loukelton Street and Echelon Avenue, all within the City of Industry.	Notice of Filing Sent 03-22-18 Incomplete filing: property tax transfer resolution.	3/21/2018	Unknown
29	DD	Reorganization No. 2018-03 to the City of Arcadia	Los Angeles County	.29 acres of uninhabited territory. Parcel 1 is located at the intersection of Oak Avenue and Duarte Road in the City of Arcadia and Parcel 2 is Located along Standish Street east of the intersection Mayflower Avenue and Standish Street adjacent to the City of Arcadia.	Notice of Filing sent 5-9-18 Incomplete filing: property tax transfer resolution, CEQA, party disclosure, approved map and legal, pre-zoning and labels,	5/8/2018	Unknown
30	AD	Annexation No. 430 to District No. 22	Sanitation Districts	1.6± acres of uninhabited territory. The affected territory is located at the southwest corner of Baseline Road and Bunnelle Avenue, all within the City of La Verne.	Notice of Filing Sent 07-17-18 Incomplete filing: property tax transfer resolution.	7/16/2018	Unknown
31	AOB	Dissolution No. 2018-09 for the Sativa County Water District	LAFCO	179.80 acres of inhabited territory within the unincorporated community of Willowbrook and three non-contiguous areas located within the City of Compton.	Notice of Intention sent 6-19-18	Commission - Initiated proposal on 07-11-18	Unknown
32	AD	Annexation 756 to District No. 21	Sanitation Districts	5.07± acres of inhabited territory. The affected territory is located on the south side of Baseline Road between Forbes Avenue and Allegany Court, all within the City of Claremont.	Notice of Filing Sent 09-6-18 Incomplete filing: property tax transfer resolution.	9/5/2018	Unknown
33	AD	Annexation 758 to District No. 21	Sanitation Districts	1.15± acres of uninhabited territory. The affected territory is located on Reedview Drive approximately 300 feet north of Shelyn Drive, all within unincorporated Los Angeles County.	Notice of Filing Sent 11-06-18 Incomplete filing: property tax transfer resolution.	11/5/2018	Unknown
34	AD	Annexation 432 to District No. 22	Sanitation Districts	0.5± acres of uninhabited territory. The affected territory is located on Walnut Avenue at the westerly terminus of Cannon Avenue, all within the City of San Dimas.	Notice of Filing Sent 11-06-18 Incomplete filing: property tax transfer resolution.	11/15/2018	Unknown
35	DD	Annexation No 2018-10 to the Los Angeles County Waterworks District No. 40, Antelope Valley	Robert Sarkissian	80.91± acres of uninhabited territory. The affected territory is located southeast of the intersection of Blackbird Street and 8Th Street West, in the City of Palmdale	Notice of Filing Sent 10-11-18 Incomplete filing: property tax transfer resolution, approved map and legal, CEQA, mailing labels landowners and registered voters	10/1/2018	Unknown

		LAFCO Designation	Applicant	Description	Status	Date Filed	Est. Date of Completion
36	DD	Annexation No. 2018-06 to the San Gabriel Valley Mosquito and Vector Control District	San Gabriel Valley Mosquito and Vector Control District	77.55± acres of inhabited territory. The affected territory is located north of the intersection of Mountain Laurel Way and Highwood Court in the City of Azusa.	Notice of Filing Sent 11-1-18 Incomplete filing: property tax transfer resolution, approved map and legal	10/22/2018	Unknown
37	DD	Annexation No. 2018-12 to the City of Agoura Hills	City of Agoura Hills	82.58± acres of inhabited territory to the City of Agoura Hills. Area A of the affected territory is generally located east of the intersection of Liberty Canyon Road and Agoura Road and Area C is generally located west of the intersection of Liberty Canyon Road and Revere Way, in Los Angeles County unincorporated territory adjacent to the City of Agoura Hills	Notice of Filing sent 11-20-18 Incomplete filing: property tax transfer resolution, CEQA, map of limiting addresses, pre-zoning, radius map, landowner and register voter labels, approved map and geographic description.	11/19/2018	Unknown
38	AD	Annexation 429 to District No. 14	Sanitation Districts	640.07± acres of uninhabited territory. The affected territory is located on the southeast corner of Sierra Highway and Columbia Way, all within the City of Palmdale.	Notice of Filing Sent 11-29-18 Incomplete filing: property tax transfer resolution.	11/28/2018	Unknown

Staff Report

January 9, 2019

Agenda Item No. 7.a.

Annexation No. 2014-04 to the City of Calabasas (West Agoura Road), Amendment to the City of Calabasas Sphere of Influence (SOI)

PROPOSAL SUMMARY:

Size of Affected Territory:	57.78± acres
Inhabited/Uninhabited:	Uninhabited
Applicant:	City of Calabasas "City"
Resolution or Petition:	June 25, 2014
Application Filed with LAFCO:	March 17, 2014
Location:	The affected territory is located east of the intersection of Liberty Canyon Road and Agoura Road.
City/County:	Los Angeles County unincorporated territory adjacent to the City of Calabasas.
Affected Territory:	The affected territory consists of commercial and vacant land. The topography is hilly.
Surrounding Territory:	Surrounding the affected territory is commercial, residential, and vacant land.
Landowners:	Three landowners: Allocates, LLC; Liberty Canyon Technology; and Tax Deed Enterprises, LLC
Registered Voters:	0 registered voters.
Purpose/Background:	The City indicates annexation is necessary to allow landowners and business tenants to fully participate in government affairs of the city including the preservation of open space.

Jurisdictional Changes:	The jurisdictional changes resulting from this proposal include amendment to the City of Calabasas Sphere of Influence; withdrawal from County Lighting Maintenance District 1687 and County Public Library System; transfer of jurisdiction over and accepting the negotiated exchange of benefit assessment proceeds for the County Lighting and Landscaping Act District #2-32 from the County to the City; and detachment from the County Road District No. 3.
Within SOI:	The affected territory is not within the Sphere of Influence of the City of Calabasas, but a concurrent Sphere of Influence Amendment is being processed with this application.
Waiver of Notice/Hearing/Protest:	No.
CEQA Clearance:	The proposal is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. On May 14, 2014, the City of Calabasas found the project exempt from CEQA pursuant to a categorical exemption and pursuant to State CEQA Guidelines Section 15061(b)(3).
Additional Information:	<p>On November 19, 2018, the City of Agoura Hills filed "Annexation No. 2018-12 to the City of Agoura Hills", to annex the same territory as the City of Calabasas. On November 20, 2018, a notice of an incomplete application (Notice of Filing) was sent to the City of Agoura Hills.</p> <p>Pursuant to Government Code Section 56655:</p> <p>If two or more proposals pending before the commission conflict or in any way are inconsistent with each other, as determined by the commission, the commission may determine the relative priority for conducting any further proceedings based on any of those proposals. That determination shall be included in the terms and conditions imposed by the commission. In the absence of that determination,</p>

priority is given to that proceeding which shall be based upon the proposal first filed with the executive officer.

Government Code Section 56655 does not apply because Annexation No. 2018-12 to the City of Agoura Hills is incomplete and not pending before the Commission.

Staff received letters in opposition to the proposed annexation to the City of Agoura Hills from two of the landowners within the affected territory.

FACTORS TO BE CONSIDERED PURSUANT TO GOVERNMENT CODE 56668:

a. Population:

The existing population is zero residents. The population density issue does not apply because the affected territory is unpopulated.

The estimated future population is zero residents (no anticipated change) due to the existing land use and zoning.

The affected territory is 57.78± acres. The affected territory consists of commercial and vacant land. There are no proposed/future land use changes due to this proposal.

The assessed valuation is \$2,149,049 as of 2018/2019 tax rolls.

The per capita assessed valuation issue does not apply because the affected territory is unpopulated.

On November 7, 2018, the County adopted a negotiated tax exchange resolution; all other involved public agencies have adopted a property tax transfer resolution.

The topography of the affected territory is hilly.

There are no natural boundaries.

There are no drainage basins on or near the affected territory.

The nearest populated area is directly south of the affected territory. The affected territory is not likely to experience growth in the next ten years. The adjacent areas are likely to experience no growth in the next ten years.

b. Governmental Services and Controls:

The affected territory includes commercial and vacant land which requires organized governmental services.

The present cost and adequacy of government services and controls in the area are acceptable. The probable effect of the proposed action and of alternative courses of action on the cost and adequacy of services and controls in the affected territory and adjacent areas is minimal.

	Current Service Provider	Proposed Service Provider
Animal Control	County Animal Care and Control	Same (under contract with City of Calabasas)
Fire and Emergency Medical	Consolidated Fire Protection District of Los Angeles County	Same (under contract with City of Calabasas)
Flood Control	County	Same
Library	County	City of Calabasas
Mosquito & Vector Control	Los Angeles County West Vector and Vector-Borne Disease Control District	Same
Park and Recreation	County	City of Calabasas
Planning	County	City of Calabasas
Police	Los Angeles County Sheriff Department	Same (under contract with City of Calabasas)
Road Maintenance	County	City of Calabasas
Solid Waste	Waste Management/GI Industries (under contract with County)	Same (under contract with City of Calabasas)
Street Lighting	County	City of Calabasas
Water	Las Virgenes Municipal Water District	Same
Wastewater	Las Virgenes Municipal Water District	Same

The County will continue to provide animal control, fire and emergency medical, flood control, and police services directly or through contracts; the Los Angeles County West Vector and Vector-Borne Disease Control District will continue to provide mosquito and vector control services; the Las Virgenes Municipal Water District will continue to provide water and wastewater services; and Waste Management/GI Industries will continue to provide solid waste services directly or through contracts to the annexation area.

Upon approval of the annexation request, the City of Calabasas will provide park and recreation, planning, road maintenance, and street lighting. The City will continue to provide adequate services and maintain current service levels. Enhanced service levels will be financed through city general fund revenues or developer fees.

c. *Proposed Action and Alternative Actions:*

The proposed action will have no effect on adjacent areas. The effect of the proposed action on mutual social and economic interests is addressed in the Agreement Between the City of Calabasas and the County of Los Angeles, "Sharing City Sales Tax Revenues Pursuant to

Annexation 2014-04.” The proposal has no impact on the governmental structure of the County.

The effect of alternate actions on mutual social and economic interests and on the local governmental structure of the County is minimal.

d. *Conformity with Commission Policies on Urban Development and Open Space Conversion Policies:*

There are no conformance issues because the Commission has not adopted any policies relative to providing planned, orderly, efficient patterns of urban development.

There is no prime agricultural land within or adjacent to the affected territory. The proposal conforms with the objectives in Government Code Sections 56377(a) and 56377(b).

e. *Agricultural Lands:*

There are no effects on agricultural lands, as defined. None of the land within the affected territory is currently used for the purpose of producing an agricultural commodity for commercial purposes. According to the California Department of Conservation, Division of Land Resource Protection, none of the land within the affected territory is subject to a Land Conservation Act (aka “Williamson Act”) contract nor in a Farmland Security Zone (California Land Conservation Act 2012 Status Report).

f. *Boundaries:*

The boundaries of the affected territory have been clearly defined by the applicant, conform to lines of assessment or ownership, and have been reviewed and approved by LAFCO's GIS/Mapping Technician.

The affected territory in this proposed annexation is contiguous to the existing boundaries of the City of Calabasas.

The proposal does not create islands or corridors of unincorporated territory.

g. *Consistency with Regional Transportation Plan:*

The Southern California Association of Governments (SCAG) adopted its 2016-2040 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) pursuant to Government Code Section 65080. The closest highway to the annexation is part of the RTP and SCS's State Highway improved program. The proposal has no significant impact upon, and is therefore consistent with, the Regional Transportation Plan.

h. *Consistency with Plans:*

The proposal is consistent with the existing County General Plan designation of Commercial (C), Open Space Deed Restricted (OS-DR), and Transportation Corridor (TC).

The affected territory is not within the boundaries of any Specific Plan.

Pursuant to the requirements of Government Code Section 56375(a)(7), Pre-Zoning Ordinance No. 2014-316 was adopted by the City of Calabasas City Council on May 28, 2014. The pre-zoning designation of Commercial Office (CO) and Open Space (OS) is consistent with the City of Calabasas General Plan.

i. Sphere of Influence:

The affected territory is not within the Sphere of Influence of the City of Calabasas, but a concurrent Sphere of Influence Amendment is being processed with this application.

j. Comments from Public Agencies:

Staff received comments from the County of Los Angeles on December 19, 2018 and the City of Agoura Hills on April 18, 2014, May 06, 2014, and April 16, 2018 in opposition to the annexation to the City of Calabasas. On June 5, 2014, staff also received a response letter from the City of Calabasas addressing the City of Agoura Hills' concerns. All correspondence was considered and is attached for your review.

k. Ability to Provide Services:

The City of Calabasas currently provides municipal services to many parcels of land. The annexation would add five more parcels to the service area. The City indicated that it has the ability to provide services to the affected territory once the annexation is complete.

l. Timely Availability of Water Supplies:

There are no known issues regarding water supply or delivery. Las Virgenes Municipal Water District currently provides water service to the affected territory, and it will continue to do so upon approval of the annexation.

m. Regional Housing:

The proposed annexation has no impact on the achievement of a fair share of regional housing needs of the City or County. The County and City have agreed to a Regional Housing Needs Assessment (RHNA) allocation transfer of zero units from the County to the City.

n. Comments from Landowners, Voters, or Residents:

Staff received comments from two landowners and one business tenant within the affected territory in support of the annexation; and 14 comments were received from a homeowners association, surrounding residents, and local organizations in opposition to the annexation to the City of Calabasas. All correspondence was considered and is attached for your review.

o. Land Use Designations

The proposal is consistent with the existing County General Plan designation of Commercial (C), Open Space Deed Restricted (OS-DR), and Transportation Corridor (TC).

The proposal is consistent with the existing County zoning designation of Commercial Manufacturing (C-M), Commercial Planned Development (CPD), General Commercial (C-3) and Open Space (OS).

Pursuant to the requirements of Government Code Section 56375(a)(7), Pre-Zoning Ordinance No. 2014-316 was adopted by the City of Calabasas City Council on May 28, 2014. The pre-zoning designation of Commercial Office (CO) and Open Space (OS) is consistent with the City of Calabasas General Plan.

p. Environmental Justice:

The proposal will have no adverse effect with respect to the fair treatment of people of all races and incomes, or the location of public facilities or services.

There are no Disadvantaged Unincorporated Communities (DUCs) within or adjacent to the affected territory.

ADDITIONAL INFORMATION/OTHER MATTERS (RELEVANT TO THE PROPOSAL):

On November 19, 2018, the City of Agoura Hills filed “Annexation No. 2018-12 to the City of Agoura Hills”, to annex the same territory as the City of Calabasas. On November 20, 2018, a notice of an incomplete application (Notice of Filing) was sent to the City of Agoura Hills.

Pursuant to Government Code Section 56655:

If two or more proposals pending before the commission conflict or in any way are inconsistent with each other, as determined by the commission, the commission may determine the relative priority for conducting any further proceedings based on any of those proposals. That determination shall be included in the terms and conditions imposed by the commission. In the absence of that determination, priority is given to that proceeding which shall be based upon the proposal first filed with the executive officer.

Government Code Section 56655 does not apply because Annexation No. 2018-12 to the City of Agoura Hills is incomplete and not pending before the Commission.

Staff received letters in opposition to the proposed annexation to the City of Agoura Hills from two of the landowners within the affected territory.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CLEARANCE:

The proposal is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the

activity is not subject to CEQA. On May 14, 2014, the City of Calabasas found the project exempt from CEQA pursuant to a categorical exemption and pursuant to State CEQA Guidelines Section 15061(b)(3).

**SPHERE OF INFLUENCE AMENDMENT DETERMINATIONS PURSUANT TO
GOVERNMENT CODE 56425(e):**

1. Present and Planned Land Uses in the Area

The affected territory consists of commercial and vacant land. There are no proposed/future land use changes due to this Sphere of Influence amendment.

2. Present and Probable Need for Public Facilities and Services in the Area

The affected territory is located within the unincorporated County territory adjacent to the City of Calabasas. The County, Las Virgenes Municipal Water District, and Los Angeles County West Vector and Vector-Borne Disease Control District provide general government services to the affected territory.

The affected territory includes commercial and vacant land which requires organized governmental services. The affected territory will require governmental facilities and services indefinitely.

3. Present Capacity of Public Facilities and Services:

The City of Calabasas currently provides municipal services to many parcels of land. The Sphere of Influence amendment would add five more parcels to the service area. The City indicated that it has the ability to provide service to the affected territory once the annexation is complete.

4. Social or Economic communities of interest

The proposal will have no adverse effect with respect to the fair treatment of people of all races and incomes, or the location of public facilities or services.

5. Disadvantaged Unincorporated Communities:

There are no Disadvantaged Unincorporated Communities (DUCs) within or adjacent to the affected territory.

**MUNICIPAL SERVICE REVIEW DETERMINATIONS PURSUANT TO
GOVERNMENT CODE 56430(a):**

In order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission.

A Municipal Services Review (MSR) for the City of Calabasas was completed during the Commission's initial round of service reviews. Since this annexation is not expected to impact

the overall comprehensive services of the City of Calabasas, an MSR is not being required for the current sphere of influence amendment to include the affected territory. At this time, the existing MSR is considered sufficient to fulfill the requirements of Government Code Section 56430 for this sphere of influence amendment.

CONCLUSION:

Staff recommends the approval of Annexation No. 2014-04 to the City of Calabasas as a logical and reasonable extension of the City of Calabasas which will be for the interest of the affected landowners and/or present and/or future inhabitants within the City and within the annexation territory.

RECOMMENDED ACTION:

1. Open the public hearing and receive testimony on the annexation and sphere of influence amendment;
2. There being no further testimony, close the public hearing;
3. Adopt the Resolution Making Determinations, including the California Environmental Quality Act determinations, Approving Annexation No. 2014-04 to the City of Calabasas (West Agoura Road) and Amendment to the City of Calabasas Sphere of Influence; and
4. Pursuant to Government Code Section 57002, set February 13, 2019, at 9:00 a.m. or the Commission's next available meeting date consistent with the protest provisions, in Room 381-B of the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012, as the date and time for Commission protest proceedings.

**RESOLUTION NO. 2019-00RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR THE COUNTY OF LOS ANGELES
MAKING DETERMINATIONS APPROVING
"ANNEXATION NO. 2014-04 TO THE CITY OF CALABASAS (WEST AGOURA ROAD)"**

WHEREAS, the City of Calabasas (City) adopted a resolution of application to initiate proceedings, which was submitted to the Local Agency Formation Commission for the County of Los Angeles (Commission), pursuant to, Division 3, Title 5, of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for annexation of territory herein described to the City, and detachment of said territory from County Road District No. 3 and withdrawal from County Lighting Maintenance District 1687 and County Public Library System, all within the County of Los Angeles (County); and

WHEREAS, the proposed annexation consists of approximately 57.78± acres of uninhabited territory and is assigned the following distinctive short-form designation: "Annexation No. 2014-04 to the City of Calabasas (West Agoura Road)"; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the principal reason for the proposed annexation is to allow landowners and business tenants to fully participate in government affairs of the city including the preservation of open space; and

WHEREAS, the Executive Officer has reviewed the proposal and submitted to the Commission a written report, including his recommendations therein; and

WHEREAS, the Executive Officer has given notice of the public hearing pursuant to Government Code Sections 56150-56160, 56427, 57025, and 57026, wherein the public hearing notice was published in a newspaper of general circulation in the County of Los Angeles on December 6, 2018, which is at least 21 days prior to the public hearing, and said hearing notice was also mailed to all required recipients by first-class mail on or before the date of newspaper publication; and

WHEREAS, on January 9, 2019, after being duly and properly noticed, this proposal came on for hearing, at which time this Commission heard and received all oral and written testimony, objections, and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, pursuant to Government Code Section 57002, the Commission set the protest hearing for February 13, 2019 at 9:00 a.m., at the Los Angeles County Board of Supervisors Hearing Room, Kenneth Hahn Hall of Administration Room 381-B, located at 500 West Temple Street, Los Angeles, California, 90012.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Commission, acting in its role as a responsible agency with respect to Annexation No. 2014-04 to the City of Calabasas (West Agoura Road), finds that this annexation is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), because the activity is covered by the general rule the CEQA applies only to projects which have the potential for causing significant effect on the environment. Where is can be seen with certainty that there is no possibility that

the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

2. The Commission hereby amends the Sphere of Influence of City of Calabasas and makes the following determinations in accordance with Government Code Section 56425:

- a. Present and Planned Land Uses in the Area

The affected territory consists of commercial and vacant land. There are no proposed/future land use changes due to this Sphere of Influence amendment.

- b. Present and Probable Need for Public Facilities and Services in the Area

The affected territory is located within the unincorporated County territory adjacent to the City of Calabasas. The County, Las Virgenes Municipal Water District, and Los Angeles County West Vector and Vector-Borne Disease Control District provide general government services to the affected territory.

The affected territory includes commercial and vacant land which requires organized governmental services. The affected territory will require governmental facilities and services indefinitely.

- c. Present Capacity of Public Facilities and Adequacy of Public Services that the Agency Provides or is Authorized to Provide

The City of Calabasas currently provides municipal services to many parcels of land. The Sphere of Influence amendment would add five more parcels to the service area. The City indicated that it has the ability to provide service to the affected territory once the annexation is complete.

d. Existence of Any Social or Economic Communities of Interest

The proposal will have no adverse effect with respect to the fair treatment of people of all races and incomes, or the location of public facilities or services.

e. Disadvantaged Unincorporated Communities

There are no Disadvantaged Unincorporated Communities (DUCs) within or adjacent to the affected territory.

3. A description of the boundaries and map of the proposal, as approved by this Commission, are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein.

4. The affected territory consists of 57.78± acres, is uninhabited, and is assigned the following short form designation:

"Annexation No. 2014-04 to the City of Calabasas (West Agoura Road)".

5. Annexation No. 2014-04 to the City of Calabasas (West Agoura Road) is hereby approved, subject to the following terms and conditions:

- a. The City agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- b. The effective date of the annexation shall be the date of recordation.
- c. Payment of Registrar-Recorder/County Clerk and State Board of Equalization

fees.

- d. The territory so annexed shall be subject to the payment of such service charges, assessments or taxes as may be legally imposed by the City.
- e. The regular County assessment roll shall be utilized by the City.
- f. The affected territory will be taxed for any existing general indebtedness, if any, of the City.
- g. Annexation of the affected territory described in Exhibits "A" and "B" to the City.
- h. Detachment of the affected territory from County Road District No. 3.
- i. Withdrawal of affected territory from County Lighting Maintenance District 1687 and County Public Library System.
- j. Transfer of jurisdiction over and accepting the negotiated exchange of benefit assessment proceeds for the County Lighting and Landscaping Act District #2-32 from the County to the City.
- k. Upon the effective date of the annexation, all right, title, and interest of the County, including but not limited to, the underlying fee title or easement where owned by the County, in any and all sidewalks, trails, landscaped areas, street lights, property acquired and held for future road purposes, open space, signals, storm drains, storm drain catch basins, local sanitary sewer lines, sewer pump stations and force mains, water quality treatment basins and/or structures, and water quality treatment systems serving roadways and bridges shall vest in the City.
- l. Upon the effective date of the annexation, the City shall be the owner of, and

responsible for, the operation, maintenance, and repair of all of the following property owned by the County: public roads, adjacent slopes appurtenant to the roads, street lights, traffic signals, mitigation sites that have not been accepted by regulatory agencies but exist or are located in public right-of-way and were constructed or installed as part of a road construction project within the annexed area, storm drains and storm drain catch basins within street right-of-way and appurtenant slopes, medians and adjacent property.

- m. Upon the effective date of the annexation, the City shall do the following: (1) assume ownership and maintenance responsibilities for all drainage devices, storm drains and culverts, storm drain catch basins, appurtenant facilities (except regional Los Angeles County Flood Control District (LACFCD) facilities for which LACFCD has a recorded fee or easement interest and which have been accepted into the LACFCD system), site drainage, and all master plan storm drain facilities that are within the annexation area and are currently owned, operated and maintained by the County ; (2) accept and adopt the County of Los Angeles Master Plan of Drainage (MPD), if any, which is in effect for the annexation area. Los Angeles County Department of Public Works Department (LACDPW) should be contacted to provide any MPD which may be in effect for the annexation area. Deviations from the MPD shall be submitted to the Chief Engineer of LACFCD/Director of LACDPW for review to ensure that such deviations will not result in diversions between watersheds and/or will not result in adverse impacts to LACFCD's flood control facilities; (3) administer flood

zoning and Federal Emergency Management Agency floodplain regulations within the annexation area; (4) coordinate development within the annexation area that is adjacent to any existing flood control facilities for which LACFCD has a recorded easement or fee interest, by submitting maps and proposals to the Chief Engineer of LACFCD/Director of LACDPW, for review and comment.

n. Except to the extent in conflict with "a" through "m", above, the general terms and conditions contained in Chapter 2 of Part 5, Division 3, Title 5 of the California Government Code (commencing with Government Code Section 57325) shall apply to this annexation.

6. Pursuant to Government Code Section 57002, the Commission hereby sets the protest hearing for February 13, 2019 at 9:00 a.m. and directs the Executive Officer to give notice thereof pursuant to Government Code Sections 57025 and 57026.
7. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Government Code Section 56882.

PASSED AND ADOPTED this 9th day of January 2019.

MOTION:

SECOND:

AYES:

NOES:

ABSTAIN:

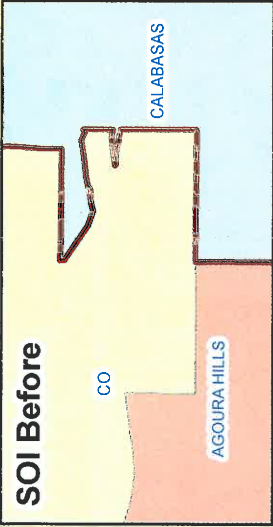
ABSENT:

MOTION PASSES: 0/0/0

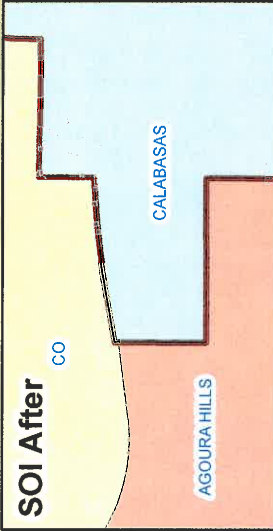
**LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES**

**Paul A. Novak, AICP
Executive Officer**

SOI Before



SOI After



CO

APN: 2064 005 018

APN: 2064 005 017

APN: 2064 005 015

APN: 2064 005 010

APN: 2064 005 011

APN: 2064 005 009

CANWOOD ST

US-101 N EXIT 34

LIBERTY CANYON RD

US-101 S EXIT 34

VENDELL RD

VENTURA FRWY

AGOURA RD

RONDELL ST

AGOURA HILLS

CALABASAS

PROVIDENT RD

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Annexation 2014-04 to the City of Calabasas (includes SOI Amendment)

Legend

- 2014-04 Calabasas
- County Unincorporated
- City of Agoura Hills
- City of Calabasas
- Calabasas Sphere of Influence (SOI)



LAFCO
Local Agency Formation Commission
for the County of Los Angeles

January 9, 2019

1 in = 0.1 miles

350 175 0 350

Feet



Item 7.a.

2014-04 to the City of Calabasas

Landowners in Support

ARMBRUSTER GOLDSMITH & DELVAC LLP
LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

MARK ARMBRUSTER

12100 WILSHIRE BOULEVARD, SUITE 1600
LOS ANGELES, CA 90025

Tel: (310) 209-8800
Fax: (310) 209-8801

E-MAIL: Mark@AGD-LandUse.com

WEB: www.AGD-LandUse.com

December 19, 2018

VIA E-MAIL and U.S. MAIL

Mr. Paul A. Novak, AICP
Executive Director
Los Angeles LAFCO
80 South Lake Ave., Suite 870
Pasadena, CA 91101

Pnovak@lalafco.org

Re: City of Calabasas Annexation Application No. 2014-004;
City of Agoura Hills Proposed Annexation Application No. 2018-12

Dear Mr. Novak:

This letter is sent on behalf of Liberty Canyon Technology Center L.P. ("LCTC") and its 100% owner, Cypress Land Company ("Cypress").

In its Annexation Application No. 2014-004, the City of Calabasas seeks to annex approximately 58 acres of land located on the southside of the Ventura Freeway between Liberty Canyon Road and the current boundary of the City of Calabasas (the "Calabasas Annexation Area").

LCTC owns two parcels located within the Calabasas Annexation Area at 27349 Agoura Road, Calabasas (the "Property"). One parcel is improved with a large office building/high tech research and development center that is occupied by Spirent Communications. The other parcel is unimproved. LCTC's parcels total 5.3 acres.

LCTC and Cypress fully support the Calabasas annexation. First, the Calabasas annexation represents a natural extension of the Calabasas commercial corridor on the southside of the Ventura Freeway in this area. Cypress owns two of the commercial buildings located adjacent to Lost Hills Road within the City of Calabasas. LCTC and Cypress believe that only Calabasas has the expertise to manage this important commercial corridor.

Second, for more than three years, Calabasas, in coordination with LAFCO, has been processing its application diligently. Calabasas has literally invested hundreds of thousands of dollars to advance its annexation application. After more than three years of hard work and considerable taxpayer expense, the City of Agoura Hills ("Agoura Hills") very recently filed a

2018 DEC 19 PM 1:57
RECEIVED
CITY OF AGOURA HILLS
COMMUNITY DEVELOPMENT DEPARTMENT

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Los Angeles LAFCO
December 19, 2018
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competing incomplete proposed Annexation Application No. 2018-12. Agoura Hills' proposal would simply flush these taxpayer dollars down the drain.

LCTC and Cypress strongly oppose Agoura Hills' application. First, Agoura Hills itself opposed LCTC's proposed usage of the Property by a high-tech, R&D use, in complete defiance of current-day economic trends in the commercial usage of properties. Agoura Hills' opposition was also in defiance of good planning in that such R&D uses bring high-paying jobs close to where people live. Quite frankly, Cypress is both confused and mystified by the actions of Agoura Hills.

Second, the Agoura Hills application seeks to bundle two very disparate, non-contiguous territories into one single annexation territory. This improper bundling would deprive LCTC of its protest rights as a landowner under California laws. Agoura Hills' proposed bundling of annexation territories is therefore unlawful under the Cortese-Knox-Hertzberg Government Reorganization Act of 1985, Government Code § 56000 et seq. ("the "Act").

Agoura Hills labels the two disparate, noncontiguous areas, "Area A" (which exactly corresponds to the Calabasas Annexation Area) and "Area C". As stated above, "Area A" encompasses only commercial, uninhabited land. No registered voters reside in "Area A". LCTC owns more than 50% of the assessed land value of Area A and thereby holds majority landowner protest rights regarding annexation of uninhabited "Area A". (Govt. Code §§ 56046, 57078.)

Area C is a residential area that is non-contiguous; it is actually located over ¼ mile away! Area C includes 37 single family homes and residential/agriculturally zoned unimproved properties. More than 12 registered voters reside in Area C, and therefore Area C is an "inhabited" territory. (Gov't. Code §§ 56046, 57078.)

Agoura Hills' bundling of Areas A and C into one single "inhabited" territory constitutes improper boundary manipulation in violation of LCTC's protest rights as a landowner under settled California law. (*Tillie Lewis Foods, Inc. v. City of Pittsburgh* (1975) 52 Cal.App.3d 983.) In that case, the City of Pittsburgh sought to deprive landowners of their majority protest rights by bundling separate and distinct "inhabited" territory with the plaintiff/petitioners' uninhabited territory. The Court found that the bundling of "inhabited" with "uninhabited" territory wrongfully deprived the landowners of their majority protest rights, stating, "[t]he courts [have] freely acted, ... to void various 'forms of boundary manipulation which had been undertaken 'for the purpose of circumventing the legislative classification between uninhabited and inhabited territory'" (*Id.* at 995- 996.)

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Page 3

For these reasons, CTC has demanded that Agoura Hills immediately cease and desist its illegal effort to thwart LCTC's protest rights as a landowner and withdraw its Annexation Application No. 2018-12. A copy of LCTC's letter to Agoura Hills dated December 19, 2018 demanding that Agoura Hills cease and desist its wrongful and illegal actions is attached hereto as Exhibit A.

Although Agoura Hills has provided no explanation to anyone of its rationale for attempting to bundle these territories to circumvent the Act, we have heard second-hand that Agoura Hills has asserted that Government Code § 57078.5 is the sole and exclusive authority pertaining to the wrongful bundling of territories for annexation purposes. This argument is erroneous and contrary to the legislative history. At the time of the adoption of § 57078.5, the Legislature confirmed the majority protest rights of landowners to protest an annexation under § 57058, and confirmed the policy concerns against the wrongful bundling of territories where the ability to protest an annexation could be affected. (*Growth Within Bounds: Planning California Governance for the 21st Century*, Commission on Local Governance for the 21st Century (January 2000).) Completely absent from the legislative history is any expressed intent to abandon majority landowner protest rights, which continue to be specifically provided for under § 57078.

In this case involving Agoura Hills' application, Government Code § 57078.5 is simply inapplicable because neither territory A nor C has more than 250 registered voters.

Moreover, Agoura Hills' argument would set a dangerous precedent. Literally, any two communities, no matter how disparate and no matter how distant from each other, could be bundled together so long as no one community has more than 250 registered voters. This distasteful result demonstrates just how wrong Agoura Hills' argument is.

We respectfully request that LAFCO consider this information as part of the record in connection with both Annexation Application Nos. 2014-004 and 2018-12.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mark Armbruster', with a stylized, flowing script.

Mark Armbruster

Enclosure

DEMETRIOU, DEL GUERCIO, SPRINGER & FRANCIS, LLP

ATTORNEYS AT LAW

915 WILSHIRE BLVD, SUITE 2000
LOS ANGELES, CALIFORNIA 90017

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TAMMY M. J. HONG

CHRIS G. DEMETRIOU (1915-1989)
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JSPRINGER@DDSFFIRM.COM

SENDER'S DIRECT LINE
(213) 624-8407 EXT. 148

December 19, 2018

Via Certified Mail, Return Receipt Requested

Mayor Linda L. Northrup
Mayor Pro Tem Illece Buckley Weber
Councilmember Chris Anstead
Councilmember Deborah Klein Lopez
Councilmember Dennis Weber
City Manager Greg Ramirez
CITY OF AGOURA HILLS
30001 Ladyface Court
Agoura Hills, CA 91301

Re: Demand to Cease and Desist Annexation of Area A as described in
Resolution No. 18-1995, inclusive of 27349 Agoura Road in
Unincorporated Los Angeles County (APNs: 2064-005-009 and 017
(the "Property"))

Dear Mayor Northrup:

Mayor Pro Tem Buckley Weber:
Councilmember Anstead:
Councilmember Klein Lopez:
Councilmember Weber:
Mr. Ramirez:

This letter is sent on behalf of Liberty Canyon Technology Center L.P. ("LCTC"), the owner of the referenced Property. As you know, since 2014, the Property has been the subject of an application for annexation by the City of Calabasas pending before the Local Agency Formation Commission of Los Angeles ("LAFCO"). LCTC has cooperated with and fully supports the City of Calabasas' annexation of the Property.

It has come to our attention that, despite LCTC's written protests to the City of Agoura Hills (the "City"), the City has unlawfully commenced annexation proceedings before LAFCO to annex the very same uninhabited territory, which the City refers to as "Area A," in clear violation of LCTC's protest rights as a landowner under settled

California law. This letter therefore respectfully demands that the City immediately cease and desist any further efforts to annex Area A.

The Facts

On November 14, 2018, the City adopted a Resolution of Application to amend the City's Sphere of Influence ("SOI") and annex properties in the Liberty Canyon area ("Resolution 18-1885"), which includes the annexation of two non-contiguous areas designated "Area A" and "Area C."¹ Resolution No. 18-1885 characterizes the totality of the properties to be annexed in Areas A and C as "inhabited territory." This assertion is in direct conflict with the City's prior written acknowledgment in correspondence to LAFCO, that the LCTC property (including the four adjacent parcels), is "uninhabited territory." (See, Letter to LAFCO from Mike Kamino, Director of Planning and Community Development for the City of Agoura Hills, dated April 18, 2014.)

Area A is an almost rectangularly shaped area located on the south side of the Ventura Freeway between Liberty Canyon Road and the boundary of the City of Calabasas. Area A encompasses approximately 52.8 acres of entirely uninhabited land. Therein, LCTC owns two parcels of land totaling about 5.3 acres, improved with a large commercial office building/high tech research and development center. The building has over 80,000 square feet of office/R&D space that is currently occupied by Spirent Communications, a British technology company, which assists companies in testing, analytics and security to assure consistent and secure performance of their networks.

Area A also includes another lot improved with a commercial building, commonly known as 27200 Agoura Road, and some unimproved properties currently owned by Tax Deed Enterprises LLC. No registered voters reside in Area A. Accordingly, Area A is a commercial corridor which is a natural extension of the Calabasas commercial corridor located on the south side of the Ventura Freeway.

Area C is a non-contiguous area located on the west side of Liberty Canyon Road, approximately 1,725' south of Area A. Most of Area C is improved with 37 single family homes. The unimproved land within Area C is zoned residential, with some light agriculture, and does not appear to be suitable for commercial development. More than 12 registered voters reside in Area C.

LCTC owns more than 50% of the assessed land value of Area A. Despite LCTC's written protests requesting termination of the City's annexation of Area A, on or

¹ Resolution 13-1885 also seeks to annex a portion of the Liberty Canyon Road right-of-way south of Agoura Road which is adjacent to Area C.

about November 19, 2018, the City filed an Application to Initiate a Proceeding for Change of Organization/Reorganization ("Annexation Application") with LAFCO.

The City's Bundling of Areas A and C is an Unlawful Boundary Manipulation that Would Deprive LCTC of its Protest Rights as a Landowner in an Uninhabited Area.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act") regulates the annexation of unincorporated territories and codifies the protest rights of landowners of uninhabited territories. Under the Act, "inhabited" and "uninhabited" territories are defined as follows:

"Inhabited territory" means territory within which there reside 12 or more registered voters. The number of registered voters, as determined by the elections officer, shall be established as of the date a certificate of filing is issued by the executive officer. All other territory shall be deemed uninhabited.

(Gov't. Code § 56046.) Because there are more than 12 registered voters in Area C, Area C constitutes "inhabited territory" under the Act. Because there are no registered voters residing in Area A, Area A is "uninhabited territory" within the meaning of the Act. (*Id.*)

In connection with an annexation by a city, the Act has codified entirely distinct protest rights for inhabited and uninhabited territories. (Gov't. Code § 57078(a).) In the case of uninhabited territories, such as Area A, landowners owning 50% or more of the assessed value of the land have majority protest rights to terminate an annexation under the Act. (Gov't. Code § 57078(a).) Because Area A is uninhabited, and because LCTC owns more than 50% of the assessed land value in Area A, LCTC's written protest alone requires termination of the City's annexation of Area A. (Gov't. Code §§ 57075 and 57078; *Broadmoor Police Protective Dist. v. San Mateo Local Agency Formation Com.* (1994) 26 Cal.App.4th 304, 309 ("... a majority protest to any proposed local government reorganization under the Act will require the abandonment of the proposed reorganization."))

California case law makes it abundantly clear that the City's bundling of Areas A and C as one single "inhabited territory" constitutes an unlawful boundary manipulation. (*Tillie Lewis Foods, Inc. v. City of Pittsburgh* (1975) 52 Cal.App.3d 983.) With regard to this specific type of boundary manipulation, the California Appellate Court stated: "[t]he courts [have] freely acted, ... to void various 'forms of boundary manipulation which had been undertaken 'for the purpose of circumventing the legislative classification between

uninhabited and inhabited territory'" (*Id.* at 995- 996.) The present case is an even more egregious manipulation than that presented in *Tillie Lewis* because here the two areas are separated by a distance of more than ¼ mile.

Tillie Lewis remains good law as demonstrated by the California Supreme Court's citation to *Tillie Lewis* in *Citizen's Against Forced Annexation et al. v. Local Agency Formation Com.* (1982) 32 Cal.3d 816, 828. Furthermore, since the 1975 decision in *Tillie Lewis*, there has been no subsequent legislative intent to limit the protest rights of landowners of uninhabited territories. To the contrary, the distinction between "inhabited" and "uninhabited" territories has remained and the distinctly different protest rights held by landowners in uninhabited areas and by voters in inhabited areas have remained.

Moreover, the City's own correspondence previously acknowledged and admitted that Area A is uninhabited. (Letter to LAFCO dated April 18, 2014, *supra.*) And Resolution 18-1885 does not even attempt to identify any legitimate factual basis to bundle the two completely different and noncontiguous areas into one "territory" for annexation purposes.

Thus, the City's bundling of Areas A and C into a single territory is a gerrymander, has no legitimate purpose, and appears to be an intentional boundary manipulation undertaken to deprive LCTC of its statutorily mandated landowner protest rights. It is therefore unlawful.

Confirmation of Protest

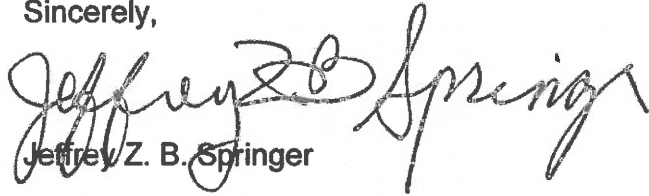
LCTC has previously protested the Annexation of Area A, and hereby confirms such protest.

Demand to Terminate Annexation of Area A, Including the Property

For these reasons, the City's annexation of Area A is an unlawful boundary manipulation and LCTC demands that the City immediately cease its efforts to annex Area A and withdraw its unlawful application to LAFCO.

LCTC reserves all of its rights and remedies.

Sincerely,



Jeffrey Z. B. Springer

JZBS/lp

cc: Brian L. Harvey (*via email*)
Mark Armbruster (*via email*)
Stephen A. Del Guercio (*via email*)
Scott H. Howard, City Attorney, City of Calabasas (*via email*)
Paul A. Novak, AICP, Executive Director, Los Angeles LAFCO (*via email*)
Kimberly M. Rodrigues, City Clerk, City of Agoura Hills (*via Certified Mail, Return Receipt Requested*)

27200 ASSOCIATES, LLC
27200 Agoura Road
Calabasas, CA 91301

RECEIVED
2018 DEC -17 AM 7:54
LEGAL AFFAIRS
CITY OF AGOURA HILLS
FOLDER 7/2018-12

December 11, 2018

Via Email (pnovak@lalafco.org) and U.S. Mail

Paul A. Novak, AICP
Executive Director
Los Angeles LAFCO
80 South Lake Ave., Suite 870
Pasadena, CA 91101

Re: City of Calabasas Annexation Application No. 2014-004;
City of Agoura Hills Proposed Annexation Application No. 2018-12

Dear Mr. Novak:

My family owns the property located at 27200 Agoura Road which is improved with a 26,325 square foot commercial building. We are aware of the City of Calabasas' proposed annexation of our property and strongly support this annexation.

We recently became aware that the City of Agoura Hills has proposed a competing annexation of our property into its city. We would like to go on record that, as landowners, we oppose and hereby protest the application of the City of Agoura Hills.

We thank you for your consideration of our input. Please feel free to contact me if you have any questions.

Sincerely,


Jason Amoroso

/ja

Brian L. Harvey
LIBERTY CANYON TECHNOLOGY CENTER, L.P.
CYPRESS LAND COMPANY
10940 Wilshire Bl., Suite 1900
Los Angeles, CA 90024

RECEIVED

2018 DEC -2 AM 11:18

LOCAL OFFICE
FOR THE CITY OF
LOS ANGELES

December 11, 2018

Via Email (pnovak@lalafco.org) and U.S. Mail

Paul A. Novak, AICP
Executive Director
Los Angeles LAFCO
80 South Lake Ave., Suite 870
Pasadena, CA 91101

Re: City of Calabasas Annexation Application No. 2014-004;
City of Agoura Hills Proposed Annexation Application No. 2018-12

Dear Mr. Novak:

This letter is sent on behalf of Liberty Canyon Technology Center, L.P. ("LCTC") and its 100% owner, Cypress Land Company ("Cypress"). LCTC owns two parcels totaling 5.3 acres located at the southeast corner of the Ventura Freeway and Liberty Canyon Road, in an area adjacent to the City of Calabasas in unincorporated Los Angeles County (the "Property"). The first parcel is improved with a large office building/high tech research and development center, commonly known as 27349 Agoura Road, Calabasas, California. This building has over 80,000 square feet of office/R&D space that is currently occupied by Spirent Communications, a British technology company, which assists companies in testing, analytics and security to assure consistent and secure performance of their networks. The second parcel consists of unimproved acreage.

We are aware of the proposed annexation of our Property into the City of Calabasas and strongly support this annexation. Historically, the City of Calabasas has been supportive of our high technology/R&D use at this location. LCTC and its tenant Spirent Communications have consequently felt integrated into and a part of the Calabasas community. LCTC and its tenant have no such experience with the City of Agoura Hills, which opposed LCTC's efforts to establish a high tech use on the Property.

Cypress owns and has developed three similar properties just up the road in the City of Calabasas at the corner of Agoura Road and Lost Hills Road. Cypress and

Paul A. Novak, AICP
Executive Director
Los Angeles LAFCO
December 11, 2018
Page 2

LCTC believe that Calabasas has the requisite expertise and knowledge to embrace high tech uses into its community.

Cypress has also observed that the City of Calabasas has done an outstanding job of maintaining its roads, bridges and infrastructure, and is well equipped to maintain the slope on the south side of Agoura Road across from the Spirent building, a critical point of ingress and egress for the Property.

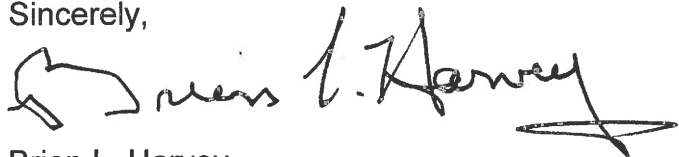
Cypress and its tenants have engaged in many City of Calabasas activities and civic events over the years, and thereby solidified their integration into the Calabasas community. LCTC and its tenant identify its address as within the City of Calabasas. LCTC and its tenant are strongly opposed to any change of address.

