

DECLARATION OF WARREN LARRY CRESS

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2
3 I, Warren Larry Cress, declare as follows:

4
5 1. I first moved into the Stokes Canyon area in 1967 when I purchased the house at 2607
6 Stokes Canyon Road. I lived in that house for 28 years, until 1995.

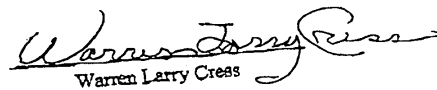
7
8 2. My house was close to the property owned by the Claretian Missions that is now
9 operated by Malibu Valley. That property was used for agriculture, growing oat hay and raising
10 livestock. The Missionaries had horses on the property. Also, a man named Luigi grazed and herded
11 his sheep on the Property.

12
13 3. Between two and three times a year, I bought oat hay from the Claretian Missionaries.

14
15 4. Sometime in 1969 and 1970, there was a large fire in the valley. A number of houses
16 were burned as was my tac room. I remember that during that fire, people came from all over the
17 community with their horses. More than 100 horses were kept on the Property in fenced areas that
18 had been used by Luigi for his sheep.

19
20 5. The facts set forth in this declaration are personally known to me and I have first hand
21 knowledge of the same. If called as a witness, I could and would competently testify to the facts set
22 forth in this declaration.

23
24 I declare under penalty of perjury under the laws of the State of California that the foregoing is
25 true and correct. Executed on June 9, 2000, at Bradley, California.

26
27 
28 Warren Larry Cress

DECLARATION OF VIRGIL CURE

I, Virgil Cure, declare as follows:

1. Between 1947 and 1993, I worked as a farm hand on the property currently operated by Malibu Valley Farms, Inc. When I started working on the property in 1947, Clarence Brown owned the farm. It encompassed both sides of what is today Stokes Canyon Road from Mulholland Highway northward.

2. In 1947, Stokes Canyon Road did not exist. The road was created in the 1950s. Mulholland Highway was a dirt road. In 1947 Stokes Canyon Creek ran along the west side of the canyon along the base of the hillside, in approximately the location of the Malibu Valley Farm stables. The course of the creek was altered in the 1950s when Stokes Canyon Road was constructed. The current location of the creek on the Malibu Valley Farm property is a ditch that was created using a backhoe.

3. In 1947, all of the property on the east side of Stokes Canyon Road, including the largely flat area along Mulholland Highway, was used to grow oat hay. Most of the natural vegetation was removed and the ground was disked annually in order to grow the oat hay. Disking and seeding would occur in December. We would cut and bale the last cutting of the oat hay in June.

4. After Stokes Canyon Road went in and the creek bed was altered in the 1950s, we continued to raise oat hay on the east side of the road. The farming of oat hay included the area along Stokes Canyon Road and Mulholland Highway currently depicted on maps as being located in the Coastal Zone. The farming of oat hay in this area continued until the late 1960s or early 1970s. Prior to 1978, we also raised sheep on the east side of Stokes Canyon Road. For at least part of the year, the sheep would graze on the land located along Stokes Canyon Road and Mulholland Highway.

1 including the area depicted on maps as located in the Coastal Zone. The sheep were watered in Stokes
2 Creek.

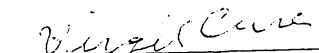
3 5. The Claretian Missionaries bought the portion of the farm located on the west side of
4 Stokes Canyon Road in 1952. The land they acquired includes the land presently owned by Malibu
5 Valley Farms, Inc. From approximately 1952 until they sold the land in 1978, the Claretians raised
6 cattle on the property, including on that portion of the property shown on maps to be located in the
7 Coastal Zone.

8
9 6. The Boudreau family purchased the land on both sides of Stokes Canyon Road in 1978.
10 I continued to work on the property as a ranch hand until I retired in 1993.

11
12 7. All of the land currently used by Malibu Valley Farms, Inc. on the east side of Stokes
13 Canyon Road and along Mulholland Highway has been continuously used for farming throughout the
14 time I worked on the property. None of that property is in a native, undisturbed condition. It has not
15 been in such a condition at any time since I began working on the property in 1947.

16
17 8. The facts set forth in this declaration are personally known to me and I have first hand
18 knowledge of the same. If called as a witness, I could and would competently testify to the facts set
19 forth in this declaration.

20
21 I declare under penalty of perjury under the laws of the State of California that the foregoing is
22 true and correct. Executed on June __, 2000, at Calabasas, California.