For these reasons, Cypress and LCTC strongly support the City of Calabasas' Annexation Application No. 2014-004.

However, as a result of our experience with the City of Agoura Hills, we believe that the City of Agoura Hills lacks the background and spirit necessary to deal with the high tech industry. Accordingly, Cypress and LCTC hereby oppose and protest the City of Agoura Hills' proposed Annexation Application No. 2018-12.

Should you have any questions or need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian L. Harvey", with a stylized flourish at the end.

Brian L. Harvey

/blh

Item 7.a.

2014-04 to the City of Calabasas

Business Tenant in Support

RECEIVED
2018 DEC -1 AM 8:11
LEGAL ACTION
DECLARATION OF ANNUITY
FOR LOS ANGELES COUNTY



737 Bishop Street, Suite 1900
Honolulu, Hawaii 96813

December 5, 2018

Mr. Paul Novak, Executive Director,
Los Angeles LAFCO
80 South lake Avenue, Suite 870
Pasadena, Ca 91101

Re: Liberty Canyon Technology Center

Dear Mr. Novak,

We are currently a tenant of Cypress Land Company in the Liberty Canyon Technology Center since 2014. Prior to this period, we were also a tenant with Cypress Land Company at 26750 Agoura Road from 1998 to 2014 and valued operating in the city of Calabasas, CA.

I am in support of the current action to annex our current leased property to the city of Calabasas which I feel would be a great addition.

A handwritten signature in black ink, appearing to read 'Raymond Lee'.

Raymond Lee
Director – Global Properties
Spirent Communications
Email: ray.lee@spirent.com
Phone: 808-440-3160

Item 7.a.

2014-04 to the City of Calabasas

Comments from Public Agencies



SACHI A. HAMAI
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

RECEIVED
2018 DEC 19 AM 11:53
LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

JANICE HAHN
Fourth District

KATHRYN BARGER
Fifth District

VIA HAND DELIVERY

December 19, 2018

Paul A. Novak, AICP
Executive Director
Local Agency Formation Commission (LAFCO)
for the County of Los Angeles
80 South Lake Avenue, Suite 870
Pasadena, CA 91101

Dear Mr. Novak:

APPLICATION OF CITY OF CALABASAS FOR ANNEXATION OF PROPERTY ALONG WEST AGOURA ROAD (LAFCO APPLICATION NO. 2014-04)

INTRODUCTION

On behalf of the County of Los Angeles (County), I am writing to you to interpose the County's opposition to the application for Annexation and Sphere of Influence Amendment (Application No. 2014-04) of the City of Calabasas (City) with regard to property along West Agoura Road in the County.

The City seeks to annex property within the County for the principal purpose of taking \$500,000, or more, per year in sales taxes from the County and placing the funds in the treasury of the City. Such prime motivation is not consistent with the purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code, § 56000 et seq.) governing annexation, namely to encourage "planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open space [and agricultural] lands within those patterns" (*id.*, § 56300) and to discourage urban sprawl and encourage "the orderly formation and development of local agencies based upon local conditions and circumstances" (*id.*, § 56301). (*Sierra Club v. San Joaquin Local Agency Formation Comm.* (1999) 21 Cal.4th 489, 495.)

One can imagine the substantial negative effect on any county's coffers should municipalities be able to cherry pick the most sales tax rich unincorporated areas within a county through annexation in order to increase municipal revenue. More so than cities, counties possess responsibility for providing services to vast areas, such as mountain

wilderness, that themselves do not generate revenue and yet require law enforcement, rescue and fire services. Moreover, counties deliver many costly services that cities do not provide.¹

In sum, the County opposes the City's proposed annexation. The annexation is not intended to implement orderly planning. Further, it is not consistent with the County's Board Policy 3.095 City Annexations and Spheres of Influence (included in the exhibits as Exhibit 1). It is plainly an effort to take sales tax revenue.

THE CITY'S MISUSE OF ANNEXATION IN AN ATTEMPT TO USURP SALES TAXES

The County territory at issue is located off the 101 freeway just west of the City of Calabasas, and east of the City of Agoura Hills (Property). (See separately bound exhibits, Exhibit 2 map and building photograph.) The Property consists of five parcels. Two office buildings occupy three of the parcels. The remaining two parcels consist of steep, undeveloped hillsides. From 2001 until 2012, Spirent Communications (Spirent) occupied one of the office buildings. In 2012, Spirent moved from the Property to other premises that are within the incorporated boundaries of the City. Less than two years later, in February 2014, the City received notice that Spirent intended to move from its then current location within the City and return to its original location on the Property within the County. The premises that Spirent vacated would then be available to another tenant with a potential for generation of tax revenue within the City.

In response, the City initiated an application for the annexation of the Property. On March 14, 2014, the City held a hearing on the adoption of Resolution No. 2014-1399 to initiate proceedings and requested the Local Agency Formation Commission (LAFCO) for the County of Los Angeles to approve the annexation. A true and correct copy of the transcript of the hearing is included in the exhibits as Exhibit 3. At the hearing, City personnel made the following comments:

[Tony Coroaalles, City Manager] [O]n February 27th I received notice that Spirent Communications was going to be moving out of their building, down the road to a building they had previously occupied a while back at Liberty Canyon.

Spirent Communications provides sales tax revenue to the city on a yearly basis of between \$500,000 and \$600,000. That's about \$50,000 a month that the city cannot afford to lose.

¹ A non-exhaustive list of service departments includes: Agricultural Commissioner/Director of Weights and Measures; District Attorney; Public Defender and Alternate Public Defender; Animal Care and Control; Assessor; Auditor; Beaches and Harbors; Parks and Recreation; Child Support Services; Children and Family Services; Consumer and Business Affairs; Health Services (Public Health, Health Department, Mental Health, clinics and hospitals); Medical Examiner-Coroner; Military and Veterans Affairs; Museum of Art; Natural History Museum; Probation Department; Public Social Services; Registrar-Recorder/County Clerk; Sheriff; Treasurer & Tax Collector; Workforce Development, Aging and Community Services.

(March 14, 2014 Hearing Tr., 5:7-14.)

[Tony Corrales, City Manager] I informed all senior staff that this annexation area was to be the top priority of the city from now until the annexation is completed, and that we needed to do everything possible that the city could do so that we would not forfeit the source of revenue to the city.

(March 14, 2014 Hearing Tr., 6:3-8.)

[Tony Corrales, City Manager] The only thing that I would mention is that in the worst case – in the best case we are probably going to lose six months of sales tax revenue at about \$50,000 a month, so our financial condition for next year is going to be significantly affected.... But this is a wrench that is being thrown in here and we will deal with it as best we can. That's all.

(March 14, 2014 Hearing Tr., 19:22 to 20:8.)

[Council member James Bozajian] The comment was made about why the property is being annexed and questioning it. I think the city has been very straightforward about why the property is being annexed and that has to do pretty much solely with the tax revenue. So I have no question about that.

There was a question about why annexations aren't all considered together and why this one now, and that also was answered. Because we are going to lose the business that provides the most tax revenue in the affected area, and there's clearly a need to address this quickly.

(March 14, 2014 Hearing Tr., 63:1-12.)

[Council member David Shapiro] My view is one of my main goals as a council member, and all of our goal, is to be fiscally responsible for our city. This obviously goes straight to the heart of that.

We are looking at a budget issue of half a million dollars a year, \$50,000 per month, which has already been stated by many to be a major amount, not a minor amount.

Those funds provide services, the revenues provide services to our community, the funds we use in our school system, our roads. Everything about the city is top notch.

(March 14, 2014 Hearing Tr., 65:24 to 66:10.)

The City's Mayor Fred Gaines took up three pages of the transcript extolling the revenue generating benefit of the proposed annexation. (See March 14, 2014 Hearing Tr., 69:24 to 72:18.) As a sampling, the mayor stated:

So it is important, you know, that this is a revenue generating source, and it is a great revenue generating source because it has very few impacts. There's no people going in and out. There's no – really, even the trucks in this case are, it is FedEx and UPS deliveries. I mean it is not semi-trucks filling up with goods and so forth.

(March 14, 2014 Hearing Tr., 70:13-19.)

This particular one [the Property] happens to be a great tax generator, \$500,000 a year. It is actually the highest – at one point it was almost \$700,000. It was a year where they put 680 into the coffers. So this is a very important revenue source.

(March 14, 2014 Hearing Tr., 71:2-6.)

In addition to the substantial revenue generation attendant to the proposed annexation, the annexation comes with very little cost to the City. Answering the question of what the City will need to expend from the general fund on the Property, the City Manager Mr. Coroalles replied:

Very little because we do road maintenance and road resurfacing through Measure A and C which is gas tax money. We take on the liability of the slope if somehow in the future it fails, which we do not think it is going to fail.

But we take on the Sheriff's services of patrolling and doing that. But really, other than the roadway maintenance I don't see anything. And there is a lighting district that passes over to Calabasas. Right now there is a County lighting district. I believe the assessment is \$5 month there. The Calabasas lighting district is \$28 dollars a month. But again, the detail of that will all be flushed out.

(March 14, 2014 Hearing Tr., 27:25 to 28:14.)

In connection with the City's proposed annexation, section 99(b)(8) of the Revenue and Taxation Code provides for an exchange of tax revenues between the City and the County by way of (a) negotiation, (b) a master property tax exchange agreement or (c) by way of

a mediation and ultimately a non-binding arbitration under section 99(e) of the Code. In communications with the County, the City refused to discuss sales taxes, and eventually filed a legal action seeking to force the County to negotiate resolution of real property tax issues exclusive of any discussion of sales taxes. Upon the County's motion, the court ordered the parties to proceed under the provisions of section 99(e) of the Revenue and Taxation Code which provides for mediation and ultimately **non-binding** arbitration of tax issues, including consideration of sales taxes.

As an initial step in the process, the law required the City and County to jointly retain an independent consultant to perform a comprehensive fiscal analysis of the City's proposed annexation. The retained consultant, Economic & Planning Systems, Inc., confirmed what the City Manager expected: that the annexation would yield a windfall to the City's general fund. More specifically, the consultant estimated a net gain of approximately \$488,000 to the City, and a net general fund loss of \$502,000 to the County. A true and correct copy of the comprehensive fiscal analysis is included in the exhibits as Exhibit 4.

In both the court proceedings and the mediation, the City took the position that sales taxes were not a proper subject of discussion. In contrast, the County took the position that all taxes were subject to discussion. The parties did not resolve the tax issues pursuant to mediation, and they then proceeded to non-binding arbitration. In the non-binding arbitration, the County and the City each presented a proposal respecting tax sharing. In its proposal, the City finally did include provisions for the sharing of sales taxes as well as real property taxes. Likewise, the County's proposal included provisions for sharing sales and real property taxes and made clear that its proposal did not constitute any waiver of County opposition to the proposed annexation. The arbitrator issued his non-binding decision and accepted the City's proposal.

Under section 99(e), the County possessed the option of rejecting this decision or accepting it. The County ultimately accepted the decision with the express caveat that in doing so, it was not waiving its opposition to the City's application on any ground and was preserving all bases for opposing the annexation of the subject property.² Indeed, the County's Board Letter of November 7, 2018 (which the County Board of Supervisors adopted on that date), in recommending acceptance of the non-binding arbitration decision, directed the Chief Executive Officer (CEO) and County Counsel to submit comments and concerns regarding the City's proposed annexation to LAFCO in particular because of the City's "use of the annexation process to acquire sales tax revenues." A true and correct copy of the November 7, 2018 Board Letter is included in the exhibits as Exhibit 5.


² Nothing in section 99(e) of the Revenue and Taxation Code or in the non-binding decision required the County to waive any ground for opposing an application.

Paul A. Novak
December 19, 2018
Page 6

CONCLUSION

Here, along West Agoura Road, the City seeks to make a grab for sales taxes. That is the sole purpose of the City's annexation application. The County submits that such a purpose is contrary to the stated goals of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code, § 56000 et seq.) Sanctioning such a tax grab under the guise of planning does not encourage "planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open space [and agricultural] lands within those patterns" (Gov. Code, § 56300). It does not discourage urban sprawl and does not encourage "the orderly formation and development of local agencies based upon local conditions and circumstances." (*Id.*, § 56301; *Sierra Club v. San Joaquin Local Agency Formation Comm.*, *supra*, 21 Cal.4th at p. 495.) The County, therefore, urges that the City's application for annexation be denied.

Sincerely,


SACHI A. HAMAI
Chief Executive Officer

SAH:JJ
DSB:acn

Attachments

EXHIBIT 1

3.095 – CITY ANNEXATIONS AND SPHERES OF INFLUENCE

3.095 - City Annexations and Spheres of Influence

Effective Date: 05/13/03

PURPOSE

Establish policies for the review and consideration of city annexation proposals and for the establishment and updating of city spheres of influence by the Local Agency Formation Commission (LAFCO), which determine where future annexations are likely to occur.

The County of Los Angeles supports and adopts the State of California's policy encouraging orderly growth and development which are essential to the social, fiscal, and economic well-being of the County. The County also supports the concept that urbanizing areas should have the option to attain municipal status through annexation, if so desired by area residents and not in conflict with County interests. Recognize that Los Angeles County is generally an urban county with a diverse population and a variety of communities, lifestyles and interests, and that unincorporated area residents may also choose to remain unincorporated under County government and not become part of a city.

In recognition of the population diversity and variation between unincorporated communities, the County will review and evaluate each city annexation proposal or sphere of influence (SOI) amendment on a case-by-case basis and negotiate with each city in good faith as needed, under the guidance of this policy to determine its fiscal, social, geographic, environmental and/or operational impacts on the affected unincorporated community(s) and the County of Los Angeles. Furthermore, it is County policy to provide assistance to residents of unincorporated areas in determining their preferred government structure alternatives.

Finally, while many unincorporated communities reflect distinct, mature, and cohesive identities; other areas are characterized as "islands" created as a result of historical incorporations and annexations. Providing municipal services may involve sending County staff across neighboring cities to respond to community needs. Ensuring the most cost-effective and responsive services to these areas may involve exploring such vehicles as contracts with surrounding/neighborhood cities or expanding County services via contract to address the needs of a larger area.

REFERENCE

Government Code Sections 25550.5 and 56000, et seq., Revenue and Taxation Code Section 99

May 13, 2003, Board Order 31

December 4, 2007 Board Letter continued to and approved at the January 15, 2008 Board meeting, Board Order 9

October 4, 2011 Board Letter approved Item # 16

October 6, 2015 Board Order 14

POLICY

Background :

- A. There are three general categories of local government services:
 - 1. Regional Services are services provided by the County at a standard level to all County residents and properties. Regional services include public health, welfare and social service programs, the criminal justice system, property assessment, tax collection, voter registration and many others.

2. Municipal Services are available countywide but are provided by cities, either directly or through contract, within their corporate boundaries, and by the County in unincorporated areas. Municipal services include law enforcement, road maintenance, animal control, land use planning, zoning enforcement and building inspection. Although service levels may differ between jurisdictions, all cities and the County provide some level of municipal services.
 3. Contract and Special District Services may be either additional, non-municipal types of services or a higher level of a municipal service. The County generally does not provide extended services out of general tax revenue, but can administer dependent taxing districts (e.g., assessment and benefit districts) to support extended services.
- B. Traditionally, cities have been incorporated, or their boundaries expanded, to encompass additional areas at the request of residents and/or property owners.
 - C. Pursuant to State Revenue and Taxation Code Section 99, the County Board of Supervisors is responsible for negotiating property tax exchange resolutions with any city proposing to annex unincorporated territory.
 - D. Heretofore, the Los Angeles County Board of Supervisors has not adopted a formal policy regarding city annexations. Nor has the Board adopted a master property tax exchange formula. However, an informal formula negotiated by the Chief Executive Office (CEO) and the Los Angeles League of Cities has been historically used.

Policies:

A. General Policies

1. The County encourages development of unincorporated areas in a manner that permits their assimilation into adjacent cities, should area residents desire annexation.
2. The County supports revenue allocations that equitably reflect the County's regional responsibilities, as well as the responsibilities of the County, cities and special districts for municipal and special district services.
3. In implementing this Policy, the County may encourage or discourage all or a part of specific annexations or spheres of influence proposals based upon the impact on an unincorporated community's sense of identity, revenue base, land use planning and pattern of development, and/or impact on County-initiated programs to improve services and infrastructure in the area, so as to avoid premature annexations that may prejudice more favorable long-term government structures.
4. The County Board of Supervisors supports the concept of providing positive options to residents of unincorporated communities who desire a higher level of service, but prefer to remain unincorporated. Such options may include the use of assessment districts, the County budget process, local revitalization programs, contracts with neighboring cities, special planning standards or other mechanisms, as needed, subject to Board approval, and in most cases, subject to the approval of the affected communities.
5. Based upon the above policies, the County Board of Supervisors has determined that it is in the best interest of the County's unincorporated communities to review SOI and annexation proposals on a case-by-case basis rather than to adopt master agreements or formulas relating to the allocation and/or exchange of revenues between the County and affected cities.

B. Annexation Policies

1. The County will oppose annexations that carve up or fragment an unincorporated community that has a strong sense of identity.
2. The County will oppose annexations of commercial or industrial areas that have a significant negative impact on the County's provision of services, unless the annexing city

provides financial or other mitigation satisfactory to the County. If the CEO determines that a proposed annexation results or will result in a net revenue loss to the County, the CEO will notify the Board of Supervisors prior to the CEO's processing of the property tax transfer resolution.

3. The County may oppose or seek to negotiate an agreement where an annexation proposal seeks to annex unincorporated territory containing commercial or industrial areas that impacts County revenues or is otherwise inconsistent with the County's policy of encouraging orderly growth and development
4. The County will seek to negotiate agreements with any city proposing to annex unincorporated territory to appropriately transfer Southern California Association of Governments Regional Housing Needs Assessment (RHNA) allocations from the unincorporated area to an annexing city. The County will oppose annexations with any city if agreement on the number of RHNA allocation units to be transferred from the County to the City is not reached prior to the LAFCO annexation hearing. The annexing City shall provide confirmation, in writing, of the mutually-agreed upon RHNA transfer.
5. Annexations that include areas where the County has established revitalization efforts and/or has committed significant resources for the benefit of the unincorporated community will be reviewed to determine the impact on the County program(s) and may be opposed if the annexation will adversely impact the County's program(s).
6. The County may oppose annexations that would result in patterns of development that conflict with the County's land use plans and policies and/or would negatively impact, as defined for each specific annexation, adjacent unincorporated areas.
7. The County will review annexation proposals to ensure that streets or other County local facilities that serve the annexing area are included so that the city assumes responsibility for maintaining these public facilities. When streets are the demarcation between jurisdictions, the City boundary should be to the centerline of the streets that form the boundary of their jurisdiction.
8. Pursuant to Government Code Section 25550.5, the County will seek to obtain agreement prior to the annexation on the transfer of ownership of local park and recreation facilities at the County's discretion, to the annexing city so that responsibility for programming and maintaining these facilities are assumed by the annexing city. If the annexing City refuses to take ownership of the park facilities, the County will take into consideration the County's annual cost for maintaining and programming these facilities and the property tax, and potentially other revenues, amount to be transferred to an annexing City will be adjusted accordingly
9. The cumulative impact of past city annexations on the County generally, and the affected unincorporated community specifically, will be considered by the Board of Supervisors.
10. The Board of Supervisors requests that any city initiating an annexation demonstrate support for the annexation by the affected landowners for uninhabited territory or registered voters for inhabited territory.
11. Upon receipt of an application for annexation, the County may prepare a fiscal analysis, as necessary.

C. Unincorporated "Islands" Policies

1. The Board of Supervisors directs its staff to develop and maintain an inventory of unincorporated islands in urbanized areas that do not include residents or businesses, but consist of County roads, streets, flood channels or other public purpose lands and facilities. These island areas should be considered for annexation to adjacent cities.
2. The County will oppose annexations that involve only part of an unincorporated area island, if such an annexation would make it financially difficult for County departments to provide services to the remaining area. In addition, in order to create logical boundaries and improve service delivery to certain unincorporated area islands, the County will work

with residents, property owners and the community to explore appropriate island annexation strategies for these areas.

3. The County may periodically conduct "make-buy-sell-annex" assessments regarding the most cost-effective, responsive and community-desired manner in which municipal services are delivered to unincorporated "island" communities.
4. These assessments may examine whether services could be provided more effectively by neighboring cities via contracts with the County or if County services could be expanded to other surrounding communities to achieve economies of scale. Formal annexation to a neighboring city or county will also be reviewed where relevant.
5. The desires and preferences of the residents of the affected "island" community will be a guiding factor in developing recommendations. As appropriate, residents will be provided with service comparison and related information regarding the potential annexation to a neighboring city.

D. Sphere of Influence Policies

1. The County Board of Supervisors supports the intent of Government Code Section 56425, *et seq.*, and will work with LAFCO and all of the cities of the County to review and update city spheres of influence according to its provisions which provide a process for negotiating agreements between the County and each city on sphere updates.
2. The County will include the above-stated policies as a component of the negotiating process for SOIs and may oppose any SOI proposal that is inconsistent with those policies.
3. For any specific unincorporated territory, the County will oppose any city SOI that overlaps with another City's SOI. For any specific unincorporated territory, an SOI should only exist for one city, not multiple cities.
4. The County may consider an SOI proposal for an area that is either in another city's SOI or in no SOI. Prior to the submittal of an application to LAFCO amending an SOI for an area that is already within another city's SOI or in no SOI, the County requests the proposer of the SOI amendment to: (1) obtain written approval from the city in whose SOI the area currently exists, if necessary; (2) consult with LAFCO; and (3) consult with the County and obtain written approval of the proposed SOI amendment.

RESPONSIBLE DEPARTMENT

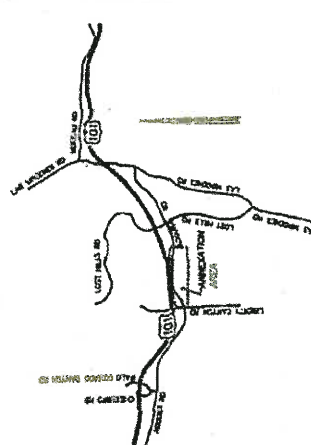
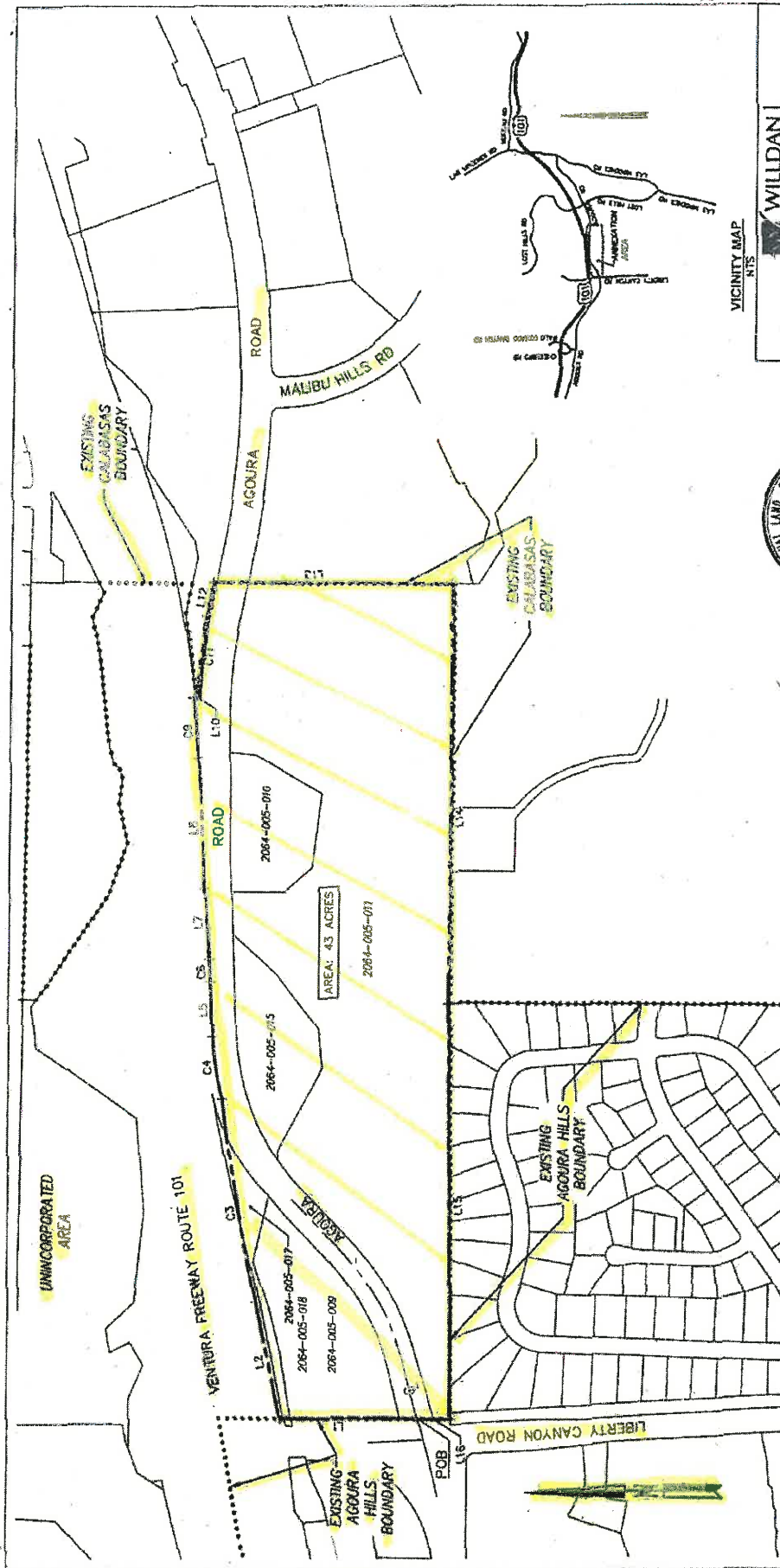
Chief Executive Office

DATE ISSUED/SUNSET DATE

Issue Date: May 13, 2003	Sunset Review Date: May 13, 2007
Review Date: September 20, 2007	Sunset Review Date: May 10, 2011
Review Date: October 4, 2011	Sunset Review Date: October 4, 2015
Review Date: October 6, 2015	Sunset Review Date: October 4, 2019

EXHIBIT 2

MAP AND BUILDING PHOTOGRAPH



VICINITY MAP
NTS



WILLDAN
Engineering
13101 CRENSHAW PARKWAY, SUITE 200, AGOURA, CA 91714-3497
(818) 298-1000 FAX (818) 298-1001

REORGANIZATION NO. _____
TO THE CITY OF CALABASAS
(AMENDMENT TO CALABASAS
SPHERE OF INFLUENCE)
"WEST AGOURA ROAD"

SCALE: 1"=300'
DATE: 03-14-2014
DRAWN BY: SB
CHECKED BY: DK

SEGMENT #	DIRECTION/DELTA	LENGTH	RADIUS
L13	S87.5254°W	703.01	-
L14	S89.0927°W	1399.76	-
L15	S38.9127°W	1307.35	-
L16	N122.41°E	101.82	-

SEGMENT #	DIRECTION/DELTA	LENGTH	RADIUS
L7	S88.4615°W	220.80	-
L8	S88.5700°W	415.15	-
C9	S31.46°E	151.79	3112.09
L10	S71.127°E	10.00	-
C11	S73.73°E	254.07	1555.09
L12	S72.290°E	108.44	-

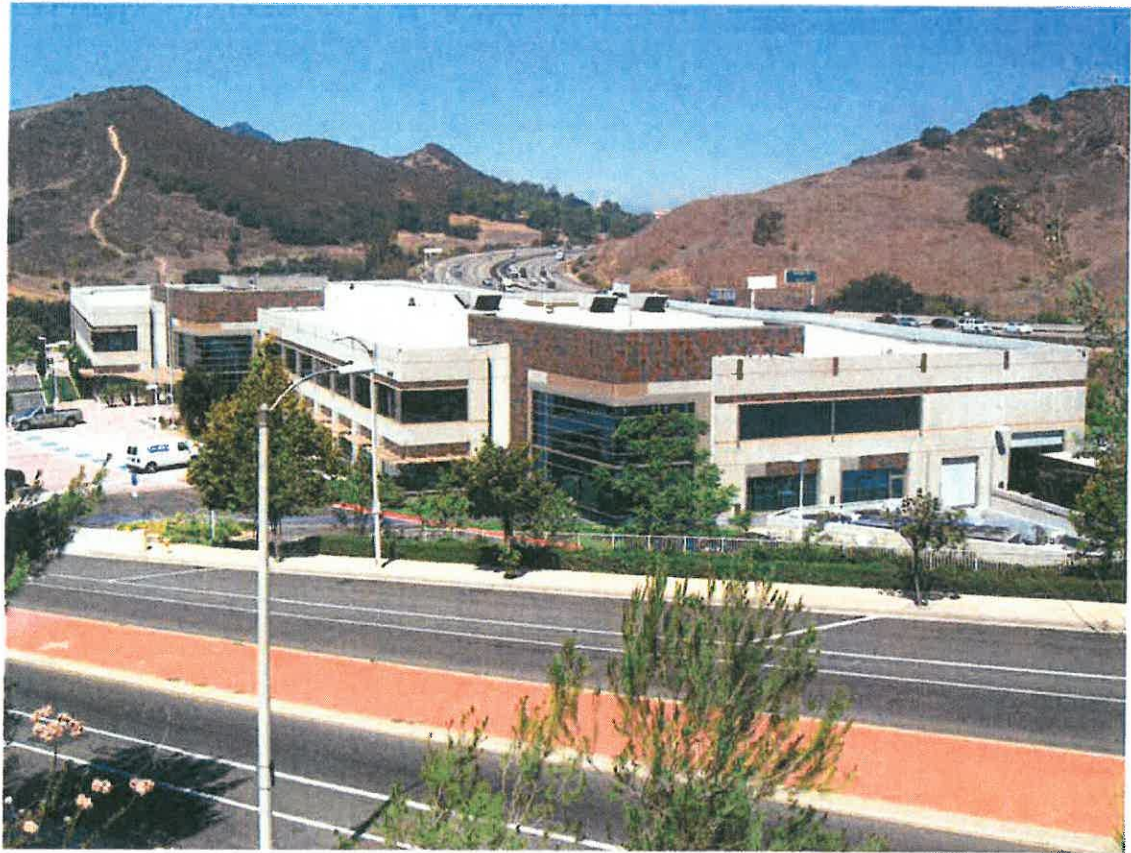
SEGMENT #	DIRECTION/DELTA	LENGTH	RADIUS
L1	N072.45°E	430.22	-
L2	N77.5820°E	375.47	-
C3	N40.00°E	547.54	7946.00
C4	N35.57°E	197.82	835.00
L5	S87.5317°W	172.05	-
C6	S34.08°E	88.69	7946.00

27349 W. Agoura Road, Calabasas, CA, 91302 - Office-R&D Property For...

27349 W. Agoura Road

27349 W. Agoura Road

N/A



Spirent Building; 27349 W. Agoura Rd.

Parcel ID:	0000000000	Property Sub-type:	Office Bldg
Map Location:	0000000000	Building Class:	Office Bldg
Map Coordinates:	0000000000	Building Class:	Office Bldg
Property Type:	Office Bldg	Year Built:	2000
Lot Area:	0.0000000000	Operational Area:	0.0000000000
Lot Area:	0.0000000000	Operational Area:	0.0000000000

Description

General location: 27349 W. Agoura Rd, Calabasas, CA 91302. The property is a modern office building with large glass windows and a flat roof. The building is situated in a valley with hills in the background. The property is currently vacant and is being offered for sale.

The property is a modern office building with large glass windows and a flat roof. The building is situated in a valley with hills in the background. The property is currently vacant and is being offered for sale.

EXHIBIT 3

TRANSCRIPT OF HEARING

In The Matter Of:
CALABASAS CITY COUNCIL MEETING

HEARING RE AGENDA ITEM NO. 4
March 12, 2014

Barbara Brosnan & Associates
13351 Riverside Drive, #459
Sherman Oaks, California 91423
(818) 388-1319

	Page 1
1	CALABASAS CITY COUNCIL MEETING
2	CITY OF CALABASAS
3	STATE OF CALIFORNIA
4	-o0o-
5	
6	}
7	) Adoption of Resolution
8	) No. 2014-1399 of the City
9	) Council of the City of
10	) Calabasas initiating
11	) proceedings and requesting
12	) the Local Agency Formation
13	) Commission of Los Angeles
14	) County to amend the sphere
15	) of influence and to
16	) consider approval of a
17	) reorganization of the
18	) territory to include
19	) annexation of properties
20	) along West Agoura Road to
21	) the City of Calabasas
22	}
23	
24	
25	
	HEARING RE AGENDA ITEM NO. 4:
	TRANSCRIPT OF PROCEEDINGS (from Calabasas CTV Channel Live website)
	March 12, 2014

	Page 2
1	APPEARANCES:
2	
3	CITY COUNCIL BOARD MEMBERS:
4	MAYOR FRED GAINES
5	MAYOR PRO TEM DAVID SHAPIRO
6	COUNCILMAN JAMES BOZAJIAN
7	COUNCILWOMAN LUCY MARTIN
8	COUNCILWOMAN MARY SUE MAURER
9	
10	CITY ATTORNEY SCOTT HOWARD
11	CITY MANAGER TONY COROALLES
12	CITY PLANNER TOM BARTLETT
13	DIRECTOR OF COMMUNITY DEVELOPMENT MAUREEN TAMURI
14	
15	
16	
17	
18	
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20	
21	
22	
23	
24	
25	

	Page 3
1	I N D E X
2	
3	Hearing on Agenda Item 4 on calendar:
4	Adoption of Resolution
5	No. 2014-1399 of the City Council
6	of the City of Calabasas initiating
7	proceedings and requesting the
8	Local Agency Formation Commission
9	of Los Angeles County to amend the
10	sphere of influence and to consider
11	approval of a reorganization of the
12	territory to include annexation of
13	properties along West Agoura Road
14	to the City of Calabasas
15	
16	PUBLIC COMMENTS:
17	Mark Armbruster
18	Jess Thomas
19	Brian Cameron
20	Carol Davis
21	Joan Yacouns
22	Michael Brockman
23	Kari Souza-Contreras
24	Ed Albrecht
25	Kyle Cooper
	Brittany Stephens
	Alicia Weintraub
	Jennifer Bercy
	Stephanie Williams
	Richard Sherman
	Dennis Washburn

	Page 4
1	CALABASAS, CALIFORNIA; MARCH 12, 2014
2	-o0o-
3	
4	MAYOR GAINES: We are back to new business.
5	Item No. 4, which is adoption of Resolution
6	No. 2014-1399 of the City Council of the City of
7	Calabasas initiating proceedings and requesting the
8	Local Agency Formation Commission of Los Angeles County
9	to amend the sphere of influence and to consider
10	approval of a reorganization of the territory to
11	include annexation of properties along West Agoura Road
12	to the City of Calabasas.
13	And we will start with the staff report, our
14	director of community development Maureen Tamuri.
15	MS. TAMURI: Thank you. And I am joined this
16	evening by Tom Bartlett who is the city planner.
17	MR. COROALLES: I'd like to introduce the
18	item and just cover briefly with the council the
19	actions that precipitated this item.
20	On May 8th, almost a year ago, I think you
21	will recall we did a presentation to the council
22	wherein we briefed on the corridors, we briefed
23	potential annexation areas and highlighted this area
24	that we are considering today. We also highlighted
25	several others, like the Grassman's corner and the

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1 Notch properties on Agoura Road.
2 On February 20th the planning director and
3 the community development director went to the planning
4 commission on several items to just run by the planning
5 commission as more like a work program for the rest of
6 the year, and we spoke about this item.
7 However, on February 27th I received notice
8 that Spirent Communications was going to be moving out
9 of their building, down the road to a building they had
10 previously occupied a while back at Liberty Canyon.
11 Spirent Communications provides sales tax
12 revenue to the city on a yearly basis of between
13 \$500,000 and \$600,000. That's about \$50,000 a month
14 that the city cannot afford to lose.
15 Therefore, the genesis of this statement
16 here. So what I wound up doing was I called the broker
17 that notified me and I asked him the name of the
18 property owners. I contacted Mr. Brian Harvey who owns
19 the building at the end of Agoura Road. And I also
20 contacted Mr. Joe Amoroso who owns the Kythera
21 building.
22 Both of them were supportive of annexing into
23 the city and wanted to annex into the city. And they
24 are the major property owners in the corridor. And
25 based on the conversations with the owner in

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1 consultation the mayor, I directed staff to prepare a
2 resolution for council approval tonight.
3 I informed all senior staff that this
4 annexation area was to be the top priority of the city
5 from now until the annexation is completed, and that we
6 needed to do everything possible that the city could do
7 so that we would not forfeit the source of revenue to
8 the city.
9 I also called Greg Ramirez, the city manager
10 of Agoura, and spoke to him about it and just asked him
11 if there were any issues. He mentioned to me that
12 there had been some issues there on the lighting.
13 And of course I told him that I was very well
14 aware of the wildlife corridor, the issues with the
15 wildlife corridor that go there and we understand what
16 all of that was about.
17 Just to clarify, Greg Ramirez made no
18 representation that the City of Agoura was in favor of
19 this annexation, nor did he make any representations
20 that the City of Agoura was against this annexation.
21 He just took what I told him and hopefully he related
22 to his city council.
23 I then asked Maureen based on that to notify
24 council -- I mean Supervisor Yaroslavsky's office and
25 let him know of our intentions and she did that by

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1 speaking with Ben Saltsman.
2 And so on March 12, today, this resolution is
3 before the city council for adoption.
4 **COUNCILMAN SHAPIRO:** And just for
5 clarification, other than the May date, the rest are in
6 2014.
7 **MR. COROALLES:** I'm sorry, we screwed up the
8 dates.
9 **MS. TAMURI:** That's correct. And I have one
10 other spot in the presentation I am a year off.
11 **MR. COROALLES:** And there is another issue
12 and that is that Spirent will be moving, and the move
13 confirmed with their facilities director, Mr. Mike
14 Ramirez. They are projecting the move to be complete
15 by August of 2014. I got that one right. And so
16 really we've got -- and you will see in
17 the presentation why the urgency of this matter.
18 (PowerPoint presentation displayed.)
19 **MS. TAMURI:** Thank you. This is a map, an
20 overview of the City of Calabasas. North will be at
21 the top of the sheet. You can see the 101 freeway
22 running through this area.
23 This is the Las Virgenes corridor -- excuse
24 me, Lost Hills Road, Las Virgenes corridor. And then
25 far to the west is Liberty Canyon. And that's the

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1 area where this annexation will occur.
2 So if you take a look at West Agoura Road and
3 how its built up in this particular area, there is the
4 boundary of the City of Agoura Hills, there is the
5 boundary of the City of Calabasas, and then there is
6 unincorporated county.
7 Unincorporated county stretches over both
8 sides of the freeway. But the area in question with
9 regard to this annexation is just the areas to the
10 south of the freeway along Agoura Road up to Liberty
11 Canyon, but not including Liberty Canyon Road.
12 This area was not considered when we did our
13 general plan update, and this is a little snippet from
14 our general plan that shows a map of the municipal plan
15 area.
16 You can see the little area in yellow that we
17 are speaking of this evening, and the fact that it was
18 not included as a broader planning area for the city.
19 Currently our city boundary ends directly
20 after the sheriff's station right over here at this end
21 of Agoura Road.
22 There are a number of reasons to consider
23 annexation. First of all, our city commercial
24 properties are very important. Not only is there a
25 generation of tax revenue but we have very limited

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1 commercial zoning in areas within the city and that is
2 an important component. We are primarily a residential
3 city with few residential zones.

4 The second reason to consider annexation is
5 we are going to be talking about one of the parcels in
6 this particular area that is open space. The city has
7 a number of open space protections that are in play.

8 We recognize certainly the wildlife corridor
9 that is moving into that area for which the wildlife
10 plays a very important component, as well as some of
11 the trails linkages out of there.

12 And then finally, both the county's north
13 area plan as well as the Local Agency Formation
14 Commission also encouraged absorption of unincorporated
15 pockets. And you can see that this is effectively a
16 pocketed area of the city.

17 Now we're going to talk a little bit about
18 what the annexation would involve. There are actually
19 six parcels. There are three parcels that belong to
20 this particular office building. Parcels 4 and 5 are
21 in common ownership, and parcel 6 is another office
22 building in that area. I am going to walk through each
23 of these in a little more detail.

24 This is an overview of the area and I will
25 give you orientation. Now we've moved, flying in the

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1 County of Los Angeles. That county planning
2 entitlement was processed in 1998.

3 It was zoned for commercial/manufacturing
4 development program. And I will read the description
5 of the use for this building. It states that for the
6 entire 5.1 acre site -- we think the discrepancy is
7 just some easements that were considered -- to
8 accommodate the development of the technology center
9 consisting of one 82,000 square-foot building with a
10 combination of office, research and development,
11 engineering, warehouse and assembly uses.

12 So you can see why Spirent has an interest in
13 this particular site. However, the county conditioned
14 the project. That's what a conditional use permit is;
15 you may build here with the following restrictions.

16 Some of the restrictions that are contained
17 are hours of operation, because there was already an
18 awareness of the wildlife corridor in that area as well
19 as the residential properties around it.

20 So one of the first conditions is a
21 restriction of hours of operation between 7:00 a.m. and
22 7:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00
23 p.m. on a Saturday. So that is currently a restriction
24 on this property.

25 There was also a restriction placed on

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1 air as if we were a bird, that's the 101 freeway. We
2 are now looking south towards Malibu. This is Liberty
3 Canyon along this edge. This is Agoura Road.

4 And you will see that this is the annexation
5 area. We do have two pieces of information that come
6 to us from our general plan. The first is a trails
7 master plan that shows a trail stopping at this point
8 at the city and then moving on and up into Liberty
9 Canyon across into the MRCA areas.

10 The other thing that we have in our general
11 plan is the fact that there is a significant ridgeline
12 that is mapped in. Literally you can see where the old
13 mountain used to be. It comes through this particular
14 corridor out of here in this area. But otherwise there
15 is not additional information in our general plan.

16 The first building that we are going to talk
17 about is a two-story office building on the three
18 parcels. This is property in ownership with Cypress
19 Land. It is 4.9 acres in size. It was built in 2001.
20 It is a two-story completed commercial office building
21 with light manufacturing. The building area is just
22 over 81,000 square feet and the valuation of the
23 building is just over \$12 million.

24 When this building was created in 2001 it
25 went through a planning entitlement process with the

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1 shipping operations. So any trucks or movement of
2 truck activity in that area, it was restricted to 7:00
3 a.m. to 7:00 p.m., Monday through Friday.

4 As part of the development of the building
5 itself, because of the wildlife corridor there were a
6 number of conditions that were placed in there. One of
7 the conditions that was foremost is you can see that
8 there is a buffer in this particular area, a minimum of
9 six feet, and a setback of the building from Liberty
10 Canyon which was considered to be the crossing point.

11 In addition to that there was light shielding
12 and limitation on the poles that were actually placed
13 in the parking lot. There's a maximum of 24 poles in
14 that parking lot.

15 There was a requirement for landscape lights
16 to be turned off by 8:00 p.m. at night.

17 And there was also a voluntary donation to
18 the MRCA that was made by the developer to assist in
19 improvements to the wildlife corridor. Primarily
20 fencing and some planting in that particular area.

21 There was also a very unusual provision and I
22 think a wise provision that had to do with notification
23 to the City of Agoura if there was any change in the
24 ownership of this building or any modification to the
25 allowed sets of uses that were established under the

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1 CUP.

2 The second parcel is an existing undeveloped
3 commercial lot which is effectively the area in yellow
4 right over in here. This property is 2.62 acres in
5 size. It has a land valuation of \$64,000.

6 And as I indicated, at the time of the staff
7 report we did some additional investigation on this.
8 This property was the subject of the landslide that
9 occurred back in 1994 that did close this road for an
10 extended period of time.

11 There is a large portion of this property
12 when rebuilt that has established drain lines. Those
13 drain lines that are in the hillside help to take
14 moisture out of the hill and stabilize the hill that
15 was rebuilt after that landslide.

16 And those drain pipes are actually maintained
17 through a landscape district that is overlaid in this
18 particular area. So the annual cost to do that is
19 somewhere in the neighborhood of seven- to \$9,000. It
20 is work that is bid out in that particular area.

21 The next parcel is the Amoroso building.
22 This parcel is a completed two-story building on 2.4
23 acres. It was constructed in 1998. Again, a
24 commercial office building zoning with a building area
25 of about 26,000 square feet. Roughly the size of City

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1 here. This is 197 acres of property that is permanent
2 open space and protected under the city's ordinances.

3 But when you join it up to properties under
4 the ownership of the state park, MRCA, and then take a
5 look at the wildlife movement through this area, you
6 can see how valuable this ridgeline in this mountain is
7 to safe passage of animals as they move through the
8 corridor.

9 So this is the reason why the city in this
10 particular parcel, as we would move forward to take a
11 look at a rezoning on this, the city would feel very
12 strongly, staff feels very strongly that our
13 recommendation to the council is to remove the
14 development rights on this remaining parcel and to zone
15 it as permanent dedicated open space, and that ensures
16 a potential for movement up this particular area.

17 And if you actually take a look,
18 unfortunately where the mountain lion was killed, it
19 was right in this particular zone.

20 The question has come up quite often of
21 environmental protections. One of the things that
22 again we would recommend is that when council does
23 consider zoning of this property to take a look at
24 zoning this remaining commercial parcel to open space.

25 But maybe most importantly, the city offers

Page 14

1 Hall. The valuation on this particular property is
2 placed at \$2.5 million.

3 And then finally the open space area. So you
4 can see the outline of the open space. And the
5 question is: Well, what makes this open space.

6 Staff was able to track down the original
7 tract map. And in the original tract map there is a
8 statement of dedication.

9 It says: "We hereby dedicate to the County
10 of Los Angeles the right to prohibit the construction
11 of residential and/or commercial structures within lot
12 3."

13 So this requirement would fall to the city if
14 annexation occurred. And the city attorney can
15 elaborate if you have questions along this line as to
16 the city's obligations.

17 I am going to fly up in the layer a little
18 more for you now. We were kind of down over here and
19 now we have come back a little higher so that you can
20 look down the Las Virgenes valley, down into this
21 particular area, take a look at the annexation site.
22 But also I think it tells a story of why this is such
23 an important piece of open space, these 27 acres.

24 The City of Calabasas has an open space area.
25 This is De Anza Park and the borders of the city over

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1 something that the county does not, which is an open
2 space ordinance that will require two-thirds of the
3 vote of the people to remove the protections on this
4 open space property.

5 So it is a very important component relative
6 to the city's ability to ensure protection of this as
7 part of the overall effort of our City of Calabasas, as
8 well as Agoura, the park service, MRCA, to the wildlife
9 corridor.

10 But we also have other protections. The
11 ridgeline ordinance is in play here. Not that there is
12 any land that's developable along this ridge, but it is
13 available in the city, as well as the Dark Sky
14 ordinance. Dark Sky ordinance will assure that we can
15 keep the lighting if any changes are proposed in the
16 future to any of the properties in this particular
17 area.

18 We also have a scenic corridor overlay zone
19 that ensures that any changes that occur to the
20 buildings, these two office buildings, would come
21 forward in a manner that would likely -- highly
22 likely -- have it in front of a planning commission.
23 Even something as simple as a sign change here would
24 potentially come forward to the planning commission.

25 The sign ordinance itself, we have probably

<p style="text-align: right;">Page 17</p> <p>1 the most restricted sign ordinance in the area. 2 Meaning that a potential user couldn't replace out a 3 large building type sign, a large illuminating, 4 flashing sign or anything of that nature. 5 And of course the oak tree ordinance relative 6 to -- there are some beautiful small groves of oak 7 trees that are on the remaining open space area, 8 The city manager has gone over some of the 9 outreach efforts, but I do want to note that the two 10 undeveloped properties, it is a very, very interesting 11 issue. 12 The LLC who was in ownership of this property 13 is actually in a forfeited status, meaning that they 14 really don't exist anymore. So we have an unusual 15 condition relative to property abandonment, is 16 effectively what's happened. 17 If the council was to proceed forward into 18 annexation our next steps would be to take a completed 19 application to LAFCO and to file it to start their 20 process in motion. 21 And one of the important components that 22 staff would then begin to work on is a general plan 23 amendment to add in this annexation area. And the 24 reason that we need a general plan amendment is because 25 the area is not considered in our general plan. And</p>	<p style="text-align: right;">Page 19</p> <p>1 date for a public hearing for LAFCO. And if a protest 2 hearing is needed, October. 3 If all goes well and we see indications of 4 positive support from the property owners, the final 5 LAFCO hearing would be held in November, and then the 6 final filing would occur 30 days from that. So roughly 7 four, at least four months on an aggressive schedule 8 would the area annex into the city. So four months 9 after the anticipated move by Spirent. 10 Staff's recommendation is that the council 11 adopt Resolution 2014-1399 of the city council of the 12 City of Calabasas initiating proceedings and requesting 13 the Local Agency Formation Commission of Los Angeles 14 County to amend our sphere of influence and to consider 15 approval of a reorganization of the territory to 16 include annexation of properties along West Agoura Road 17 to the City of Calabasas. 18 Tom Bartlett and I are available for 19 questions. 20 MAYOR GAINES: Okay. Anything further from 21 staff or from the city manager? 22 MR. COROALLES: The only thing that I would 23 mention is that in the worst case -- in the best case 24 we are probably going to lose six months of sales tax 25 revenue at about \$50,000 a month, so our financial</p>
<p style="text-align: right;">Page 18</p> <p>1 what that would mean is consultation with various 2 agencies in the City of Agoura relative to what their 3 concerns might be as we would develop that general plan 4 amendment, and then bring it forward to you. 5 A rezoning component that is necessitated by 6 that as well. And again, we are looking at commercial 7 office space as well as open space development 8 restricted on these particular areas. 9 And in parallel to all of that, the large 10 effort relative to the negotiation of a tax agreement 11 with Los Angeles County that would occur. 12 Again, I've got this as 2013. That was the 13 number in my head today and with apologies. But here's 14 the anticipated timeline. 15 In March we would file this application. In 16 April and May we would begin working on that general 17 plan amendment to bring it back into the planning 18 commission as well as the council. 19 We see that July through August would be the 20 council and the county's agreements relative to the 21 board of supervisors on that tax agreement. And in the 22 midst of all of this Spirent would be moving. So that 23 move would occur under the County of Los Angeles while 24 LAFCO would be considering this application. 25 In September we would anticipate the earliest</p>	<p style="text-align: right;">Page 20</p> <p>1 condition for next year is going to be significantly 2 affected. And we will be going into the budget 3 discussions with the budget liaisons of the council 4 here probably in the next few weeks, is what I was 5 planning on doing. 6 But this is a wrench that is being thrown in 7 here and we will deal with it as best we can. That's 8 all. 9 MAYOR GAINES: It is now time for council to 10 ask any questions or comments regarding the staff 11 report before we open it for public hearing. 12 If you don't mind, I would like to just ask 13 the city attorney to provide some guidance on what I 14 think are a couple of important issues. And that is, a 15 number of the questions that have been raised have to 16 do with what land use rules and restrictions apply at 17 what time. 18 So I'd like you if you could, please, to go 19 through, obviously between now and time of annexation, 20 to the extent there were any permits issued or any 21 applications, who they would go to, who would control. 22 And then once annexation occurs, what is the effect of 23 existing conditions of approval or entitlements that 24 have conditions and restrictions. If you could go 25 through that.</p>

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1 In this particular case there's a conditional
2 use permit that was mentioned during the staff report.
3 Actually, we had staff put some copies of it on the
4 back counter if someone wanted to look at it. I think
5 there are still some copies back there.

6 This is the county approved conditional use
7 permit for the larger of the two buildings, the one at
8 the corner of Liberty Canyon and Agoura. And it goes
9 through a 1999 approval with the conditions that were
10 mentioned in terms of hours of operation and so forth.

11 So if you could go through specifically how
12 those restrictions -- whether they continue to legally
13 be effective, how someone would have to -- what they'd
14 have to do to change them under the county or under the
15 city. Thank you.

16 **MR. HOWARD:** Certainly. Mr. Mayor, members
17 of the council, when the city annexes property from the
18 county all of the land use entitlements, including the
19 conditions and restrictions that attach to that
20 property, go over to the city when the city annexes
21 that property.

22 Depending upon the city's zoning at the time
23 there could become a legal nonconforming use.
24 Certainly if the property is or the use is conducted in
25 a fashion which creates or causes a nuisance, you could

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1 certainly enforce laws against that.

2 But generally speaking, whatever was legally
3 entitled that was obtained, whether it is a building
4 permit, a variance or other land use entitlements, that
5 transfers over to the city with all the conditions. As
6 you noted, there is a conditional use permit for this
7 property.

8 There's also a zone change that was also
9 granted by the county in 1999. All of that will
10 transfer over to the city if annexation is approved by
11 LAFCO.

12 With regard to the open space property,
13 Mr. Moore is correct that our code has significant
14 protections from re-designating land use, or land uses
15 that are zoned open space resource protected. That any
16 redesignation of those properties, should they be zoned
17 OS resource protected, would require a two-thirds vote
18 of the populace before you can change that.

19 So there are some significant protections for
20 open space that becomes city open space that the county
21 doesn't have.

22 I'd be happy to answer additional questions
23 that you might have, but essentially it is almost black
24 letter law that whatever exists now in terms of land
25 use entitlements transfers over to the city, including

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1 enforcement of all the conditions.

2 **MAYOR GAINES:** Okay. Are there any questions
3 for the city attorney on his comments or statement?

4 **COUNCILMAN BOZAJIAN:** Well, I have a couple
5 questions.

6 Regarding the language that Maureen read to
7 us regarding open space in the county, I was listening
8 very carefully and it sounded to me like all that was
9 said was that one of the conditions was that the county
10 could designate it as open space and maintain it as
11 open space. So what is the status now?

12 **MR. HOWARD:** My understanding is that it is
13 open space. I don't know the precise zoning in the
14 county. However, what the city would do is engage in
15 the process as noted of rezoning the property and
16 putting forth the general plan amendment which would
17 designate the property as open space resource protected
18 or open space recreation, any number of what I will
19 call the protected zones which when designated in the
20 general plan would then protect it from change without
21 a vote of the people.

22 **MR. COROALLES:** Our intention is to put the
23 strictest land use restrictions on those parcels.

24 Maureen touched on it, but our understanding
25 is that these parcels have been in tax default since

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1 2009, and they will go up for auction October of this
2 year because the assessor will put them up for unpaid
3 taxes.

4 Our intention is to attempt to buy those
5 parcels and have them in fee to the city which would
6 cost us probably about \$80,000 or thereabouts, is what
7 we estimate. But that's the intention.

8 Otherwise what we are afraid of is somebody
9 else, like has happened before, will pick them up at
10 auction from the assessor and then try to do something
11 with them or try to -- and we have had that problem
12 happen before.

13 **COUNCILMAN BOZAJIAN:** Well, I know what our
14 intention is, which I agree with, but right now as I'm
15 understanding it it is not necessarily open space under
16 the county. Or is it?

17 **MR. HOWARD:** Members of the council and
18 Councilman Bozajian, I don't know what the county's
19 specific zoning is. I haven't read the documents. The
20 document --

21 **MR. COROALLES:** Well, we have it. It is open
22 space development restricted.

23 **MR. HOWARD:** It transfers to the county the
24 ability to determine whether there be any development
25 or not.

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1 **MAYOR GAINES:** All right. Why don't we have
2 staff answer the question. What is the current county
3 zoning on the -- not what they're permitted to do.

4 **COUNCILMAN BOZAJIAN:** In other words, the
5 language that was read, I am interested in what the
6 county actually did.

7 **MS. TAMURI:** The county actually zoned it
8 development restricted open space, for the larger
9 parcel. That little one is different.

10 **MR. COROALLES:** And the landslide one is
11 still zoned commercial, correct?

12 **MS. TAMURI:** We can put the map up.

13 So this is zoned by the county as restricted
14 open space, development restricted open space. These
15 are both commercial zoning and this parcel is also
16 commercial zoning.

17 This is the parcel that we would propose in a
18 rezoning with this council to zone as development
19 restricted open space.

20 (Inaudible.)

21 **MS. TAMURI:** Both. Both are under the same
22 ownership but that LLC has again been forfeited so it
23 is abandoned.

24 **COUNCILWOMAN MAURER:** And our city has
25 priority when it comes to auctioning?

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1 offset it.

2 **MR. COROALLES:** We will be working with the
3 county when we do our revenue negotiations on this
4 thing, but there is an overlay of an existing landscape
5 maintenance district that is being paid into. And I
6 believe the total assessment when we checked it out was
7 \$11,000 a year.

8 That right now is used to do landscape
9 maintenance on the landslide area, and brush clearance
10 that's required to keep brush away from the residents.

11 That's really the income that's coming from the area.

12 It is the same designation as our landscape
13 district further down, because our landscape district
14 used to be under the county and it used to incorporate
15 all of Agoura Road. When the city incorporated the
16 landscape district 32 was split and then this became
17 county landscape district 32 which remained under the
18 county, and ours became City of Calabasas landscape
19 district 32.

20 **COUNCILMAN BOZAJIAN:** Well, that's a
21 different issue because that is a different source of
22 revenue and expenditures. What I am talking about is
23 from the general fund obviously we are getting money,
24 tax revenue, which will be probably tax revenue, sales
25 tax revenue, utility tax revenue. What are we going to

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1 **MR. COROALLES:** Well, it will be now the
2 county because if we are in the process of annexation,
3 and if it happens in October -- we will coordinate with
4 the county and we can always be -- if the annexation is
5 on the way and it seems to be a done deal, the one who
6 will be offered it is the county because it will not
7 yet be in the city. So come October, when the assessor
8 defaults on this thing and sells it, it is the county
9 who has first dibs on whether they pick up the parcels
10 or not.

11 **COUNCILWOMAN MAURER:** And we can coordinate
12 that?

13 **MR. COROALLES:** And then we can coordinate
14 that, yes.

15 **COUNCILMAN BOZAJIAN:** My next question is, am
16 I correct in stating or assuming that there's no
17 registered voters in that area, so that the only
18 protest votes are going to be based on the property
19 ownership of the land?

20 **MR. COROALLES:** That is correct.

21 **COUNCILMAN BOZAJIAN:** Okay. Now then one
22 thing that was not mentioned, you talked about the
23 anticipated revenue. What are the anticipated annual
24 costs, including any maintenance costs of the hillside?
25 You know, things in the roadway, things like that, to

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1 have to expend from the general fund on this property?

2 **MR. COROALLES:** Very little because we do
3 road maintenance and road resurfacing through Measure A
4 and C which is gas tax money. We take on the liability
5 of the slope if somehow in the future it fails, which
6 we do not think it is going to fail.

7 But we take on the sheriff's services of
8 patrolling and doing that. But really, other than the
9 roadway maintenance I don't see anything. And there is
10 a lighting district that passes over to Calabasas.

11 Right now there is a county lighting district. I
12 believe the assessment is \$5 a month there. The
13 Calabasas lighting district is \$28 dollars a month.
14 But again, the details of that will all be flushed out.

15 **COUNCILMAN BOZAJIAN:** Okay.

16 **MR. COROALLES:** I don't think Kythera is a
17 revenue producer because they are a service provider.
18 They provide service but I don't think that they
19 produce sales tax.

20 But it is important also to note a little bit
21 that Spirent used to occupy that building when it first
22 was developed. Spirent was -- and they had two
23 buildings. They had one in Calabasas, the current one,
24 and they had this one. And they have moved out of this
25 one and so it's been empty for a while. We can talk

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1 about that later.
2 **COUNCILMAN BOZAJIAN:** Thank you. Those are
3 my questions.
4 **MAYOR GAINES:** Any further questions?
5 **COUNCILWOMAN MARTIN:** I had a question. If
6 the annexation we think won't be completed until
7 December and Spirent is moving in August, if they
8 wanted to make any changes as far as hours or what they
9 are going to do with the property, that would have to
10 go through L.A. County?
11 **MR. HOWARD:** That is correct. Anything
12 pre-annex, anything prior to the completion of the
13 annexation, other than our subdivision map, would go
14 through the county.
15 **MR. COROALLES:** Council member, we would not
16 be annexing an open building as it is now. We would be
17 annexing a building with a tenant already in it for the
18 last four or five months before the annexation is
19 deemed complete.
20 And the move-in and all those issues
21 regarding what kind of tenant it is, whether it
22 complies with the conditions, those would all be on the
23 County of L.A. to enforce while the tenant is moving
24 in.
25 **MAYOR GAINES:** Any other questions for staff

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1 at this time before I open up the public hearing?
2 **COUNCILWOMAN MAURER:** I have two questions.
3 Can you go over what the general plan amendment process
4 will be like.
5 **MR. BARLETT:** Well, we have to go through
6 what we typically did, sort of as an example, what we
7 did in our housing development, but in a more
8 abbreviated fashion because this is simpler.
9 But we do have a number of maps, as any of
10 you who have glanced through our general plan will
11 notice, that every element has one or several maps
12 showing different things such as the ridgeline maps.
13 Every one of those will have to be amended to include
14 this as part of the study area and potentially
15 annexable.
16 So we will have to craft those documents as
17 well as a resolution articulating the amendment to then
18 have those maps replace the previous maps and then
19 bring that forward to the planning commission in a
20 public hearing and then to your body at a public
21 hearing.
22 And we expect that process, if this is
23 something that the council would like to pursue, we
24 would expect that process to carry forward very shortly
25 and we would conclude it in a matter of a few months.

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1 **COUNCILWOMAN MAURER:** Okay. And then
2 Maureen, you said that this annexation is consistent
3 with the north area plan. How so?
4 **MS. TAMURI:** The north area plan encourages
5 or promotes the incorporation, just as LAFCO does, of
6 unincorporated parcels into adjacent community. So
7 this parcel is between the City of Calabasas and the
8 City of Agoura, and so annexation to one of those two
9 cities would be supported within the north area plan,
10 just as it is through LAFCO.
11 **MAYOR GAINES:** Any other questions for staff
12 at this time before we open the public hearing?
13 **COUNCILMAN SHAPIRO:** Just briefly.
14 **MAYOR GAINES:** Yes. Mayor Pro Tem Shapiro.
15 **COUNCILMAN SHAPIRO:** I just wanted to clarify
16 because on the back map you have, which has the numbers
17 for each parcel that was provided to us in council, 1
18 through 6, that 1, 2, 3 and 5 are the office buildings,
19 and 4 and 6 are the two areas we are referring to when
20 we are talking about as protecting for open space.
21 **MS. TAMURI:** Correct.
22 **COUNCILMAN SHAPIRO:** Okay. Thank you.
23 **MAYOR GAINES:** All right. Any other
24 comments? I do want to note two pieces of
25 correspondence that were received yesterday addressed

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1 to me.
2 One was from State Senator Fran Pavli.
3 Copies of this were -- were they provided in the back?
4 They were. Okay. But generally raising concerns
5 particularly about the potential wildlife corridor, the
6 existing wildlife corridor, and the improvements to
7 wildlife corridor, and asking that we postpone this
8 determination pending further discussions regarding
9 that.
10 I responded by -- I was not able to speak to
11 the senator but I spoke to Louise Rishoff, her local
12 district staff, and went through with her issues they
13 were concerned about, which were land use issues
14 primarily involving the open space designation in the
15 wildlife corridor and other conditional approval
16 related issues, including traffic and lighting issues.
17 I also received correspondence from Bill
18 Koehler, the mayor of Agoura Hills, requesting an
19 opportunity to meet and confer with members of the
20 council and requesting that we postpone the discussion
21 item.
22 I spoke to the mayor this morning. We had a
23 good conversation. He also talked about his concern,
24 or the concerns that he had heard from Agoura Hills
25 residents related primarily to the same issues; open

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1 space, wildlife corridor and some of the conditional
2 approval issues.
3 He informed me that the Agoura Hills council
4 will be having some kind of discussion of this at their
5 March 26th meeting and asked -- he asked me if I would
6 have a committee of the council available to meet with
7 a committee of his council and I told him that I
8 thought that -- that I would certainly bring that up
9 tonight and do that. And I intend later, regardless of
10 what the outcome is tonight, to ask that we form a
11 committee to do that.

12 All right. So those two pieces of
13 correspondence that have been made publicly available,
14 I wanted to make sure everyone was aware of that.

15 With that, at this time it will be time for
16 public comment. I do have a number of speakers.
17 Everyone is limited to three minutes. If you would
18 like to speak on this item, now is the time to turn in
19 your card. I will accept cards for the next few
20 minutes if they are handed to the city clerk.

21 The clock is over here that gives you a
22 yellow light when you have 30 seconds left and a red
23 light when your three minutes are up.

24 Because I do have about 20 speaker cards I am
25 going to ask you at three minutes to please wrap up

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1 Calabasas and therefore fully supports the proposed
2 annexation.

3 But let me clarify a couple things, issues
4 that have risen with regard to this issue of changed
5 conditions of approval and all of that.

6 Spirent was the first tenant in this building
7 after it was built, which was terrific, but then they
8 decided to grow larger and vacated that building,
9 unfortunately. Then there was another tenant, and a
10 sub-tenant after that.

11 But then as you know from the last couple
12 years, the building has been vacant, and which is not a
13 good thing for my client and not a good thing for
14 anybody. And so in order to -- the broker for the
15 building is Mike Tingus who maybe many of you know.

16 But Mike Tingus was searching for potential
17 tenants for the property. And it turned out that some
18 of those tenants these days have the need for people,
19 especially for international reservations and things
20 like that, the need to have 20 or 30 people working at
21 night, during the early morning hours, so they can make
22 international calls and things like that. And also
23 potentially they thought maybe additional hours and
24 times of deliveries, and deliveries on the weekends.

25 And so as a result of that we talked about,

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1 your comments so that we can move forward.

2 And I have put first Mark Armbruster who I
3 know is here as a representative of the owner of the
4 property, the larger of the properties, and I wanted
5 him to speak first so that he could make any comments
6 related to the staff report.

7 And Mark, if you could answer the question as
8 to what the intentions are of the owner and whether
9 they have any intentions for any changes at the
10 property, I know that question will come up later if
11 you don't answer it now.

12 Mark, thank you for being here and welcome.

13 **MR. ARMBRUSTER:** To clarify things, members
14 of the city council, Mark Armbruster and I represent
15 Cypress Land Company and Brian Harvey who owns Cypress
16 Land Company in connection with this annexation and in
17 connection with the properties generally.

18 And I have been involved in these properties
19 for many, many years, and I handled the original zoning
20 and conditional use permit many years ago and issues
21 thereafter.

22 Also, Cypress Land Company owns the three
23 corners of Lost Hills Road and Agoura Road, so I think
24 it makes eminent sense to them that their entire
25 portfolio of properties all be within the City of

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1 we thought about asking for potential changes to
2 conditions of approval in terms of the hours of
3 business operation and delivery hours.

4 We never applied for anything with the county
5 and we haven't, and we are not going to. But what we
6 did do is what I think is the good thing to do. Rather
7 than applying to the county and then going and talking
8 to the community, we did just the opposite. And I had
9 a couple of meetings with members of the community
10 here. They were obviously very, very concerned about
11 nighttime hours, the impact on the night sky and the
12 lighting in the neighborhoods and all of that.

13 And so I had the first meeting, went back, we
14 looked at those issues, came up with some proposals,
15 had another meeting where we had actually Mike Tingus
16 was there and took a tour of the site and what
17 potential tenants would want.

18 Could I get a little longer to explain this
19 issue than the three minutes?

20 **MAYOR GAINES:** Yes.

21 **MR. ARMBRUSTER:** Because I think it is
22 important in clarifying this. And those additional --
23 that follow-up meeting still resulted in clear
24 dissatisfaction from the members of the community about
25 extending hours of operation or any conditions of

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1 approval.

2 Fortunately also, Spirent came back and
3 became a potential tenant for the building. And as a
4 matter of fact, will be the tenant for the building,
5 the original tenant.

6 Now there is no need to request any changes
7 of conditions. There is no plan to change any
8 conditions. We are not going to ask for any changes or
9 conditions, period.

10 I actually put in a call today to Supervisor
11 Yaroslavsky's office also to let them know, because
12 I've also been in touch with them about potential
13 changes, to tell them there will be no changes in
14 conditions to this building.

15 So I hope that clarifies everything. And we
16 are not changing anything. I actually think that if
17 this property is in the City of Calabasas, obviously a
18 much smaller jurisdiction, and to the extent that I
19 think in the past there was an issue with regard to
20 lighting and the, you know, protected shields around
21 lighting and getting that fixed, which was all done --

22 **MAYOR GAINES:** I am going to ask you to wrap
23 it up.

24 **MR. ARMBRUSTER:** There is also an issue about
25 movie shoots, which a sub-tenant violated a condition.

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1 I think with the City of Calabasas it will be much
2 easier to be very responsive. This is a very
3 responsive and responsible owner. And I will be happy
4 to have any further questions that you have during the
5 evening.

6 **MAYOR GAINES:** Thank you, Mark. I appreciate
7 that.

8 **MR. ARMBRUSTER:** Sure.

9 **MAYOR GAINES:** As someone who's been in this
10 that position, that is a lawyer's way of saying we are
11 not making any changes. Okay.

12 Jess Thomas from Agoura Hills, welcome.

13 **MR. THOMAS:** Good evening, Mayor Gaines and
14 council members and staff. Jess Thomas, a resident of
15 Agoura Hills, but a long-time member of the extended
16 conservationist community in the region.

17 First of all, I'd like to take just a minute
18 to compliment you on the acoustics in here. I can
19 actually hear what's going on and able to understand it
20 and comment on it. That's wonderful. As opposed to
21 our system in Agoura Hills where I am standing up like
22 this for half the meeting.

23 It sounds like a great number of my
24 presupposed problems with the annexation are being
25 addressed, particularly the changes in conditions and

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1 restrictions on the use of the property, as
2 Mr. Armbruster has pretty much reassured me that that's
3 something that we won't have to stand up at the
4 annexation hearings and rant and rave about that in
5 opposition to it.

6 But I can assure you that we will be
7 monitoring the situation very carefully and will be
8 able to respond accordingly at the annexation hearings
9 if the problems do reoccur. Thank you for your
10 consideration.

11 **MAYOR GAINES:** Jess, thank you very much, and
12 you are welcome here always for your comments. I want
13 you to know that I -- and I'm sure my fellow council
14 members, they can speak for themselves.

15 When there's neighbors next to a building and
16 there's issues, to me it doesn't matter whether it's
17 Calabasas or Agoura or where the line is. We want
18 property owners to do what they are supposed to do and
19 people to not have nuisances and to live. And so I
20 just want you to know that's how we feel and we are
21 happy to have you or other members of your committee
22 here any time to address those issues.

23 **MR. THOMAS:** Thank you. Some of your
24 comments in the Outreach section on the website
25 explanation were pretty good. I became aware of it on

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1 the 17th and e-mailed Greg Ramirez about it and that's
2 the first he had heard about it at that time. So
3 things have progressed since then. Thank you.

4 **MAYOR GAINES:** Thank you very much. Okay.
5 Next, Brian Cameron. After that will be Carol Davis.

6 **MR. CAMERON:** Thank you. Good evening.
7 Brian Cameron, long-time Calabasas resident.

8 I just want to speak very briefly in favor of
9 the annexation. Finances of the city are fragile
10 enough that losing a \$50,000 a month income stream is
11 worth going through the effort that Maureen and Tom are
12 going through to accomplish this goal.

13 I would also ask as a connection, on the wild
14 assumption that Spirent is not actually physically
15 going to be taking the building they are in with them
16 when they move, that possibly we could put together
17 some kind of a task force or guidance to maybe
18 influence the tenants who do go into that building, to
19 add to the revenues long-term.

20 I would have made all of these comments on
21 Calabasas Connect, but when I tried to download it it
22 told me my operating system was too old. And as hard
23 as I could to dial in the numbers, it just didn't work.
24 Thank you.

25 **MAYOR GAINES:** Thank you, Brian. Carol Davis

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1 is next, followed by Joan Yacoune. Did I say that
 2 right? Okay, thank you. Carol.
 3 **MS. DAVIS:** Hi, my name is Carol Davis. And
 4 I think the wildlife is important, I think the slopes
 5 are important, but from a business standpoint if it
 6 will cost us \$50,000 to get the permits done and we
 7 will gain \$500,000 dollars in tax revenue, that's a 90
 8 percent return on investment, and I don't know anybody
 9 that would turn that down.

10 So just from the money standpoint I think it
 11 is a very important thing that we do and we do it
 12 quickly because I would hate \$50,000 to be flying out
 13 the window every month. Thank you.

14 **MAYOR GAINES:** Thank you, Carol.

15 Joan Yacoune, maybe the most famous senior in
 16 Calabasas, followed by maybe the most famous senior in
 17 Agoura Hills.

18 **MS. YACOUNE:** I doubt that, but thank you
 19 very much.

20 Good evening, Mayor and council members. I
 21 have to oppose the annexation. I am a resident in
 22 Liberty Canyon and I am here tonight -- our president
 23 of our association is out of town in Utah skiing, but I
 24 do have a letter that he wrote to the Agoura Hills City
 25 Council, and you can have copies if you wish. And you

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1 nine-tenths of your population is five miles removed
 2 from the open space that's on our edge and our
 3 backyards and so that vote could conceivably not be,
 4 you know, as important to them as it is to us. So that
 5 would be one of my concerns.

6 And I don't know if there's any other way to
 7 put that open space into a conservancy or something
 8 like that that would make it even more permanent.

9 Our other concern, I am happy to know that
 10 Spirent isn't asking for any changes in the conditions.
 11 That's very important to the neighbors that look
 12 directly down on them. And when we had our two
 13 meetings last summer they were there.

14 And the one thing Mark didn't mention was
 15 that we were hoping that maybe we could do some
 16 automatic curtains or shades of some kind that would
 17 come down if they have any nighttime people there, that
 18 would automatically come down and shield the inside
 19 lighting from the outside. And I don't know if that's
 20 a possibility.

21 And we also talked about deliveries being
 22 from the Lost Hills offramp rather than using the
 23 Liberty Canyon underpass which is, you know, the
 24 wildlife corridor, since your Lost Hills interchange is
 25 going to be improved and that would give trucks a

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1 also got a letter from probably our most famous, not
 2 senior, but resident Fran Pavli.

3 I do want to thank, before I even start my
 4 comments, both Miss Martin and Miss Maurer for
 5 contacting me and showing some concern over what we
 6 find distasteful with the annexation.

7 The residents of Liberty Canyon have a long,
 8 over 40-year history of ferociously protecting our
 9 canyon. It is a very, very important canyon. You
 10 know, we knew it was important even before the
 11 acquisitions of Cheseboro Meadows, or Cheseboro
 12 National Park or Malibu Creek State Park formation, and
 13 even can verify that as recently as February 22nd we
 14 had a mountain lion progress on.

15 What is little known about Liberty Canyon is
 16 that the wildlife corridor not only goes to the west of
 17 the Liberty Canyon interchange but also to the east.
 18 And this mountain lion was coming obviously from Malibu
 19 Creek State Park up along the east -- well, the very
 20 edge of Liberty Canyon and then going probably to the
 21 underpass.

22 But one of the reasons that I have to oppose
 23 it is I understand your open space designation and the
 24 fact that a vote of two-thirds of your people needs to
 25 be taken to change any open space. Unfortunately,

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1 chance to come in, make only right-hand turns into the
 2 property. Thank you.

3 Any questions, I'd be happy to answer them.

4 **MAYOR GAINES:** Thank you very much. I am
 5 making notes on a couple of the items you raised. All
 6 right.

7 Next is Michael Brockman, followed by Kari
 8 Souza-Contreras.

9 **MR. BROCKMAN:** Good evening, Mayor Gaines,
 10 council members. The thing that can get lost a little
 11 bit in this circumstance is the importance of the
 12 preservation of the quality of life. But the quality
 13 of life and the economics of life often intersect, and
 14 this is one of those situations where I think a win-win
 15 can be accomplished.

16 Obviously everybody has heard the economic
 17 impact of what's going to happen here and the loss of
 18 the revenue that the company that is moving has
 19 produced, and that's going to come at a serious cost to
 20 many of the services that has helped build the quality
 21 of life to this community and created the reputation
 22 that it has.

23 So in the situation where you can preserve
 24 the integrity of the rural life of the people who live
 25 in and around the area that is being proposed to be

<p style="text-align: right;">Page 45</p> <p>1 annexed, do your best to see that their needs and 2 interests are met as well, just as you have for the 3 other community members of the city, and to preserve 4 the use of the land as you have stated in its current 5 conditions and the existing conditions. It seems to me 6 a win-win for everybody so it is certainly my vote for 7 you to support the annexation as proposed. Thank you. 8 MAYOR GAINES: Thank you, Michael. Kari 9 Souza-Contreras, and Ed Albrecht is after that. 10 MS. SOUZA-CONTRERAS: Good evening, Mr. Mayor 11 and distinguished council members and staff. My name 12 is Keri Souza-Contreras, and I am a member of the board 13 of directors of the Calabasas Chamber. 14 On behalf of the Calabasas Chamber I am here 15 to express our support in moving forward with the 16 adoption of Resolution No. 2014-1399, and approval of 17 the reorganization of the territory to include 18 annexation of properties along West Agoura Road to the 19 City of Calabasas. 20 The move by a substantial business in 21 Calabasas to West Agoura Road will negatively affect 22 the businesses of Calabasas by losing that revenue. If 23 the resolution isn't approved several programs within 24 the city will be adversely affected. Thank you for 25 your consideration of this request. Good night.</p>	<p style="text-align: right;">Page 47</p> <p>1 to us tonight. I did want to kind of run down here 2 when I heard what was going on at the last minute and 3 voice my opinion. 4 I have been a long-time resident here. I 5 went to high school here, met my husband at the local 6 high school. My kids have gone through the high 7 school. I am a resident that truly cares about where 8 we live. 9 I did listen to what she had to say opposing 10 this situation to go on. It worries me to let somebody 11 else come into my home and possibly do what they feel 12 is important with the property. I feel that you and 13 the staff and the people that also live here in 14 Calabasas will do what it takes to do the best thing 15 for this property and for the rest of the community 16 members and residents here to look after the wildlife, 17 the open spaces, and everything else that might go on. 18 But by not taking this property and income as 19 if that woman -- or that woman had said for \$50,000 a 20 month, is a lot for us to lose in the programs that we 21 do offer and that I have used myself along with my 22 family. So I want other children to grow up with 23 those, other people in this community to use them, and 24 to not allow that revenue to go away and to go to 25 someplace else that might not make the best decisions</p>
<p style="text-align: right;">Page 46</p> <p>1 MAYOR GAINES: Thank you. Ed Albrecht, and 2 Kyle Cooper is after that. 3 MR. ALBRECHT: Good evening, Mayor, council 4 members. Thank you for having me. I am a long-time 5 resident now of Calabasas. We are entering our 21st 6 year. Very proud to see the advances the neighborhood 7 has made since we've lived here. The services, not 8 just the improvement, but the growth of them. Our kids 9 went through the whole preschool, high school programs 10 here. We've enjoyed our life and want to see it 11 continue the way it is. 12 I am very proud also to be a witness to our 13 council and our city government, and what they do is 14 take an issue and protect our community. So we are not 15 just growing it and improving our community, but you 16 are also protecting. And I am certainly in favor of 17 this and appreciate the efforts that you are going 18 through in this moment and also acting on it so 19 promptly. 20 So thank you very much on behalf of the 21 residents that aren't here and on behalf of my family. 22 MAYOR GAINES: Ed, thank you very much. Kyle 23 Cooper, followed by Brittany Stephens. 24 MS. COOPER: Good evening, council members, 25 mayor and staff. Thank you so much for just listening</p>	<p style="text-align: right;">Page 48</p> <p>1 for us in our home town. So that's my concerns. 2 I do hope that you do put it through. And 3 thank you so much for listening to my comments. 4 MAYOR GAINES: Thank you very much. Brittany 5 Stephens, followed by Alicia Weinbraub. 6 MS. STEPHENS: Hi. Good evening, Mayor and 7 staff and council members. I slightly resent the last 8 comment because I hope that our neighbors to Agoura are 9 a very similar city to us and I'm grateful that they 10 are here and that they are expressing their opinions 11 since this land that we are talking about is right in 12 between our cities. 13 And according to the CUP that staff has 14 stated, they said that any changes would be notified to 15 the City of Agoura, so they were thinking this was 16 under the City of Agoura. So I do appreciate them 17 being here and expressing their comments as well. 18 But I do have a few comments myself to make. 19 If you were at the planning commission meeting that 20 they set up here with staff with the date wrong but was 21 just a couple weeks ago, the planning commission never 22 gave a very specific answer but they weren't sure why 23 this property was being annexed and not several other 24 properties that were in question that seemed more 25 likely impossible and a better annexation for the city</p>

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1 than this property, which makes us a little worried as
2 to the intentions of annexing this so quickly and
3 pushing it through.
4 As you read, both Fran Pavli and the City of
5 Agoura, which you have representatives here, would like
6 you to wait on this, so I am also asking you to wait.
7 You don't have to make a decision tonight. I know they
8 put a very strict timeline up there with staff of what
9 the LAFCO process is but it can be delayed slightly.
10 And I think having meetings with your
11 neighboring cities, just to harbor goodwill, is much
12 better than trying to force something through. Making
13 the rezoning kind of worries me because I know the
14 city manager says that his intentions are to do the
15 restrictive land use as possible, but that doesn't
16 always happen in this city as we have seen time and
17 time again.
18 And I also understand that the money is a big
19 deal. And I mean I am part owner in a business so I do
20 understand both sides of that, but there are other
21 concerns in this and so holding off for just a few
22 weeks to have meetings and to talk about it a little
23 bit more I'd really appreciate.
24 And I know the wildlife corridor, as other
25 people have brought up, and that open space, we would

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1 both our open space and protect the services that we
2 all appreciate that are provided within the City of
3 Calabasas. Thank you very much.
4 **MAYOR GAINES:** Thank you. Jennifer Bercy,
5 followed by Stephanie Williams.
6 **MS. BERCY:** Thank you, Mayor Gaines, and
7 members of the council.
8 I have actually been working with Spirent for
9 about three years now and I learned of their move
10 probably about six, seven, eight months ago. And their
11 other consideration was to Moorpark, which we would
12 have lost the revenue all together. So I was very
13 happy to hear that they were staying here and was not
14 aware that this was not part of our city. When they
15 told me where they were moving I thought they were
16 still in the City of Calabasas.
17 They are huge supporters of our community.
18 They have participated in Relay For Life and made large
19 donations. They have students from LVUSD coming to
20 their site learning engineering skills as part of their
21 classes and as part of an ongoing support with them.
22 So not only would we be gaining the income
23 from their site, but obviously whatever we can work out
24 as far as taxes and then our utility tax. So it would
25 stay -- we wouldn't be losing what we have right now.

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1 just all appreciate that. And there have been
2 communities that have come up to you and asked to
3 actually be detached. So while we are aggressively
4 pursuing annexations and we are looking at general plan
5 amendments for the sphere of influences, we might want
6 to look at reorganizing the entire sphere of influence
7 to let possible communities detach while you annex
8 others.
9 Thank you very much.
10 **MAYOR GAINES:** Thank you. Alicia Weinbraub,
11 following by Jennifer Bercy.
12 **MS. WEINBRAUB:** Good evening, Mayor and
13 members of the city council. Alicia Weinbraub,
14 resident of Calabasas.
15 I am here tonight to speak in favor of the
16 annexation with the conditions of rezoning the
17 remaining properties' open space in the general plan
18 amendment to further protect the open space.
19 I believe that the economic impact to our
20 community by losing such a large amount of revenue
21 would be detrimental to many city services. I think
22 the situation before you is a very good example of how
23 we can both protect our open space and still work to be
24 fiscally responsible. I truly believe that with the
25 rezoning and general plan amendment we can protect

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1 We would be continuing with those things.
2 And that income, like everybody said, allows
3 us to provide all the services that we have; the
4 schools, the crossing guards, the sponsorships that we
5 are currently giving to different events that are
6 coming out of our city and I am partial to; the
7 programs that we are running that are free to our
8 residents, like the 4th of July, things of those
9 nature. So I would like to make sure that we keep
10 those things going and not lose this revenue.
11 It also keeps our property values high to
12 keep this money coming in, because it keeps our
13 programs and services and the things that we do for our
14 community high.
15 And whether they do or do not annex this
16 property, the usage of the building will still be the
17 same. So Spirent is going to move in there whether we
18 annex it into our city or not. They are still going to
19 be using that facility.
20 So I don't understand what -- it is kind of
21 clear-cut to me that we would want to annex them in to
22 continue having them in our city. It is only for us to
23 gain.
24 And I think you are a little off with the
25 taxes. If they were delinquent in 2009 they would go

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1 through '14 and not go to sale until February, October
2 of '15. So if we can annex them in before that point
3 we would have first right on that.

4 And then as the representative from the owner
5 stated, since Spirent was already there they are aware
6 of everything that needs to happen with that building.

7 And like I said, I have been working with
8 them for three years and they are very aware of what
9 needs to happen and would continue to do that and make
10 sure that they partner with us.

11 So I hope that that covers the concerns of
12 our neighbors. By making that last parcel number 4
13 open space, it would continue to be used as it is
14 currently being used. So thank you.

15 **MAYOR GAINES:** Thank you very much.
16 Stephanie Williams, followed by Richard Sherman.

17 **MS. WILLIAMS:** Thank you, Mayor, members of
18 the council and city staff. I am Stephanie Williams, a
19 Calabasas resident, and I'm here tonight to urge
20 adoption of the resolution.

21 You fund so much that makes our schools and
22 our community wonderful. And I hear the concerns of
23 the neighbors. I think they are very well taken. And
24 I feel that adoption of the resolution is actually the
25 best way to protect everyone.

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1 issues have been addressed and need to be safeguarded,
2 and I don't think it is mutually exclusive with the
3 annexing of this property.

4 And it has also been mentioned, the loss of a
5 half million dollars in city revenue is really going to
6 be a major hit to our local economy and will -- it has
7 to impact, adversely impact some of the wonderful
8 services that we are so fortunate and proud to have.

9 And when we talk about some specific things,
10 when some of us that sit here in many of the city
11 council meetings and concerned parents come in and talk
12 about wanting more school guards and they want
13 financial support for the local schools and new
14 programs for seniors, and I who want additional hours
15 back in the library, these things aren't going to
16 happen. There have got to be some things cut.

17 And I hope that the council can work so we
18 can keep -- you know, annex this area, and I hope that
19 you guys, you will do this this evening. So thank you
20 very much.

21 **MAYOR GAINES:** Thank you. And Dennis
22 Washburn. Welcome, Dennis.

23 **MR. WASHBURN:** Thank you. I am Dennis
24 Washburn and I have been here a while. My experience
25 with this property actually runs back before 1978 and

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1 Right now, as Miss Bercy said, the space is
2 going to be used how it is going to be used. Why not
3 take control of it and make sure it is open space and
4 hear their concerns. Make sure that our neighbors in
5 Agoura are protected and that our income and all of our
6 wonderful programs here in Calabasas are protected.

7 So if we don't pass the resolution now and we
8 delay it is more and more income lost. It is less
9 services provided to all of our residents. So I am
10 here to urge you to consider the adoption, pass it
11 today, get the process moving as quickly as we can so
12 that we protect the open space, our neighbors in Agoura
13 and our own community. Thank you.

14 **MAYOR GAINES:** Thank you. Richard Sherman,
15 and then our last speaker is Mayor Emeritus Dennis
16 Washburn.

17 **MR. SHERMAN:** Thank you, Mayor, and city
18 council for giving me the opportunity to speak in
19 support of the resolution to annex the stretch of
20 properties along West Agoura Road.

21 And I urge the city council to take action
22 this evening, especially in light of some of the issues
23 that have been addressed. I certainly believe that the
24 protection of our open spaces and the wildlife around
25 us are very important goals and it sounds like these

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1 the issues between the community members in this
2 region, whether it be Agoura Hills or Calabasas, even
3 before we existed as cities.

4 This has been important issue that deals with
5 regional planning of the most prime nature. I strongly
6 urge that you adopt the resolution tonight. And any of
7 the issues that have been raised either in the
8 testimony or in writing before you do this evening,
9 they will be thoroughly vetted in the process and there
10 are numerous opportunities for anyone who has concerns
11 or lack of knowledge or a different opinion, will have
12 an opportunity to express that.

13 I want to hark back to my personal experience
14 with this, and that is that in 1978 I was involved with
15 the incorporation of the drive-over of Rancho Las
16 Virgenes which obviously had to do with the major
17 connectors throughout the region, including Agoura
18 Road, Calabasas Road, the 101 freeway and all the
19 intersecting areas.

20 In 1985, as our first incorporation committee
21 determined what our boundaries should be, I was
22 actually the chairman of the boundary committee and I
23 actually personally drew the boundaries of the first
24 incorporation drive in 1985 and it included this parcel
25 all the way up to the easement area on Liberty Canyon

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1 Road.

2 And at the time in 1985 that we were
3 considering whether we should take responsibility or
4 liability coverage for this area if we were to
5 incorporate, we were facing the possibility of the
6 landslide in parcel 4 literally disrupting the water
7 supply of the entire region because the Las Virgenes
8 Municipal Water District's water supply lines were
9 above-ground in the pathway of the landslide which was
10 moving.

11 And L.A. County would love to have had us
12 take the liability for that and share that with the Las
13 Virgenes Water District as well, and we were I'd say
14 aware enough to realize that was not a good bargain so
15 we left it out.

16 The boundary was drawn just to the west end
17 of the property line that would be consistent with the
18 Lost Hills/Malibu Sheriff's Station. And we also were
19 very aware at the time of the integration of the open
20 space parcels that were planned by the Curry Rich
21 Company to be development if they could figure out a
22 way to euhre the county into figuring out how to make
23 that happen.

24 And instead the city held out, the City of
25 Calabasas held out, with the cooperation of Agoura

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1 Hills for that matter, to sustain the ownership of that
2 property in our communities and respect the property
3 rights of the residents of not just Liberty Canyon or
4 Calabasas, but Agoura Hills and Calabasas all together.

5 I have some other comments that I will submit
6 in writing.

7 **MAYOR GAINES:** Thank you very much. That
8 concludes our public comments. We are now back to the
9 council for any questions or discussion. Who would
10 like to speak?

11 **COUNCILWOMAN MARTIN:** I have a question.

12 **MAYOR GAINES:** Councilwoman Martin.

13 **COUNCILWOMAN MARTIN:** It was suggested that
14 the open space that we said that we were going to
15 designate, if that could possibly be turned over to the
16 Conservancy. Is that something that can be considered?

17 **MR. COROALLES:** That is something we can talk
18 to the Conservancy about. If we pick it up in tax
19 default and they are willing to assume the property, I
20 don't see -- there is no reason that we need to own
21 that property. We have done that with the MRT, where
22 the MRT has taken control of, the MRCA. So yeah, that
23 is a very good possibility if the council wishes to go
24 that way.

25 **COUNCILWOMAN MARTIN:** Okay. Thank you.

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1 **MAYOR GAINES:** Any other questions or
2 comments? Councilwoman Maurer.

3 **COUNCILWOMAN MAURER:** Not only the tax
4 default property but there is concern that our
5 restriction is not, you know, absolute. So perhaps we
6 could also look at handing the other property, already
7 designated open space to the Conservancy as well.

8 **MR. COROALLES:** That's what we are talking
9 about.

10 **COUNCILWOMAN MAURER:** You mentioned tax
11 default picking up No. 4, and I am talking about all of
12 it.

13 **MR. COROALLES:** I am talking about picking up
14 5 and 4.

15 **COUNCILWOMAN MAURER:** And I am talking about
16 the already designated as well.

17 **MR. COROALLES:** That is 5.

18 **COUNCILWOMAN MAURER:** Right, 4 and 5.