23
24 
25 Virgil Cure
26
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28

DECLARATION OF DOMINIC FERRANTE

I, Dominic Ferrante, declare as follows:

1. From early-1974 to 1988, I served as General Manager for the Claretian Missionaries who owned property located on the east side of Las Virgenes and the north side of Mulholland Highway ("Property") that is own owned or operated by Malibu Valley Farms, Inc. ("MVFI").

2. As General Manager, I was responsible for running all of the business operations of the Claretians' not-for-profit corporation, including real estate, securities, investments, administration, and operations. I was responsible for managing all activities on the Property, including those relating to the agricultural uses of the land.

3. During the entire time that I was General Manager, the Property was dedicated to the growing of oat hay and grazing of livestock, including cattle and sheep. These activities were ongoing throughout the Property. Oat hay was planted during the growing seasons, after which cattle and then sheep would graze throughout the crop areas. This was a continuous cycle of farming.

4. Almost all of the Property was used for the farming operations. The area between Las Virgenes Road to the west and Mulholland Highway to the south, and on both sides of Stokes Canyon Road was an area of significant use because of its naturally flat terrain, sparse vegetation, and close proximity to improved roads.

5. Structures would be located and constructed at various places on the Property to support the livestock operations, including fences, corralling facilities, and feeding facilities. Those structures would be moved to make way during the planting seasons but would then be returned, either to the same location or to another location in response to shifting and particular needs of the livestock. Agricultural activities on the land were constant and continuous.

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6. While I was General Manager, there was no period of time when this cycle of crops and livestock was discontinued. The planting of crops, re-introduction of livestock, and replanting was part of a continuous agricultural management cycle.

7. In 1978, I was involved in the sale of the Property to the Boudreau family, owners of MVFL. After the Property was sold, I visited the Property approximately twice a year. I last visited the Property in May of 2000. I have had the opportunity to observe the farming activities during my visits.

8. The farm operates in much the same manner today as it did when I was the General Manager. The same areas are used to raise and maintain livestock. The farm today has the same types of livestock facilities as when I managed the Property.

9. The facts set forth in this declaration are personally known to me and I have first hand knowledge of the same. If called as a witness, I could and would competently testify to the facts set forth in this declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 9, 2000, at HUNTINGTON PARK, California.


Dominic Ferrante

DECLARATION OF LUIGI VISO

I, Luigi Viso, declare as follows:

1. Between 1969 and 1975, I raised sheep on the property now run by Malibu Valley Farms, Inc. Each year, I would sign a contract to use the land for my sheep herding business. I would raise the sheep and sell their wool to buyers from San Francisco.

2. I had about 2000 ewes. I also had a large number of rams. Each of the ewes had lambs each season.

3. In 1969, there was a large fire. People brought their horses from all over the area to put in the corralled area that I used for my sheep. There were more than 100 horses. I lost two hundred sheep in the fire.

4. In 1983 or 1984, I allowed my sheep to be used to save the community from the risks of fire in the area during a dry period. The television stations covered this. The news stories are on the video tape entitled, "sheep."

5. The property included hilly areas and a naturally flat area just north of Mulholland and east of Stokes Canyon Road. It was always flat as long as I had used it and had very little vegetation. It was mostly the remains after oat hay was cut and bailed.

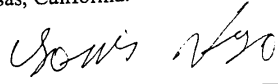
6. Each day, I turned the sheep out over the hills on the property. The sheep would graze in the areas where crops had been growing. They were watered in the creek running through the property. Each evening, the sheep would return to the flat area of the property. This was the best place to keep the sheep at night. Because the land was naturally flatter than the surrounding hilly areas, it was easier to control the sheep and protect them from coyotes.

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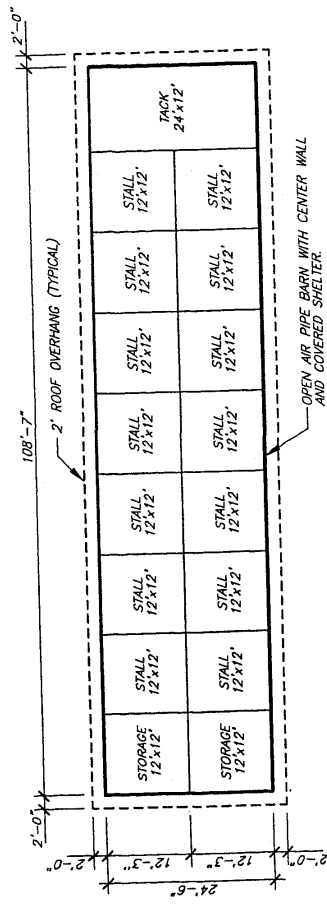
7. I also used this flat area to hold and shear the sheep. It was a perfect location for my holding pens and a stocking area. There was a horse barn nearby.