19 **MR. COROALLES:** 4 and 5.

20 **COUNCILWOMAN MAURER:** Okay, good.

21 **MAYOR GAINES:** Five is zoned open space but
22 it is still in private hands.

23 **MR. COROALLES:** Right. Correct.

24 **MAYOR GAINES:** We are talking about the
25 discussion was for potential public acquisition. I'm

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1 sorry, go ahead.

2 **COUNCILWOMAN MAURER:** There is a question or
3 a comment about making a right-hand turn only. Can you
4 come up and can you repeat that suggestion.

5 **MAYOR GAINES:** Are we -- I will allow a very
6 quick comment but this is not our normal process. Go
7 ahead.

8 **MS. YACOUNE:** I am just answering a question.
9 And it would be because the Lost Hills bridge is being
10 widened and improved and the Liberty Canyon underpass
11 is the wildlife corridor, that if the trucks and
12 deliveries were coming off of Lost Hills making
13 right-hand turns to go down Agoura Road, right-hand
14 turns into the property, that would save any additional
15 traffic to the underpass. That's all.

16 **COUNCILWOMAN MAURER:** Okay. Thank you. That
17 was it.

18 **MAYOR GAINES:** All right. Mayor Pro Tem
19 Shapiro.

20 **COUNCILMAN SHAPIRO:** And this is why I asked
21 the question. The slide we are looking at shows 4 and
22 5 as the two areas. In our packet it shows 4 and 6.

23 So that needs to at least be --

24 **MR. COROALLES:** Can I add something to
25 clarify a little bit?

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1 **MAYOR GAINES:** Six is obviously the other
2 building.
3 **COUNCILMAN SHAPIRO:** No, not in our packet,
4 Fred.
5 **MAYOR GAINES:** On this one.
6 **COUNCILMAN SHAPIRO:** I understand.
7 **MAYOR GAINES:** Yes, the numbers are different
8 in what was --
9 **COUNCILMAN SHAPIRO:** Yes, just for
10 clarification.
11 **MAYOR GAINES:** The City Council version and
12 today's version of the PowerPoint, the numbers changed.
13 **COUNCILMAN SHAPIRO:** Right. 4 and 5 are the
14 undeveloped areas that we are talking about protecting,
15 that we are talking about or --
16 **MAYOR GAINES:** Correct.
17 **MS. TAMURI:** Correct. And with apologies.
18 This has gone through quite a bit of work, so if we
19 juggled a little too much we apologize.
20 **COUNCILMAN SHAPIRO:** I just want to make it
21 clear.
22 **MR. COROALLES:** One of the things I wanted to
23 bring up with Council Member Maurer, when I talked to
24 the Spirent folks about what actually they are talking
25 about doing -- and it serves to maybe assuage a little

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1 bit of the concern.
2 I told them that one of the concerns of the
3 community was that there was going to be truck traffic.
4 And he said "Well, I don't understand." And he said,
5 "All of our deliveries are done through FedEx and UPS
6 and they are the small vans that deliver to your house,
7 just that type."
8 He says they have no plans of ever having
9 semi-trucks pulling in and out of there. They are just
10 regular. And then he said that they will be done
11 during the work hours. He said, "Okay, let me take
12 that back. On Fridays towards the end of the month we
13 may have some late shipments like at about 6:30 or
14 thereabouts."
15 So the intensity of this use in this area
16 will be the same as it is in the City of Calabasas
17 currently, and that is a very light commercial
18 intensity using this road.
19 **MAYOR GAINES:** Okay. Any further questions
20 or comments from the council?
21 **COUNCILMAN BOZAJIAN:** I have some comments.
22 **MAYOR GAINES:** James.
23 **COUNCILMAN BOZAJIAN:** I am satisfied that the
24 open space protection is going to be as good if not
25 greater with the annexation.

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1 The comment was made about why the property
2 is being annexed and questioning it. I think the city
3 has been very straightforward about why the property is
4 being annexed and that has to do pretty much solely
5 with the tax revenue. So I have no question about
6 that.
7 There was a question about why annexations
8 aren't all considered together and why this one now,
9 and that also was answered. Because we are going to
10 lose the business that provides the most tax revenue in
11 the affected area, and there's clearly a need to
12 address this quickly.
13 You know, it does strike me that there's some
14 in the community who are just going to oppose things
15 the city does no matter what, just to come and badmouth
16 the city.
17 So I am definitely in favor of the
18 annexation.
19 One thing, though, regarding voting on this
20 tonight. I received a letter and I have spoken with
21 several members of the Agoura Hills City Council. That
22 letter was not up here in this packet, Maureen, and I
23 am wondering if --
24 **MAYOR GAINES:** Yes, it was.
25 **COUNCILMAN BOZAJIAN:** It wasn't in mine. Is

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1 it in there? Okay. I must have missed it or my packet
2 didn't include it, because I want to make sure that
3 that was -- those were materials that were just left up
4 here and we only had a few minutes before the meeting
5 to go through them. But I received it last night from
6 the mayor of Agoura Hills and I want that to be
7 incorporated too.
8 Here is my issue. I have been on this
9 council 17 years and I am aware of some of the history
10 of the city prior to then, and I've never received a
11 request from the City of Agoura Hills ever to delay
12 something to give us a chance to address some of their
13 concerns directly.
14 This was very quickly put on the agenda with
15 good reason. But inasmuch as the mayor of the
16 neighboring city is asking for an extra week or two,
17 even if it required a special meeting with the city
18 council to sit down with us and discuss some of his
19 concerns, and inasmuch as I've heard that now from
20 three of their council members directly, I just put
21 myself in the long-term relationship with Agoura Hills
22 and putting myself in their shoes. If I had a concern,
23 no matter what the concern, and I did one concern in 17
24 years and I asked them to please delay a vote on
25 something so that we could talk about it and sit down,

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1 it would be something I would expect them to honor, and
2 it is something I intend to honor based on their
3 request.

4 I hesitate only because I don't want that to
5 be interpreted as opposition to the annexation, which
6 it definitely is not. But I think there's a certain
7 level of comity between neighboring cities.

8 Saturday we are going to celebrate a unique
9 occasion of the open house of our Joint Powers
10 Authority with them at the community center. We have
11 so much in common with them and we have done so well in
12 our relationship with them, it would be a shame to turn
13 them down and not delay this a few weeks even if it
14 meant, like I said, having a special meeting next week
15 or putting it on consent in two weeks, because I don't
16 think there is any opposition to this annexation up
17 here.

18 So for those reasons alone, that one reason,
19 I am not able to vote yes on it tonight, and I just
20 wanted to clarify why that was. And I have given it a
21 great deal of thought over the last two days.

22 **COUNCILMAN SHAPIRO:** May I go ahead?

23 **MAYOR GAINES:** Yes, Mayor Pro Tem Shapiro.

24 **COUNCILMAN SHAPIRO:** My view is one of my
25 main goals as a council member, and all of our goal, is

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1 about protecting the open space to the best of our
2 abilities, protecting the ridgelines.

3 I know there is a \$200,000 study being done
4 right now in this corridor. It was well documented in
5 the article in The Acorn last week.

6 So I am very much for moving forward. I
7 think the protection that we are talking about more
8 than will take care of the idea of open space and
9 protecting the wildlife corridor, and at the same time
10 a very, very, very important item for our community is
11 the revenue.

12 So I would like to see a task force. I'd
13 like that task force to verify the lights, the lighting
14 and the hours that you have described, the deliveries
15 and work, and as far as the best way to take care of
16 the open space as well. So I am in favor of moving
17 forward tonight.

18 **MAYOR GAINES:** Okay. Any further question or
19 comments?

20 **COUNCILWOMAN MAURER:** I have a comment. I
21 just wanted to address Council Member Bozajian.

22 I would agree with you that respecting
23 another city's request like this is a good idea, but I
24 think what prompted their request were a lot of
25 questions that we didn't have the answers to, a lot of

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1 to be fiscally responsible for our city. This
2 obviously goes straight to the heart of that.

3 We are looking at a budget issue of half a
4 million dollars a year, \$50,000 per month, which has
5 already been stated by many to be a major amount, not a
6 minor amount.

7 Those funds provide services, the revenues
8 provide services to our community, the funds we use in
9 our school system, our roads. Everything about the
10 city is top notch.

11 And I will take issue with one comment that
12 was made, or comments that have been indicated tonight.
13 The issue of maintaining open space and the ridgelines
14 and the corridor is not solely one city or another's
15 issue. I think all my council members and myself find
16 that to be a very important issue for our community as
17 well. So I don't think there's anyone here who wants
18 to take that for granted.

19 I think we are all very concerned about it
20 and we've all looked into this very carefully. We will
21 continue to.

22 I agree with the suggestion or the comments,
23 and I think you indicated, Mayor Gaines, that Mayor
24 Koehler had requested a task force for our community
25 and Agoura to look into the fine details of how you go

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1 concerns that we didn't know what was the real
2 information. And as we started getting the input from
3 the residents of Agoura Hills and from some of the
4 elected officials, including Senator Pavli, and we
5 started peeling back and looking at what are the
6 answers to these questions and we have put them forward
7 to you tonight, I think that we've resolved most of the
8 concerns.

9 Perhaps the only one that I can really point
10 to that needs some further consideration and work is
11 the arrangement with the Santa Monica Mountain
12 Conservancy, which I think is an excellent idea. I am
13 comfortable that we've addressed the concerns, and I
14 apologize that we didn't have the information earlier
15 and that we didn't have an opportunity and that this
16 did happen so quickly.

17 And I don't think -- it doesn't mean that it
18 won't happen. We can have representatives from this
19 council and Agoura to move forward, and I promise you
20 that we will be good neighbors and good stewards. And
21 if there are other concerns besides the open space
22 designation to the Conservancy let us know.

23 I understand your point but I think that I'm
24 comfortable with addressing the issues that I've heard
25 this evening.

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1 **MAYOR GAINES:** Okay. What is before us?
 2 Before us is an annexation of two properties, two
 3 buildings, and six separate lots immediately adjacent
 4 to the city. That's all that's before us right now.
 5 This is, if you look at it, it is a logical extension.
 6 It is an island of unincorporated territory
 7 between two cities. The property owners -- there's two
 8 property owners. They support being part of the city.
 9 They already consider themselves part of the City in
 10 Calabasas. They are involved in the Chamber of
 11 Commerce.
 12 The new tenant of the one building who was
 13 the old tenant of that building has been an active
 14 member of our community. The law in terms of state law
 15 supports these islands of unincorporated territory
 16 immediately adjacent to cities being incorporated into
 17 cities. It makes sense. It is the continuation of a
 18 commercial corridor in our city.
 19 All of these, just generally you would look
 20 at it, it makes complete and total sense. One of those
 21 areas that probably most people thought was in
 22 Calabasas already. I think there was testimony to that
 23 even this evening.
 24 Then we have this revenue issue. It is very
 25 interesting that Brian Cameron raised the issue. You

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1 know, these office buildings were never tax generators.
 2 I mean you got your property tax but they were never
 3 tax generators. But with the tech revolution you now
 4 have people that go into an office and create saleable
 5 tax revenue. It is probably the future of a revenue
 6 base. Much more likely that that is going to grow and
 7 continue to be part of a tax base for the City of
 8 Calabasas than car dealerships and other things that --
 9 you know, large book stores and other things that are
 10 probably going to go the way that some other things.
 11 You know, the way of I. Magnin and other things that
 12 have gone away.
 13 So it is important, you know, that this is a
 14 revenue generating source, and it is a great revenue
 15 generating source because it has very few impacts.
 16 There's no people going in and out. There's no --
 17 really, even the trucks in this case are, it is FedEx
 18 and UPS deliveries. I mean it is not semi-trucks
 19 filling up with goods and so forth.
 20 And we have tried to do a little bit to
 21 encourage that. We have caught on to this recently
 22 and, you know, I made some presentations this year at
 23 the Chamber and other places where I said this is
 24 exactly what we want brokers to bring us to fill these
 25 buildings, are these very low impact, potentially tax

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1 generating tenants in these types of buildings.
 2 This particular one happens to be a great tax
 3 generator, \$500,000 a year. It is actually the
 4 highest -- at one point it was almost \$700,000. It was
 5 a year where they put 680 into the coffers. So this is
 6 a very important revenue source.
 7 As one of your budget liaisons I can tell you
 8 that we are doing okay this year. We are doing better.
 9 We had a balanced budget -- we actually had a budget
 10 that had about a \$200,000 surplus. We are running
 11 right at about that, it looks like, about halfway
 12 through the year. We actually do a month-to-month look
 13 at where we are budget-wise.
 14 But an extra couple hundred thousand does
 15 nothing but inflation over existing items, so we are
 16 back in the situation if we want to do anything new
 17 it's got to come out of reserves, so we have to have
 18 some kind of revenue, additional generation.
 19 And we are sensitive to little things. You
 20 know, the Volvo dealership closes. It is being
 21 converted to a Mini, but while it is closed they are
 22 not selling any cars. So we end up with six months of
 23 zero coming out of the car dealership.
 24 When the Anza Hotel closed to remodel we had
 25 six months of zero coming out of hotel tax. And those

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1 little things -- and so when we sit down at the end of
 2 the year, how much can we give the PFCs, how much can
 3 we do for seniors -- you know, the whole list. You
 4 know, whether we can give a 2 percent increase to our
 5 employees, these are all the things that we sit and
 6 balance. So these revenues are important and we do
 7 follow it.
 8 And this came on quicker than normal because
 9 we found out that this revenue source was going to move
 10 on August 1st. Thank goodness we are a little city
 11 that can act quickly and that can steer the ship and
 12 have it go in a direction relatively quicker than most
 13 government entities can.
 14 And our duty as fiduciaries of the city and
 15 of acting in the best interests of the City of
 16 Calabasas clearly take what is a logical and legal
 17 annexation and give it urgency and make it appropriate
 18 for us to move quickly.
 19 So what are the concerns? There should be
 20 no -- no one should be thinking we are ignoring the
 21 concerns, all of the concerns that have been raised.
 22 And like I said before, I don't care if you
 23 are a block out of the city or a block in the city.
 24 All of the concerns that have been raised have been
 25 land use related concerns: Open space, the wildlife

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1 corridor, and what are the conditions of approval that
2 are going to apply to this building.

3 In terms of open space, it is already open
4 space except there's actually one theoretical lot. It
5 is the landslide lot. It is valued at \$64,000 in the
6 tax roll. So no one is thinking that this is a very
7 valuable piece of property.

8 But even that lot, which is now in the county
9 zoned commercial, we intend to put into open space. We
10 are in a position to be able to purchase these
11 properties. We happen to have a program where we every
12 year follow the tax sales and make an effort to pick
13 up, and we have picked up dozens of properties over the
14 years, little ones here and there that go on tax sale,
15 and turn them into public ownership and zone them as
16 open space.

17 And so we have that program in place and
18 funds available in the account to make those kind of
19 purchases once it is within the boundaries of the city.
20 We can't do that for properties outside the boundaries
21 of the city.

22 This is a beautiful open space. Jill and I
23 have hiked this area. You have got the Daisy trail and
24 the Talapop trail and it connects to the Las Virgenes
25 connector and we've been through there and it is a very

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1 There was a comment made about the voters in
2 Calabasas. This is the actual vote on this issue in
3 the city, 84 percent.

4 The wildlife corridor, we are all supportive
5 of this wildlife corridor. There's nothing in here
6 that affects in any way the wildlife corridor. In
7 fact, having it in the city allows us probably more
8 easily to provide more resources to issues related to
9 the wildlife corridor, at least as it affects areas
10 that go in the city. And there's nothing that we are
11 doing here that changes or detracts from that at all.

12 Additional development, that question has
13 been answered. Some of the questions were, are they
14 going to allow additional development. The zoning that
15 we are proposing on these areas will not allow any
16 additional development.

17 This particular building, the large building
18 has a CUP which limits it to that exact building. The
19 condition is you will have an 82,000 square-foot
20 building per the plan attached as Exhibit A, which is
21 that building. So they cannot add anything without
22 going through a discretionary process to have that
23 changed. That is true whether they are in the county
24 now or when it becomes part of the city. So there's no
25 additional development rights here.

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1 beautiful area.

2 And the City of Calabasas has in place all of
3 the protections. I would say more than the county
4 because we do have the vote, the citizen vote that the
5 county doesn't have.

6 Agoura has pretty much the same law with the
7 citizen vote. Any property zoned or planned open space
8 has to go to a vote of the people to change.

9 James, what was the percentage in favor of
10 that? I tend to think it was like 75 percent.

11 **COUNCILMAN BOZAJIAN:** Between 75 and 80.

12 **COUNCILMAN SHAPIRO:** 82.

13 **MAYOR GAINES:** 82. So when the people of
14 Calabasas voted to add that to our code, 82 percent of
15 the people in the City of Calabasas said we are going
16 to have that kind of protection for open space. I beg
17 you to find any election with 82 percent.

18 **COUNCILMAN SHAPIRO:** It just went up.

19 **MAYOR GAINES:** Oh, we are up to 84. Do I
20 hear 85?

21 (Laughter.)

22 We are going to send the sheriff out to find
23 someone who voted against this thing. All right. But
24 it is an example of the strength of support in the City
25 of Calabasas.

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1 And then you get into the specifics of there
2 were issues related to hours and uses and lighting and
3 landscaping. And you have this conditional use permit
4 which when you go through it, by the way, not only
5 talks about, in this conditional use permit from 1999,
6 talks about that this project has been designed to
7 accommodate and protect the wildlife corridor. This is
8 in the findings of the 1999 approval.

9 The owner made, at the time of this approval,
10 made a donation to the Santa Monica Mountains
11 Conservancy as part of that. The applicant engaged in
12 extensive discussions with the Santa Monica Mountains
13 Conservancy relating to the development proposal. This
14 is from the 1999 approval.

15 "The applicant has agreed to meet all of the
16 Conservancy's recommended mitigation measures which
17 have been incorporated into the project. Changes,
18 conditions due to the environmental evaluation."

19 So this particular project was done with
20 input from the Santa Monica Mountains Conservancy and
21 the citizens, and has the conditions that were already
22 stated related to hours and deliveries.

23 By the way, frankly more strict than either
24 the general conditions of Agoura, the county, or
25 Calabasas in terms of the Saturday hours and the

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1 closing times and the no Sunday and so forth.
 2 So we have stricter conditions, and those
 3 conditions would not change with this proposal. So
 4 nothing changes physically. Nothing changes in terms
 5 of the regulations. We will have additional -- all we
 6 are doing is initiating an application. If we pass
 7 this resolution we will go down and make an application
 8 which will have to go through a lengthy process,
 9 including within the city a process that will have this
 10 rezoning.

11 So we are going to consider the exact zoning
 12 for this area which we've already, many of us have said
 13 what the intent is, which is those two lots as
 14 commercial, everything else is open space.

15 But that will go to public hearing at the
 16 planning commission in April. It is already scheduled
 17 to come to -- maybe in early May. I said April because
 18 I know the council has it scheduled for May the 12th.

19 **MR. COROALLES:** The special meeting.

20 **MAYOR GAINES:** The special meeting on May the
 21 12th to do that. So we will have public meetings and
 22 hearings just within the city regarding those issues,
 23 let alone the LAFCO process.

24 I understand James' trouble. I certainly
 25 get, you know, I understand the mayor of Agoura Hills

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1 members of their council to discuss some of those
 2 issues. I said absolutely.

3 And unless there is objection, I am going to
 4 appoint myself and Council Member Bozajian as a
 5 committee to go and meet with the Agoura Hills
 6 representatives along with staff regarding this.

7 I offered to do it before their meeting on
 8 March 26, when they plan to discuss it, so that we'd at
 9 least initiate those discussions in advance. And I
 10 intend to do this.

11 And at the end of the conversation he
 12 understood my position, I understood his position. I
 13 didn't get any sense that there was, you know, any
 14 hostility or anger or anything that would cause any
 15 major rift in the peaceful coexistence of our sister
 16 municipalities.

17 So given the importance of our duties to our
 18 residents, given the reality of, as Councilwoman Maurer
 19 says, when you look at the facts what actually will
 20 occur in terms of all these land use issues, I think it
 21 is important that we move forward and in this rare
 22 occasion we are not able to fully grant their request
 23 to postpone this.

24 I am able to grant their request for an
 25 opportunity to meet and confer with theirs, and we are

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1 writes a letter. So I picked up the phone and I talked
 2 to the mayor today and I told him, I said "Look, I have
 3 a" -- you know, I explained the urgency in the city,
 4 why we are moving faster than normal, because this is
 5 \$50,000 a month potentially to the city and if I put it
 6 off to wait, it is at least a month because our next
 7 meeting is not a business meeting. And I know that
 8 these things end up being one month, two months, three
 9 months. You know, people want to discuss things.
 10 And he understood that I had a decision that
 11 potentially would cost the City of Calabasas 100-
 12 150-, 200,000, a quarter of a million dollars, and
 13 balanced against my neighboring mayor asking to put it
 14 off.

15 I asked him what the issues were. He went
 16 through. The issues that have come to us were these
 17 same issues we have just discussed: The open space,
 18 the wildlife corridor, these conditions of approval.

19 I went through a little of it with him in
 20 terms of the CUP and he understood. What he did ask --
 21 I don't want this to be misinterpreted. He didn't say
 22 "I am withdrawing this request."

23 He said he understood our position. He asked
 24 if we would have a -- if we could have a couple of
 25 members of the council come to meet with a couple

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1 going to do that with the committee that I'm proposing
 2 to.

3 **MR. COROALLES:** Mr. Mayor, I spoke to the
 4 city manager today and I told him that I would make
 5 available our staff to go to their council meeting to
 6 give the same presentation that this council just
 7 received, at the Agoura city council meeting. And the
 8 city manager said he'd like to do that.

9 **MAYOR GAINES:** Great. And then I will make
 10 one last little personal request of James. I think it
 11 is important, if possible, that the request be
 12 unanimous to -- you know, that we initiate this with a
 13 unanimous vote.

14 So I would ask you to consider -- either to
 15 reconsider or to -- if the issue is not that you don't
 16 oppose the annexation but you are concerned about
 17 the -- you want to make a statement or are concerned
 18 about the request from Agoura Hills, even after my
 19 explanation, I would ask that maybe you consider
 20 abstaining so we could have a four to zero, one vote.

21 **COUNCILMAN BOZAJIAN:** I have never abstained
 22 and I don't really care to do that. I appreciate your
 23 request. But if it helps to put in the record of our
 24 request to LAFCO the reasons, specific reasons that I
 25 gave, that's fine.

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1 Also, when we finally, when we are taking
2 other votes on annexation I will be voting yes, as I
3 indicated.
4 I'd rather not change my vote. I was given a
5 specific request from Agoura Hills and I would intend
6 to honor that request.
7 **MAYOR GAINES:** Okay. I appreciate that.
8 With that, I will entertain a motion on the
9 item. Is there a motion?
10 **COUNCILMAN SHAPIRO:** So moved.
11 **COUNCILWOMAN MAURER:** I will second that.
12 **MAYOR GAINES:** It's been moved and seconded.
13 Any further discussion?
14 **COUNCILWOMAN MAURER:** I just would like to
15 add -- I don't know if this is the opportunity to
16 add -- that staff initiate a discussion with the
17 Conservancy about our discussion and intention.
18 **MAYOR GAINES:** Okay. Any further discussion?
19 Seeing none, we will go to a vote. All those
20 in favor of the item, please say aye.
21 **COUNCILMAN SHAPIRO:** Aye.
22 **COUNCILWOMAN MAURER:** Aye.
23 **COUNCILWOMAN MARTIN:** Aye.
24 **MAYOR GAINES:** Aye. Opposed?
25 **COUNCILMAN BOZAJIAN:** Nay.

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1 **MAYOR GAINES:** Four to one, the item passes.
2 Thank you very much.
3 (End of proceedings In Re Agenda Item No. 4.)
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REPORTER'S CERTIFICATE

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4 I, BARBARA BROSNAN, CSR NO. 2202, Certified
5 Court Reporter of the State of California, certify:
6 That I transcribed the proceedings held on
7 March 12, 2014, Agenda Item No. 4, from the Calabasas
8 City Council website via CTV Channel Live;
9 That the foregoing record is a true
10 transcription of the proceedings as transcribed by me
11 from the electronic proceedings;
12 I hereby certify that I am not interested in
13 the outcome of the action.
14 IN WITNESS WHEREOF, I have subscribed my name
15 this 4th day of April, 2017.
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Barbara Brosnan, CSR NO. 2202
Deposition Officer in and for
the State of California

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EXHIBIT 4

COMPREHENSIVE FISCAL ANALYSIS

The Economics of Land Use



City of Calabasas Annexation Comprehensive Fiscal Analysis

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City of Calabasas and
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March 2017

EPS #161134

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1. INTRODUCTION AND SUMMARY

This report presents a *Draft Comprehensive Fiscal Analysis* (CFA) of the proposed West Agoura Road Annexation (Annexation #2015-04) of the site located in Los Angeles County (County) to the City of Calabasas (City). The Draft CFA has been prepared as requested by Los Angeles County and the City of Calabasas, as a result of the City's lawsuit and the resultant Court Order which directed both the City of Calabasas and the County of Los Angeles to obtain an independent CFA for the proposed Annexation Area, pursuant to Revenue and Tax Code Section 99. The Draft CFA presents the fiscal implications of the proposed annexation for the County and the City. The Annexation Area is currently developed with two office buildings located on five parcels comprising 43 acres located along Agoura Road between Liberty Canyon Road and Malibu Hills Road adjacent to Highway 101 (Annexation Area).

This analysis estimates the current County General Fund and Special Fund/Special District expenditures and revenues in the proposed Annexation Area. The analysis also estimates the anticipated expenditures and revenues that the City will assume for the Annexation Area. Thus, it provides an estimate of fiscal effects on the City and the County. The impacts of capital facility funding are not included in this analysis.

The analysis of County revenues and expenditures is based on detailed fiscal data derived from the Fiscal Year 2014-15 County "closing actual" revenues and expenditures. This data was provided to the Consultant by the County of Los Angeles Chief Executive Officer. Estimates of expenditures that will be incurred by the City were provided by the City's Chief Financial Officer. This data was reviewed and organized by the Consultant as part of formulating the Draft CFA. The Draft CFA applies "baseline" assumptions regarding transfer of property taxes (as documented by the Los Angeles County Auditor-Controller) and other statutory transfers.

The negotiations required by Revenue and Taxation Code Section 99 between the County and the City regarding the proposed annexation will determine the actual fiscal effects on the two jurisdictions. This CFA is intended to assist the City and County with those negotiations.

Key Findings

General Fund Impacts

1. The County General Fund will experience a negative net fiscal impact as a result of the annexation.

The County's revenues and expenditures associated with the proposed Annexation Area will be reduced; revenues transferred will substantially exceed expenditures transferred to the City. Based on the CFA, the County's current General Fund expenditures are \$48,000. The General Fund post-annexation revenue loss would be \$550,000. Therefore, the County's net General Fund loss is \$502,000.

2. The City will experience a positive net General Fund fiscal impact as a result of the annexation.

City revenues and expenditures will increase associated with the annexation with revenues increasing substantially more than costs. Based on the CFA the City's General Fund expenditures upon annexation would be \$18,000. The General Fund revenue increase to the City would be \$506,000 and therefore, the net General Fund gain to the City would be \$488,000.

Special Fund/Special District Impacts

1. The City will experience a positive net fiscal impact as the result of transfer of Special Fund and Special District responsibilities.

This positive effect is the result of the transfer of assessment authority and the fund balance derived from Special District LLAD#32 of \$183,000 from the County to the City and the transfer from the County's Library Fund of \$3,900 to the City as a result of the annexation. The analysis anticipates that the City's public works road and lighting maintenance expenditures will be covered from the City's net General Fund gain as a result of the annexation.

2. The County will have a net positive benefit.

The County will benefit since the Lighting District and Road Fund expenditures will be transferred to the City.

The summary fiscal results are shown on **Table 1**. These fiscal results are based on more detailed analysis of County and City cost and revenue effects documented subsequently in this report.

Table 1 Summary of West Agoura Road Annexation Fiscal Impacts

Item	County			City		
	Existing	Post-Annexation	Net	Existing	Post-Annexation	Net
General Fund	\$545,290	\$44,132 (1)	(\$501,158)	\$0	\$487,931	\$487,931
Special Funds						
Consolidated Fire Protection	\$0	\$0	\$0	\$0	\$0	\$0
Flood Control District	\$0	\$0	\$0	\$0	\$0	\$0
Public Library	\$3,905	\$0	(\$3,905)	\$0	\$3,905	\$3,905
Road District #3	\$1,012	\$0	(\$1,012)	\$0	\$0	\$0
Road Funds	\$293	\$10,325	\$10,032	\$0	\$0	\$0
Lighting District #1687	\$1,011	\$7,600	\$6,589	\$0	\$0	\$0
LLAD #32 (Landscaping)	\$11,000	\$937	(\$10,063)	\$0	\$11,000	\$11,000
Special District Transfers						
LLAD #32 (2)	\$183,000	\$0	(\$183,000)	\$0	\$183,000	\$183,000

(1) The County's share of property taxes that will be retained after the annexation. This figure includes the \$690 from the CLMD#687 reallocated to the County after annexation.

(2) The annual assessment for the five parcels is \$11,000. In FY 2014-15 collection totaled \$41,096 which represented prior year collections plus interests and penalties. DPW reported as of 9/16/16, for FY 2014-15 the fund balance for LLAD #32 was \$183,000. The fund balance will be transferred to City upon annexation of the area to the City.

The revenue and expenditure details for the County, including both its General Fund-supported services and Special Fund and Special District-supported services, are shown on **Table 2**. Existing (FY 2014-2015) expenditures and revenues are shown in addition to the "baseline" changes (transfers) of revenue, resulting in a calculation of net fiscal effects.

The detailed revenue and expenditure fiscal effects on the City are shown on **Table 3** which shows the baseline revenues transferred from the County and the expenditure estimates for the Annexation Area provided by the City. It is assumed that responsibilities for the existing County Special Fund and Special District services will be absorbed by the City and that the City will continue related special benefit and service charge revenues.

Table 2 County Fiscal Impact Details

Item	Effect of Annexation	Existing	Post-Annexation	Net
General Fund				
<u>Revenues</u>				
County Property Tax	Revenue Reduction	\$50,880	-\$7,438	\$43,442
Sales Taxes	Shift of sales taxes to City including 1% of the situs-based sales plus the proportional share of the non-situs-based "pools" of sales	\$485,000	-\$485,000	\$0
Utility Users Taxes	Estimate includes the square feet of the two buildings (107,345 sq. ft.) at utility cost of \$2.50 per sq. feet (\$268,363). County's UUT rate is 4.5%.	\$12,076	-\$12,076	\$0
General Fund Service Fees and Charges	Revenue Reduction	\$45,397	-\$45,397	\$0
Total Revenues		\$593,353	-\$549,911	\$43,442
<u>Expenditures</u>				
County Sheriff	No Impact	\$0	\$0	\$0
General Government	No Impact	\$0	\$0	\$0
Animal Care and Control	No Impact	\$0	\$0	\$0
Department of Public Works	Cost Reduction	\$42,478	-\$42,478	\$0
Department of Regional Planning	Cost Reduction	\$5,585	-\$5,585	\$0
Total Expenditures		\$48,063	-\$48,063	\$0
Net General Fund Impact		\$545,290	(\$501,848)	\$43,442
County Special Funds/ Special Districts (1)				
<u>Revenues</u>				
Consolidated Fire Protection	No Impact	\$0	\$0	\$0
Flood Control District	No Impact	\$0	\$0	\$0
Public Library (2)	Revenue reduction	\$3,905	-\$3,905	\$0
Road District #3	Revenue reduction	\$1,012	\$0	\$1,012
Road Funds (3)	Revenue reduction	\$293	\$0	\$293
Lighting District #1687 (4)	Revenue reduction	\$1,011	-\$690	\$321
LLAD #32 (Landscaping)	Revenue reduction	\$11,000	-\$11,000	\$0
<u>Expenditures</u>				
Consolidated Fire Protection	No Impact	\$0	\$0	\$0
Flood Control District	No Impact	\$0	\$0	\$0
Public Library	No Impact	\$0	\$0	\$0
Road District #3	No Impact	\$0	\$0	\$0
Road Funds	Cost Reduction	\$10,325	-\$10,325	\$0
Lighting District #1687	Cost Reduction	\$7,600	-\$7,600	\$0
LLAD #32 (Landscaping)	Cost Reduction	\$937	-\$937	\$0

(1) Special funds and special districts are made up of separate funds and districts, and thus are not totaled.

(2) Includes \$3,753 in property taxes and \$152 in per parcel special taxes.

(3) Calculated by the County's Department of Public Works.

(4) Reflects taxes and assessments collected only from within the area. The CLMD #1687 share of property taxes will be reallocated among the taxing entities in the Tax Rate Area. The County's Share is estimated to be \$321.

Source: City of Calabasas and County of Los Angeles

Table 3 City Fiscal Impact Details

Item	Effect of Annexation	Existing	Post-Annexation	Net
General Fund				
<u>Revenues</u>				
General Fund Service Fees and Charges	Revenue Increase	\$0	\$32,700	\$32,700
Property Tax	Revenue Increase	\$0	\$7,438	\$7,438
Property Tax In Lieu of VLF	No Impact	\$0	\$0	\$0
Sales Tax (1)	Shift of sales taxes to City including 1% of the situs-based sales plus the proportional share of the non-situs-based "pools" of sales	\$0	\$485,000	\$485,000
Franchise Fees	No Impact	\$0	\$0	\$0
Fines and Forfeitures	No Impact	\$0	\$0	\$0
Utility Tax	Estimate includes the square feet of the two buildings (107,345 sq. ft.) at utility cost of \$2.50 per sq. feet (\$268,363). City's UUT rate is 5%.	\$0	\$13,418	\$13,418
Parks and Recreation	No Impact	\$0	\$0	\$0
Creekside	No Impact	\$0	\$0	\$0
Transient Occupancy Tax	No Impact	\$0	\$0	\$0
Other Revenue	No Impact	\$0	\$0	\$0
Total Revenues		\$0	\$538,556	\$538,556
<u>Expenditures</u>				
General Government	No Impact	\$0	\$0	\$0
Public Safety	No Impact	\$0	\$0	\$0
Roads	Cost Increase	\$0	\$10,325	\$10,325
Community Services	No Impact	\$0	\$0	\$0
Administration	Cost Increase	\$0	\$0	\$0
Engineering	No Impact	\$0	\$0	\$0
Recycling	No Impact	\$0	\$0	\$0
Public Buildings	No Impact	\$0	\$0	\$0
Grounds Maintenance	No Impact	\$0	\$0	\$0
Traffic	No Impact	\$0	\$0	\$0
Library Maintenance	No Impact	\$0	\$0	\$0
Street Lighting	Cost Increase	\$0	\$7,600	\$7,600
Public Works/ Community Development (2)	Cost increase offset by General Fund service fees and charges.	\$0	\$32,700	\$32,700
Total Expenditures		\$0	\$50,625	\$50,625
Net General Fund Impact		\$0	\$487,931	\$487,931
City Special Funds/ Special Districts (3)				
<u>Revenues</u>				
CFPD	No Impact	\$0	\$0	\$0
Flood Control	No Impact	\$0	\$0	\$0
Public Library	Revenue Increase	\$0	\$3,905	\$3,905
Road District #3	No Impact	\$0	\$0	\$0
Road Funds	No Impact	\$0	\$0	\$0
Lighting District #1687	No Impact	\$0	\$0	\$0
LLAD #32 (Landscaping)	Revenue Increase	\$0	\$11,000	\$11,000
<u>Expenditures</u>				
CFPD	No Impact	\$0	\$0	\$0
Flood Control	No Impact	\$0	\$0	\$0
Public Library	No Impact	\$0	\$0	\$0
Road District #3	No Impact	\$0	\$0	\$0
Road Funds	No Impact	\$0	\$0	\$0
Lighting District #1687	No Impact	\$0	\$0	\$0
LLAD #32 (Landscaping)	Cost Increase	\$0	\$937	\$937

(1) Reflects CEO's estimated amount of pool sales tax that is attributable to the business activities in the annexation area.

(2) Community services category includes building inspection and code enforcement.

(3) Special funds and special districts are made up of separate funds and districts, and thus are not totaled.

Source: City of Calabasas CAFR and County of Los Angeles.

2. GENERAL FUND REVENUES

This chapter summarizes key revenues derived from the Annexation Area proposed for annexation that may be shifted between the County and the City, subject to the requirements of Revenue and Taxation Code section 99 and review by the Los Angeles Local Agency Formation Commission (LAFCO). The estimated revenue impacts of the proposed annexation are derived from the statutory transfer of municipal revenues as part of a municipal annexation of unincorporated area. The estimates are based on the detailed fiscal information provided by County Staff and City Staff with additional review by EPS.

Property Tax

Property tax revenue generated in the area proposed for annexation is based on a tax rate of 1.0 percent of assessed value in the area. This analysis assumes that if the annexation is approved, the City of Calabasas will receive a share of the County's existing tax base based on the County Auditor-Controller's estimate reflective of the existing Annexation Area assessed value of \$15.1 million. Future reassessments will change fiscal results as property tax allocations will change in proportion to assessed value growth. The property taxes shown to be exchanged in this analysis were calculated by the County Auditor-Controller using its standard format for annexation proceedings.

Sales Tax

The local government share of State sales taxes are derived from 1.0 percent of the retail, business-to-business and point of contact sales generated on site and also a portion of the "pool" sales taxes (sales taxes for which no situs is determined). Currently, the Annexation Area generates a substantial amount of "point of contact sales" sales tax revenue for the County. The sales tax estimate in this analysis is based on an estimate, provided by the City, of sales tax losses that occurred when the major tenant in the Annexation Area moved out of the City. This estimate is based on the tenant's point of contact sales reported on site, and may have changed since. However, given the proprietary data disclosure limitations, a more accurate number is not available at this time.

Utility Users Tax

Utility users are subject to a tax on their tax bill. Los Angeles County charges a rate of 4.5 percent on gas, electric, and telephone services, including cell phone services, whereas the City of Calabasas charges a rate of 5.0 percent for gas, electric, telephone services and cell phone services. This analysis indicates that the City would collect an estimated amount of \$13,400 annually in UUT. Conversely, the County would lose approximately \$12,000 due to the County's 4.5 percent UUT rate. This estimate of revenue shift is based on the total annual utility cost estimate of \$268, 400, based on an average utility cost of \$2.50 per office square foot applied to 107,300 square feet of space from two buildings in the Annexation Area.

General Fund Service Fees and Charges

Upon annexation of the area to the City, the County will forego current fees and charges collected to offset the Public Works and Regional Planning operations. Given the cost recovery nature of these functions, there may not be a proportional decrease in County costs that may require additional General Fund support.

3. GENERAL FUND EXPENDITURES

This chapter summarizes the key municipal service costs and obligations that will be transferred to the City if the proposed annexation occurs. This analysis documents cost impacts of the proposed annexation based on the detailed fiscal information provided by County Staff and City Staff with additional review by EPS. Key expenditures expected to be affected by the annexation are described below and are shown in **Tables 2 and 3**. In conclusion, Based on the CFA, the County's total General Fund expenditure reduction will be \$44,000 upon annexation. The estimated revenue loss would be \$545,000 so that the net General Fund impact for the County is a loss of \$501,000.

The City's total General Fund expenditure requirements upon annexation will be approximately \$18,000. Estimated revenues would be \$506,000 so the net General Fund impact for the City is a gain of \$488,000.

General Fund: Public Works and Regional Planning

The County estimates that it currently incurs expenditures of about \$42,500 for Public Works and about \$5,600 for Regional Planning associated with the Annexation Area offset primarily by services fees and charges of \$45,000. These expenditures will be eliminated from the County after the annexation. The City expects to incur a cost of \$17,900 associated with Public Works road maintenance functions and the lighting district functions, while other public works expenditures and the planning expenditures of \$32,700 will be offset by services fees and charges. The City's Public Works road functions consist largely of street maintenance including street sweeping, repairs, resurfacing, sidewalk repair and maintenance, signage and striping, and related administration costs.

Other General Fund Expenditures

While the City and County have a number of other General Fund items in their budgets, the annexation is not expected to affect expenditures related to services in the Annexation Area such as General Government and law enforcement services, among others.

4. SPECIAL FUND/SPECIAL DISTRICT IMPACTS

Road Fund

The County Road Fund will experience a positive fiscal impact, due to the reduction of net road fund expenditures of \$10,300 in the Annexation Area.

Road District #3

Similar to the General Fund property tax reduction described above, the County will forego existing Road District #3 property tax revenue.

County Lighting Maintenance District 1687 (CLMD #1687)

There are two funding sources for lighting and maintenance purposes in the Annexation Area: property tax from CLMD #1687 and assessment revenue from the Landscape and Lighting Act District #1 (LLAD #1). The County will forego existing CLMD #1687 property tax revenue in tax rate area 1756, and assessment revenue in the Annexation Area from LLAD #1. Per the Auditor-Controller, the small amount of property taxes from the CLMD#1687 will be reallocated to the existing taxing entities within TRA 1756. As a result of the reallocation, the County will receive \$690. The County will forego the assessments, approximately \$30 annually, from the parcels in the affected Annexation Area, since the area will be detached from the CLMD#1687 and LLAD #1. In addition, the CLMD will have a positive fiscal impact related to reduced expenditures of \$7,600.

Lighting and Landscaping Act District (LLAD #32)

The annexation is not expected to affect ongoing operation of Lighting and Landscaping Act District (L&LAD #32). It is estimated that the fund balance for LLAD #32 is \$183,000, which will be transferred from the LLAD #32 to the City for the administration and operation of the District. The District will be transferred to the City, and it is assumed that the assessments on the affected parcels will continue for ongoing operation and maintenance of the District.¹

Library Fund

Two existing libraries provide services in proximity to the Annexation Area. They are the Agoura Hills Library (part of the Los Angeles County Public Library system) and the Calabasas Public Library with both offering a full range of services. While no change in library service is envisioned, the annexation will shift the Public Library's property tax share from the County to the City. The shift is based on the estimate provided by the County Auditor-Controller.

¹ The current fund balance for LLAD #32 is expected to decrease as the County presently anticipates expending some of these funds on certain non-routine maintenance activities. Additionally, it is anticipated that the annual assessment, which historically was \$11,000, will likely reduce as part of a revised engineer's report that documents the maintenance requirements."

EXHIBIT 5

**NOVEMBER 7, 2018
ADOPTED BOARD LETTER**



SACHI A. HAMAI
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

"To Enrich Lives Through Effective And Caring Service"

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

JANICE HAHN
Fourth District

KATHRYN BARGER
Fifth District

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

November 07, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

13 November 7, 2018

CELIA ZAVALA
EXECUTIVE OFFICER

Dear Supervisors:

**RECOMMENDATION TO ACCEPT ARBITRATOR'S DECISION REGARDING THE
PROPOSED ANNEXATION OF TERRITORY INTO THE CITY OF CALABASAS, ADOPT A
JOINT RESOLUTION WITH THE CITY OF CALABASAS TO EXCHANGE PROPERTY TAX
REVENUES AND TO APPROVE AN AGREEMENT TO SHARE SALES TAX REVENUES, AND TO
SUBMIT COMMENTS AND CONCERNS TO THE LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES (ANNEXATION NO. 2014-04)
(THIRD DISTRICT)
(4 VOTES)**

SUBJECT

This is to recommend the Board accept the offer to share sales and property tax revenues proposed by the City of Calabasas (City), and recommended by an arbitrator, to resolve a dispute over the City's proposed annexation of territory, and to proceed with the arbitrator's recommendation by: 1) approving and adopting a joint resolution to exchange property taxes and approving a sales tax sharing agreement with the City; and 2) submitting comments and concerns regarding the City's proposed annexation to the Local Agency Formation Commission for the County of Los Angeles (LAFCO).

IT IS RECOMMENDED THAT THE BOARD:

1. Accept the City's offer to share sales and property tax revenues with the County of Los Angeles (County), as recommended by an arbitrator, by adopting and directing the Chair to sign a Joint Resolution that: a) provides for an exchange of property tax revenues, and b) approves an Agreement Between the City and the County for Sharing City Sales Tax Revenues; and
2. Direct the Chief Executive Officer (CEO) and County Counsel to submit comments and concerns regarding the City's proposed annexation to LAFCO.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In 2014, the City applied to LAFCO to annex a small portion of unincorporated territory (Annexation Area) located between the cities of Agoura Hills and Calabasas. In Fiscal Year 2014-15, the annexation area generated approximately \$485,000 in sales tax revenue for the County.

Before LAFCO may proceed with the required hearings on the proposed annexation, State law requires the Board and the governing body of the City to negotiate and agree to a resolution that includes, but is not limited to, an exchange of property tax revenue between the County and City. After the City applied to annex the area in 2014, the County and the City commenced negotiations. After such negotiations did not result in an agreement, the City filed a lawsuit against the County to force the annexation to proceed. However, the Court stayed the City's litigation and ordered the County and City to follow a dispute resolution process required by law before proceeding with litigation.

The dispute resolution process included conducting an analysis of the annexation's fiscal impact, mediation, and arbitration. After the conclusion of arbitration, the County and the City each proposed "last and best" offers to the arbitrator, who was required to select one to recommend to the Board and the Calabasas City Council (City Council). In this case, the arbitrator selected the City's offer (Attachment 1).

The City's offer calls for the City to share with the County a declining percentage of the approximately \$485,000 in annual sales tax revenues generated in the Annexation Area over a 10-year period. After the 10-year period, the sales tax sharing will cease and the City will retain all sales tax revenues. The offer also requires the County to transfer, indefinitely, a base of \$7,438 in property tax revenues to the City, along with the revenues and service obligations associated with three special districts, including the LA County Library.

The City Council approved the offer, as recommended by the arbitrator, on August 8, 2018. It is now the Board's option to either accept or reject the City's offer. The Board may approve the arbitrator's recommendation by adopting the Joint Resolution of the County of Los Angeles and the City of Calabasas for the Negotiated Exchange of Property Tax Revenues Related to Annexation No. 2014-04 (Joint Resolution) (Attachment 2). Adoption of the Joint Resolution will:

1. Approve an exchange of property taxes with the City; and
2. Approve, and authorize the Chair to sign, the Agreement Between the City and the County for Sharing City Sales Tax Revenues (Sales Tax Sharing Agreement) (Attachment 3).

If the above actions are taken, LAFCO may then proceed with hearings to determine whether to approve the annexation. Public statements by City officials indicate the annexation was intended, at least in part, to acquire the sales tax revenues generated from the Annexation Area. Whether the annexation process is appropriate for a city to use to capture sales tax revenue is a policy issue for LAFCO to consider. Recommendation Number 2 will authorize the CEO and County Counsel to submit comments and concerns to LAFCO over the City's use of the annexation process to acquire sales tax revenues.

If LAFCO approves the City's annexation, then the terms of the City's offer, including the Joint Resolution and Sales Tax Sharing Agreement, will go into effect. If LAFCO denies the City's

annexation, the annexation process will be terminated, and the Joint Resolution and Sales Tax Sharing Agreement will be void.

FISCAL IMPACT/FINANCING

If the Board adopts the Joint Resolution (Recommendation Number 1) and LAFCO approves the City's annexation, the area will then fall under the City's jurisdiction and the City will begin receiving sales tax revenue from the area. Under the terms of the Sales Tax Sharing Agreement, the City will transfer to the County, commencing with the fiscal year after the effective date of the annexation, 50 percent of the sales tax revenues generated from the area in the first year, with the County's share declining 5 percent per year thereafter for ten years until the County receives no sales tax revenues. Assuming the same revenue is generated for the ten years after the Sales Tax Sharing Agreement is in effect, the County's sales tax revenue from the area will decline as follows:

YEAR	COUNTY REVENUE FROM ANNEXATION AREA
0	\$485,000 (revenue before annexation)
1	\$242,500
2	\$218,250
3	\$194,000
4	\$169,750
5	\$145,500
6	\$121,250
7	\$97,000
8	\$72,750
9	\$48,500
10	\$24,250
11	\$0.00

The County will also transfer \$7,438 in base property tax revenue from the County General Fund to the City, and will allocate a share of the annual property tax increment in each of the affected Tax Rate Areas from the County to the City, as provided for in the Joint Resolution. In addition, the County will transfer \$3,751 in base property tax from the LA County Library to the City of Calabasas Library, and will allocate a share of the annual property tax increment in each of the affected Tax Rate Areas from the LA County Library to the City of Calabasas Library. These transfers would take effect in the fiscal year following the filing of the statement of boundary change for Annexation No. 2014-04 with the California State Board of Equalization.

The County also has a Landscape and Lighting Act District (LLAD) in the area with an assessment of approximately \$2,200 per parcel. The assessment generates around \$11,000 per year, and has a fund balance of approximately \$134,000. Upon approval of the annexation by LAFCO, the assessment revenue and any remaining fund balance will be transferred to the City, along with responsibilities for providing landscape and lighting service to the area, as provided for in the Joint Resolution.

The City of Agoura Hills, which is immediately adjacent to the annexation area, opposes the City's annexation. In a letter submitted to LAFCO, Agoura Hills expressed concern that the City may not appropriately maintain a hillside located within the annexation area that has previously suffered from landslides. The City of Agoura Hills also indicated a preference that the area remain unincorporated and under the County's jurisdiction. A copy of the City of Agoura Hills' objection letter to LAFCO is attached as Attachment 4.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Pursuant to Part 3, Division 3, Title 5 of the California Government Code, commencing with Section 56000, the City adopted a resolution and filed an application with LAFCO in 2014 to initiate proceedings for annexation of the Annexation Area to the City. The territory proposed for annexation covers approximately 57 acres of uninhabited territory that will be annexed to the City, generally located along Agoura Road, between Liberty Canyon Road and Malibu Hills Road. The Annexation Area is composed of five parcels that include commercial/industrial uses, open space and roads right-of-way, and does not contain any residential areas.

Section 99 of the Revenue and Taxation Code (R&T Code) requires that prior to the effective date of any jurisdictional change, the governing body of all agencies whose service area and service responsibilities will be altered by such change must negotiate a reallocation of property tax revenue between the affected agencies, and approve and accept such reallocation by resolution. In the event the affected agencies do not reach an agreement over the reallocation of property tax revenues, Section 99(e) of the R&T Code provides for affected agencies to follow a dispute resolution process, which begins with performing a comprehensive analysis of the fiscal impact of the annexation, then includes mediation and arbitration, and finally concludes with each agency presenting a "last and best" offer to resolve the impasse. The arbitrator then selects one of the offers to recommend to the agencies' governing bodies, and the governing bodies must then approve or reject the arbitrator's recommendation.

To approve an agreement to share sales taxes, a resolution of the County and City is required pursuant to Article 13, Section 29(b) of the California Constitution and Government Code sections 55700-55707. These laws also require that a sales tax sharing agreement be approved by a two-thirds vote of the governing body of each jurisdiction that is a party to the contract. The City Council adopted the Joint Resolution and Sales Tax Sharing Agreement on August 8, 2018.

Approval of the Joint Resolution will allow LAFCO to proceed with scheduling the required public hearings on the proposed annexation. LAFCO will subsequently take action to approve, approve with changes, or disapprove the proposal for annexation. If the Board rejects the arbitrator's recommendation, it must do so at a public hearing with findings of fact supporting the decision to reject the arbitrator's decision.

ENVIRONMENTAL DOCUMENTATION

The proposed Joint Resolution and Sales Tax Sharing Agreement is not a project pursuant to the California Environmental Quality Act (CEQA) because it is an activity that is excluded from the definition of a project by Section 15378(b) of the State CEQA Guidelines. This proposed action is an administrative activity of the government, which will not result in direct, or indirect changes to the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Upon the effective date of the annexation, the City will become responsible for providing municipal services to the area within its jurisdiction, as well as landscape and lighting service previously provided by the LLAD.

CONCLUSION

At such time as the recommended actions are approved by the Board, please return one approved copy of the letter and four signed originals of the Joint Resolution and Sales Tax Sharing Agreement to LAFCO, one approved copy of this letter and a copy of the Joint Resolution and Sales Tax Sharing Agreement to the CEO, one copy of the approved letter and a copy of the Joint Resolution to the Auditor-Controller, Tax Division, and one copy of this letter to the County Counsel, Government Services Division.

Respectfully submitted,



SACHI A. HAMAI

Chief Executive Officer

SAH:JJ

DSB:acn

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Auditor Controller

ATTACHMENT 1

**ADVISORY RECOMMENDATION AFTER ARBITRATION
PURSUANT TO CALIFORNIA REVENUE & TAXATION CODE
SECTION 99(e)(1)(C)**

JAMS ARBITRATION CASE REFERENCE NO. 1220056278

**City of Calabasas
Petitioner/Plaintiff,**

vs.

**Sachi Hamai, in her official capacity as
Interim Chief Executive Officer for the
County of Los Angeles; County of Los
Angeles,
Respondents/Defendants.**

**ADVISORY RECOMMENDATION AFTER ARBITRATION
PURSUANT TO CALIFORNIA REVENUE & TAXATION CODE SECTION 99(e)(1)(C)**

Parties and Counsel: The parties to this arbitration are identified in the caption and are represented as follows:

Holly O. Whatley Esq.
Ms. Megan Knize
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Counsel for County of Los Angeles and Sachi Hamai

Arbitrator:

Hon. Richard J. McAdams (Ret.)
160 West Santa Clara Street, Suite 1600
San Jose, CA 95113
408-346-0737 408-295-5267(fax)

Date of Recommendation:

September 19, 2017

THE UNDERSIGNED ARBITRATOR, having been duly appointed by JAMS and having fully considered the allegations, submissions, and evidence of the parties, the written and oral arguments of counsel and the last best offer of each party, finds, concludes and issues this Advisory Recommendation as follows:

I. Introduction and Procedural Statement

(a) Procedural History

(1) The Agreement to Arbitrate

In May 2017, in accordance with the order of the Superior Court of the County of Los Angeles in *City of Calabasas v. Sachi Hamai, et al.* (Case No. BS157268), the parties stipulated to arbitration under California Revenue and Taxation Code section 99(e) and submitted their Joint Claim re: Non-Binding Statutory Arbitration to JAMS.

(2) Pleadings and Arbitrability

On September 2, 2015, the City of Calabasas (City) filed a Petition for Writ of Mandate and Related Relief in the above-described matter against Sachi Hamai, in her official capacity as Interim Chief Executive Officer for the County of Los Angeles, and the County of Los Angeles (hereafter collectively, County) seeking court intervention in relation to the statutory tax revenue sharing agreement process arising from a proposed City annexation of property within the County. The County filed a general demurrer and

motion to compel mediation and advisory arbitration pursuant to Revenue and Taxation Code section 99 and on December 31, 2015, the court granted the motion to compel and sustained the demurrer with leave to amend following exhaustion of the alternative dispute resolution proceedings.

An Appointment of Arbitrator letter was issued by JAMS on June 5, 2017, appointing this Arbitrator.

A Preliminary Conference was held on July 7, 2017 and the claims were determined to be arbitrable under the advisory arbitration process set forth in Revenue and Taxation Code section 99.

(3) Proceedings Before JAMS

At the Preliminary Conference, a simultaneous briefing schedule was established. The parties timely filed and served their opening briefs, responses and replies.

Oral argument was heard on September 12, 2017, in a telephonic conference and the matter was submitted for the advisory recommendation.

(b) Format of the Advisory Recommendation

The parties stipulated that, in the interest of economy, it was unnecessary for the arbitrator to recite a detailed statement of the proposed annexation, the history of the negotiations and the issues raised by the two entities in their attempt to resolve any dispute through negotiation and mediation.

II. The Respective Last Best Offers

The last best offer of each party as required under Section 99 was submitted in their individual reply briefs. The descriptions of the offers below are arbitrator's summaries and are not intended to be a substitute for the actual offers formally submitted by the parties in their respective reply briefs.

(a) The City of Calabasas

(1) Property tax

Without waiving its argument that "the law does not permit the County to demand the City acquiesce to the County's demand to share sales tax before the County will negotiate a property tax sharing agreement," the City is prepared to accept as transfers from the County the following annual property tax-related revenue "identified in Table 2 of the consultant's [EPS] Report:

County Property Tax: \$7,438

Public Library Special Fund: \$3,905

Lighting District #1687: \$690

LLAD #32: \$11,000"

The offer further sets forth the specifics of the transfers to the library fund, the Lighting District No. 1687 and LLAD No. 32 and any "then-existing" fund balance for LLAD No. 32 (estimated to be \$183,000) and concludes that the total annual property tax-related revenue transfer would be \$23,033 plus the "one-time transfer" of LLAD No. 32 funds (with the City's "caveat" concerning this figure and what the City understands could be the "actual assessment and fund balance...for LLAD No. 32 at the time of annexation.").

(2) Sales Tax

Again without waiving its argument as noted above, the City's offer proposes a sharing of the actual sales tax revenues collected in the annexed area for a ten year period, "beginning with a 50% split in year one" and then declining 5% each year from City to County thereafter.

(b) The County of Los Angeles

(1) Property Tax

Without waiving any opposition to the annexation, the County offers that the City can receive

"all property taxes from the [annexed] Property."

(2) Sales Tax

The County's offer proposes that the County would "retain sales tax attributable to Spirent [the major sales tax generating business entity within the proposed annexation] (and any [legal] successor business entity)...up to \$500,000 so long as Spirent...occupies the building on the Property." Under this proposal, the City would be "entitled to any increase in annual sales taxes" over \$500,000.

III. Arbitrator's Recommendation

Pursuant to Revenue and Taxation Code section 99(e)(1)(C), Arbitrator recommends the proposal by the City to the governing bodies of the City and the County:

1. The City's offer presents a balanced sharing of tax revenues spread out over a time period that allows substantial time for any necessary adjustments and fiscal planning as a result of the annexation.
2. The anticipated sales tax revenue derived from Spirent is miniscule in relation to the County's overall budget.
3. The County has presented no evidence that the loss of anticipated sales tax revenue would have a significant impact on the County's ability to provide services or would "contradict orderly growth and development - two of the factors in the County's own policies on evaluating proposed annexations (Los Angeles County Policy, section 3.095).
4. The County provides no justification for setting a \$500,000 level for sharing sales tax revenue for an unlimited time period.
5. The City's proposal acknowledges that Spirent has been located in both the City and County over the past years.

It should be noted that the parties agreed that in light of the last best offers, the arbitrator need not incorporate into this recommendation any analysis, findings or conclusions concerning the issue of whether sales taxes can be the subject of the negotiations under Section 99.

IV. Conclusion

Arbitrator recommends the proposal by the City to the governing bodies of the City and the County.

This recommendation addresses all claims between the parties submitted to Arbitrator in this proceeding.

Dated: SEPT. 19, 2017



Hon. Richard J. McAdams (Ret.)
Arbitrator

ATTACHMENT 2

**JOINT RESOLUTION NO. 2018-1602
EXECUTED BY THE CITY OF CALABASAS**

RESOLUTION NO. 2018-1602

JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AND THE CITY COUNCIL OF THE CITY OF CALABASAS, APPROVING THE NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE RESULTING FROM THE ANNEXATION OF TERRITORY KNOWN AS ANNEXATION 2014-04 (WEST AGOURA ROAD) TO THE CITY OF CALABASAS, WITHDRAWAL FROM COUNTY LIGHTING MAINTENANCE DISTRICT 1687, TRANSFER OF JURISDICTION OVER AND ACCEPTING THE NEGOTIATED EXCHANGE OF BENEFIT ASSESSMENT PROCEEDS FOR COUNTY LIGHTING AND LANDSCAPING ACT DISTRICT #2-32 FROM THE COUNTY TO THE CITY, DETACHMENT FROM COUNTY ROAD DISTRICT NO. 3, WITHDRAWAL FROM THE COUNTY PUBLIC LIBRARY SYSTEM, AND APPROVING AN AGREEMENT FOR SHARING CITY SALES TAX REVENUES PURSUANT TO ANNEXATION 2014-04.

WHEREAS, the City of Calabasas initiated proceedings with the Local Agency Formation Commission for Los Angeles County (LAFCO) for the annexation of territory to the City of Calabasas (Annexation 2014-04); and

WHEREAS, the area proposed for annexation under Annexation 2014-04 consists of approximately 57 acres of unincorporated territory known as "West Agoura Road" generally located along Agoura Road between Liberty Canyon Road and Malibu Hills Road (Annexation Area); and

WHEREAS, the Annexation Area is located within the boundaries of County Lighting Maintenance District 1687; and

WHEREAS, pursuant to Section 5853 of the California Streets and Highway Code, upon annexation, the City and County consent to the withdrawal of the Annexation Area from the County Lighting Maintenance District 1687; and

WHEREAS, the Annexation Area is also located within Zone 32 of County Lighting and Landscaping Act District (LLAD) #2 (LLAD #2-32); and

WHEREAS, pursuant to Section 22613 of the California Streets and Highways Code, upon annexation, the City and County consent to the transfer of jurisdiction over the LLAD #2-32 from the County to the City; and

WHEREAS, the Annexation Area is located within County Road District No. 3; and

WHEREAS, upon annexation, the City and County consent to the detachment of the Annexation Area from the County Road District No. 3; and

WHEREAS, the Annexation Area is part of the County Public Library system; and

WHEREAS, upon annexation, the City and County consent to the withdrawal of the Annexation Area from the County Public Library system; and

WHEREAS, pursuant to Section 99 of the California Revenue and Taxation Code (Section 99), for specified jurisdictional changes, the governing bodies of affected agencies shall negotiate and determine the amount of property tax revenue to be exchanged between the affected agencies; and

WHEREAS, on September 2, 2015, the City initiated litigation by filing a petition for writ of mandate and related relief (petition) against the County in Los Angeles County Superior Court in the case *City of Calabasas v. Sachi Hamai, et al.*, Case Number BS157268;

WHEREAS, the City, in its petition, seeks a writ ordering the County to negotiate the property tax revenue sharing agreement in good faith and to refrain from demanding a sales tax sharing agreement as a condition of negotiating a property tax sharing agreement; the City also seeks a judicial declaration that sharing sales tax revenue cannot be a good faith requirement for negotiations of a property tax revenue sharing agreement and that the County acted in excess of their authority by making demand unrelated to a property tax revenue sharing agreement under Section 99; and

WHEREAS, the County demurred to the City's petition and moved to compel the City to follow the dispute resolution procedure required for annexations by subdivision (e) of Section 99; and

WHEREAS, on December 31, 2015, the court granted the County's motion to compel, sustained the demurrer with leave to amend, and stayed the City's litigation pending exhaustion of the dispute resolution procedure mandated in Section 99 for resolving annexation disputes; and

WHEREAS, on September 19, 2017, in accordance with the arbitrator's duties set forth in Section 99, the arbitrator issued a decision wherein he selected the City's "last and best" offer to recommend to the governing bodies of the County and City to resolve the Parties' litigation; and

WHEREAS, the arbitrator's recommendation provides for the City and County to share sales and property tax revenues generated from the annexation area, upon approval of the annexation application by LAFCO; and

WHEREAS, the Parties seek to implement the arbitrator's recommendation to share the property tax and sales tax revenues generated, if any, from the Annexation Area; and

WHEREAS, the Board of Supervisors of the County of Los Angeles, as governing body of the County and the County of Los Angeles Road Maintenance District No. 3, County Lighting Maintenance District 1687, County LLAD #2-32, and the County Public Library, and the City Council of the City of Calabasas, have determined the amount of property tax revenue to be exchanged between their respective agencies as a result of Annexation 2014-04, detachment from County Road District No. 3, withdrawal from County Lighting Maintenance District 1687, transfer of jurisdiction over County LLAD #2-32 from the County to the City, and withdrawal from the County Public Library system, is as set forth below:

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City of Calabasas agrees that it will bear the full responsibility for the street lighting and lighting maintenance services in the proposed annexation area upon the withdrawal of the annexation territory from County Lighting Maintenance District 1687 and transfer of jurisdiction over County LLAD #2-32 to the City.

2. The negotiated exchange of property tax revenue between the County of Los Angeles and the City of Calabasas, resulting from Annexation 2014-04 is approved and accepted.

3. For the fiscal year commencing in the year after the filing of the statement of boundary change for Annexation 2014-04 with the Board of Equalization pursuant to Government Code sections 54902 and 57204, the tax-sharing ratio received by County Lighting Maintenance District 1687 attributable to Annexation 2014-04 in the Annexation Area shall be reduced to zero.

4. For County LLAD #2-32, the City and County agree:

(a) To transfer jurisdiction over County LLAD #2-32 from the County to the City effective upon on the first day of the fiscal year following the filing of the statement of boundary change for Annexation 2014-04 with the Board of Equalization pursuant to Government Code sections 54902 and 57204 ("LLAD #2-32 Transfer Effective Date");

(b) During the fiscal years prior to the LLAD #2-32 Transfer Effective Date, the County shall continue to levy, receive, and/or expend all assessment proceeds relating to LLAD #2-32; and

(c) Upon the transfer of LLAD #2-32, the County shall provide to the City all assessment proceeds relating to LLAD #2-32 levied, received, but unspent ("LLAD #2-32 Fund Balance") pursuant to the following schedule:

(i) On or about 90 days after the LLAD #2-32 Transfer Effective Date, the County shall transfer to the City sixty (60) percent of the amount of the LLAD #2-32 Fund Balance at that time. This transfer shall constitute the first installment of the funds in the LLAD #2-32 Fund Balance.

(ii) On or about one hundred eighty (180) days after the payment of the first installment of the LLAD #2-32 Fund Balance, the County shall transfer all remaining funds in the LLAD #2-32 Fund Balance. This transfer shall constitute the second installment of funds in the LLAD #2-32 Fund Balance and shall include all prior unspent funds, including any assessment proceeds which have been received to date, less any invoices to be paid by the County from these funds and less LLAD #2-32 pro-rata share of administrative expenses, if any. Copies of any invoices paid by the County from these funds shall be provided to the City upon request. The County and City may amend the amount of payment and/or the date of payment pursuant to written agreement.

(iii) If for any reason after payment of the second installment of the LLAD #2-32 Fund Balance there are any remaining assessment proceeds or other funds in the LLAD #2-32 Fund Balance, the County shall forward those funds to the City within sixty (60) days of the County's knowledge of those remaining assessment proceeds or other funds.

5. For the fiscal year commencing in the year after the filing of the statement of boundary change for Annexation 2014-04 with the Board of Equalization pursuant to Government Code sections 54902 and 57204, property tax revenue received by County Road District No. 3, attributable to Annexation 2014-04, shall be transferred to the County of Los Angeles, and the County Road District No. 3 share in the Annexation Area shall be reduced to zero.

6. For the fiscal year commencing in the year after the filing of the statement of boundary change for Annexation 2014-04 with the Board of Equalization pursuant to Government Code sections 54902 and 57204, a base of Three Thousand, Seven Hundred and Fifty-One (\$3,751) in property tax revenue attributable to the County Public Library within the Annexation Area shall be transferred to the City of Calabasas Library Fund 28, and the County Public Library's share in the Annexation Area shall be reduced to zero.

7. For the fiscal year commencing in the year after the filing of the statement of boundary change for Annexation 2014-04 with the Board of Equalization pursuant to Government Code sections 54902 and 57204, the following ratios of annual property tax increment attributable to the County Public Library for each respective Tax Rate Area within the Annexation Area shall be transferred from the County to the City as shown below and the County's share shall be reduced accordingly:

Tax Rate Area	Annual Tax Increment Ratio Transfer to the City
01756	0.024229894
04971	0.023953544
15776	0.024229894

8. For the fiscal year commencing in the year after the filing of the statement of boundary change for Annexation 2014-04 with the Board of Equalization pursuant to Government Code sections 54902 and 57204, Seven Thousand and Four Hundred, Thirty-Eight Dollars (\$7,438) in base property tax revenue shall be transferred from the County of Los Angeles to the City of Calabasas.

9. For the fiscal year commencing in the year after the filing of the statement of boundary change for Annexation 2014-04 with the Board of Equalization pursuant to Government Code sections 54902 and 57204, the following ratios of annual property tax increment attributable to each respective Tax Rate Area within the Annexation Area shall be transferred from the County to the City as shown below and the County's share shall be reduced accordingly:

Tax Rate Area	Annual Tax Increment Ratio Transfer to the City
01756	0.046924162
04971	0.058815960
15776	0.046924162

10. If any provision or any portion of this joint resolution or the Agreement Between the City of Calabasas and the County of Los Angeles for Sharing City Sales Tax Revenues Pursuant to Annexation 2014-04 ("Tax Sharing Agreement") are held to be unconstitutional, illegal, invalid or unenforceable, the remainder of this joint resolution and the Tax Sharing Agreement shall be void and unenforceable unless the Parties mutually agree in writing that such provisions shall remain effective and enforceable.

11. The City Council of the City of Calabasas and the Board of Supervisors of the County of Los Angeles, as authorized by article 13, Section 29(b) of the California Constitution and Government Code sections 55700-55707, hereby approve the attached "Agreement Between the City of Calabasas

[illegible]

PASSED, APPROVED AND ADOPTED this 8th day of August, 2018.

72ng
Fred Gaines, Mayor
City of Calabasas, California

ATTEST:

Maricela Hernandez, MMC
City Clerk
City of Calabasas

APPROVED AS TO FORM:

Scott H. Howard
Colantuono Highsmith & Whatley
City Attorney

(Signed in Counterpart)

The foregoing resolution was on the 7th day of November, 2018, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.



CELIA ZAVALA, Executive Officer
Clerk of the Board of Supervisors
of the County of Los Angeles

By Lachelle Smithman
Deputy

APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

BY M. R. J.
Deputy

ATTACHMENT 3

**SALES TAX REVENUE SHARING AGREEMENT
EXECUTED BY THE CITY OF CALABASAS**

**AGREEMENT BETWEEN THE CITY OF CALABASAS AND THE
COUNTY OF LOS ANGELES FOR SHARING
CITY SALES TAX REVENUES PURSUANT TO ANNEXATION 2014-04**

This sales tax sharing agreement ("Agreement") is entered into between the City of Calabasas ("City"), and the County of Los Angeles ("County"), and effective on the date set forth herein. The City and the County are sometimes individually referred to in this Agreement as "City" or "County" or "Party" and collectively as "Parties."

RECITALS

Whereas, on March 14, 2014, the City submitted annexation application number 2014-04 ("annexation application") to the Local Agency Formation Commission for Los Angeles County ("LAFCO") pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3, Title 5 commencing with Section 5600, of the California Government Code);

Whereas, the area the City applied to annex ("annexation area") consists of approximately 57 acres of unincorporated territory generally located along Agoura Road, between Liberty Canyon Road and Malibu Hills Road, in the unincorporated County area, as described in City Resolution No. 2014-1418, attached hereto as Exhibit "A", which is the amended resolution initiating the annexation application;

Whereas, the annexation area is composed of five parcels that include commercial/industrial uses, open space and roads right-of-way, and does not contain any residential areas;

Whereas, pursuant to California Revenue and Taxation Code section 99 ("Section 99"), the parties commenced negotiations for a property tax transfer in connection with the annexation application;

Whereas, on September 2, 2015, the City initiated litigation by filing a petition for writ of mandate and related relief ("petition") against the County (also named is Sachi Hamai, in her official capacity as the County's Chief Executive Officer) in Los Angeles County Superior Court in the case *City of Calabasas v. Sachi Hamai, et al.*, Case Number BS157268;

Whereas, the City, in its petition, seeks a writ ordering the County to negotiate the property tax revenue sharing agreement in good faith and to refrain from demanding a sales tax sharing agreement as a condition of negotiating a property tax sharing agreement; the City also seeks a judicial declaration that sharing sales tax revenue cannot be a good faith requirement for negotiations of a property tax revenue sharing agreement and that the County acted in excess of their authority by making demand unrelated to a property tax revenue sharing agreement under Section 99;

Whereas, the County demurred to the City's petition and moved to compel the City to follow the dispute resolution procedure required for annexations by subdivision (e) of Section 99;

Whereas, on December 31, 2015, the court granted the County's motion to compel, sustained the demurrer with leave to amend, and stayed the City's litigation pending exhaustion of the dispute resolution procedure mandated in Section 99 for resolving annexation disputes;

Whereas, on September 19, 2017, in accordance with the arbitrator's duties set forth in Section 99, the arbitrator issued a decision wherein he selected the City's "last and best" offer to recommend (the "arbitrator's recommendation") to the governing bodies of the City and County to resolve the dispute between the parties (the arbitrator's recommendation is attached as Exhibit "B"); and

Whereas, the City's "last and best" offer, as recommended by the arbitrator and set forth in Exhibit B and incorporated herein, provides for the City and County to share sales and property tax revenues generated from the annexation area;

Whereas, article 13, Section 29(b) of the California Constitution and Government Code sections 55700-55707 authorizes cities and counties to enter into a contract to share between them the revenue derived from any sales or use tax imposed by them and collected for them by the State under the Bradley-Burns Uniform Local Sales and Use Tax Law, when the resolution or ordinance proposing such contract is approved by two-thirds (2/3) vote of the governing body of each jurisdiction that is a party to the contract.

WHEREAS, the Parties seek to implement the arbitrator's recommendation to share sales and property tax revenues generated from the area proposed for annexation by entering into this Agreement to share sales tax revenues, and concurrently approving a resolution entitled "Joint Resolution of the Board of Supervisors of the County of Los Angeles and the City Council of the City of Calabasas, Approving and Accepting The Negotiated Exchange Of Property Tax Revenue Resulting From The Annexation Of Territory Known As Annexation 2014-04 (West Agoura Road) To The City Of Calabasas, Withdrawal From County Lighting Maintenance District 1687, Transfer Of Jurisdiction Over And Accepting The Negotiated Exchange Of Benefit Assessment Proceeds For County Lighting And Landscaping Act District #2-32 From The County To The City, Detachment From County Road District No. 3, And Approving An Agreement For Sharing City Sales Tax Revenues Pursuant To Annexation 2014-04", which provides for an exchange of property tax-related revenues, with both to be effective after the filing of the statement of boundary change for Annexation 2014-04 by the executive officer of LAFCO with the Board of Equalization pursuant to California Government Code sections 54902 and 57204.

NOW, THEREFORE, the Parties hereby agree as follows:

Section 1. Purpose of Agreement

The purpose of the Agreement is to implement the arbitrator's recommendation with regard to sharing of sales tax revenue between the County and the City generated from the annexation area as recommended by the arbitrator on September 19, 2017, with the property tax-related provisions of the arbitrator's recommendations to be implemented with a concurrent Joint Resolution of the Board of Supervisors of Los Angeles and the City Council of the City of Calabasas.

Section 2: Definitions

- A. **Effective Date** means the date of the filing of the statement of boundary change for Annexation 2014-04 with the State Board of Equalization pursuant to California Government Code sections 54902 and 57204.
- B. **Fiscal Year** means any year commencing on July 1 of any calendar year and ending on June 30 of the subsequent year.
- C. **City Sales Tax** means tax imposed by the City under the Bradley-Burns Uniform Local Sales and Use Tax Law, California Revenue and Taxation Code sections 7200 *et seq.*
- D. **City Sales Tax Revenue** means revenues collected by the California Board of Equalization (hereinafter "BOE") and transmitted to City as City Sales and Use Taxes. City Sales Tax Revenue excludes the portion of City Sales Tax that is retained by the BOE as reimbursement for expenses incurred in collecting and administering the City Sales Tax.
- E. **Sales Quarter** means the calendar year quarter commencing on January 1, April 1, July 1, or October 1, and ending the following March 31st, June 30th, September 30th, or December 31st, respectively in which the sale is made and tax revenue is accrued.
- F. **Payment Period** means each six-month period occurring twice per Fiscal Year from (1) January 1 through June 30, and (2) July 1 through December 31.

Section 3. Agreement to Share Sales Tax Revenues

- A. The City shall share actual City Sales Tax Revenue collected in the annexation area for a ten year period, beginning with a 50% split in year one and then declining the County's share by an additional 5% each year thereafter for the next 10 years until Year 11, at which time the City's share of the Sales Tax Revenue will be 100%. Year one shall begin on the first day of the next Sales Quarter following the Effective Date, unless LAFCO establishes an effective date for Annexation 2014-04, in which case year one shall begin on the first day of the next Sales Quarter following the effective date set by LAFCO.

- B. The City will pay the County the agreed upon share of the sales tax revenue after the end of each Payment Period as set forth in Section 3.A. of this Agreement and within 20 business days of end of each Payment Period.
- C. The Parties agree that there may be changes in the facts and/or amendments to the current law subsequent to the execution date of this Agreement that may change the distribution of sales tax to the County or City under this Agreement. The Parties recognize that legislation may be enacted or a court may issue an order that affects or changes the revenues from the subject area which may impact the type of revenues, the percentage of taxes or fees, the person or entity subject to the taxes and fees, or the manner in which the revenues are distributed to entities. Therefore, if either of the Parties believes that any change in law, whether by legislation or Court decision has occurred that is inconsistent with the Parties' intent, that Party may request and negotiate in good faith a revision of the Agreement to conform with the intent of this Agreement.

Section 4. Reconciliation of Sales Tax Revenue and Payments to County

- A. As soon as possible following the end of each Fiscal Year, the County's Chief Executive Office and City's Director of Finance, shall reconcile the amount of the sales tax payments made to the City based on (1) the actual amount received by the City from the BOE attributable to the annexation area; and (2) the allocation percentages enumerated in this Agreement between the County and the City. If at any time this reconciliation shows an overpayment was made to the County, the City shall notify the County of the overpayment. The County and the City shall work together to determine the true overpayment. The City shall make an adjustment for the overpayment from the next payment due to the County. If the City makes an underpayment to the County, the County and the City shall work together to ascertain the true amount of the underpayment to the County, and the City shall include the under paid amount in the next payment due to County.
- B. If at any time during or after the term of this Agreement, the BOE discovers that any portion of County Sales Tax Revenue attributed to the annexation area was inaccurately allocated and paid to the City, and the BOE requires repayment or offsets against future distribution of City Sales Tax Revenue, the City shall make a written request for repayment from the County of any amount that was improperly paid to the County. If the County fails to make such repayment within 90 calendar days after the City's written demand, the repayment obligation of the County shall accrue simple interest of 2% per annum as of the 91st day from the City's written request.
- C. The County Chief Executive Office shall work with the City's Director of Finance to make a final reconciliation of the City's Sales Tax Revenue received by City attributable to the annexation area and the payments made to the County

pursuant to this Agreement. The City and County shall notify each other of any over or under payment amounts. The Parties agree to reimburse each other for any and all underpayments or overpayments identified in the final reconciliation within 3 (three) months of the date of the notification to the City or the County. Should either party fail to make a required reimbursement within three months, the reimbursement obligation shall accrue interest commencing on the 91st day after the notification to City or County as the case may be at a two percent (2%) interest rate on the outstanding obligation, compounded monthly, until paid.

Section 5. Entire Agreement.

With respect to the subject matter hereof only, this Agreement supersedes any and all previous negotiations, proposals, commitments, writings, and understanding of any nature whatsoever between the County and the City, except as otherwise provided herein.

Section 6. Indemnification

Each Party shall indemnify, hold harmless, save and defend the other party, its officials, agents and employees from and against any and all claims, demands, damages, causes of action, liens, liabilities, losses, damages, costs and expenses, including reasonable attorney's fees, arising out of or in connection with this Agreement, and/or the sharing of Sales Tax Revenues. The foregoing shall not apply to claims or liabilities caused by the sole negligence of either the City or County or their officers or employees.

Section 7. Notices

Any notices, requests, certifications or other correspondence required to be provided by the parties under this Agreement shall be in writing and shall be personally delivered or delivered by first class United States mail to the respective parties at the following addresses:

TO COUNTY:

Chief Executive Office
County of Los Angeles
500 W. Temple, Street, Rom 713
Los Angeles, CA 90012
Attention: Office of Unincorporated
Area Services

TO CITY:

City Manager
City of Calabasas
100 Civic Center Way
Calabasas, CA 91302

Section 8. Severability

If any provision or any portion of this Agreement or the Joint Resolution of the Board of Supervisors of Los Angeles and the City Council of the City of Calabasas for

Annexation 2014-04 ("Joint Resolution") are held to be unconstitutional, illegal, invalid or unenforceable, the remainder of the Agreement and the Joint Resolution shall be void and unenforceable unless the Parties mutually agree in writing that such provisions shall remain effective and enforceable.

Section 9. No Waiver

A waiver of any of the terms and conditions of this Agreement shall not be construed as a general waiver by either Party, and either Party shall be free to enforce any term or condition of this Agreement with or without notice notwithstanding any prior waiver of that term or condition.

Section 10. Assignment

Neither Party may assign any rights or delegate any duties under this Agreement without the written consent of the other Party and any attempt to make such an assignment shall be null and void for all purposes.


Section 11. Counterpart

This Agreement may be executed in one (1) or more counterparts, all of which together shall constitute a single agreement, and each of which shall be an original for all purposes.

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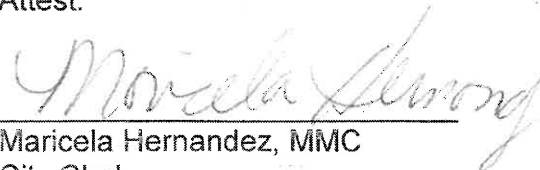
IN WITNESS WHEREOF, the Parties hereto execute this Agreement:

CITY OF CALABASAS

By: 
Fred Gaines, Mayor

Dated: 8/8/18

Attest:


Maricela Hernandez, MMC
City Clerk


APPROVED AS TO FORM:


By: Matthew T. Summer, Assistant C.A. Attorney for
Scott H. Howard
Colantuono Highsmith & Whatley
City Attorney

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

CELIA ZAVALA
Executive Officer
Clerk of the Board of Supervisors

COUNTY OF LOS ANGELES

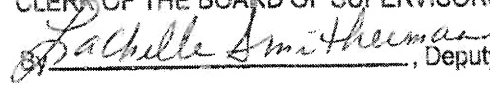
By: 
Chair, Board of Supervisors


Deputy NOV 07 2018
Dated: 11/7/18



Attest:


Executive Officer of the Board of Supervisors

ATTEST: CELIA ZAVALA
EXECUTIVE OFFICER
CLERK OF THE BOARD OF SUPERVISORS
, Deputy
NOV 07 2018

APPROVE AS TO FORM
County Counsel

By: 
Deputy County Counsel

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

13

NOV 07 2018


CELIA ZAVALA
EXECUTIVE OFFICER

RESOLUTION NO. 2014-1418

AN AMENDED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA INITIATING PROCEEDINGS AND REQUESTING THE LOCAL AGENCY FORMATION COMMISSION OF LOS ANGELES COUNTY TO AMEND THE SPHERE OF INFLUENCE AND TO CONSIDER APPROVAL OF A REORGANIZATION OF TERRITORY WHICH INCLUDES ANNEXATION OF APPROXIMATELY 57.5 ACRES OF UNINCORPORATED TERRITORY TO THE CITY OF CALABASAS.

WHEREAS, Resolution No. 2014-1399 was passed and approved on March 12, 2014 by the City Council to initiate annexation proceedings for an area comprising approximately 43.17 acres; and

WHEREAS, After conferring with LAFCO staff it was determined that the annexation initiated under Resolution 2014-1399 failed to include adjoining rights-of-way, and had incorrectly included a sixth parcel (APN 2064-005-018); and

WHEREAS, The City Council desires to amend resolution 2014-1399 and initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, to annex the original and additional territory to the City of Calabasas; and

WHEREAS, The total area to be annexed, consisting of approximately 57.5 acres of developed commercial properties, protected open space lands, and public rights-of-way, is located immediately west of the City and represents an island of unincorporated territory between the City of Agoura Hills and the City of Calabasas; and

WHEREAS, Policy No. II-3 in the 2030 General Plan states: "Pursue annexation of those areas where residents (in inhabited areas) or landowners (in uninhabited areas) desire to become part of the City of Calabasas"; and

WHEREAS, Both the original and additional area to be annexed includes two existing developed commercial properties, open space lands, and public right-of-way but no residential dwellings or inhabitants, and the property owners have expressed a desire to become part of the City of Calabasas; and

WHEREAS, The Los Angeles County North Area Plan, as adopted by the Los Angeles County Board of Supervisors On October 24, 2000, supports the annexation of lands directly adjacent to incorporated cities, where primary access and services, such as parks, are provided through the city (NAP Policy No. III-9); and

WHEREAS, The area to be annexed is contiguous to the City of Calabasas, and secures access and services, including transit, parks and library services, primarily from the City of Calabasas; and

WHEREAS, The reasons for this proposal are to provide municipal services to this area, allow participation in municipal affairs, and promote orderly governmental boundaries, consistent with the provisions of California law and the land use and development policies of the County of Los Angeles and the City of Calabasas; and

WHEREAS, The area to be annexed is now precisely described and mapped, inclusive of five privately owned parcels (Assessor Parcel Numbers 2064-005-009, 2064-005-010, 2064-005-011, 2064-005-015, and 2064-005-017), and adjoining public rights-of-way.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

Section 1. The City Council hereby requests the Local Agency Formation Commission of Los Angeles County amend the Sphere of Influence for the City of Calabasas to include the territory described herein and illustrated on Exhibit A.

Section 2. The City Council hereby requests the Local Agency Formation Commission of Los Angeles County process a reorganization encompassing the City of Calabasas and the unincorporated territory of the County of Los Angeles, such that approximately 57.5 acres of territory, comprised of five parcels and attendant local street and state highway rights-of-way, which territory is currently within the unincorporated Los Angeles County, be annexed to the City of Calabasas, as shown on Exhibit A.

Section 3. Based on the foregoing statements of findings and conclusions, the City Council hereby initiates the annexation of the West Agoura Road Territory, as shown on Exhibit A, attached hereto and made a part hereof, and requests the Local Agency Formation Commission of Los Angeles County to take proceedings as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended.

Section 4. This resolution should be considered an amendment of and supplement to Resolution 2014-1399.

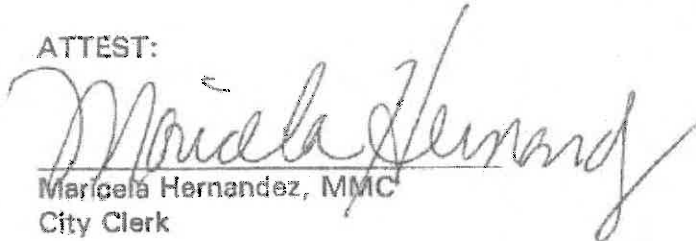
Section 5. The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

PASSED, APPROVED AND ADOPTED this 25th day of June, 2014.



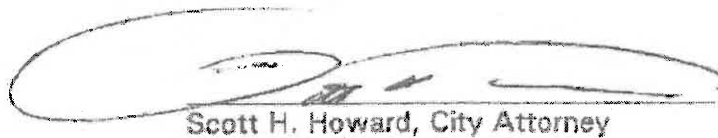
David J. Shapiro, Mayor

ATTEST:



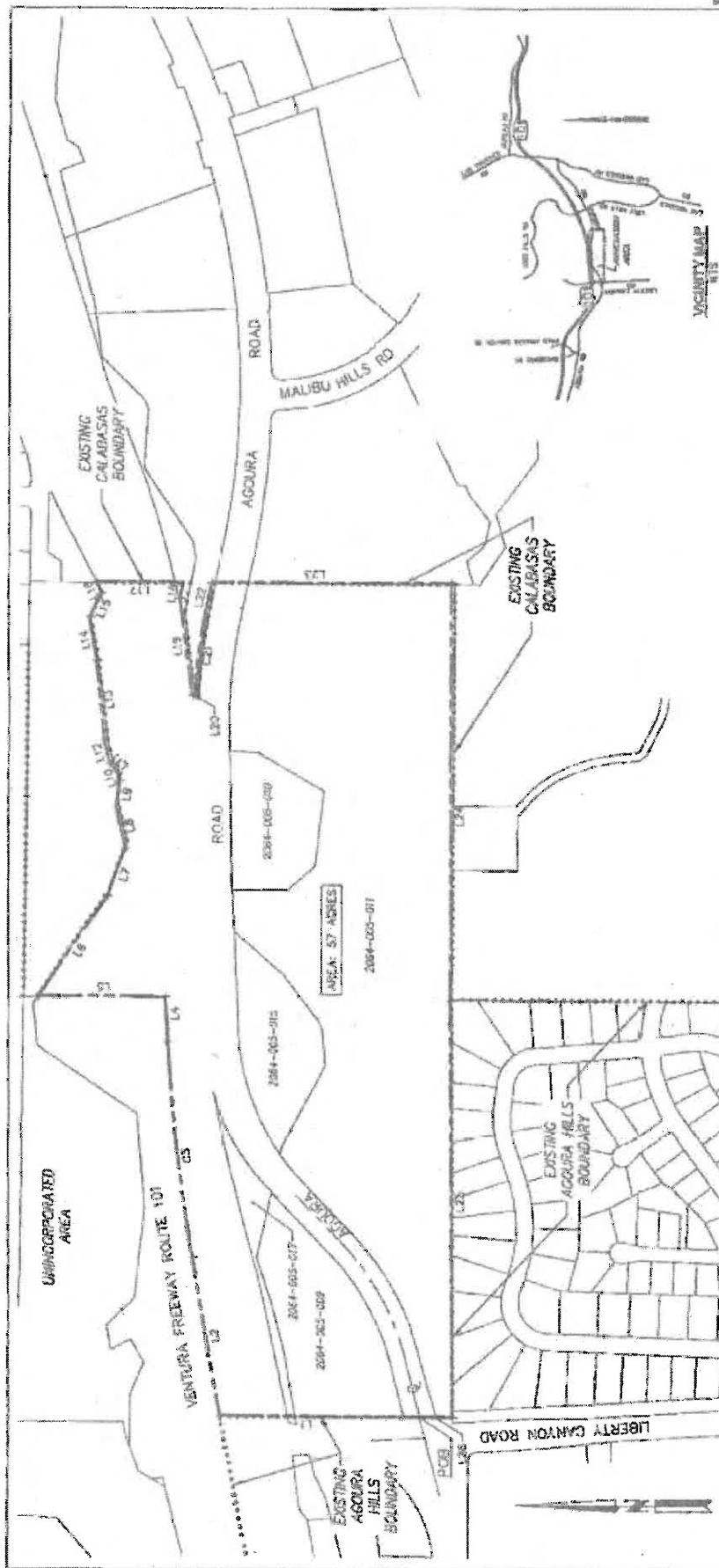
Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:



Scott H. Howard, City Attorney

Exhibit A: West Agoura Road Territory Map



WILDAN
Engineering
14331 CROWDER PARKWAY NORTH, SUITE 400, WILSON, CA 94094-3427
TEL: 415-947-4444 FAX: 415-947-4444

REORGANIZATION NO. 1
TO THE CITY OF CALABASAS
(AMENDMENT TO CALABASAS
SPHERE OF INFLUENCE)
"WEST AGOURA ROAD"

SCALE: 1"=200'
DATE: 11-13-2011
DRAWN BY: [Signature]
CHECKED BY: [Signature]

DATA TABLE

SEGMENT #	LENGTH	DIRECTION/ DELTA	RADIUS
L19	312.01'	S82°48'52"W	
L20	10.00'	S77°12'27"E	
L21	254.07'	S73°20'	
L22	182.14'	S78°28'01"E	
L23	75.00'	S07°35'47"W	
L24	121.20'	N88°12'28"W	
L25	1307.26'	S85°41'27"W	
L26	18.00'	N132°45'E	

DATA TABLE

SEGMENT #	LENGTH	DIRECTION/ DELTA	RADIUS
L10	25.85'	N20°10'23"E	
L11	27.47'	N48°07'53"E	
L12	71.65'	N27°11'59"E	
L13	22.143'	N8°23'27"E	
L14	193.60'	N01°11'21"E	
L15	83.14'	S44°23'42"E	
L16	28.00'	N64°12'08"E	
L17	273.00'	S07°14'40"W	
L18	51.32'	N78°30'54"W	

DATA TABLE

SEGMENT #	LENGTH	DIRECTION/ DELTA	RADIUS
L1	827.25'	S07°02'43"E	
L2	805.49'	N07°12'34"E	
L3	842.92'	S73°00'	9060.00'
L4	139.22'	N08°43'24"E	
L5	356.75'	N07°11'20"E	
L6	330.00'	S59°20'07"E	
L7	161.32'	S70°16'50"W	
L8	179.07'	N73°03'30"E	
L9	86.24'	S83°22'33"E	

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CALABASAS)

I, MARICELA HERNANDEZ, MMC, City Clerk of the City of Calabasas, California, DO HEREBY CERTIFY that the foregoing resolution, being Resolution No. 2014-1418 was duly adopted by the City Council of the City of Calabasas, at a regular meeting of the City Council held June 25, 2014, and that it was adopted by the following vote, to wit:

AYES: Mayor Shapiro, Mayor pro Tem Martin and Councilmembers Bozajian, Gaines and Maurer.