8. The facts set forth in this declaration are personally known to me and I have first hand knowledge of the same. If called as a witness, I could and would competently testify to the facts set forth in this declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 9, 2000, at Calabasas, California.



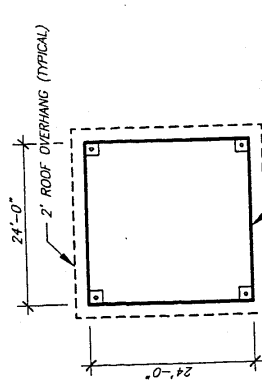
Luigi Viso



OPEN AIR PIPE BARN WITH CENTER WALL AND COVERED SHELTER.

BACK TO BACK MARE MOTEL

Building Area = 2,660 sq. ft.
NOT TO SCALE



NO WALLS, FOUR POST COVERED SHELTER ONLY

24' x 24' x 10' SHELTER

Building Area = 576 sq. ft.
NOT TO SCALE

Detail of Additional Structures

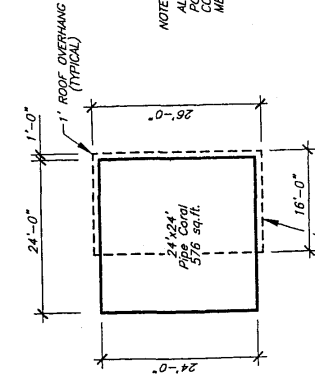
NO SCALE

NOTE:
PROPOSED STRUCTURES ARE PORTABLE MODULAR UNITS CONSISTING OF NON-FLAMMABLE METAL MATERIALS

EXCERPTS

SHEET NO. **1** OF 2 SHEETS

EXCERPTS

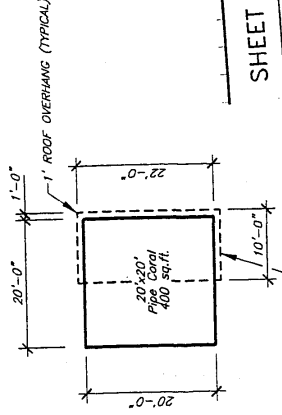


NOTE:
ALL PIPE CORALS ARE
PORTABLE STRUCTURES
CONSTRUCTED OF NON-FLAMMABLE
METAL MATERIALS

OPEN AIR PIPE CORAL
WITH 10'x26' COVERED SHELTER.

24' x 24' Pipe Coral

Building Area = 576 sq.ft.
NOT TO SCALE



OPEN AIR PIPE CORAL
WITH 10'x22' COVERED SHELTER.

20' x 20' Pipe Coral

Building Area = 400 sq.ft.
NOT TO SCALE

SHEET NO.

1

Detail of Existing Pipe Corals

NO SCALE

OF 2 SHEET

CALIFORNIA COASTAL COMMISSION

631 HOWARD STREET, 4TH FLOOR
SAN FRANCISCO, CA 94105
(415) 543-8555
Hearing impaired/TDD (415) 896-1825



February 21, 1989

Mr. Frank King
Vice President / Planning
Malibu Valley Farms
2200 Strokes Canyon Road
Calabasas, CA 91302

Re: Boundary Determination #5-89

Dear Mr. King,

Enclosed is a copy of Coastal Zone Boundary Map No. 135 (Malibu Beach Quad), with the approximate location of Los Angeles County APN's 4455-28-44, 4455-43-07, 4455-14-20, 4455-15-05, 4455-12-04 shown thereon. Also included is a copy of the large scale site plan map you provided with the Coastal Zone Boundary added.

As I mentioned in our phone conversation last week, the Coastal Zone Boundary you submitted was accurately plotted on the western half of the proposed site. On the eastern half of the site, however, the Coastal Zone Boundary was plotted slightly seaward (south) of the actual Coastal Zone Boundary. The property is bisected by the Coastal Zone Boundary, with approximately 110 acres located in the Coastal Zone. This section of the property would be subject to the requirements of the Coastal Act of 1976.