NOES: None.

ABSTAIN: None.

ABSENT: None.

A handwritten signature in cursive script, reading "Maricela Hernandez", is written over a horizontal line.

Maricela Hernandez, MMC
City Clerk
City of Calabasas, California

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF CALABASAS)

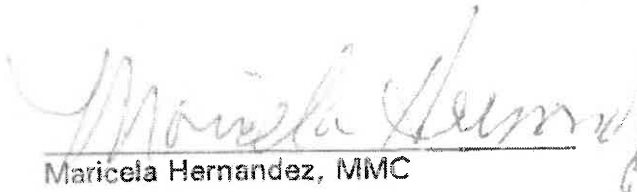
I, MARICELA HERNANDEZ, MMC, City Clerk of the City of Calabasas, California, DO HEREBY CERTIFY that the foregoing resolution, being Resolution No. 2018-1602 was duly adopted by the City Council of the City of Calabasas, at their regular meeting held August 8, 2018, and that it was adopted by the following vote, to wit:

AYES: Mayor Gaines, Mayor pro Tem Shapiro, Councilmembers Bozajian, Maurer and Weintraub.

NOES: None.

ABSTAIN: None.

ABSENT: None.



Maricela Hernandez, MMC
City Clerk
City of Calabasas, California

JAMS ARBITRATION CASE REFERENCE NO. 1220056278

City of Calabasas

Petitioner/Plaintiff,

vs.

**Sachi Hamai, in her official capacity as
Interim Chief Executive Officer for the
County of Los Angeles; County of Los
Angeles,**

Respondents/Defendants.

**ADVISORY RECOMMENDATION AFTER ARBITRATION
PURSUANT TO CALIFORNIA REVENUE & TAXATION CODE SECTION 99(e)(1)(C)**

Parties and Counsel: The parties to this arbitration are identified in the caption and are represented as follows:

Holly O. Whatley Esq.
Ms. Megan Knize
Colantuono, Highsmith & Whatley, PC
790 E. Colorado Blvd., Suite 850
Pasadena, CA 91101-2109
Tel: 213-542-5700

Counsel for City of Calabasas

Judy Whitehurst Esq.
Michael S. Buennagel, Esq.
County of Los Angeles
648 Kenneth Hahn Hall of Administration
500 W. Temple Street
Los Angeles, CA 90012-
Tel: 213-974-1940

Counsel for County of Los Angeles and Sachi Hamai

Stephen P. Wiman Esq.
Lloyd W. Pellman Esq.
Nossaman LLP
777 S. Figueroa St., 34th Floor
Los Angeles, CA 90017
Tel: 213-612-7800

Counsel for County of Los Angeles and Sachi Hamai

Arbitrator:

Hon. Richard J. McAdams (Ret.)
160 West Santa Clara Street, Suite 1600
San Jose, CA 95113
408-346-0737 408-295-5267(fax)

Date of Recommendation:

September 19, 2017

THE UNDERSIGNED ARBITRATOR, having been duly appointed by JAMS and having fully considered the allegations, submissions, and evidence of the parties, the written and oral arguments of counsel and the last best offer of each party, finds, concludes and issues this Advisory Recommendation as follows:

I. Introduction and Procedural Statement

(a) Procedural History

(1) The Agreement to Arbitrate

In May 2017, in accordance with the order of the Superior Court of the County of Los Angeles in *City of Calabasas v. Sachi Hamai, et al.* (Case No. BS157268), the parties stipulated to arbitration under California Revenue and Taxation Code section 99(e) and submitted their Joint Claim re: Non-Binding Statutory Arbitration to JAMS.

(2) Pleadings and Arbitrability

On September 2, 2015, the City of Calabasas (City) filed a Petition for Writ of Mandate and Related Relief in the above-described matter against Sachi Hamai, in her official capacity as Interim Chief Executive Officer for the County of Los Angeles, and the County of Los Angeles (hereafter collectively, County) seeking court intervention in relation to the statutory tax revenue sharing agreement process arising from a proposed City annexation of property within the County. The County filed a general demurrer and

motion to compel mediation and advisory arbitration pursuant to Revenue and Taxation Code section 99 and on December 31, 2015, the court granted the motion to compel and sustained the demurrer with leave to amend following exhaustion of the alternative dispute resolution proceedings.

An Appointment of Arbitrator letter was issued by JAMS on June 5, 2017, appointing this Arbitrator.

A Preliminary Conference was held on July 7, 2017 and the claims were determined to be arbitrable under the advisory arbitration process set forth in Revenue and Taxation Code section 99.

(3) Proceedings Before JAMS

At the Preliminary Conference, a simultaneous briefing schedule was established. The parties timely filed and served their opening briefs, responses and replies.

Oral argument was heard on September 12, 2017, in a telephonic conference and the matter was submitted for the advisory recommendation.

(b) Format of the Advisory Recommendation

The parties stipulated that, in the interest of economy, it was unnecessary for the arbitrator to recite a detailed statement of the proposed annexation, the history of the negotiations and the issues raised by the two entities in their attempt to resolve any dispute through negotiation and mediation.

II. The Respective Last Best Offers

The last best offer of each party as required under Section 99 was submitted in their individual reply briefs. The descriptions of the offers below are arbitrator's summaries and are not intended to be a substitute for the actual offers formally submitted by the parties in their respective reply briefs.

(a) The City of Calabasas

(1) Property tax

Without waiving its argument that "the law does not permit the County to demand the City acquiesce to the County's demand to share sales tax before the County will negotiate a property tax sharing agreement," the City is prepared to accept as transfers from the County the following annual property tax-related revenue "identified in Table 2 of the consultant's [EPS] Report:

County Property Tax: \$7,438

Public Library Special Fund: \$3,905

Lighting District #1687: \$690

LLAD #32: \$11,000"

The offer further sets forth the specifics of the transfers to the library fund, the Lighting District No. 1687 and LLAD No. 32 and any "then-existing" fund balance for LLAD No. 32 (estimated to be \$183,000) and concludes that the total annual property tax-related revenue transfer would be \$23,033 plus the "one-time transfer" of LLAD No. 32 funds (with the City's "caveat" concerning this figure and what the City understands could be the "actual assessment and fund balance...for LLAD No. 32 at the time of annexation.").

(2) Sales Tax

Again without waiving its argument as noted above, the City's offer proposes a sharing of the actual sales tax revenues collected in the annexed area for a ten year period, "beginning with a 50% split in year one" and then declining 5% each year from City to County thereafter.

(b) The County of Los Angeles

(1) Property Tax

Without waiving any opposition to the annexation, the County offers that the City can receive

"all property taxes from the [annexed] Property."

(2) *Sales Tax*

The County's offer proposes that the County would "retain sales tax attributable to Spirent [the major sales tax generating business entity within the proposed annexation] (and any [legal] successor business entity)...up to \$500,000 so long as Spirent...occupies the building on the Property." Under this proposal, the City would be "entitled to any increase in annual sales taxes" over \$500,000.

III. **Arbitrator's Recommendation**

Pursuant to Revenue and Taxation Code section 99(e)(1)(C), Arbitrator recommends the proposal by the City to the governing bodies of the City and the County:

1. The City's offer presents a balanced sharing of tax revenues spread out over a time period that allows substantial time for any necessary adjustments and fiscal planning as a result of the annexation.
2. The anticipated sales tax revenue derived from Spirent is miniscule in relation to the County's overall budget.
3. The County has presented no evidence that the loss of anticipated sales tax revenue would have a significant impact on the County's ability to provide services or would "contradict orderly growth and development - two of the factors in the County's own policies on evaluating proposed annexations (Los Angeles County Policy, section 3.095).
4. The County provides no justification for setting a \$500,000 level for sharing sales tax revenue for an unlimited time period.
5. The City's proposal acknowledges that Spirent has been located in both the City and County over the past years.

It should be noted that the parties agreed that in light of the last best offers, the arbitrator need not incorporate into this recommendation any analysis, findings or conclusions concerning the issue of whether sales taxes can be the subject of the negotiations under Section 99.

IV. Conclusion

Arbitrator recommends the proposal by the City to the governing bodies of the City and the County.

This recommendation addresses all claims between the parties submitted to Arbitrator in this proceeding.

Dated: Sept. 19 2017



Hon. Richard J. McAdams (Ret.)

Arbitrator

ATTACHMENT 4

CITY OF AGOURA HILLS OBJECTION LETTER



2018 APR 30 AM 8:07

"Gateway to the Santa Monica Mountains National Recreation Area"

April 16, 2018

Paul Novak, AICP
Executive Director
Los Angeles LAFCO
80 South Lake Avenue, Ste. 870
Pasadena, CA 91101

SUBJECT: CITY OF CALABASAS APPLICATION TO LAFCO FOR ANNEXATION OF PARCELS
ALONG AGOURA ROAD – ANNEXATION NO. 2014-04

Dear Mr. Novak:

This letter is written in regard to the proposed annexation of several parcels along Agoura Road at or east of Liberty Canyon Road by the City of Calabasas. The Local Agency Formation Commission (LAFCO) has identified this request as Annexation No. 2014-04. We understand that the application is gradually moving through the LAFCO process, and will be heard by the Commission sometime in the near future. Attached are two previous letters from the City of Agoura Hills to LAFCO. One dated April 18, 2014 from the City of Agoura Hills staff identifies concerns with the proposed annexation of these parcels by the City of Calabasas (Attachment A); and one position letter, dated May 6, 2014 and from the Mayor, reflects the Agoura Hills City Council's vote of 4-0 opposing the annexation (Attachment B). The City Council maintains that position based on the following.

You may be aware that one area of the proposed annexation on the south side of Agoura Road, Tract 33128, has a history of geologic failure. We understand that the County currently maintains this slope, and, as recently as the past few weeks, has conducted maintenance on the slope. The City of Agoura Hills retained Geodynamics, Inc., a geologic/geotechnical consulting firm, to conduct analysis of the slope's stability by studying reports on file at the County offices and visiting the site for brief visual checks. Attached for your consideration is a *Geotechnical Reconnaissance Report* for this Tract 33128, prepared by Geodynamics, Inc. and dated March 2018, summarizing the firm's research to date and preliminary opinion on the slope (Attachment C). The report's conclusion is that the slope was constructed at a steep gradient that the original geotechnical consultant for the development of the nearby commercial lots indicated would be problematic. Despite subsequent repairs of the slope, this fundamental deficiency remains. The graded repairs are dependent on several surface and subsurface drainage systems to avoid future failures, which would need to be protected and maintained to function properly.

Mr. Paul Novak
April 16, 2018
Page 2

The City of Agoura Hills is extremely concerned about the future maintenance of the slope should the City of Calabasas annex the property. The future repairs and long-term maintenance are critical to avoid any potential failure, especially one that may cause the closure of Agoura Road for a period of time. As you know, Agoura Road is a regional roadway that provides key access through the City of Agoura Hills. However, should the slope fail, not a single Calabasas resident would be impacted, rather only residents of the entire Conejo Valley attempting to reach the San Fernando Valley and points east, including the cities of Agoura Hills and Westlake Village. We are mindful of the costs of repairs and maintenance of such a precarious slope, and, as such, strongly request that the County retain jurisdiction over Agoura Road. The maintenance/repairs may not be economically feasible for the City of Calabasas, or may not be as high a priority item as it would be to its neighbors to the west.

The slope's stability is critically important from a regional transportation perspective, as well as a local safety perspective. We would be happy to meet with you to discuss this issue in further detail. Please also note that the cities of Calabasas and Agoura Hills have recently agreed to work together on a comprehensive study of Spheres of Influence in the areas west of Calabasas and east of Agoura Hills, as recommended by LAFCO. We hope this study encourages greater coordination of annexation issues in the future.

Please contact Greg Ramirez, City Manager, at gramirez@ci.agoura-hills.ca.us or at (818) 597-7311, or contact Allison Cook, Assistant Planning Director, at acook@ci.agoura-hills.ca.us or at (818) 597-7310 for further coordination. Thank you for your consideration.

Sincerely,



William Koehler, Mayor
Annexation Subcommittee



Iliea Buckley Weber, Councilmember
Annexation Subcommittee

Attachments:

- A. Letter to LAFCO from Mike Kamino, dated 4-18-14
- B. Letter to LAFCO from Mayor Koehler, dated 5-6-14
- C. Geotechnical Reconnaissance Report, Geodynamics, Inc., dated March 2018

cc: Sheila Kuehl, Los Angeles County Supervisor, District 3

Attachment A



"Gateway to the Santa Monica Mountains National Recreation Area"

April 18, 2014

LAFCO
80 South Lake Avenue, Suite 870
Pasadena, CA 91101

SUBJECT: ANNEXATION NO. 2014-04 TO THE CITY OF CALABASAS (WEST
AGOURA ROAD)

Dear Sir/Madam:

Thank you for the ability to comment on the proposed annexation of approximately 43 acres of uninhabited territory to the City of Calabasas (Annexation No. 2014-14). This is pursuant to LAFCO's Notice of Filing dated March 20, 2014, which we received. Based on our understanding of the proposed annexation, obtained in part from discussions with the City of Calabasas (Calabasas), the proposal includes annexing five (5) parcels totaling 43 acres (APNs 2064-005-017; 2064-005-009; 2064-005-015; 2064-005-011; and 2064-005-010), including the Agoura Road right-of-way:

- ✓ APNs 2064-005-017 and – 009 contain an existing office building (Spirent) and are zoned "commercial – manufacturing development program (CMDP)" currently and would be pre-zoned by the City of Calabasas as "Commercial, Office (CO)."
- ✓ APN 2064-005-010 contains an existing office building (Kythera), is currently zoned "unlimited commercial (C-3)" and would be pre-zoned by the City of Calabasas as "Commercial, Office (CO)."
- ✓ APN 2064-005-015 is currently vacant, has been the location of landslide remediation, and would be pre-zoned by the City of Calabasas as "Open Space – Development Restricted (OS-DR)."
- ✓ APN 2064-005-011 is currently vacant and open space, and would be pre-zoned by the City of Calabasas as "Open Space – Development Restricted (OS-DR)."

Calabasas has indicated to the City of Agoura Hills that upon annexation, the following would occur:

- Once the parcels are acquired (assuming purchase at Los Angeles County's sale of tax defaulted properties), it would convey APNs 2064-005-015 and -011 to the Santa Monica Mountains Conservancy (SMMC)/Mountains Restoration and Conservation Authority (MRCA), if amenable by that agency, for permanent open space preservation, and place permanent conservation easements on both parcels to prohibit any future development, particularly in consideration of the use of these lands as a corridor for wildlife.
- Maintain and enforce the existing conditions of approval of the Los Angeles County Conditional Use Permit for the office building at the northeast quadrant of the intersection of Agoura and Liberty Canyon Roads (i.e., Spirent building), APNs 2064-005-017 and -009. These conditions address hours of operation, delivery and receiving hours, notification to the City of Agoura Hills about changes to ownership and proposed changes to conditions, and limitations on permitted uses (e.g., high technology and office uses, not heavy manufacturing or general retail), among others.
- Apply the following City of Calabasas provisions to the annexed parcels: Ridgeline Ordinance, Dark Sky Ordinance, Scenic Corridor Overlay Zone, Sign Ordinance, and Oak Tree Ordinance.
- Maintain Agoura Road in the annexation area as a two-lane road (one lane in each direction), with the Calabasas General Plan amended to reflect this.
- Provide median landscaping; and consider reducing the number of street light poles and intensity of lighting.
- Include the annexed area in the City of Calabasas Landscape Maintenance District.
- Prohibit overnight parking of commercial vehicles on the annexed portion of Agoura Road, consistent with current overnight parking prohibition on Agoura Road within Calabasas city limits.

The City of Agoura Hills has expressed its concerns regarding the annexation to Calabasas, some of which Calabasas has indicated it would address. In summary, the concerns of Agoura Hills are the following:

- Maintaining the original 1999 County issued CUP conditions for the building at the northeast corner of Agoura and Liberty Canyon Roads. These conditions include hours of operation, hours of delivery and shipment, limitation on the type of permitted uses, and notification to the City of Agoura Hills regarding future changes in ownership and use. Any changes to these conditions would require a CUP amendment.
- Not allowing an expansion or intensification of the uses or operations, nor change in use to more industrial/manufacturing, of each of the two existing buildings.

- Prohibiting development on Parcels 3 and 4, but instead preserve as permanent open space and ensure the viability of the wildlife corridor.
- Reducing the number of light poles, or otherwise reduce the effects of lighting/glare, on Agoura Road to be more appropriate to the semi-natural setting.
- Maintaining the existing two vehicle travel lanes, bike lanes and sidewalks on Agoura Road, and do not re-stripe the right-of-way to add vehicle travel lanes.
- Providing median landscaping along Agoura Road compatible with the natural setting of the area.

At its meeting on April 23, 2014, the Agoura Hills City Council will be reviewing and considering the proposed Calabasas annexation, and will notify LAFCO of any additional comments from our Council regarding the proposed annexation shortly thereafter.

We would appreciate being kept informed of this proposed annexation as it moves through the LAFCO process. If you have questions, please contact me at (818) 597-7321 or Principal Planner Allison Cook at (818) 597-7310.

Sincerely,



Mike Kamino
Director of Planning and Community Development

cc: Greg Ramirez, City Manager

Attachment B



"Gateway to the Santa Monica Mountains National Recreation Area"

May 6, 2014

Mr. Paul A. Novak, AICP
Executive Officer
LAFCO
80 South Lake Avenue, Suite 870
Pasadena, CA 91101

Re: Annexation No. 2014-04 to the City of Calabasas

Dear Mr. Novak:

This letter will serve as follow-up to our April 18, 2014 letter (enclosed) in which we provided comments regarding the proposed Annexation and Sphere of Influence ("SOF") amendment application by the City of Calabasas on a 43.3 acre territory along Agoura Road between the cities of Agoura Hills and Calabasas. Please be advised that at its April 23, 2014 meeting, the Agoura Hills City Council indicated that it opposed Calabasas's Annexation and SOI amendment application, but also indicated a desire to continue to work with the City of Calabasas to address our concerns.

While we will continue our discussions with Calabasas, I am forwarding the following concerns, which is the basis for our opposition at this time. As you know, in considering an annexation application, LAFCO must consider factors "a" through "o" in California Government Code Section 56665. The City of Agoura Hills respectfully requests that LAFCO consider the City of Agoura Hills's comments below as it relates to factor (c) and (i), particularly regarding the effect of the proposed action on adjacent areas and comments by other public agency. Factors (c) and (i) of Government Code Section 56665 are noted below and our analysis of the factors as it relates to the subject application follows.

"(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county"; and

"(i) The comments of any affected local agency or other public agency."

By way of background, the proposed 43.3-acre annexation territory, currently in Los Angeles County, serves as a buffer area between the cities of Agoura Hills and Calabasas. Of the 43.3 acres, approximately 30 acres is currently open space with 27.4 acres zoned Open Space – Deed Restricted and 2.6 currently zoned CPD. To the south of the territory is the Liberty Canyon community in the City of Agoura Hills and contains an exclusively residential area of approximately 400 primarily single family homes. In fact, 13 single family homes in the Liberty Canyon community in Agoura Hills directly abut the proposed annexation territory. The area to the west is also in the City of Agoura Hills and contains a small office building, single family homes, and town homes in a semi-rural setting, but the area primarily consists of the county-designated wildlife movement corridor which Agoura Hills, the County of Los Angeles, and other local agencies in the area, including the City of Calabasas and state and federal parkland agencies, have endeavored to protect and enhance over the years. Properties to the east of the territory in the City of Calabasas, on the other hand, are more densely developed with commercial uses.

Therefore, permanently maintaining the current low intensity character of the proposed annexation territory is important in maintaining the effectiveness of the buffer between the Cities of Agoura Hills and Calabasas. The Agoura Hills City Council believes that this buffer area should remain low intensity. The assurance of low intensity commercial/office development in the territory proposed for annexation would also provide an important land use transition from businesses mostly in Calabasas to residential neighborhoods mostly in Agoura Hills, and would help to minimize conflicts between these two types of land uses in terms of compatibility of uses and operations.

At the April 23, 2014 Agoura Hills Council meeting, 15 Agoura Hills residents, many residents of the Liberty Canyon community, opposed the proposed annexation and many cited the importance of maintaining the effectiveness of the current low intensity development buffer between the two cities. Whereas the proposed annexation territory is directly adjacent to Agoura Hills residences, the proposed annexation territory is not directly adjacent to Calabasas residences. Therefore, any negative impacts from uses in the proposed annexation territory would be borne by Agoura Hills residents, not Calabasas residents.

The westerly border of the proposed annexation area is also adjacent to the Liberty Canyon Road on-ramp and off-ramps of the 101 Freeway, and thus serves as a gateway to the Liberty Canyon residential community. Therefore, the Liberty Canyon residents want to ensure that this gateway remains in character with their community. Moreover, Liberty Canyon Road in Agoura Hills is the closest access point to the 101 Freeway and therefore is the main access portal to the proposed annexation area. Moreover, all the traffic going in and out of the 81,000 square foot commercial-manufacturing building at the westerly end of the territory would be going through Agoura Hills because of its adjacency to the Liberty Canyon Road freeway on-ramp and off-ramp, which is also located in Agoura Hills. Again, all negative traffic impacts would be borne only by the residents of the City of Agoura Hills.

Currently, Agoura Hills residents' concerns are considered and protected by the County Board of Supervisors, because the proposed annexation territory is located in the County of Los Angeles. In contrast, if the proposed territory is annexed to Calabasas, Agoura Hills residents would have no recourse if they are negatively impacted by uses in the proposed territory. The City is concerned that any intensification of uses within the proposed annexation area would impact the integrity of

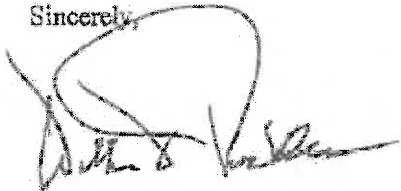
the Liberty Canyon residential community. Therefore, the proposed annexation action could affect adjacent areas in the City of Agoura Hills unless assurances are in place to maintain this area as a low density, low development buffer between the two cities.

The City of Calabasas has indicated that, if annexed to Calabasas, the two vacant parcels totaling approximately 30 acres, currently in tax default, will be acquired by Calabasas when they become available and will be zoned Open Space - Development Restricted with all development rights retired. The properties will be deeded either to the Santa Monica Mountains Conservancy (SMMC)/Mountains Recreation and Conservation Authority (MRCA) or will be retained by Calabasas, but in either case, a conservation easement will be recorded to further prohibit development. If this territory is annexed by the City of Calabasas, Calabasas must act swiftly to permanently protect open space as it would help maintain, more permanently, the effectiveness of the buffer area, thus implementing the mutual desire of both jurisdictions to preserve the land in open space in perpetuity.

Cypress Land Company's building, at the northeast corner of Liberty Canyon and Agoura Road, encompasses 75% of the current building area in the proposed annexation territory, and is located just across the street from Agoura Hills. It should be noted that many of the residents who spoke at the April 23rd City Council meeting expressed the importance of retaining the development and operational restrictions placed on the Cypress Land Company building (APN 2064-005-009 and 017) which were adopted as part of the County-issued Conditional Use Permit. These restrictions were actually negotiated between the developer and the Liberty Canyon neighborhood and placed as conditions of approval to ensure that any use of the property does not cause undue burden on the residential neighborhood. If the City of Calabasas is successful in annexing the proposed territory, Calabasas must continue to work with the City of Agoura Hills to ensure that the integrity of these conditions will be maintained in the future.

Thank you for this opportunity to provide LAFCO with additional comments at this time. We look forward to participating in the annexation hearings process. If you should have any questions, please contact City Manager Greg Ramirez at (818) 597-7311 or Director of Planning and Community Development Mike Kamino at (818) 597-7321.

Sincerely,

A handwritten signature in dark ink, appearing to read "William D. Koehler", written over a large, loopy initial "W".

William D. Koehler, Mayor
City of Agoura Hills

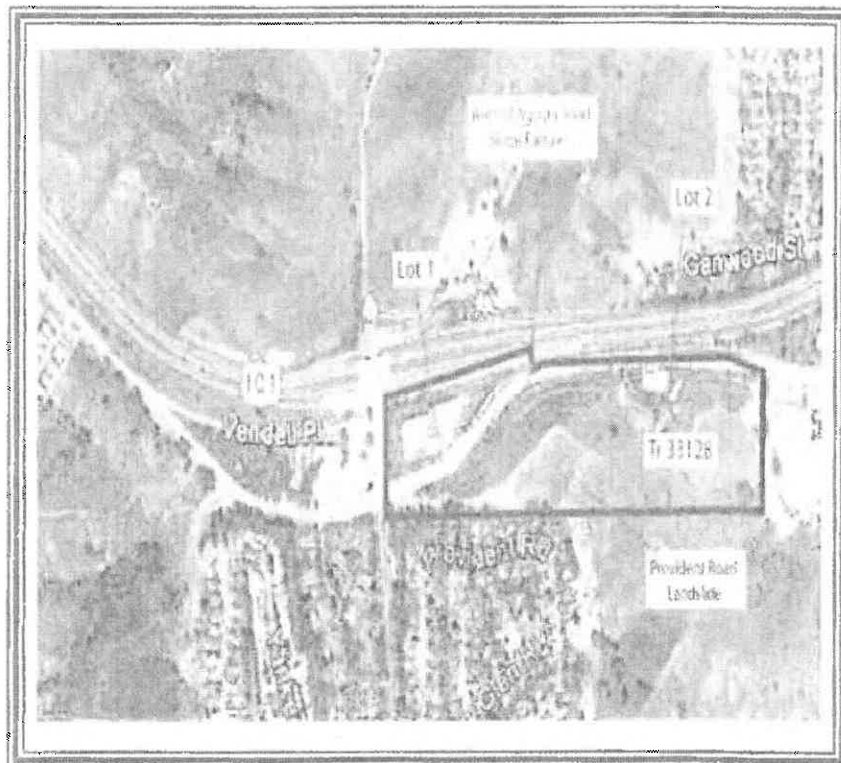
Enclosure

Attachment C

GEOTECHNICAL RECONNAISSANCE REPORT

**City of Agoura Hills
Annexation Options
Tract 33128**

March 2018



FOR

City of Agoura Hills

March 20, 2018

Project No. 17.00103.0217

Ms. Allison Cook
30001 Ladyface Court
Agoura Hills, CA 91301

Subject: Geotechnical Reconnaissance Report; City of Agoura Hills Annexation Option;
Tract 33128 (Agoura Road); Los Angeles County, California


Dear Ms. Cook:

At your request and authorization, Geodynamics, Inc. (GDI) provides in the attached report our preliminary geotechnical assessment of developments along Agoura Road under consideration for annexation by the City of Agoura Hills. Our work was conducted in March of 2017. This report is based on data and information included in our report of May 2017 and summarizes the scope of our assessment along with the development history and general geologic condition of the site, and provides a brief assessment of geotechnical issues that should be considered in evaluating the suitability of the area for annexation by the City of Agoura Hills. Specific assessments of geotechnical conditions and hazards are outside the scope of this report, but can be provided upon your request.

Please do not hesitate to contact us if you have any questions or if we may be of any additional assistance. We look forward to assisting you again in the future.

Sincerely yours,
GEODYNAMICS, INC.


Ali Abdel-Haq, GE 2308
Principal Geotechnical Engineer


Christopher J. Sexton, CEG 1441
Principal Engineering Geologist

Enclosures
References & Aerial Photographs Reviewed
Figure 1 – Location Map

Introduction

This report provides results of a limited geotechnical assessment of a land parcel being evaluated for possible annexation by the City of Agoura Hills. The purpose of this assessment is to provide the city with basic geologic and geotechnical information that may bear on the annexation decision. The scope of our work was limited to review of existing, readily available geologic reference publications and aerial photographs available in our files, preliminary review of development records on file with the County of Los Angeles, and limited site reconnaissance from areas that appeared to be reasonably available for public access.

The land parcel is identified as Tract 33128. The parcel is located along Agoura Road between Liberty Canyon Road and Los Angeles County Sheriffs facility in Los Angeles County, California. The property extends about 650 feet south of the 101 Freeway between Liberty Canyon Road and a point about ½ miles to the east. The approximate boundaries of the parcel are depicted on Figure 1. The following report provides an overall description and broad development history of the parcel, a discussion of the underlying geologic conditions, and brief assessment of the impacts those conditions may have on existing or proposed future developments as appropriate.

Note that the development history for this parcel is complex. The record for Tract 33128 includes nearly 150 geotechnical letters and reports by various consultants, and a similar number of geotechnical review letters issued by the County of Los Angeles spanning a period of nearly 32 years. We have reviewed these records (some very briefly) to the degree necessary to develop a reasonable understanding of the development chronology and to gain a preliminary grasp of the issues involved. Developing independent professional opinions regarding the technical details of the development issues would require a far greater effort. If requested, GDI can provide this service as a separate scope of work. Note that References cited at the end of this report include only selected references directly pertinent to the current discussion.

Tract 33128

Site Description

Tract 33128 includes about 35 acres located south of the 101 Freeway between Liberty Canyon Road and the Los Angeles County Sheriffs facility located about ½-mile to the east. The property includes two commercial developments and road cuts created to extend Agoura Road eastward from Liberty Canyon Road. The remainder of the property is open space hillsides that extend from Liberty Canyon Road and residences along Provident Road to the west edge of the Los Angeles County Sheriffs facility. This open space remains essentially undeveloped except for an area upslope of residences at the intersection of Provident Road and Jim Bowie Road where grading was conducted to repair a landslide in the late 1990's.

Geologic Conditions

Published geologic references (Dibblee, 1992; Weber, 1984) describe bedrock below Tract 33128 as gray claystone of the upper Topanga Formation. The claystone is described as gray,

thinly-bedded, and crumbly, and is commonly associated with slope instability where bedding planes are unsupported in natural and constructed slopes.

Bedrock is overlain beneath developed areas by certified fill placed to create two commercial building pads and to stabilize slopes. Groundwater was reported in alluvial areas and as localized seepages in bedrock. An extensive system of horizontal drains has been installed in attempts to control one such seepage.

Geologic structure is complex, with easterly dips at highly variable inclinations, local faults and folds. The hillside area that rises above the sheriff's station is mapped as a large landslide.

The tract is not located within a State Earthquake Fault Zone for mapped active faulting. Parts of the property are within State Seismic Hazard Zones for either liquefaction or seismically induced slope failures as shown on a map of "Seismic Hazard Zones" on the Calabasas Quadrangle, published by the California Geological Survey (1998). Because the site is located in the seismically active southern California region, moderate to very strong ground shaking can be anticipated.

Development History

The original development included two commercial lots (Lots 1 & 2) and an open-space lot (Lot 3). An existing freeway cut would be moved about 80 feet to the south to make room for an extension of Agoura Road (referred to at that time as "Rondell Road"). Development of this tract and resolution of two associated major slope stability issues involved at least six different consultants and extended over a period of nearly 20 years. The summary provided below is based on a relatively cursory review of the record, and as such, it should be understood that the following summary is necessarily incomplete. Should you desire a more detailed assessment of the record, or development of a detailed technical opinion, this service can be provided at your request.

Tentative Map Approval (1982)

The project was initially submitted in April of 1982, with a second submittal in June of 1982 supported with a preliminary investigation completed by GeoSoils, Inc. (GSI) for the Currey-Riach Company (GSI 1982a). Major elements of the proposed grading included a combination of cutting the nose of a ridge and filling the surrounding canyons to create a building pad on Lot 1 (currently 27349 Agoura Road), creating a northeasterly facing cut-slope and filling a small canyon to create the building pad for Lot 2 (currently 27200 Agoura Road) and creating a series of high cut-slopes to allow an extension of Agoura Road eastward from Liberty Canyon Road.

The highest cut-slope proposed on the project would be about 145 feet high and inclined at a gradient of approximately 1.5:1 (H:V). This cut would essentially be a regrading of an existing freeway cut to allow the eastward extension of Agoura Road. Preliminary reports by GSI discuss the condition of the existing cut. The cut is assessed to have performed reasonably well with the exception of small surficial failures that were attributed to degradation of rock due to persistent seepage at the toe. GSI noted that re-design of the cut at a gradient of 2:1 would reduce the potential for these sorts of problems, and stated that retaining the steeper configuration would likely result in continued surficial failures and a need for ongoing maintenance. Calculations were included in these early documents to demonstrate that the slope had an adequate factor of safety against gross failure at a gradient of 1.5:1. The seepage at the

toe was considered to be detrimental, and as such a series of horizontal drains extending 100 feet into the slope was recommended.

Other major cut-slopes were discussed as well. The 100 foot high, 1.5:1 cut-slope proposed south of Lot 1 was recommended to be flattened to 2:1, and the 50 foot high, 1.5:1 cut proposed on the south side of Lot 2 was recommended to be stabilized. Several smaller slopes were anticipated to be generally stable, but would require careful observation during grading to assess any unfavorable geologic conditions.

The Los Angeles County Environmental Development Division issued a review letter in June of 1982, requesting that the Tentative Map be modified to reflect the consultant's recommendations for cut-slopes, and that some minor errors in the report be corrected. In July of 1982, GSI issued a response to the review letter recommending that "the slope" be redesigned at 2:1 (GSI, 1982b). The context of the discussion suggests that "the slope" refers to the new 100 foot high cut to be located south of Lot 1 rather than the re-located freeway cut. The re-located freeway cut does not appear to be discussed in the July GSI report.

The July GSI report was reviewed by the Los Angeles County Environmental Development Division, and the Tentative Map was approved with a list of seven soils engineering conditions. Among these was a condition to *"Decide regarding design of existing freeway cut slope (for proposed Rondell St.). Verify or amend recommendations for horizontal drains. Make recommendations for elimination of potential surficial failures and maintenance problems"*.

Grading Plan Approval (1984)

Initial grading on Tract 33128 was conditionally approved by The County of Los Angeles in October of 1982 when bulk grading was approved to complete alluvial removals for four tracts, including Tract 33128. This was not an approval of the grading plan for Tract 33128.

In January of 1984, GSI submitted a geotechnical review of the 40-scale grading plan for Tract 33128 (GSI 1984a). This report reiterates the recommendation for horizontal drains in the regraded, 150-foot high freeway slope, but does not repeat the recommendation to redesign the slope at a 2:1 gradient. Instead the consultant presents a discussion that a 10-foot high crib wall will be needed at the top of the slope: *"This wall is necessary to provide the utility easements at the top of the slope for 30 inch waterline, 24 inch reclaimed waterline and Pacific Telephone and Telegraph Cable"*. It is not clear whether these utilities already existed or were proposed.

The 115-foot high cut-slope south of Lot 1 is discussed as remaining at a gradient of 1.5:1 and to be expected to expose favorable geologic conditions; however, preliminary stabilization recommendations are provided in the event stabilization becomes necessary. The northeast facing cut-slope proposed behind Lot 2 is discussed as possibly needing stabilization as well. Discussions of stability fill construction include special recommendations to construct even the finished fill slopes at gradients of 1.5:1.

Grading was underway under the bulk grading permit by at least March of 1984 (GSI, 1984b). Grading Plans involving several tracts (including Tract 33128) were approved by the County in June and September of 1984.

Change of Ownership and Consultant (1985)

GSI prepared a "Project Status" report in June of 1985 (GSI, 1985). This report was addressed to Cabot, Cabot and Forbes, rather than Currey-Riach. This appears to represent a change in ownership of the project, and appears to have been written after grading had been suspended for

some time. The report summarizes alluvial removals, subdrain installations, the need for settlement monitoring and provides some limited discussion of "corrective grading".

Pacific Soils Engineering, Inc. (PSE) appears to have replaced GSI shortly after the Project Status report was completed, as PSE issued "Grading Progress Report No. 1" in July of 1985 (PSE, 1985a). This report was also addressed to Cabot, Cabot & Forbes. Geologic and Soils Engineering Review Letters pertaining to this report were issued on August of 1985. These letters request clarification regarding the consultant of record for the project, and also indicated that numerous GSI reports referenced in the GSI "Project Status" report had never been submitted to the county. The review letter requests that these reports be submitted. The soils engineering review letter expressly requests: *"Either (a) the geotechnical consultant should state his agreement with the recommendations of the previous consultant and the approved grading plans or (b) the consultant should make other recommendations and revised plans should be submitted."* PSE provided a letter stating that they had been contracted to be the geotechnical consultant for the four tracts known as the "Lost Hills Business Center" (PSE 1985b). They state that they have reviewed the referenced reports by GSI. They neither specifically state agreement nor provide alternative recommendations as requested. Nearly 1½ years later, PSE prepared a letter in January of 1987 that expanded their earlier statement and accepted the findings of the earlier consultant (PSE 1987a).

Tract Grading (1987)

Tract 33128 was graded in conjunction with three other tracts. Based on Grading Progress Reports prepared by PSE, grading appears to have continued through 1987. Various statements in these reports indicate the following items of interest pertaining to the grading for Tract 33128:

- The slope south of Agoura Road, east of Lot 2 was constructed as a stabilization fill.
- The slope above Lot 2 was constructed as a cut-slope inclined at a gradient of 1½:1.
- The slope south of Agoura Road above Lot 1 was constructed as a cut-slope inclined at a gradient of 1½:1.

The first indication of difficulty with the high cut-slope being graded south of Agoura Road is noted in PSE Grading Progress Report No. 6 (PSE, 1986a). This report notes that removal of an old line belonging to the Las Virgenes Water District (LVWD) undercut portions of the slope. Remedial actions included replacing the upper 15 feet of the cut as compacted fill, and reconfiguring the upper slope to be below the base of the old trench. There are no maps or cross sections included with this report, so it is difficult to envision exactly what has been implemented. The lack of any discussion of the crib wall previously proposed to support the utility easement is notable.

Grading continued through the fall of 1987. PSE prepared a report in October that indicated that rough grading on Tract 33128 was complete and that there were no Restricted Use Areas on the tract (PSE, 1987b). We did not recover a specific review letter approving rough grading on Tract 33128 at that time. We did recover a letter dated November 20, 1987 from the Engineering Geology Group of Los Angeles County that approves the Final Map to be filed. We recovered no record that the horizontal drains recommended by GSI were installed.

Continuing Slope Instability (1988 - 1989)

In August of 1988, PSE prepared a report to address remedial work proposed for the north-facing cut slope above Agoura Road (PSE 1988a). The slope is reported to be experiencing difficulties between the toe and the lower bench between about 1100 and 1200 feet east of Liberty Canyon Road. The slope is affected and the curb and sidewalk are indicated to be experiencing cracking and uplift. The consultant attributes the distress to a combination of bedrock expansion in a sheared bentonite bed, and buildup of hydrostatic pressure behind the bed. PSE proposed minimization of irrigation water, repair of damaged drainage structures, and installation of horizontal drains into the face of the slope to extend behind the bentonite bed.

In December of 1988, PSE issued a report to address continuing distress in the slope (PSE 1988b). This report indicates that distress has advanced up the slope to the second terrace drain, that the hydraugers (horizontal drains) recommended in August had been installed, but had produced very little water, and that interaction between a toe of slope trench drain and a previously unrecognized fault was providing structural control of the displacement. They recommended remedial grading to remove and reconstruct the lower section of the slope. Upon review of the new plan of action, and clarification of a few technical items, the proposed remedial grading was approved by Los Angeles County in early February of 1989. GDI recovered no clear documentation of the remedial grading.

Staal, Gardner & Dunne, Inc. (SGD) was the geotechnical consultant for the Las Virgenes Water District (LVWD). In April of 1989, SGD issued a report discussing a February rupture in a 30-inch water line located on the ridge just behind the top of the Agoura Road slope. That report alludes to a landslide repair being performed at the toe of the slope, and draws a connection between the landslide repair at the toe of the slope, and the distress to the water line at the top of the 150 foot-high slope. This would be significant because it would indicate earth movement was translating through the full height of the slope rather than being limited to the lower two benches. SGD reports their understanding that PSE disputed the possible connection between the repair and the water line.

Evaluation and Debate (1989- 1991)

PSE issued a report in October of 1989 to document the slope repair. Therein they discount the notion of gross slope displacement or a connection between the repair and water line rupture. Throughout 1990, PSE produced a series of reports responding to comments from the County of Los Angeles geotechnical reviewers requesting additional data, additional analysis to demonstrate adequate factors of safety for the slope, and in particular requesting an unambiguous "Section 309" statement. This is a statement required in Los Angeles County to the effect that a development will be safe from landslide settlement and slippage, and will not adversely affect adjacent properties. The county requires that these statements be provided without qualifiers or caveats. PSE was reluctant to provide such a statement regarding the repaired slope.

Meanwhile, SGD installed three inclinometers into the slope and a series of survey points on the surface of the slope. SGD reports that these monitoring devices are indicating movement. PSE contends that the slope movements above the repair are the result of expansive soils and "rebound" of the highly deformed rock.

PSE issued a response report in October of 1990. This report appears to be a defense of the remedial grading completed in 1989 and includes discussions of shear strengths used in analyses, dewatering efforts, concerns held by PSE regarding the inclinometer installation and monitoring completed by SGD, and a variety of other topics. PSE also provides the Section 309 statement

requested by the county. A review letter by Los Angeles County issued on October 10 of 1990 titled "Final Grading Review" and referencing the PSE report of October 5, 1990 includes the "Action" finding that *"Plans and Reports are approved from a geotechnical standpoint"*. It is not clear exactly what is being approved in this letter. SGD issued their own review of the PSE report in which, among other issues, they contend that PSE seems unsure of the mechanism of distress affecting the slope, question PSE interpretations and conclusions regarding some of their subsurface exploration, question shear strengths used in analyses, and question the PSE understanding of groundwater conditions.

Regardless of the approval letter from Los Angeles County, the issue of the slope was clearly not resolved. In early 1991, the City of Agoura Hills requested independent review of the situation with the Agoura Road slope from Slosson and Associates and from Bing Yen and Associates, Inc. Both of these consultants expressed concern regarding the state of understanding of the mechanism of failure affecting the slope, and recommended that monitoring continue.

By July of 1991, additional distress was noted in the vicinity of the slope. PSE continued to attribute the distress to expansive soils and rebound. In April of 1991 SGD reported up to seven inches of movement on the western side of the slope.

Final Resolution of the Agoura Road Cut Slope (1991-1994)

These debates, investigations and reviews continued through May of 1993 when it appears that a plan to install piles along the toe of the slope along with a series of hydraugers was accepted by the County of Los Angeles. In June of 1994, PSE issued a report describing the installation of 60 cast-in-place, 36-inch diameter piles to a depth of 40 feet below grade, grading repair of several surficial failures, installation of 20 hydraugers in two tiers near the toe of the slope - to depths of 100 to 150 feet, and a number of other measures. PSE seems to continue to consider that the mechanism of distress to the slope is related to expansive soils and rebound. They consider that these mechanisms will continue to act on the slope, and as such once again express a reluctance to issue an unqualified statement relative to Section 309. The repair was approved by the County of Los Angeles in October of 1994 using on a negotiated Section 309 statement provided by PSE.

Provident Road Landslide (1993-2001)

The file appears to be incomplete regarding this failure and repair. One of the earliest documents recovered is a claim for damages filed against the County of Los Angeles dated May 26, 1993. The claim is filed on behalf of the residents at 27301 Provident Road in the City of Agoura Hills, and cites that *"Within the last twelve months, the subject property has been subject to landslides, earth related failure, subsidence, soil consolidation, surface and subsurface drainage problems and other problems with upslope soils"*.

This failure was complicated by the fact that it failed from the County of Los Angeles, into the City of Agoura Hills and also involved an area within the City of Calabasas. The earliest county review letter recovered regarding this site is dated February 22 1994, and cites geotechnical reports dated February 17, 1994 and "Addenda" dated January 14, 1993 and November 23, 1993. The nature of these "addenda" is not known, and in any event, none of these documents were recovered as part of our research.

Based on the information available, it appears that after the failure in 1993, emergency remedial grading was undertaken in 1994. Brief review of the in-grading reports indicates that landslide

movement continued as the grading was underway. Installation of hydraugers as part of this remedial work is inferred from comments in some of the Los Angeles County review letters, but the record of consultant reports appears to be incomplete and details of these installations are not known.

Renewed movement was reported in 1995. The consultant for the remedial grading returned in August of 1996 and performed additional studies and subsurface exploration to gain a better understanding of the subsurface conditions. In September of 1997, a different consultant prepared analyses of the subsurface conditions and slope stability. After review of the initial report and several response reports, a plan to complete the repair was approved in late 1998. Approvals were also required from the City of Agoura Hills, the City of Calabasas and the Las Virgenes Water District. No records of those approvals were recovered in our file review.

Grading for the repair began in October of 1999 and continued at least through March of 2000. Based on review of two "In-Grading Geotechnical Progress Reports" prepared by Ninyo & Moore (1999, 2000) we surmise that the repair included installation of a significant buttress with five levels of backdrains. Some sections of the fill face were constructed at gradients exceeding 1½:1 and were reinforced with geogrid. A total of seven hydraugers were originally planned for the repair, but this number was reduced to three during grading.

The record indicates that grading for this project was most likely completed in early to middle 2000. Several rounds of review and response indicate county concerns regarding the consultant's incorporation of field data obtained during grading into revised slope stability analyses, and also with reluctance on the part of the consultant to provide an acceptable "Section 309" statement. The grading was ultimately approved in January of 2001.