Please contact me should you have any questions regarding this determination.

Sincerely,

A handwritten signature in cursive script that reads "Jonathan Van Coops".

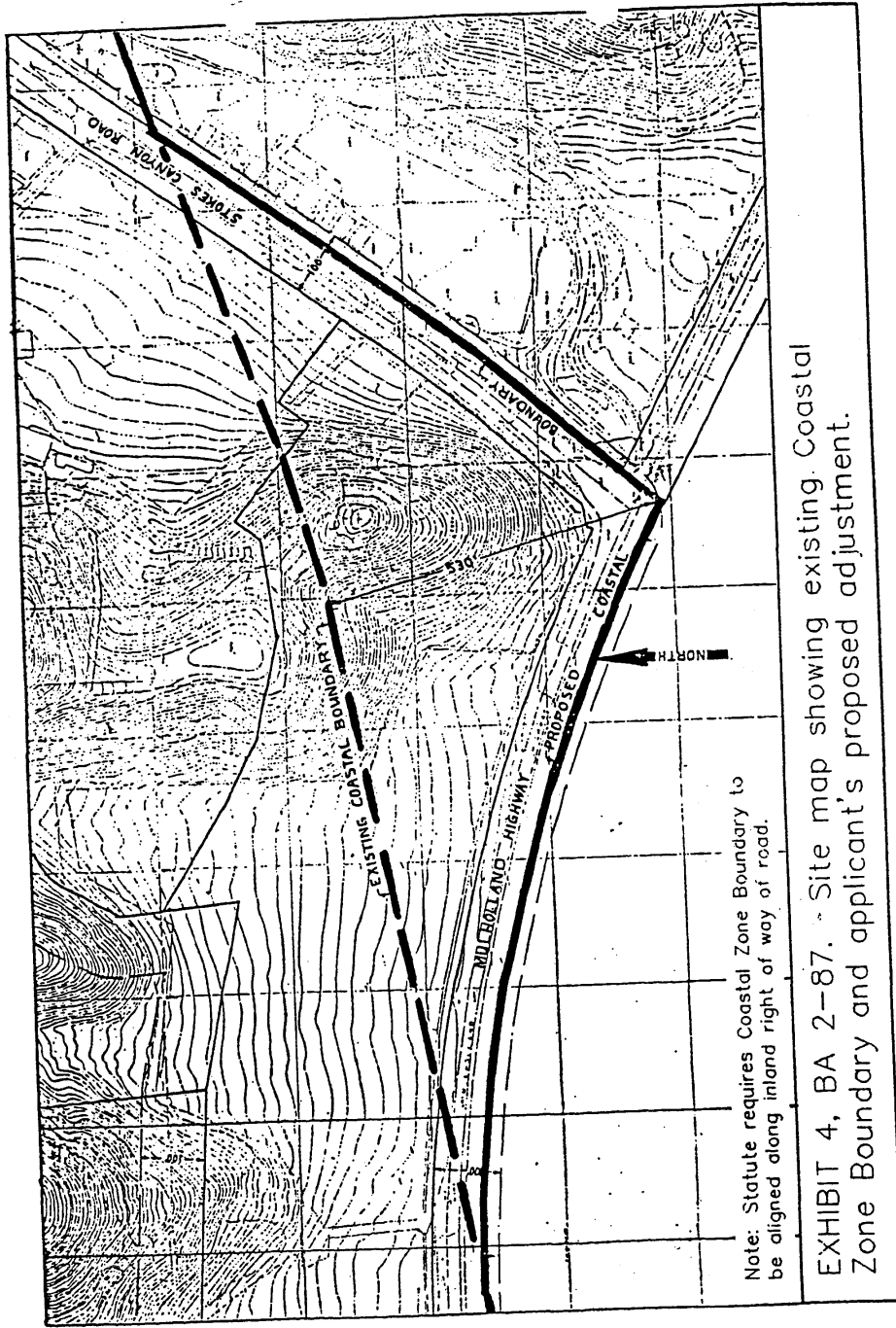
JONATHAN VAN COOPS
Mapping Program Manager