Approval and Development of Lot 1 (27349 Agoura Road), Tract 33128 (1999-2000)

PSE provided a Final Geologic Report for Lots 1 and 2 of Tract 33128 in March of 1990. The county appears to have rejected approval of these lots until issues with the Agoura Road cut-slope were resolved.

In March of 1999, Neblett & Associates (NA) submitted an evaluation of Lot 1 relative to construction of a warehouse building. That report included subsurface exploration to characterize the depth of fill and underlying alluvium, groundwater conditions and to support a limited liquefaction analysis. After a second submittal, the project appears to have been approved in February of 2000. A geotechnical report of grading to overexcavate a building footprint was submitted by Leighton and Associates (L&A) in July of 2000. Rough Grading was approved in November of 2000.

Approval and Development of Lot 2 (27200 Agoura Road), Tract 33128 (1996-1999?)

PSE provided a Final Geologic Report for Lots 1 and 2 of Tract 33128 in March of 1990. The county appears to have rejected approval of these lots until issues with the Agoura Road cut-slope were resolved.

In October of 1996, PSE submitted an evaluation of Lot 2 relative to construction of a two-story commercial building. That report notes that an oil well was capped and buried during grading of Lot 2. Based on the content of certain review letters, it appears that the disposition of this well developed as an issue during the review process. Similarly, there is an allusion to "pop-outs" in the upper part of the steep slope graded above the lot during the original tract grading. After

numerous rounds of review, the grading plan for the project was ultimately approved by Los Angeles County in May of 1998.

There are numerous review letters in early 1999 that specifically deny approval of rough grading on this lot for various reasons. Although the lot is currently occupied, we were not able to locate review letters from Los Angeles County specifically approving grading on this lot.

Geologic Hazards Assessment

The most pertinent element of the grading for Tract 33128 appears to be the slope failures along Agoura Road that delayed project approval for many years. Also pertinent are the landslide repair above Provident Road and (possibly) the cut-slope repair above Lot 2 and the oil well buried below Lot 2.

The landslide repair along Agoura Road was a very contentious undertaking. The primary consultant appears to have maintained the opinion that the distress of concern was not related to a slope failure per se, and to have designed the ultimate repair based largely upon subsurface conditions that were poorly understood at best. Despite the very expensive repair that was ultimately installed, there does not appear to have ever developed a consensus among the involved professionals regarding the most likely mechanism of failure. The slope was constructed at a steep gradient that the original (1982) consultant indicated would be problematic. Despite the repair, this fundamental deficiency remains, and in fact, some areas of the slope appear to be inclined at gradients even steeper than 1½:1.

Both of the landslide repairs (Agoura Road and Provident Road) include surface and subsurface drainage systems of various types. The graded repairs are dependent on these systems to avoid future failures; the systems must be protected and maintained in order to function properly. Based on a cursory review of the Agoura Road slope, we consider that these systems have not been maintained properly. Bench drains are blocked, uplifted, cracked and completely offset in some cases. Downdrains are bowed and lifted off the slope. Subsurface drain outlets are broken away from manifolds intended to control the discharge. GDI was not able to gain access to the Provident Road landslide repair to assess the condition of those drainage installations.

There is an existing failure on the Agoura Road cut-slope in roughly the same area of the original failure. Whether this is indicative of renewed movement deep in the slope, or simply the foreseeable result of constructing a fill slope at such a steep gradient is difficult to assess. In any case, the current failure will require significant grading in an area of highly complex subsurface conditions that remains under suspicion of deep slope instability.

Also of concern are references to difficulties during development of Lot 2. County review letters allude to pop-outs in the 1½:1 slope graded during the original tract grading. Again, the original consultant for the tract identified this slope as an area that might require stabilization. Ultimately the slope was graded as a cut. An oil well was discussed as having been buried during the original grading for the tract. Both of these issues will need to be researched in greater detail to understand what constraints they may impose.

Conclusions

Tract 33128 carries significant administrative and/or technical challenges for the City to consider. Records concerning the parcels discussed in this report include hundreds of pages of information. While we have strived to provide sufficient and complete information to assist the City with a decision regarding annexation of these parcels, the task far exceeded the specified

budget and scope of work. Additional effort would be necessary to better understand the history and delineate technical issues associated with these parcels; however, GDI strongly recommends that this effort be completed should the City decide to move forward with annexation of either one.

Closure

This report was prepared for the exclusive use of the City of Agoura Hills for the purpose referenced project site. It may not contain sufficient information for other uses or the purpose of other parties. Any person using this report for bidding or construction purposes should perform such independent investigations as they deem necessary to satisfy themselves as to the surface and subsurface conditions to be used encountered and the procedures to be used in the performance of their work on this project. The services of the geotechnical consultant should not be construed to relieve the owner or contractor of their responsibilities or liabilities.

Professional judgments presented in this report are based on evaluations of the information available, on GDI's understanding of the required scope of work, and general experience in the field of geotechnical engineering. GDI does not guarantee the interpretations made, only that the geotechnical work and judgment rendered meet the standard of care of the geotechnical profession at this time. In view of the general geology and our limited observation of the site, the possibility of different conditions cannot be totally discounted. A review of geotechnical data (if available) obtained during previous investigations at the site and during grading and construction of existing developments may be performed if so desired.

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- GeoSoils Inc.; 1982b; Addendum to Preliminary Geotechnical Study, Tentative Tract 33128, Lost Hills, Calabasas, California; Consultant Report dated July 9, 1982; W. O. 1182-VN.
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- GeoSoils Inc.; 1985; Project Status, Lost Hills Business Park, Tracts 32952, 32953, 32954, and 33128, Calabasas, Los Angeles County, California; Consultant Report dated June 20, 1985; W. O. 1182-VN.
- Leighton & Associates; 2000; As-Graded Geotechnical Report of Building Footprint Overexcavation, Lot 1, Tract 33128, Northeast Corner of Agoura and Liberty Canyon Roads, County of Los Angeles, California; Consultant Report dated July 7, 2000.
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- Ninyo & Moore; 2000; In-Grading Geotechnical Progress Report; Slope repair at 27301 Provident Road, and 4136 Jim Bowie Road, and 27250 Agoura Road, Tract 33128, City of Agoura Hills, City of Calabasas and County of Los Angeles, California, County Grading Plan Check No. 9710200004; Consultant Report dated March 10, 2000; Project No. 200939.02.

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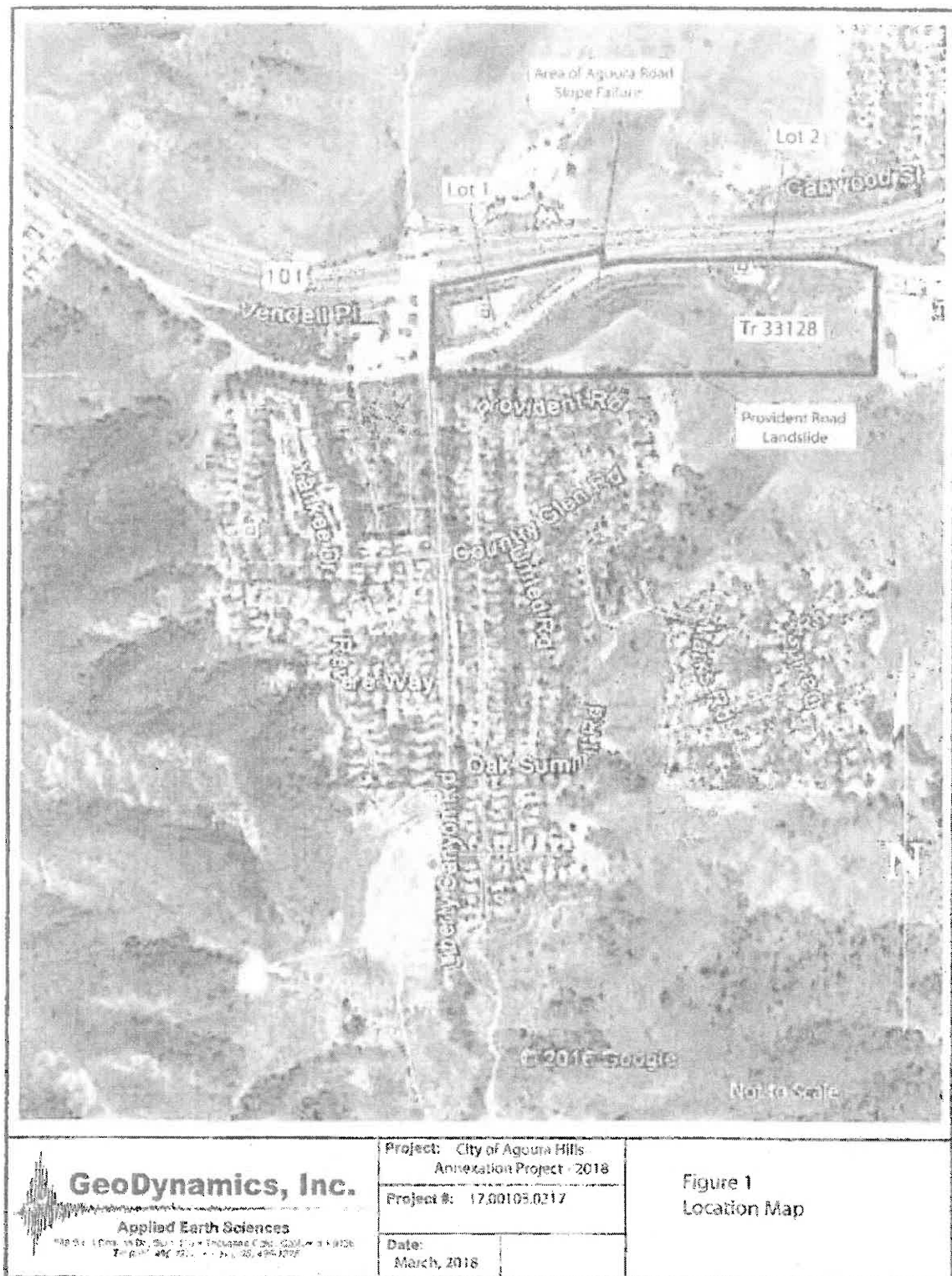
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AERIAL PHOTOGRAPHS REVIEWED

Date	Source	Flight	Frames	Scale
1928	Fairchild Aerial Surveys	C-300	J-27, 28, & 39-41	1"=1,500
1954	United States Dept. Agriculture	AXJ-14K	31 - 34	1"=1,800
1-10-65	Los Angeles County Flood Control District	1933-01	156-158	1"=3,000
1973	United States Government	U-2 73-036	39 & 40	1"=3,000
9-21-78	United States Dept. Agriculture	06111-178	24, 25, 51 & 52	1"=3,000
1-9-1990	Unknown	Calabasas	1	1"=1,000'
11-29-94	Pacific Western Aerial Surveys	PW VEN 11	45 & 46	1"=1,800





"Gateway to the Santa Monica Mountains National Recreation Area"

April 16, 2018

Paul Novak, AICP
Executive Director
Los Angeles LAFCO
80 South Lake Avenue, Ste. 870
Pasadena, CA 91101

SUBJECT: CITY OF CALABASAS APPLICATION TO LAFCO FOR ANNEXATION OF PARCELS
ALONG AGOURA ROAD – ANNEXATION NO. 2014-04

Dear Mr. Novak:

This letter is written in regard to the proposed annexation of several parcels along Agoura Road at or east of Liberty Canyon Road by the City of Calabasas. The Local Agency Formation Commission (LAFCO) has identified this request as Annexation No. 2014-04. We understand that the application is gradually moving through the LAFCO process, and will be heard by the Commission sometime in the near future. Attached are two previous letters from the City of Agoura Hills to LAFCO. One dated April 18, 2014 from the City of Agoura Hills staff identifies concerns with the proposed annexation of these parcels by the City of Calabasas (Attachment A); and one position letter, dated May 6, 2014 and from the Mayor, reflects the Agoura Hills City Council's vote of 4-0 opposing the annexation (Attachment B). The City Council maintains that position based on the following.

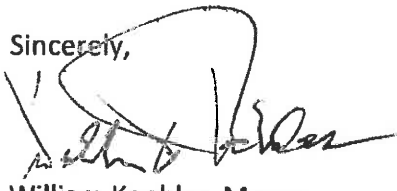
You may be aware that one area of the proposed annexation on the south side of Agoura Road, Tract 33128, has a history of geologic failure. We understand that the County currently maintains this slope, and, as recently as the past few weeks, has conducted maintenance on the slope. The City of Agoura Hills retained Geodynamics, Inc., a geologic/geotechnical consulting firm, to conduct analysis of the slope's stability by studying reports on file at the County offices and visiting the site for brief visual checks. Attached for your consideration is a *Geotechnical Reconnaissance Report* for this Tract 33128, prepared by Geodynamics, Inc. and dated March 2018, summarizing the firm's research to date and preliminary opinion on the slope (Attachment C). The report's conclusion is that the slope was constructed at a steep gradient that the original geotechnical consultant for the development of the nearby commercial lots indicated would be problematic. Despite subsequent repairs of the slope, this fundamental deficiency remains. The graded repairs are dependent on several surface and subsurface drainage systems to avoid future failures, which would need to be protected and maintained to function properly.

The City of Agoura Hills is extremely concerned about the future maintenance of the slope should the City of Calabasas annex the property. The future repairs and long-term maintenance are critical to avoid any potential failure, especially one that may cause the closure of Agoura Road for a period of time. As you know, Agoura Road is a regional roadway that provides key access through the City of Agoura Hills. However, should the slope fail, not a single Calabasas resident would be impacted, rather only residents of the entire Conejo Valley attempting to reach the San Fernando Valley and points east, including the cities of Agoura Hills and Westlake Village. We are mindful of the costs of repairs and maintenance of such a precarious slope, and, as such, strongly request that the County retain jurisdiction over Agoura Road. The maintenance/repairs may not be economically feasible for the City of Calabasas, or may not be as high a priority item as it would be to its neighbors to the west.

The slope's stability is critically important from a regional transportation perspective, as well as a local safety perspective. We would be happy to meet with you to discuss this issue in further detail. Please also note that the cities of Calabasas and Agoura Hills have recently agreed to work together on a comprehensive study of Spheres of Influence in the areas west of Calabasas and east of Agoura Hills, as recommended by LAFCO. We hope this study encourages greater coordination of annexation issues in the future.

Please contact Greg Ramirez, City Manager, at gramirez@ci.agoura-hills.ca.us or at (818) 597-7311, or contact Allison Cook, Assistant Planning Director, at acook@ci.agoura-hills.ca.us or at (818) 597-7310 for further coordination. Thank you for your consideration.

Sincerely,



William Koehler, Mayor
Annexation Subcommittee



Illece Buckley Weber, Councilmember
Annexation Subcommittee

Attachments:

- A. Letter to LAFCO from Mike Kamino, dated 4-18-14
- B. Letter to LAFCO from Mayor Koehler, dated 5-6-14
- C. Geotechnical Reconnaissance Report, Geodynamics, Inc., dated March 2018

cc: Sheila Kuehl, Los Angeles County Supervisor, District 3



"Gateway to the Santa Monica Mountains National Recreation Area"

April 18, 2014

LAFCO
80 South Lake Avenue, Suite 870
Pasadena, CA 91101

SUBJECT: ANNEXATION NO. 2014-04 TO THE CITY OF CALABASAS (WEST
AGOURA ROAD)

Dear Sir/Madam:

Thank you for the ability to comment on the proposed annexation of approximately 43 acres of uninhabited territory to the City of Calabasas (Annexation No. 2014-14). This is pursuant to LAFCO's Notice of Filing dated March 20, 2014, which we received. Based on our understanding of the proposed annexation, obtained in part from discussions with the City of Calabasas (Calabasas), the proposal includes annexing five (5) parcels totaling 43 acres (APNs 2064-005-017; 2064-005-009; 2064-005-015; 2064-005-011; and 2064-005-010), including the Agoura Road right-of-way:

- ✓ APNs 2064-005-017 and – 009 contain an existing office building (Spirent) and are zoned "commercial – manufacturing development program (CMDP)" currently and would be pre-zoned by the City of Calabasas as "Commercial, Office (CO)."
- ✓ APN 2064-005-010 contains an existing office building (Kythera), is currently zoned "unlimited commercial (C-3)" and would be pre-zoned by the City of Calabasas as "Commercial, Office (CO)."
- ✓ APN 2064-005-015 is currently vacant, has been the location of landslide remediation, and would be pre-zoned by the City of Calabasas as "Open Space – Development Restricted (OS-DR)."
- ✓ APN 2064-005-011 is currently vacant and open space, and would be pre-zoned by the City of Calabasas as "Open Space – Development Restricted (OS-DR)."

Calabasas has indicated to the City of Agoura Hills that upon annexation, the following would occur:

- Once the parcels are acquired (assuming purchase at Los Angeles County's sale of tax defaulted properties), it would convey APNs 2064-005-015 and -011 to the Santa Monica Mountains Conservancy (SMMC)/Mountains Restoration and Conservation Authority (MRCA), if amenable by that agency, for permanent open space preservation, and place permanent conservation easements on both parcels to prohibit any future development, particularly in consideration of the use of these lands as a corridor for wildlife.
- Maintain and enforce the existing conditions of approval of the Los Angeles County Conditional Use Permit for the office building at the northeast quadrant of the intersection of Agoura and Liberty Canyon Roads (i.e., Spirent building), APNs 2064-005-017 and -009. These conditions address hours of operation, delivery and receiving hours, notification to the City of Agoura Hills about changes to ownership and proposed changes to conditions, and limitations on permitted uses (e.g., high technology and office uses, not heavy manufacturing or general retail), among others.
- Apply the following City of Calabasas provisions to the annexed parcels: Ridgeline Ordinance, Dark Sky Ordinance, Scenic Corridor Overlay Zone, Sign Ordinance, and Oak Tree Ordinance.
- Maintain Agoura Road in the annexation area as a two-lane road (one lane in each direction), with the Calabasas General Plan amended to reflect this.
- Provide median landscaping; and consider reducing the number of street light poles and intensity of lighting.
- Include the annexed area in the City of Calabasas Landscape Maintenance District.
- Prohibit overnight parking of commercial vehicles on the annexed portion of Agoura Road, consistent with current overnight parking prohibition on Agoura Road within Calabasas city limits.

The City of Agoura Hills has expressed its concerns regarding the annexation to Calabasas, some of which Calabasas has indicated it would address. In summary, the concerns of Agoura Hills are the following:

- Maintaining the original 1999 County issued CUP conditions for the building at the northeast corner of Agoura and Liberty Canyon Roads. These conditions include hours of operation, hours of delivery and shipment, limitation on the type of permitted uses, and notification to the City of Agoura Hills regarding future changes in ownership and use. Any changes to these conditions would require a CUP amendment.
- Not allowing an expansion or intensification of the uses or operations, nor change in use to more industrial/manufacturing, of each of the two existing buildings.

- Prohibiting development on Parcels 3 and 4, but instead preserve as permanent open space and ensure the viability of the wildlife corridor.
- Reducing the number of light poles, or otherwise reduce the effects of lighting/glare, on Agoura Road to be more appropriate to the semi-natural setting.
- Maintaining the existing two vehicle travel lanes, bike lanes and sidewalks on Agoura Road, and do not re-stripe the right-of-way to add vehicle travel lanes.
- Providing median landscaping along Agoura Road compatible with the natural setting of the area.

At its meeting on April 23, 2014, the Agoura Hills City Council will be reviewing and considering the proposed Calabasas annexation, and will notify LAFCO of any additional comments from our Council regarding the proposed annexation shortly thereafter.

We would appreciate being kept informed of this proposed annexation as it moves through the LAFCO process. If you have questions, please contact me at (818) 597-7321 or Principal Planner Allison Cook at (818) 597-7310.

Sincerely,



Mike Kamino
Director of Planning and Community Development

cc: Greg Ramirez, City Manager



"Gateway to the Santa Monica Mountains National Recreation Area"

May 6, 2014

Mr. Paul A. Novak, AICP
Executive Officer
LAFCO
80 South Lake Avenue, Suite 870
Pasadena, CA 91101

Re: Annexation No. 2014-04 to the City of Calabasas

Dear Mr. Novak:

This letter will serve as follow-up to our April 18, 2014 letter (enclosed) in which we provided comments regarding the proposed Annexation and Sphere of Influence ("SOI") amendment application by the City of Calabasas on a 43.3 acre territory along Agoura Road between the cities of Agoura Hills and Calabasas. Please be advised that at its April 23, 2014 meeting, the Agoura Hills City Council indicated that it opposed Calabasas's Annexation and SOI amendment application, but also indicated a desire to continue to work with the City of Calabasas to address our concerns.

While we will continue our discussions with Calabasas, I am forwarding the following concerns, which is the basis for our opposition at this time. As you know, in considering an annexation application, LAFCO must consider factors "a" through "o" in California Government Code Section 56665. The City of Agoura Hills respectfully requests that LAFCO consider the City of Agoura Hills's comments below as it relates to factor (c) and (i), particularly regarding the effect of the proposed action on adjacent areas and comments by other public agency. Factors (c) and (i) of Government Code Section 56665 are noted below and our analysis of the factors as it relates to the subject application follows.

"(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county"; and

"(i) The comments of any affected local agency or other public agency."

By way of background, the proposed 43.3-acre annexation territory, currently in Los Angeles County, serves as a buffer area between the cities of Agoura Hills and Calabasas. Of the 43.3 acres, approximately 30 acres is currently open space with 27.4 acres zoned Open Space – Deed Restricted and 2.6 currently zoned CPD. To the south of the territory is the Liberty Canyon community in the City of Agoura Hills and contains an exclusively residential area of approximately 400 primarily single family homes. In fact, 13 single family homes in the Liberty Canyon community in Agoura Hills directly abut the proposed annexation territory. The area to the west is also in the City of Agoura Hills and contains a small office building, single family homes, and town homes in a semi-rural setting, but the area primarily consists of the county-designated wildlife movement corridor which Agoura Hills, the County of Los Angeles, and other local agencies in the area, including the City of Calabasas and state and federal parkland agencies, have endeavored to protect and enhance over the years. Properties to the east of the territory in the City of Calabasas, on the other hand, are more densely developed with commercial uses.

Therefore, permanently maintaining the current low intensity character of the proposed annexation territory is important in maintaining the effectiveness of the buffer between the Cities of Agoura Hills and Calabasas. The Agoura Hills City Council believes that this buffer area should remain low intensity. The assurance of low intensity commercial/office development in the territory proposed for annexation would also provide an important land use transition from businesses mostly in Calabasas to residential neighborhoods mostly in Agoura Hills, and would help to minimize conflicts between these two types of land uses in terms of compatibility of uses and operations.

At the April 23, 2014 Agoura Hills Council meeting, 15 Agoura Hills residents, many residents of the Liberty Canyon community, opposed the proposed annexation and many cited the importance of maintaining the effectiveness of the current low intensity development buffer between the two cities. Whereas the proposed annexation territory is directly adjacent to Agoura Hills residences, the proposed annexation territory is not directly adjacent to Calabasas residences. Therefore, any negative impacts from uses in the proposed annexation territory would be borne by Agoura Hills residents, not Calabasas residents.

The westerly border of the proposed annexation area is also adjacent to the Liberty Canyon Road on-ramp and off-ramps of the 101 Freeway, and thus serves as a gateway to the Liberty Canyon residential community. Therefore, the Liberty Canyon residents want to ensure that this gateway remains in character with their community. Moreover, Liberty Canyon Road in Agoura Hills is the closest access point to the 101 Freeway and therefore is the main access portal to the proposed annexation area. Moreover, all the traffic going in and out of the 81,000 square foot commercial-manufacturing building at the westerly end of the territory would be going through Agoura Hills because of its adjacency to the Liberty Canyon Road freeway on-ramp and off-ramp, which is also located in Agoura Hills. Again, all negative traffic impacts would be borne only by the residents of the City of Agoura Hills.

Currently, Agoura Hills residents' concerns are considered and protected by the County Board of Supervisors, because the proposed annexation territory is located in the County of Los Angeles. In contrast, if the proposed territory is annexed to Calabasas, Agoura Hills residents would have no recourse if they are negatively impacted by uses in the proposed territory. The City is concerned that any intensification of uses within the proposed annexation area would impact the integrity of

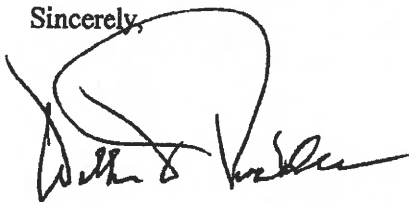
the Liberty Canyon residential community. Therefore, the proposed annexation action could affect adjacent areas in the City of Agoura Hills unless assurances are in place to maintain this area as a low density, low development buffer between the two cities.

The City of Calabasas has indicated that, if annexed to Calabasas, the two vacant parcels totaling approximately 30 acres, currently in tax default, will be acquired by Calabasas when they become available and will be zoned Open Space - Development Restricted with all development rights retired. The properties will be deeded either to the Santa Monica Mountains Conservancy (SMMC)/Mountains Recreation and Conservation Authority (MRCA) or will be retained by Calabasas, but in either case, a conservation easement will be recorded to further prohibit development. If this territory is annexed by the City of Calabasas, Calabasas must act swiftly to permanently protect open space as it would help maintain, more permanently, the effectiveness of the buffer area, thus implementing the mutual desire of both jurisdictions to preserve the land in open space in perpetuity.

Cypress Land Company's building, at the northeast corner of Liberty Canyon and Agoura Road, encompasses 75% of the current building area in the proposed annexation territory, and is located just across the street from Agoura Hills. It should be noted that many of the residents who spoke at the April 23rd City Council meeting expressed the importance of retaining the development and operational restrictions placed on the Cypress Land Company building (APN 2064-005-009 and 017) which were adopted as part of the County-issued Conditional Use Permit. These restrictions were actually negotiated between the developer and the Liberty Canyon neighborhood and placed as conditions of approval to ensure that any use of the property does not cause undue burden on the residential neighborhood. If the City of Calabasas is successful in annexing the proposed territory, Calabasas must continue to work with the City of Agoura Hills to ensure that the integrity of these conditions will be maintained in the future.

Thank you for this opportunity to provide LAFCO with additional comments at this time. We look forward to participating in the annexation hearings process. If you should have any questions, please contact City Manager Greg Ramirez at (818) 597-7311 or Director of Planning and Community Development Mike Kamino at (818) 597-7321.

Sincerely,

A handwritten signature in black ink, appearing to read "William D. Koehler", written over a large, loopy circular flourish.

William D. Koehler, Mayor
City of Agoura Hills

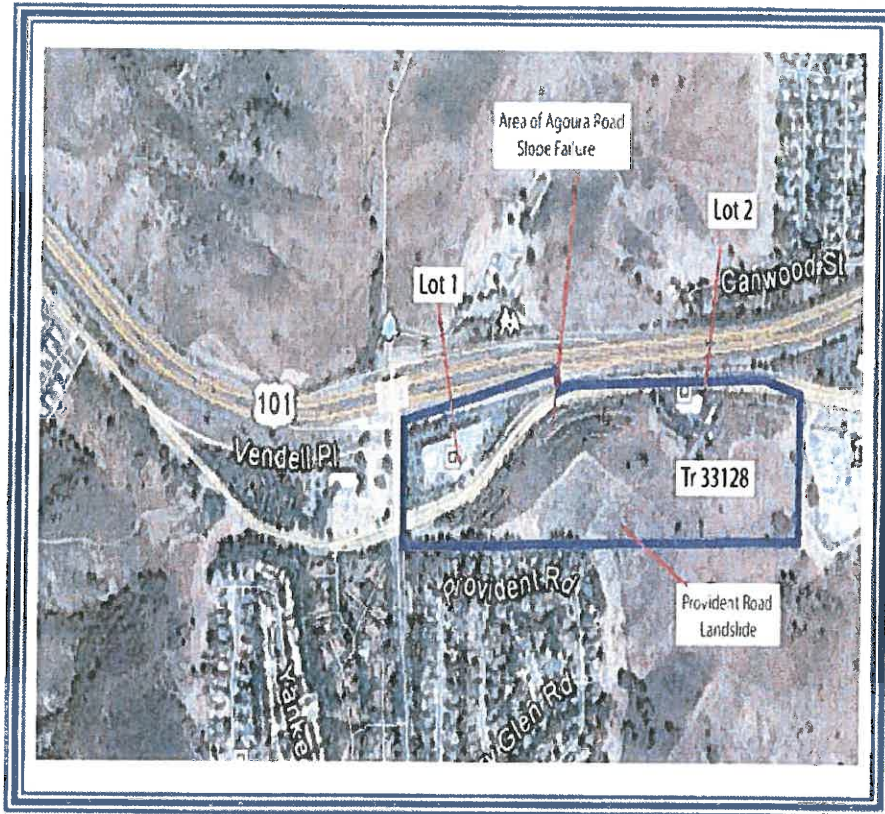
Enclosure



GEOTECHNICAL RECONNAISSANCE REPORT

City of Agoura Hills
Annexation Options
Tract 33128

March 2018



FOR

City of Agoura Hills



March 20, 2018

Project No. 17.00103.0217

Ms. Allison Cook
30001 Ladyface Court
Agoura Hills, CA 91301



Subject: Geotechnical Reconnaissance Report; City of Agoura Hills Annexation Option;
Tract 33128 (Agoura Road); Los Angeles County, California

Dear Ms. Cook:

At your request and authorization, Geodynamics, Inc. (GDI) provides in the attached report our preliminary geotechnical assessment of developments along Agoura Road under consideration for annexation by the City of Agoura Hills. Our work was conducted in March of 2017. This report is based on data and information included in our report of May 2017 and summarizes the scope of our assessment along with the development history and general geologic condition of the site, and provides a brief assessment of geotechnical issues that should be considered in evaluating the suitability of the area for annexation by the City of Agoura Hills. Specific assessments of geotechnical conditions and hazards are outside the scope of this report, but can be provided upon your request.

Please do not hesitate to contact us if you have any questions or if we may be of any additional assistance. We look forward to assisting you again in the future.

Sincerely yours,
GEODYNAMICS, INC.


Ali Abdel-Haq, GE 2308
Principal Geotechnical Engineer
Christopher J. Sexton, CEG 1441
Principal Engineering Geologist

Enclosures
References & Aerial Photographs Reviewed
Figure 1 – Location Map

Introduction

This report provides results of a limited geotechnical assessment of a land parcel being evaluated for possible annexation by the City of Agoura Hills. The purpose of this assessment is to provide the city with basic geologic and geotechnical information that may bear on the annexation decision. The scope of our work was limited to review of existing, readily available geologic reference publications and aerial photographs available in our files, preliminary review of development records on file with the County of Los Angeles, and limited site reconnaissance from areas that appeared to be reasonably available for public access.

The land parcel is identified as Tract 33128. The parcel is located along Agoura Road between Liberty Canyon Road and Los Angeles County Sheriffs facility in Los Angeles County, California. The property extends about 650 feet south of the 101 Freeway between Liberty Canyon Road and a point about ½ miles to the east. The approximate boundaries of the parcel are depicted on Figure 1. The following report provides an overall description and broad development history of the parcel, a discussion of the underlying geologic conditions, and brief assessment of the impacts those conditions may have on existing or proposed future developments as appropriate.

Note that the development history for this parcel is complex. The record for Tract 33128 includes nearly 150 geotechnical letters and reports by various consultants, and a similar number of geotechnical review letters issued by the County of Los Angeles spanning a period of nearly 32 years. We have reviewed these records (some very briefly) to the degree necessary to develop a reasonable understanding of the development chronology and to gain a preliminary grasp of the issues involved. Developing independent professional opinions regarding the technical details of the development issues would require a far greater effort. If requested, GDI can provide this service as a separate scope of work. Note that References cited at the end of this report include only selected references directly pertinent to the current discussion.

Tract 33128

Site Description

Tract 33128 includes about 35 acres located south of the 101 Freeway between Liberty Canyon Road and the Los Angeles County Sheriffs facility located about ½-mile to the east. The property includes two commercial developments and road cuts created to extend Agoura Road eastward from Liberty Canyon Road. The remainder of the property is open space hillsides that extend from Liberty Canyon Road and residences along Provident Road to the west edge of the Los Angeles County Sheriffs facility. This open space remains essentially undeveloped except for an area upslope of residences at the intersection of Provident Road and Jim Bowie Road where grading was conducted to repair a landslide in the late 1990's.

Geologic Conditions

Published geologic references (Dibblee, 1992; Weber, 1984) describe bedrock below Tract 33128 as gray claystone of the upper Topanga Formation. The claystone is described as gray,

thinly-bedded, and crumbly, and is commonly associated with slope instability where bedding planes are unsupported in natural and constructed slopes.

Bedrock is overlain beneath developed areas by certified fill placed to create two commercial building pads and to stabilize slopes. Groundwater was reported in alluvial areas and as localized seepages in bedrock. An extensive system of horizontal drains has been installed in attempts to control one such seepage.

Geologic structure is complex, with easterly dips at highly variable inclinations, local faults and folds. The hillside area that rises above the sheriff's station is mapped as a large landslide.

The tract is not located within a State Earthquake Fault Zone for mapped active faulting. Parts of the property are within State Seismic Hazard Zones for either liquefaction or seismically induced slope failures as shown on a map of "Seismic Hazard Zones" on the Calabasas Quadrangle, published by the California Geological Survey (1998). Because the site is located in the seismically active southern California region, moderate to very strong ground shaking can be anticipated.

Development History

The original development included two commercial lots (Lots 1 & 2) and an open-space lot (Lot 3). An existing freeway cut would be moved about 80 feet to the south to make room for an extension of Agoura Road (referred to at that time as "Rondell Road"). Development of this tract and resolution of two associated major slope stability issues involved at least six different consultants and extended over a period of nearly 20 years. The summary provided below is based on a relatively cursory review of the record, and as such, it should be understood that the following summary is necessarily incomplete. Should you desire a more detailed assessment of the record, or development of a detailed technical opinion, this service can be provided at your request.

Tentative Map Approval (1982)

The project was initially submitted in April of 1982, with a second submittal in June of 1982 supported with a preliminary investigation completed by GeoSoils, Inc. (GSI) for the Currey-Riach Company (GSI 1982a). Major elements of the proposed grading included a combination of cutting the nose of a ridge and filling the surrounding canyons to create a building pad on Lot 1 (currently 27349 Agoura Road), creating a northeasterly facing cut-slope and filling a small canyon to create the building pad for Lot 2 (currently 27200 Agoura Road) and creating a series of high cut-slopes to allow an extension of Agoura Road eastward from Liberty Canyon Road.

The highest cut-slope proposed on the project would be about 145 feet high and inclined at a gradient of approximately 1.5:1 (H:V). This cut would essentially be a regrading of an existing freeway cut to allow the eastward extension of Agoura Road. Preliminary reports by GSI discuss the condition of the existing cut. The cut is assessed to have performed reasonably well with the exception of small surficial failures that were attributed to degradation of rock due to persistent seepage at the toe. GSI noted that re-design of the cut at a gradient of 2:1 would reduce the potential for these sorts of problems, and stated that retaining the steeper configuration would likely result in continued surficial failures and a need for ongoing maintenance. Calculations were included in these early documents to demonstrate that the slope had an adequate factor of safety against gross failure at a gradient of 1.5:1. The seepage at the

toe was considered to be detrimental, and as such a series of horizontal drains extending 100 feet into the slope was recommended.

Other major cut-slopes were discussed as well. The 100 foot high, 1.5:1 cut-slope proposed south of Lot 1 was recommended to be flattened to 2:1, and the 50 foot high, 1.5:1 cut proposed on the south side of Lot 2 was recommended to be stabilized. Several smaller slopes were anticipated to be generally stable, but would require careful observation during grading to assess any unfavorable geologic conditions.

The Los Angeles County Environmental Development Division issued a review letter in June of 1982, requesting that the Tentative Map be modified to reflect the consultant's recommendations for cut-slopes, and that some minor errors in the report be corrected. In July of 1982, GSI issued a response to the review letter recommending that "the slope" be redesigned at 2:1 (GSI, 1982b). The context of the discussion suggests that "the slope" refers to the new 100 foot high cut to be located south of Lot 1 rather than the re-located freeway cut. The re-located freeway cut does not appear to be discussed in the July GSI report.

The July GSI report was reviewed by the Los Angeles County Environmental Development Division, and the Tentative Map was approved with a list of seven soils engineering conditions. Among these was a condition to *"Decide regarding design of existing freeway cut slope (for proposed Rondell St.). Verify or amend recommendations for horizontal drains. Make recommendations for elimination of potential surficial failures and maintenance problems"*.

Grading Plan Approval (1984)

Initial grading on Tract 33128 was conditionally approved by The County of Los Angeles in October of 1982 when bulk grading was approved to complete alluvial removals for four tracts, including Tract 33128. This was not an approval of the grading plan for Tract 33128.

In January of 1984, GSI submitted a geotechnical review of the 40-scale grading plan for Tract 33128 (GSI 1984a). This report reiterates the recommendation for horizontal drains in the regraded, 150-foot high freeway slope, but does not repeat the recommendation to redesign the slope at a 2:1 gradient. Instead the consultant presents a discussion that a 10-foot high crib wall will be needed at the top of the slope: *"This wall is necessary to provide the utility easements at the top of the slope for 30 inch waterline, 24 inch reclaimed waterline and Pacific Telephone and Telegraph Cable"*. It is not clear whether these utilities already existed or were proposed.

The 115-foot high cut-slope south of Lot 1 is discussed as remaining at a gradient of 1.5:1 and to be expected to expose favorable geologic conditions; however, preliminary stabilization recommendations are provided in the event stabilization becomes necessary. The northeast facing cut-slope proposed behind Lot 2 is discussed as possibly needing stabilization as well. Discussions of stability fill construction include special recommendations to construct even the finished fill slopes at gradients of 1.5:1.

Grading was underway under the bulk grading permit by at least March of 1984 (GSI, 1984b). Grading Plans involving several tracts (including Tract 33128) were approved by the County in June and September of 1984.

Change of Ownership and Consultant (1985)

GSI prepared a "Project Status" report in June of 1985 (GSI, 1985). This report was addressed to Cabot, Cabot and Forbes, rather than Currey-Riach. This appears to represent a change in ownership of the project, and appears to have been written after grading had been suspended for

some time. The report summarizes alluvial removals, subdrain installations, the need for settlement monitoring and provides some limited discussion of "corrective grading".

Pacific Soils Engineering, Inc. (PSE) appears to have replaced GSI shortly after the Project Status report was completed, as PSE issued "Grading Progress Report No. 1" in July of 1985 (PSE, 1985a). This report was also addressed to Cabot, Cabot & Forbes. Geologic and Soils Engineering Review Letters pertaining to this report were issued on August of 1985. These letters request clarification regarding the consultant of record for the project, and also indicated that numerous GSI reports referenced in the GSI "Project Status" report had never been submitted to the county. The review letter requests that these reports be submitted. The soils engineering review letter expressly requests: *"Either (a) the geotechnical consultant should state his agreement with the recommendations of the previous consultant and the approved grading plans or (b) the consultant should make other recommendations and revised plans should be submitted."* PSE provided a letter stating that they had been contracted to be the geotechnical consultant for the four tracts known as the "Lost Hills Business Center" (PSE 1985b). They state that they have reviewed the referenced reports by GSI. They neither specifically state agreement nor provide alternative recommendations as requested. Nearly 1½ years later, PSE prepared a letter in January of 1987 that expanded their earlier statement and accepted the findings of the earlier consultant (PSE 1987a).

Tract Grading (1987)

Tract 33128 was graded in conjunction with three other tracts. Based on Grading Progress Reports prepared by PSE, grading appears to have continued through 1987. Various statements in these reports indicate the following items of interest pertaining to the grading for Tract 33128:

- The slope south of Agoura Road, east of Lot 2 was constructed as a stabilization fill.
- The slope above Lot 2 was constructed as a cut-slope inclined at a gradient of 1½:1.
- The slope south of Agoura Road above Lot 1 was constructed as a cut-slope inclined at a gradient of 1½:1.

The first indication of difficulty with the high cut-slope being graded south of Agoura Road is noted in PSE Grading Progress Report No. 6 (PSE, 1986a). This report notes that removal of an old line belonging to the Las Virgenes Water District (LVWD) undercut portions of the slope. Remedial actions included replacing the upper 15 feet of the cut as compacted fill, and reconfiguring the upper slope to be below the base of the old trench. There are no maps or cross sections included with this report, so it is difficult to envision exactly what has been implemented. The lack of any discussion of the crib wall previously proposed to support the utility easement is notable.

Grading continued through the fall of 1987. PSE prepared a report in October that indicated that rough grading on Tract 33128 was complete and that there were no Restricted Use Areas on the tract (PSE, 1987b). We did not recover a specific review letter approving rough grading on Tract 33128 at that time. We did recover a letter dated November 20, 1987 from the Engineering Geology Group of Los Angeles County that approves the Final Map to be filed. We recovered no record that the horizontal drains recommended by GSI were installed.

Continuing Slope Instability (1988 – 1989)

In August of 1988, PSE prepared a report to address remedial work proposed for the north-facing cut slope above Agoura Road (PSE 1988a). The slope is reported to be experiencing difficulties between the toe and the lower bench between about 1100 and 1200 feet east of Liberty Canyon Road. The slope is affected and the curb and sidewalk are indicated to be experiencing cracking and uplift. The consultant attributes the distress to a combination of bedrock expansion in a sheared bentonite bed, and buildup of hydrostatic pressure behind the bed. PSE proposed minimization of irrigation water, repair of damaged drainage structures, and installation of horizontal drains into the face of the slope to extend behind the bentonite bed.

In December of 1988, PSE issued a report to address continuing distress in the slope (PSE 1988b). This report indicates that distress has advanced up the slope to the second terrace drain, that the hydraugers (horizontal drains) recommended in August had been installed, but had produced very little water, and that interaction between a toe of slope trench drain and a previously unrecognized fault was providing structural control of the displacement. They recommended remedial grading to remove and reconstruct the lower section of the slope. Upon review of the new plan of action, and clarification of a few technical items, the proposed remedial grading was approved by Los Angeles County in early February of 1989. GDI recovered no clear documentation of the remedial grading.

Staal, Gardner & Dunne, Inc. (SGD) was the geotechnical consultant for the Las Virgenes Water District (LVWD). In April of 1989, SGD issued a report discussing a February rupture in a 30-inch water line located on the ridge just behind the top of the Agoura Road slope. That report alludes to a landslide repair being performed at the toe of the slope, and draws a connection between the landslide repair at the toe of the slope, and the distress to the water line at the top of the 150 foot-high slope. This would be significant because it would indicate earth movement was translating through the full height of the slope rather than being limited to the lower two benches. SGD reports their understanding that PSE disputed the possible connection between the repair and the water line.

Evaluation and Debate (1989- 1991)

PSE issued a report in October of 1989 to document the slope repair. Therein they discount the notion of gross slope displacement or a connection between the repair and water line rupture. Throughout 1990, PSE produced a series of reports responding to comments from the County of Los Angeles geotechnical reviewers requesting additional data, additional analysis to demonstrate adequate factors of safety for the slope, and in particular requesting an unambiguous "Section 309" statement. This is a statement required in Los Angeles County to the effect that a development will be safe from landslide settlement and slippage, and will not adversely affect adjacent properties. The county requires that these statements be provided without qualifiers or caveats. PSE was reluctant to provide such a statement regarding the repaired slope.

Meanwhile, SGD installed three inclinometers into the slope and a series of survey points on the surface of the slope. SGD reports that these monitoring devices are indicating movement. PSE contends that the slope movements above the repair are the result of expansive soils and "rebound" of the highly deformed rock.

PSE issued a response report in October of 1990. This report appears to be a defense of the remedial grading completed in 1989 and includes discussions of shear strengths used in analyses, dewatering efforts, concerns held by PSE regarding the inclinometer installation and monitoring completed by SGD, and a variety of other topics. PSE also provides the Section 309 statement

requested by the county. A review letter by Los Angeles County issued on October 10 of 1990 titled "Final Grading Review" and referencing the PSE report of October 5, 1990 includes the "Action" finding that *"Plans and Reports are approved from a geotechnical standpoint"*. It is not clear exactly what is being approved in this letter. SGD issued their own review of the PSE report in which, among other issues, they contend that PSE seems unsure of the mechanism of distress affecting the slope, question PSE interpretations and conclusions regarding some of their subsurface exploration, question shear strengths used in analyses, and question the PSE understanding of groundwater conditions.

Regardless of the approval letter from Los Angeles County, the issue of the slope was clearly not resolved. In early 1991, the City of Agoura Hills requested independent review of the situation with the Agoura Road slope from Slosson and Associates and from Bing Yen and Associates, Inc. Both of these consultants expressed concern regarding the state of understanding of the mechanism of failure affecting the slope, and recommended that monitoring continue.

By July of 1991, additional distress was noted in the vicinity of the slope. PSE continued to attribute the distress to expansive soils and rebound. In April of 1991 SGD reported up to seven inches of movement on the western side of the slope.

Final Resolution of the Agoura Road Cut Slope (1991-1994)

These debates, investigations and reviews continued through May of 1993 when it appears that a plan to install piles along the toe of the slope along with a series of hydraugers was accepted by the County of Los Angeles. In June of 1994, PSE issued a report describing the installation of 60 cast-in-place, 36-inch diameter piles to a depth of 40 feet below grade, grading repair of several surficial failures, installation of 20 hydraugers in two tiers near the toe of the slope - to depths of 100 to 150 feet, and a number of other measures. PSE seems to continue to consider that the mechanism of distress to the slope is related to expansive soils and rebound. They consider that these mechanisms will continue to act on the slope, and as such once again express a reluctance to issue an unqualified statement relative to Section 309. The repair was approved by the County of Los Angeles in October of 1994 using on a negotiated Section 309 statement provided by PSE.

Provident Road Landslide (1993-2001)

The file appears to be incomplete regarding this failure and repair. One of the earliest documents recovered is a claim for damages filed against the County of Los Angeles dated May 26, 1993. The claim is filed on behalf of the residents at 27301 Provident Road in the City of Agoura Hills, and cites that *"Within the last twelve months, the subject property has been subject to landslides, earth related failure, subsidence, soil consolidation, surface and subsurface drainage problems and other problems with upslope soils"*.