JVC:ns

cc: C. Damm, CCC-LA

Enclosures

2242N



Phillip R. Nicholson*
Lawrence Teplin
Ronald I. Silverman*
Mario Canara
George D. Calkins, II
John H. Kuhl
Arthur O. Spaulding, Jr.
Jeffrey Laposa
John S. Miller, Jr.
Kenneth B. Bley
Ira J. Waldman
John F. Nicholson
Charles E. Noneman
Marlene D. Goodfried
Jeffrey D. Masters
Robert D. Inelise
Tamar C. Sien
Douglas P. Snyder
Gary A. Glick
Lora Lee Moore
Lewis G. Feldman
Mark P. McClanathan
John A. Kincannon
Stanley W. Lamport
Randall W. Black
Perry D. Mocciano
Jess R. Bressi
Gregory J. Karns
D. Scott Turner
Sandra C. Stewart
Matthew A. Wyman
Randy P. Orlik
Kenneth Williams
Laurel R. Ballard
Amy H. Wells
Scott D. Brooks
Gary P. Downs
Valerie L. Flores
Preston W. Brooks
Paul J. Tischer
Robert J. Sykes

Alfred F. DeLeo
Stathi G. Maropoulos
Camellia Kuo Schuk
Charles J. Moore
Robert P. Doty
Stuart I. Block
Herbert J. Klein
Estelle M. Braaf
Adam B. Weisburg
Jeffrey A. Gagliardi
Jonathan Sears
Scott L. Grossfeld
Robert M. Haghi, Jr.
Richard J. Kaiser
Anne-Marie Reader
Perry S. Hughes
Veronica P. Davies
Judy Man-Ling Lam
Edward F. Quigley III
Daniel J. Villalpando
Christopher R. Cheleden
Kevin J. Crabree
Peter V. Lee
Seth I. Weissman
Loryn Dunn Arkow
Jason A. Holson
Steven M. Muldowney
Pern S. Victor
Stephen E. Abraham
Tara N. Morse
Tuan A. Pham
Paddi Sharifian
John M. Trout
Lawrence Venick
Joanna C. Huhtling
Hans Lauterbach
Mitchell Poole
Carolyn Yashari Becher
Cecile Zapparoni
Kimberly Keeler Chytraus
Joel L. Rietz

*A Professional Corporation

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November 3, 2000

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(Retired)

Richard N. Castle
(1932-1992)

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Suite 1550
San Francisco, California 94111-2585
Telephone (415) 296-9966

EXHIBIT NO. 6
APPLICATION NO. 4-00-279-VRC
Cox, Castle, et al. Ltr (11/3/2000)
 California Coastal Commission

VIA FACSIMILE & U.S. MAIL

Mr. Jack Ainsworth
Permits and Enforcement Supervisor
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

Re: Coastal File No. V-4-00-001 / Request for Vested Rights Determination

Dear Mr. Ainsworth:

In response to your August 18, 2000 letter Malibu Valley, Inc. ("Malibu Valley") submits the following.

1. In response to Question #1 in your letter:

(a) Malibu Valley claims a vested right to continue agricultural and livestock activities on the property that were commenced prior to 1930; and, furthermore, claims a vested right with respect to all structures erected on the site in connection with agricultural and livestock uses of the site. Accordingly, Malibu Valley claims a vested right to continue to use its property in a manner consistent with the general uses and intensity of uses of the property since 1930, including erecting and maintaining all of the structures depicted on Sheet #2 of Tab C as well as any other structures incidental to the vested uses of the property. All structures depicted on sheet #2 of Tab C are part of Malibu Valley's claim of vested right.

(b) Malibu Valley claims a vested right for agricultural and livestock activities that occurred throughout the site. These activities include the planting, tending, and harvesting of crops, all of which have occurred and continue to occur on all of the areas of the property in

Mr. Jack Ainsworth
November 3, 2000
Page 2

the coastal zone. Moreover, these activities include the raising, breeding, grazing, herding, cleaning, shearing, and all other activities relating to the maintaining of livestock, including cattle, sheep, goats, and horses, all of which have occurred and continue to occur on all of the areas of the property in the coastal zone.

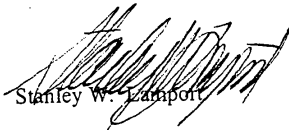
2. In response to Question #2 in your letter, Malibu Valley is saying that agricultural and ranching activities have been conducted on the property since before 1930. Malibu Valley maintains it has a vested right to continue to use the property for agricultural and livestock activities and to erect and maintain structures in connection with that use. Malibu Valley is not saying all of the structures were completed before 1930; however, all of the types of structures on the property today have existed on the property as part of the agricultural and livestock activities dating to before 1930. As with any working ranch or farm, Malibu Valley and its predecessors have made improvements over time in order to replace outdated structures and facilities, to replace structures and facilities that were destroyed by fire and to modernize and update the agricultural and livestock operations, including incorporating best management practices into the farm operation.