This failure was complicated by the fact that it failed from the County of Los Angeles, into the City of Agoura Hills and also involved an area within the City of Calabasas. The earliest county review letter recovered regarding this site is dated February 22 1994, and cites geotechnical reports dated February 17, 1994 and "Addenda" dated January 14, 1993 and November 23, 1993. The nature of these "addenda" is not known, and in any event, none of these documents were recovered as part of our research.

Based on the information available, it appears that after the failure in 1993, emergency remedial grading was undertaken in 1994. Brief review of the in-grading reports indicates that landslide

movement continued as the grading was underway. Installation of hydraugers as part of this remedial work is inferred from comments in some of the Los Angeles County review letters, but the record of consultant reports appears to be incomplete and details of these installations are not known.

Renewed movement was reported in 1995. The consultant for the remedial grading returned in August of 1996 and performed additional studies and subsurface exploration to gain a better understanding of the subsurface conditions. In September of 1997, a different consultant prepared analyses of the subsurface conditions and slope stability. After review of the initial report and several response reports, a plan to complete the repair was approved in late 1998. Approvals were also required from the City of Agoura Hills, the City of Calabasas and the Las Virgenes Water District. No records of those approvals were recovered in our file review.

Grading for the repair began in October of 1999 and continued at least through March of 2000. Based on review of two "In-Grading Geotechnical Progress Reports" prepared by Ninyo & Moore (1999, 2000) we surmise that the repair included installation of a significant buttress with five levels of backdrains. Some sections of the fill face were constructed at gradients exceeding 1½:1 and were reinforced with geogrid. A total of seven hydraugers were originally planned for the repair, but this number was reduced to three during grading.

The record indicates that grading for this project was most likely completed in early to middle 2000. Several rounds of review and response indicate county concerns regarding the consultant's incorporation of field data obtained during grading into revised slope stability analyses, and also with reluctance on the part of the consultant to provide an acceptable "Section 309" statement. The grading was ultimately approved in January of 2001.

Approval and Development of Lot 1 (27349 Agoura Road), Tract 33128 (1999-2000)

PSE provided a Final Geologic Report for Lots 1 and 2 of Tract 33128 in March of 1990. The county appears to have rejected approval of these lots until issues with the Agoura Road cut-slope were resolved.

In March of 1999, Neblett & Associates (NA) submitted an evaluation of Lot 1 relative to construction of a warehouse building. That report included subsurface exploration to characterize the depth of fill and underlying alluvium, groundwater conditions and to support a limited liquefaction analysis. After a second submittal, the project appears to have been approved in February of 2000. A geotechnical report of grading to overexcavate a building footprint was submitted by Leighton and Associates (L&A) in July of 2000. Rough Grading was approved in November of 2000.

Approval and Development of Lot 2 (27200 Agoura Road), Tract 33128 (1996-1999?)

PSE provided a Final Geologic Report for Lots 1 and 2 of Tract 33128 in March of 1990. The county appears to have rejected approval of these lots until issues with the Agoura Road cut-slope were resolved.

In October of 1996, PSE submitted an evaluation of Lot 2 relative to construction of a two-story commercial building. That report notes that an oil well was capped and buried during grading of Lot 2. Based on the content of certain review letters, it appears that the disposition of this well developed as an issue during the review process. Similarly, there is an allusion to "pop-outs" in the upper part of the steep slope graded above the lot during the original tract grading. After

numerous rounds of review, the grading plan for the project was ultimately approved by Los Angeles County in May of 1998.

There are numerous review letters in early 1999 that specifically deny approval of rough grading on this lot for various reasons. Although the lot is currently occupied, we were not able to locate review letters from Los Angeles County specifically approving grading on this lot.

Geologic Hazards Assessment

The most pertinent element of the grading for Tract 33128 appears to be the slope failures along Agoura Road that delayed project approval for many years. Also pertinent are the landslide repair above Provident Road and (possibly) the cut-slope repair above Lot 2 and the oil well buried below Lot 2.

The landslide repair along Agoura Road was a very contentious undertaking. The primary consultant appears to have maintained the opinion that the distress of concern was not related to a slope failure per se, and to have designed the ultimate repair based largely upon subsurface conditions that were poorly understood at best. Despite the very expensive repair that was ultimately installed, there does not appear to have ever developed a consensus among the involved professionals regarding the most likely mechanism of failure. The slope was constructed at a steep gradient that the original (1982) consultant indicated would be problematic. Despite the repair, this fundamental deficiency remains, and in fact, some areas of the slope appear to be inclined at gradients even steeper than 1½:1.

Both of the landslide repairs (Agoura Road and Provident Road) include surface and subsurface drainage systems of various types. The graded repairs are dependent on these systems to avoid future failures; the systems must be protected and maintained in order to function properly. Based on a cursory review of the Agoura Road slope, we consider that these systems have not been maintained properly. Bench drains are blocked, uplifted, cracked and completely offset in some cases. Downdrains are bowed and lifted off the slope. Subsurface drain outlets are broken away from manifolds intended to control the discharge. GDI was not able to gain access to the Provident Road landslide repair to assess the condition of those drainage installations.

There is an existing failure on the Agoura Road cut-slope in roughly the same area of the original failure. Whether this is indicative of renewed movement deep in the slope, or simply the foreseeable result of constructing a fill slope at such a steep gradient is difficult to assess. In any case, the current failure will require significant grading in an area of highly complex subsurface conditions that remains under suspicion of deep slope instability.

Also of concern are references to difficulties during development of Lot 2. County review letters allude to pop-outs in the 1½:1 slope graded during the original tract grading. Again, the original consultant for the tract identified this slope as an area that might require stabilization. Ultimately the slope was graded as a cut. An oil well was discussed as having been buried during the original grading for the tract. Both of these issues will need to be researched in greater detail to understand what constraints they may impose.

Conclusions

Tract 33128 carries significant administrative and/or technical challenges for the City to consider. Records concerning the parcels discussed in this report include hundreds of pages of information. While we have strived to provide sufficient and complete information to assist the City with a decision regarding annexation of these parcels, the task far exceeded the specified

budget and scope of work. Additional effort would be necessary to better understand the history and delineate technical issues associated with these parcels; however, GDI strongly recommends that this effort be completed should the City decide to move forward with annexation of either one.

Closure

This report was prepared for the exclusive use of the City of Agoura Hills for the purpose referenced project site. It may not contain sufficient information for other uses or the purpose of other parties. Any person using this report for bidding or construction purposes should perform such independent investigations as they deem necessary to satisfy themselves as to the surface and subsurface conditions to be used encountered and the procedures to be used in the performance of their work on this project. The services of the geotechnical consultant should not be construed to relieve the owner or contractor of their responsibilities or liabilities.

Professional judgments presented in this report are based on evaluations of the information available, on GDI's understanding of the required scope of work, and general experience in the field of geotechnical engineering. GDI does not guarantee the interpretations made, only that the geotechnical work and judgment rendered meet the standard of care of the geotechnical profession at this time. In view of the general geology and our limited observation of the site, the possibility of different conditions cannot be totally discounted. A review of geotechnical data (if available) obtained during previous investigations at the site and during grading and construction of existing developments may be performed if so desired.

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- Leighton & Associates; 2000; As-Graded Geotechnical Report of Building Footprint Overexcavation, Lot 1, Tract 33128, Northeast Corner of Agoura and Liberty Canyon Roads, County of Los Angeles, California; Consultant Report dated July 7, 2000.
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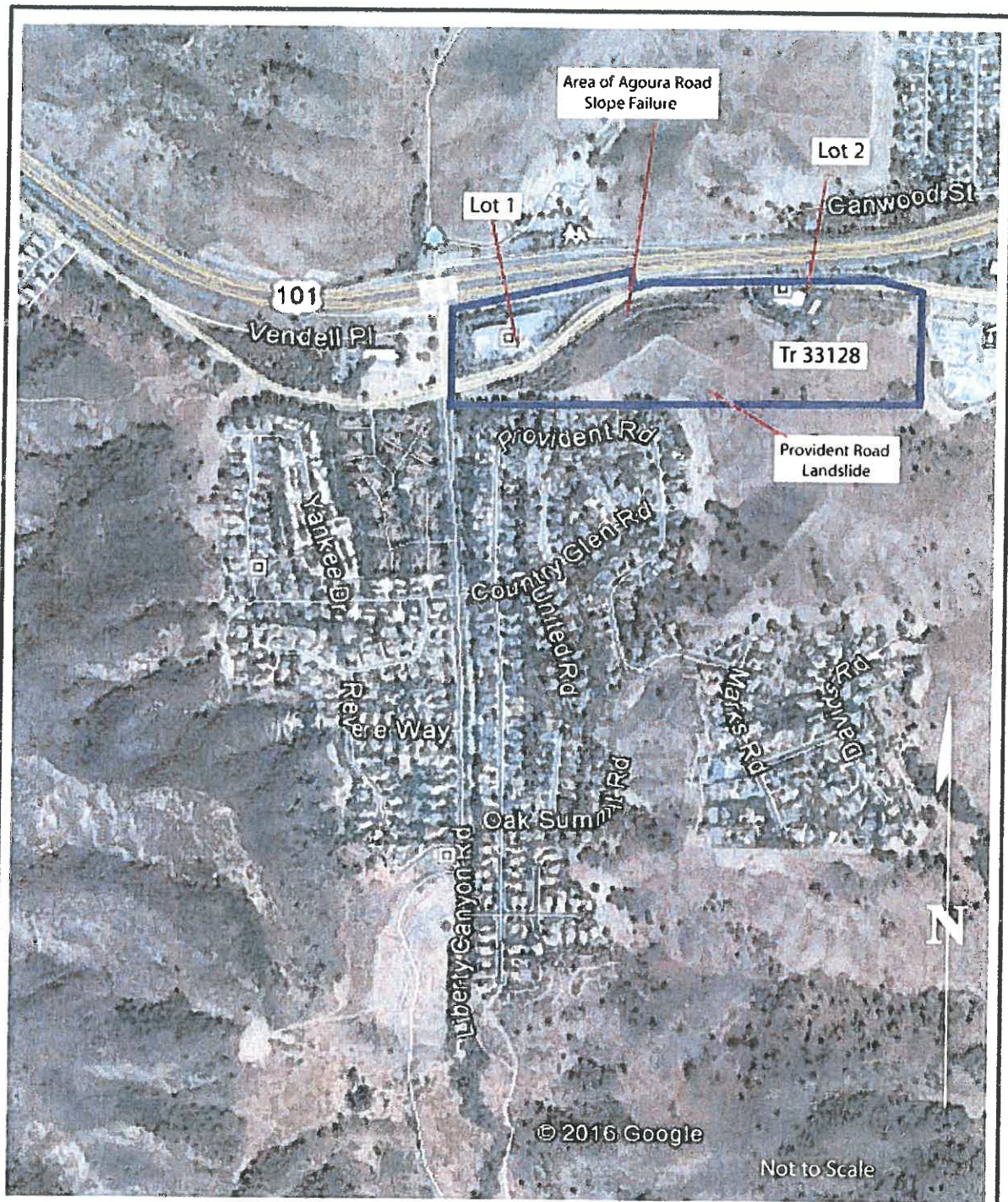
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AERIAL PHOTOGRAPHS REVIEWED

Date	Source	Flight	Frames	Scale
1928	Fairchild Aerial Surveys	C-300	J-27, 28, & 39-41	1"=1,500
1954	United States Dept. Agriculture	AXJ-14K	31 - 34	1"=1,800
1-10-65	Los Angeles County Flood Control District	1933-01	156-158	1"=3,000
1973	United States Government	U-2 73-036	39 & 40	1"=3,000
9-21-78	United States Dept. Agriculture	06111-178	24, 25, 51 & 52	1"=3,000
1-9-1990	Unknown	Calabasas	1	1'=1,000'
11-29-94	Pacific Western Aerial Surveys	PW VEN 11	45 & 46	1"=1,800



 GeoDynamics, Inc. Applied Earth Sciences 588 Saint Charles Dr. Suite 116 • Thousand Oaks, California • 91360 Tel (805) 436-1222 • Fax (805) 439-1225	Project: City of Agoura Hills Annexation Project - 2018		Figure 1 Location Map
	Project #: 17 00103 0217		
	Date: March, 2018		



CITY of CALABASAS

City of Calabasas
Received 2014-06-05
2014 JUN -5 AM 8:05

DAVID J. SHAPIRO
Mayor

June 5, 2014

Mr. Paul Novak, AICP
Executive Officer, Los Angeles LAFCO
80 South Lake Ave., Ste. 870
Pasadena, CA 91101

Re: Annexation No. 2014-04 (City of Calabasas)

Dear Mr. Novak:

This letter is directed to your attention in response to the May 6, 2014 letter from William D. Koehler, the mayor of the City of Agoura Hills, in which he opposes the proposed annexation of 43.3 acres of unincorporated County territory to the City of Calabasas.

1. Community and Annexation setting

The City of Agoura Hills asserts the proposed annexation territory currently serves as a "buffer" between the two cities. We disagree. The territory at issue contains two office buildings and open space land, which is no different in character to the nearby land uses in Calabasas, or in Agoura Hills. For example, the nearest land uses in Calabasas to the east include approximately 195 acres of open space lands, a Los Angeles County Sheriff's substation, and the Agoura-Calabasas Community Center. To the west, directly across from the annexation area in the City of Agoura Hills, multiple parcels are currently zoned for commercial office uses along with the permanent open space zoned parcels and other parcels zoned for residential and commercial use further west (see photographs and figures included herein).

Additionally, Mr. Kohler characterizes the Liberty Canyon community as composed of "400 primarily single family homes", when in fact, 634 residences exist, of which 557 are within the City of Agoura Hills. Also, the property adjacent to the proposed annexation site is characterized as "semi-rural" and different from Calabasas' purportedly dense commercial development. However, the Liberty Canyon residential community adjacent to the site is a standard, paved, curb and gutter, suburb with streetlights and a developed density of 2-6 dwelling units per acre. Furthermore, 47% of all residences, almost half, are condos and townhomes zoned "Residential Medium Density" at 6-15 dwelling units per acre. We believe that this area would be better described as "semi-urban". The other homes are in the unincorporated area of Liberty Canyon.

Having said the above, we do not understand the grounds for any objection. Whether the area is a "buffer", or not, land uses will not intensify. We are merely annexing an existing built-out area into the City of Calabasas and zoning an existing commercial parcel to open space development restricted. We are committed to maintaining the current low-intensity character of the proposed annexation area.

100 Civic Center Way
Calabasas, CA 91302
(818) 224-1600
Fax (818) 225-7324

Liberty Canyon

Looking Southeast from the 101 Freeway



2. Increased impacts

Agoura Hills desires to ensure the current land uses in the proposed territory will remain unchanged, or at least not intensify. We agree. Calabasas has already taken concrete steps to ensure the current land use conditions, which have existed in place for more than thirteen years, will continue without substantial change.

- Calabasas has pre-zoned the proposed territory to continue the current land use designations, with one exception. Its pre-zoning actually *increases* the territory zoned as open space to include an addition 2.7 acres that under the County's current zoning allows for commercial development. So, Calabasas' annexation would expand the territory's open space portion, thereby reducing the opportunity for development below current conditions.
- Almost 30 acres will be preserved as permanent open space and designated "Open-Space Development Restricted." These 30 acres cannot be re-designated for non-open-space uses absent a 2/3 majority vote of the City registered voters under Calabasas' Measure D. Annexation of this area to Calabasas will ensure less development rights exist, thereby reducing the potential for negative impacts on adjoining neighborhoods that current zoning conditions create.
- Calabasas has been transparent in its intent not to promote new development or intensification of exiting uses within the territory. The current 81,000 square-foot commercial-manufacturing building has been in place for more than thirteen years, and the impacts associated with those uses were analyzed, considered and mitigated

through discussions with Agoura Hills when the County processed the land use entitlements originally.

- The existing Conditional Use Permits will remain in place and the proposal seeks to annex the territory "as-is," with the exception noted above to increase the acreage with an open-space restriction. Accordingly, we disagree that there will be any additional negative impacts to the residents of Agoura Hills coming from this existing building. Moreover, Agoura Hills' concern that the annexation will result in impacts from increased commercial development is misplaced. The only nearby parcels with an unrealized development potential are the commercial parcels directly across from the annexation area in Agoura Hills and along the Highway 101 corridor west of the territory. By our count, there are 15 such undeveloped commercial parcels. The territory Calabasas seeks to annex is built-out and will remain as-is. So, any additional negative impacts to the residents of this area will come from the future development of commercial and residentially zoned parcels in the City of Agoura Hills.

Agoura Hills Business Park

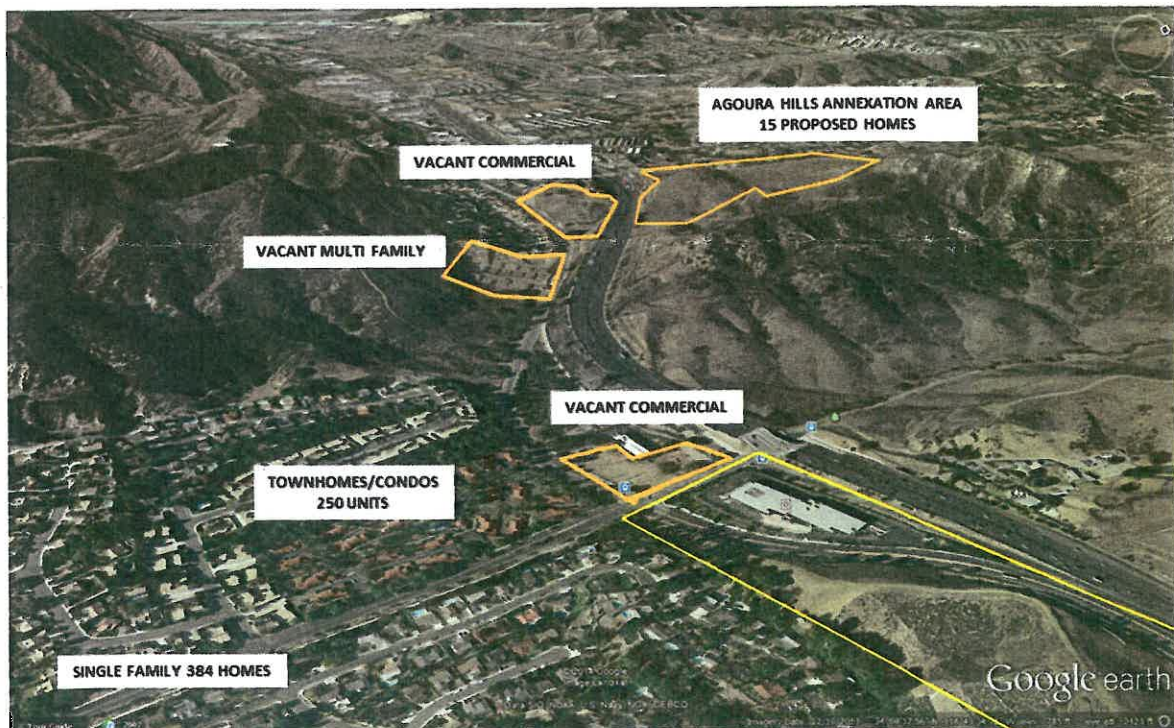
Intersection of Liberty Canyon and Agoura Road, Looking North



Agoura Hills Business Park
Future Spirent building on right



Undeveloped Sites in Agoura Hills
Looking West from the 101 and Liberty Canyon Road



3. Calabasas will offer superior open space protections

Calabasas has a proven track record of acquiring properties in tax default and retiring the associated development rights, as is proposed for the two open space parcels within the proposed annexation area. Once accomplished, under the City's municipal code, such open space dedication can be reversed only by a 2/3 majority vote of the registered voters in Calabasas. Nevertheless, to address any possible concern by the City of Agoura Hills about the future status of these open space parcels, we have offered to purchase these tax defaulted properties and give fee title to the Mountains Recreation and Conservation Authority (MRCA). By contrast, under the current County zoning, the open space restriction can be removed by a simple vote of three County supervisors.

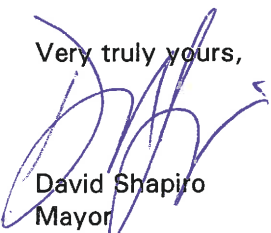
4. Residents of Agoura Hills prefer county control of the area.

Finally, and perhaps most importantly, the City of Agoura Hills has been incorporated for thirty-two years. In all of that time, through a succession of city councils and mayors, they have never expressed an interest in annexing this area. Now at this late date, when the City of Calabasas has filed an application for annexation, they are voicing opposition to our City doing what they have for many years chosen not to do themselves. They are also voicing concerns that "some" residents of their city, who live outside of the annexation area, prefer County administration to local administration of this area by the City of Calabasas. We cannot dispute that some of their residents may not wish the City of Calabasas to annex this area. However, we could not have been clearer with the City of Agoura Hills that we are annexing a built-out area and that we will maintain everything "as is" and not intensify existing uses in that area. We would also note that the majority property owner in the area has already expressed to LAFCO his desire to annex into the City of Calabasas and that we expect the other developed property owner to do likewise.

Before the City of Agoura Hills sent their letter of opposition to you, we had also conveyed to the City of Agoura Hills our willingness to work with them amicably to address any issues. They recognized our willingness to work with them in their April 18th, 2014 letter to you. However, they inexplicably ended constructive dialog with us and instead opted to formally oppose our annexation at the LAFCO level.

We have a very hard time understanding how our annexation of this area harms the City of Agoura Hills, or any of its residents, in any way. We have always been a good neighbor to Agoura Hills and our interests have always been closely aligned. We even jointly administer the Agoura Hills/Calabasas Community Center just to the east of the annexation area in the City of Calabasas. In the end, our application merely asks LAFCO to transfer the area "as is" from regional to local control. The area is built out and there will be no intensification of use or increased impacts to anyone in the City of Agoura Hills. The City of Agoura Hills knows the importance of this annexation to the City of Calabasas and we remain hopeful that they will withdraw their opposition.

Very truly yours,



David Shapiro
Mayor
City of Calabasas

Cc: City Attorney

Staff Report

January 9, 2019

Agenda Item No. 8.a

Protest Hearing on Annexation No. 2015-09 to the City of Pomona

On November 14, 2018, your Commission approved a request for the annexation of approximately 9.06 ± acres of uninhabited territory into the boundaries of the City of Pomona. The Protest Hearing before you today will satisfy the requirements of Government Code Section 57000, *et seq.*

The number of written protests received and not withdrawn is ____.

PROPOSAL SUMMARY:

Size of Affected Territory:	9.06± acres
Inhabited/Uninhabited:	Uninhabited
Applicant:	City of Pomona (“City”)
Resolution:	June 18, 2018
Application Filed with LAFCO:	September 22, 2015
Location:	The affected territory is located south of Valley Boulevard approximately 2,500 feet northeast of the intersection of Grand Avenue and Valley Boulevard.
City/County:	Los Angeles County unincorporated territory adjacent to and surrounded the cities of Pomona, Industry, and Walnut.
Affected Territory:	The affected territory consists of industrial and vacant land. A portion of the affected territory is being developed to include five concrete tilt-up structures (see Additional Information on page 2). The topography is flat.
Surrounding Territory:	Surrounding the territory is industrial and vacant land.
Landowners/Real Party Interest:	Four landowners: Chalmers South Mission Road, LLC; Lujan Andrew C. and Linda M. Trust; Mathew Rzonca 2016 Trust and City of Industry.
Registered Voters:	0 registered voters.

Purpose/Background:	The City of Pomona states that the annexation is necessary to place a proposed development entirely within the City's jurisdiction (a portion of this proposed development is within Pomona, and another portion is within County unincorporated territory). In addition to the land on which development is proposed, the affected territory includes properties owned by three other landowners.
Jurisdictional Changes:	The jurisdictional changes that result from this proposal include detachment from Road District No. 1; withdrawal from the County Public Library System; and annexation to the City of Pomona.
Within SOI:	Yes
Waiver of Notice/Hearing/Protest:	No
CEQA Clearance:	<p>Approximately 3.30± acres of the proposal are exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. On November 14, 2018, the Commission found the annexation of the 3.30± acres exempt from CEQA</p> <p>On June 18, 2018, the City of Pomona determined that annexation of the four parcels in the 3.30± acres are exempt from CEQA and, as lead agency, adopted a Mitigated Negative Declaration (MND) related to the development of the remaining 5.76± acres. On November 14, 2018, the Commission, acting as a responsible agency, considered the MND and adopted the mitigation monitoring program for the project.</p>
Additional Information:	On November 14, 2018, your Commission considered the City's Application, the County of Los Angeles Board Policy No. 3.095 relating to City Annexations and Spheres of Influence and a letter of opposition written by landowners Andrew and Linda Lujan. After considering this information and Staff's recommendation, your

Commission approved the request for the annexation of approximately 9.06± acres of uninhabited territory into the boundaries of the City of Pomona.

APN	Landowner	Existing Land Use	Proposed Land Use	Land Valuation	% ownership
8709 026 004	Chalmers South Mission Road, LLC	Vacant	5- concrete tilt-up bldgs.	\$3,171,144	73%
8709 026 062	Chalmers South Mission Road, LLC	Vacant			
8709 027 004	Lujan Andrew C & Linda M Trust	Tow Yard	No change	\$965,630	22%
8709 027 012	Lujan Andrew C & Linda M Trust	Tow Yard			
8709 027 005	Rzonca Mathew/s 2016 trust	Bldg. Under Construction	No change	\$203,753	5%
8709 027 271	City of Industry	Vacant	No change	\$4,667	Less than 1%

FACTORS TO BE CONSIDERED PURSUANT TO GOVERNMENT CODE 56668:

a. Population:

The existing population is zero residents.

The population density issue does not apply because the affected territory is unpopulated.

The estimated future population is zero residents (no anticipated change).

The affected territory is 9.06± acres. The existing land uses are industrial and vacant land. A portion of the territory (parcels 8709 026 004 and 8709 026 062) is being developed to include five concrete tilt-up structures.

The assessed valuation is \$4,346,194 as of the 2017/2018 tax roll.

The per capita assessed valuation issue does not apply because the affected territory is unpopulated.

The Los Angeles County Board of Supervisors adopted the negotiated tax exchange resolution on November 13, 2018. All other involved public agencies have adopted a property tax transfer resolution.

The topography of the affected territory is flat.

There are no natural boundaries.

There are no drainage basins on or near the affected territory.

The nearest populated area is 500 feet northeast of the affected territory. The affected territory is likely to experience modest growth in the next ten years. The adjacent areas are likely to experience modest growth in the next ten years.

b. Governmental Services and Controls:

The affected territory consists of industrial and vacant land. A portion of the territory (parcels 8709 026 004 and 8709 026 062) is being developed to include 5 concrete tilt-up structures which require organized governmental services. The affected territory will require governmental services indefinitely.

The present cost and adequacy of government services and controls in the area are acceptable. The probable effect of the proposed action and of alternative courses of action on the cost and adequacy of services and controls in the affected territory and adjacent areas is minimal.

	Current Service Provider	Proposed Service Provider
Animal Control	County Animal Care and Control	Same (under contract to City of Pomona)
Fire and Emergency Medical	Consolidated Fire Protection District of Los Angeles County	Same (under contract to City of Pomona)
Flood Control	County	Same
Library	County	City of Pomona
Mosquito & Vector Control	San Gabriel Valley Mosquito and Vector Control District	Same
Park and Recreation	County	City of Pomona
Planning	County	City of Pomona
Police	Los Angeles County Sheriff Department	City of Pomona Police
Road Maintenance	County	City of Pomona
Solid Waste	Waste Management (under contract with County)	Waste Management (under contract with City of Pomona)
Street Lighting	County	City of Pomona
Water	Walnut Valley Water District	Same
Wastewater	Septic and Sanitation District No. 21 of Los Angeles County	Same

The County will continue to provide animal control, flood control, fire and emergency medical services, the San Gabriel Valley Mosquito and Vector Control District will continue to provide mosquito and vector control services, Walnut Valley Water District will continue to provide water services, and the Sanitation District No. 21 of Los Angeles County will continue to provide wastewater services to the annexation area.

Upon approval of the annexation request, the City of Pomona will provide library, park and recreation, planning, police, road maintenance, and street lighting as well as solid waste services directly or through contracts. The City will continue to provide adequate services and maintain current service levels. Enhanced service levels will be financed through city general fund revenues or developer fees.

c. *Proposed Action and Alternative Actions:*

The proposed action will have no effect on adjacent areas. The proposed action will have no effect on mutual social and economic interests. The proposal has no impact on the governmental structure of the County.

The effect of alternate actions on mutual social and economic interests and on the local governmental structure of the County is minimal.

d. *Conformity with Commission Policies on Urban Development and Open Space Conversion Policies:*

There are no conformance issues because the Commission has not adopted any policies relative to providing planned, orderly, efficient patterns of urban development.

There is no prime agricultural land within or adjacent to the affected territory. The proposal conforms with the objectives in Government Code Sections 56377(a) and 56377(b).

e. *Agricultural Lands:*

There are no effects on agricultural lands, as defined. None of the land within the affected territory is currently used for the purpose of producing an agricultural commodity for commercial purposes. According to the California Department of Conservation, Division of Land Resource Protection, none of the land within the affected territory is subject to a Land Conservation Act (aka "Williamson Act") contract nor in a Farmland Security Zone (California Land Conservation Act 2012 Status Report).

f. *Boundaries:*

The boundaries of the affected territory have been clearly defined by the applicant, conform to lines of assessment or ownership, and have been reviewed and approved by LAFCO's GIS/Mapping Technician.

The affected territory in this proposed annexation is contiguous to the existing boundaries of the City of Pomona.

The proposal does not create islands or corridors of unincorporated territory

g. *Consistency with Regional Transportation Plan:*

The Southern California Association of Governments (SCAG) adopted its 2016-2040 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) pursuant to Government Code Section 65080. The closest highway to the annexation is part of the RTP and SCS's State Highway improved program. The proposal has no significant impact upon, and is therefore consistent with, the Regional Transportation Plan.

h. *Consistency with Plans:*

The proposal is consistent with the existing County General Plan designation of LI, Light Industrial.

The affected territory is not within the boundaries of any Specific Plan.

Pursuant to the requirements of Government Code Section 56375(a)(7), Pre-Zoning Ordinance No. 4250 was adopted by the City of Pomona City Council on July 2, 2018. The

pre-zoning designation of the affected territory (M-2 General Industrial) is consistent with the City of Pomona General Plan.

i. *Sphere of Influence:*

The affected territory is within the Sphere of Influence of the City of Pomona.

j. *Comments from Public Agencies:*

Staff did not receive any significant comments from public agencies or any resolutions raising objections from any affected agency.

k. *Ability to Provide Services:*

The City of Pomona currently provides municipal services to over 33,000 parcels of land. The annexation would add 6 more parcels to the service area. The City indicated that it has the ability to provide service to the affected territory once the annexation is complete.

l. *Timely Availability of Water Supplies:*

There are no known issues regarding water supply or delivery. Existing water providers are the same before and after annexation.

m. *Regional Housing:*

The proposed annexation has no impact on the achievement of a fair share of regional housing needs of the City or County. The County and City have agreed to a Regional Housing Needs Assessment (RHNA) allocation transfer of 0 units from the County to the City.

n. *Comments from Landowners, Voters, or Residents:*

On October 30, 2018 LAFCO received a letter of opposition from Andrew and Linda Lujan. They are a joint landowner within the affected territory requesting to be removed from the annexation area. At the November 14, 2018 meeting, your Commission discussed the letter and options available. The landowner was not present and did not provide staff with any supporting documentation to the letter. The annexation was approved as staff recommended and protest proceedings was set for January 9, 2019.

Staff did not receive any further comments or any written protest from landowners, registered voters, or residents.

o. *Land Use Designations*

The proposal is consistent with the existing County General Plan designation of LI, Light Industrial.

The proposal is consistent with the existing County zoning designation of M-1.5-BE-IP, Restricted Heavy Manufacturing.

Pursuant to the requirements of Government Code Section 56375(a)(7), Pre-Zoning Ordinance No. 18-461 was adopted by the City of Pomona City Council on July 2, 2018. The pre-zoning designation of the affected territory (M-2 General Industrial) is consistent with the City of Pomona General Plan.

p. Environmental Justice:

The proposal will have no adverse effect with respect to the fair treatment of people of all races and incomes, or the location of public facilities or services.

There are no Disadvantaged Unincorporated Communities (DUCs) within or adjacent to the affected territory.

ADDITIONAL INFORMATION/OTHER MATTERS (RELEVANT TO THE PROPOSAL):

On November 14, 2018, your Commission considered the City's Application, the County of Los Angeles Board Policy No. 3.095 relating to City Annexations and Spheres of Influence and a letter of opposition written by landowners Andrew and Linda Lujan. After considering this information and Staff's recommendation, your Commission approved the request for the annexation of approximately 9.06± acres of uninhabited territory into the boundaries of the City of Pomona.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CLEARANCE:

On June 18, 2018, the City of Pomona determined that annexation of four parcels in the 3.30± acres are exempt from CEQA and adopted a Mitigated Negative Declaration (MND) related to the development of the remaining 5.76± acres. The Commission is a responsible agency pursuant to CEQA and State CEQA Guidelines Section 15096. On November 14, 2018, the Commission determined that approximately 3.30± acres of the proposal are exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), and acting as a responsible agency, the Commission considered the MND and adopted the mitigation monitoring program for the project.

CONCLUSION:

Staff recommends approval of the proposal as a logical and reasonable extension of City of Pomona.

RECOMMENDED ACTION:

1. Open the protest hearing and receive written protests;
2. Close the protest hearing;
3. Instruct the Executive Officer, pursuant to Government Code Section 57075, to determine the value of written protests filed and not withdrawn and report back to the Commission with the results; and
4. Based upon the results of the protest hearing, adopt a resolution either terminating the annexation proceedings if a majority protest exists pursuant to Government Code Section 57078 or ordering Annexation No. 2015-09 to the City of Pomona if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

**RESOLUTION NO. 2018-00PR
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR THE COUNTY OF LOS ANGELES
MAKING DETERMINATIONS ORDERING
"ANNEXATION NO. 2015-09 TO THE CITY OF POMONA"**

WHEREAS, the City of Pomona (City) adopted a resolution of application to initiate proceedings, which was submitted to the Local Agency Formation Commission for the County of Los Angeles (Commission), pursuant to, Division 3, Title 5, of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), for annexation of territory herein described to the City of Pomona, all within the County of Los Angeles (County); and

WHEREAS, the proposed annexation consists of approximately 9.06± acres of uninhabited territory and is assigned the following distinctive short-form designation: "Annexation No. 2015-09 to the City of Pomona"; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the principal reason for the proposed annexation to the City of Pomona is to place a proposed development under one jurisdiction and to create a logical boundary for the City and County; and

WHEREAS, on November 14, 2018, the Commission approved Annexation No. 2015-09 to the City of Pomona; and

WHEREAS, pursuant to Government Code Section 57002, the Commission set the protest hearing for January 9, 2019 at 9:00 a.m., at the Los Angeles County Board of Supervisors

Hearing Room, Kenneth Hahn Hall of Administration Room 381-B, located at 500 West Temple Street, Los Angeles, California, 90012; and

WHEREAS, the Executive Officer has given notice of the protest hearing pursuant to Government Code Sections 56150-56160, 56660-56661, 57025, and 57026, wherein the protest hearing notice was published in a newspaper of general circulation in the County of Los Angeles on November 30, 2019, which is at least 21 days prior to the protest hearing, and said hearing notice was also mailed to all required recipients by first-class mail on or before the date of newspaper publication; and

WHEREAS, at the time and place fixed in the notice, the hearing was held, and any and all oral or written protests, objections, and evidence were received and considered; and

WHEREAS, the Commission, acting as the conducting authority, has the ministerial duty of tabulating the value of protests filed and not withdrawn and either terminating these proceeding if a majority protest exists or ordering the annexation directly; and the Commission has received a report and recommendations on adoption of a conforming resolution from its Executive Officer.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Commission finds that this action is within the scope of its California Environmental Quality Act findings made at the Commission hearing on November 14, 2018.
2. The Commission finds that the number of property owners is 5, and the total assessed value of land within the affected territory is \$4,346,194.
3. The Commission finds that the number of written protests filed in opposition to Annexation No. 2015-09 to the City of Pomona and not withdrawn is ____, which, even if

valid, represents owners of land who own less than 50 percent of the assessed value of land within the affected territory.

3. A description of the boundaries and map of the proposal, as approved by this Commission, are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein.
4. The affected territory consists of 9.06 ± acres, is uninhabited, and is assigned the following short form designation:

" Annexation No. 2015-09 to the City of Pomona "

5. Annexation No. 2015-09 to the City of Pomona is hereby approved, subject to the following terms and conditions:
 - a. The City of Pomona agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
 - b. The effective date of the annexation shall be the date of recordation.
 - c. Payment of Registrar- Recorder/County Clerk and State Board of Equalization fees.
 - d. The territory so annexed shall be subject to the payment of such service charges, assessments or taxes as may be legally imposed by the City.
 - e. The regular County assessment roll shall be utilized by the City.

- f. The affected territory will be taxed for any existing general indebtedness, if any, of the City.
- g. Annexation of the affected territory described in Exhibits "A" and "B" to the City of Pomona.
- h. Detachment of the affected territory from Road District No. 1.
- i. Withdrawal of affected territory from the County Public Library System.
- j. Upon the effective date of the annexation, all right, title, and interest of the County, including but not limited to, the underlying fee title or easement where owned by the County, in any and all sidewalks, trails, landscaped areas, street lights, property acquired and held for future road purposes, open space, signals, storm drains, storm drain catch basins, local sanitary sewer lines, sewer pump stations and force mains, water quality treatment basins and/or structures, and water quality treatment systems serving roadways and bridges shall vest in the City.
- k. Upon the effective date of the annexation, the City shall be the owner of, and responsible for, the operation, maintenance, and repair of all of the following property owned by the County: public roads, adjacent slopes appurtenant to the roads, street lights, traffic signals, mitigation sites that have not been accepted by regulatory agencies but exist or are located in public right-of-way and were constructed or installed as part of a road construction project within the annexed area, storm drains and storm drain catch basins within street right-of-way and appurtenant slopes, medians and adjacent property.

- I. Upon the effective date of the annexation, the City shall do the following: (1) assume ownership and maintenance responsibilities for all drainage devices, storm drains and culverts, storm drain catch basins, appurtenant facilities (except regional Los Angeles County Flood Control District (LACFCD) facilities for which LACFCD has a recorded fee or easement interest and which have been accepted into the LACFCD system), site drainage, and all master plan storm drain facilities that are within the annexation area and are currently owned, operated and maintained by the County ; (2) accept and adopt the County of Los Angeles Master Plan of Drainage (MPD), if any, which is in effect for the annexation area. Los Angeles County Department of Public Works Department (LACDPW) should be contacted to provide any MPD which may be in effect for the annexation area. Deviations from the MPD shall be submitted to the Chief Engineer of LACFCD/Director of LACDPW for review to ensure that such deviations will not result in diversions between watersheds and/or will not result in adverse impacts to LACFCD's flood control facilities; (3) administer flood zoning and Federal Emergency Management Agency floodplain regulations within the annexation area; (4) coordinate development within the annexation area that is adjacent to any existing flood control facilities for which LACFCD has a recorded easement or fee interest, by submitting maps and proposals to the Chief Engineer of LACFCD/Director of LACDPW, for review and comment.
- m. Except to the extent in conflict with "a" through "l", above, the general terms and conditions contained in Chapter 2 of Part 5, Division 3, Title 5 of the

California Government Code (commencing with Government Code Section 57325) shall apply to this annexation.

6. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to the City of Pomona.
7. The Executive Officer is directed to transmit a copy of this resolution to the City, upon the City's payment of the applicable fees required by Government Code Section 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code Section 57200, *et seq.*

PASSED AND ADOPTED this 9th day of January 2019.

MOTION:

SECOND:

AYES:

NOES:

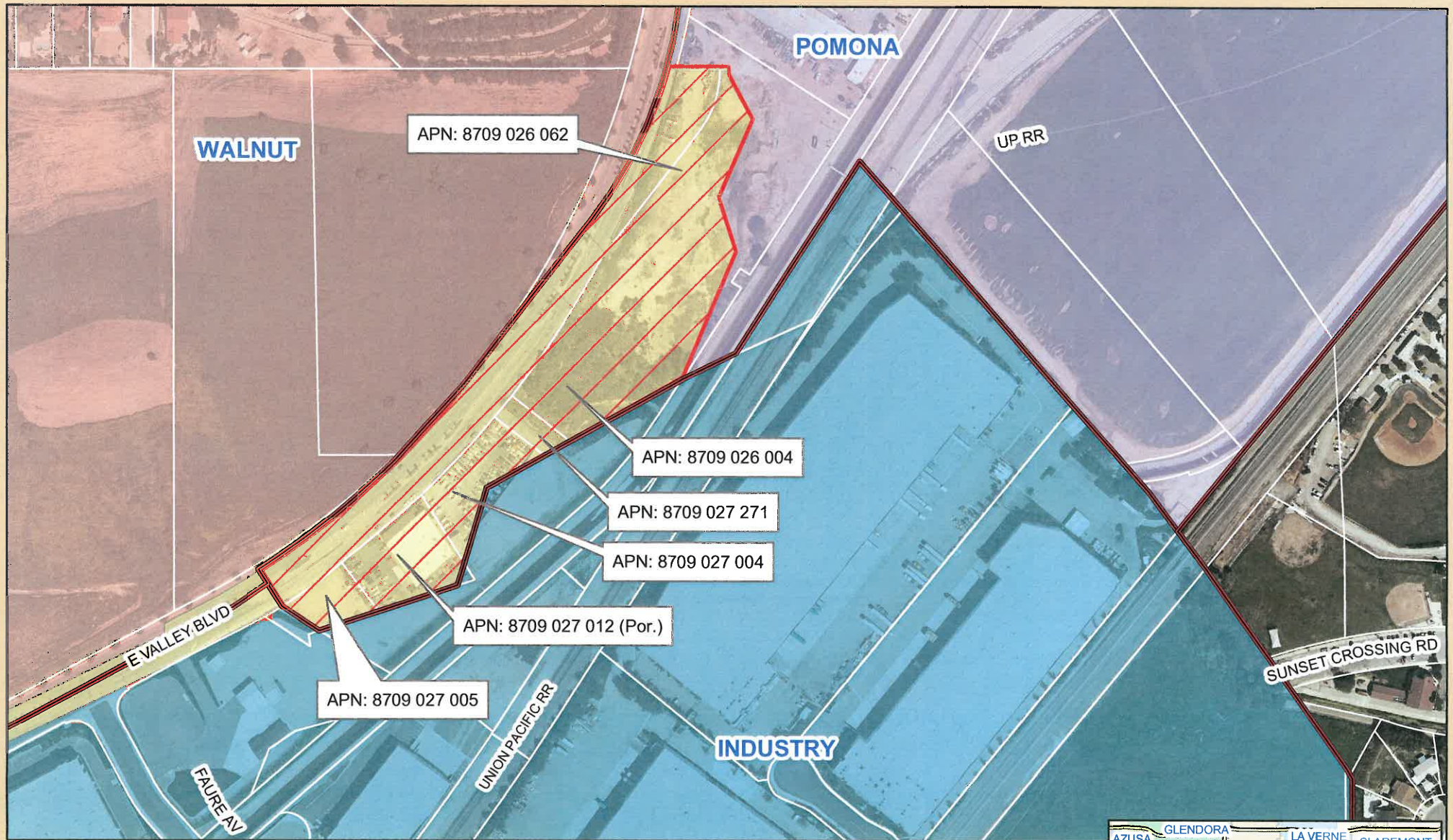
ABSTAIN:

ABSENT:

MOTION PASSES: 0/0/0

**LOCAL AGENCY FORMATION COMMISSION
FOR THE COUNTY OF LOS ANGELES**

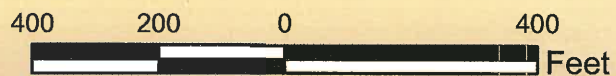
**Paul A. Novak, AICP
Executive Officer**



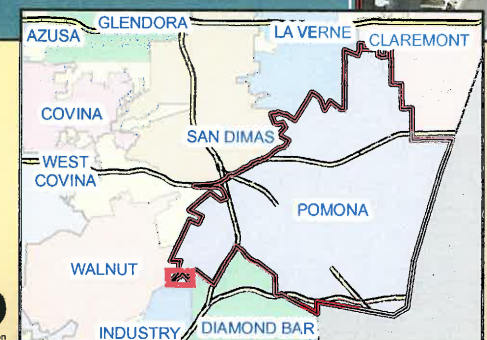
Legend

- 2015-09 Pomona
- County Unincorporated
- City of Industry
- City of Pomona
- City of Walnut
- Sphere of Influence (SOI)

Annexation 2015-09 to the City of Pomona



January 9, 2019



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Staff Report

January 9, 2019

Agenda Item No. 9.a.

Sativa County Water District (“District” or “Sativa”) Status Report

At its meeting of Tuesday, December 18, 2018; the Los Angeles County Board of Supervisors (“Board”) authorized a loan agreement between the District and the County for up to \$1.4 million to “keep Sativa operational, barring unforeseen situations” through June of 2019.

At the same meeting, the Board also adopted a tax transfer resolution on behalf of the District that provides that no taxes will be transferred as a result of the proposed dissolution of Sativa. The adoption of the tax transfer resolution is a precondition to LAFCO considering the dissolution. No taxes are being transferred because Sativa does not receive any property taxes.

Staff has confirmed presentations from two individuals for the January 9th Commission Meeting:

- Mr. Rami Kahlon; Director, Water Division; California Public Utilities Commission (CPUC); and
- Mr. Jack Hawks, Executive Director, California Water Association (“CWA”).

Mr. Kahlon’s division regulates the water rates which investor-owned utilities (“IOU’s”) charge customers for retail water service. CWA is an association of most of the IOUs which provide retail water service in California.

Staff Recommendation:

Staff recommends that the Commission:

1. Open the public hearing;
2. Consider testimony from Mr. Kahlon, Mr. Hawks, and any other interested parties; and
3. Receive and file the Sativa County Water District Status Report.