3. Malibu Valley has provided all of the documentation it currently has with respect to the vested use of the site. Malibu Valley is in the process of obtaining additional documentation.

4. The cost of the development for which Malibu Valley claims a vested rights is in excess of \$5 million.

Thank you again for your assistance and cooperation in this matter. We look forward to working with you.

Sincerely,



Stanley W. Lamport

SWL:rsf
32051/866935v1

cc: California Coastal Commission, North Coast Area



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

BUILDING AND SAFETY / LAND DEVELOPMENT DIVISION

4111 NORTH LAS VIRGENES ROAD
CALABASAS, CALIFORNIA 91302
Telephone: (818) 900-4150

HARRY W. STONE, Director

To Come Back from Bob Smy

January 12, 1999

Brian Boudreau
2200 Stokes Canyon Road
Calabasas, CA 91302

Re: Revocation of Building Permits BL 9812170013 and BL 9812170014

Dear Mr Boudreau,

This office is in receipt of correspondence from Miss Sue Brooker of the California Coastal Commission revoking the California Coastal Commission -Exemption Letter (4-98-125-X) issued to you for a horse shelter and barn to be placed at 2200 Stokes Canyon Road, Calabasas. Additionally the Los Angeles County Department of Regional Planning has provided correspondence stating that plot plan approval must be obtained for this project. The exemption letter was relied upon by this office in the issuance of the above referenced permits.

Therefore, this letter should serve as notice that the referenced permits are revoked under the provisions found in section 106.5.5, Los Angeles County Building Code . All work in conjunction with said permits shall cease as of the date of this letter. Furthermore the structures shall not be occupied or used until such time that approval from the California Coastal Commission is obtained. Failure to comply with this order may result in an order to remove all portions of said construction as provided for under section 106.2, L.A. County Building Code.

If you should have any questions regarding this letter please contact this office Monday through Friday 8:00am to 4:30pm .

Very Truly Yours,

Mark Pestrella
District Engineer

EXHIBIT NO. 7
APPLICATION NO. 4-00-279-VRC
County of Los Angeles Revocation Ltr (1/12/99)
California Coastal Commission

06/09 11:49 FAX

0002

Robert K. Levin

Sorrel River Ranch
P.O. Box K
Moab, Utah 84532
(435) 259-4642

January 6, 1999

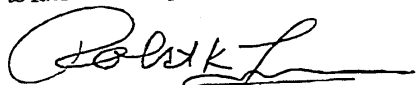
Building and Safety
L.A. County Department of Public Works
5661 Las Virgencs Road
Calabasas, California 91302


Re: Construction of Pipe Barn Located on the Northeast Intersection of Stokes Canyon Road and Mulholland Highway

To Whom It May Concern:

I, Robert K. Levin, owner of the real property located on the northeast intersection of Stokes Canyon Road and Mulholland Highway, County of Los Angeles (APN No. 4455-028-044), give Brian Boudreau, President of Malibu Valley Farms, Inc., full authority to sign on my behalf on any and all permits or other documents necessary to facilitate the replacement of the pipe barn burned by the 1996 wild fire.


DATED: 1-6-99

By: 
Robert K. Levin

By: 
Brian Boudreau, President
Malibu Valley Farms, Inc.

2005-02716
MVF02179.doc

01/06/99 11:51 TX/RX NC

EXHIBIT NO. 8
APPLICATION NO. <u>4-00-279-VRC</u>
<u>Letter from</u> <u>Robert K. Levin</u>
 California Coastal Commission

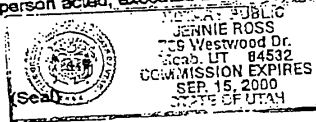
ACKNOWLEDGMENTS

State of Utah)
County of Grand) SS.

On 1-6, 1999, before me, Jennie Ross Notary Public,
personally appeared Robert K. Levin, personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person whose name is subscribed to the within Instrument and
acknowledged to me that he executed the same in his authorized capacity, and that by his signature on
the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Jennie Ross



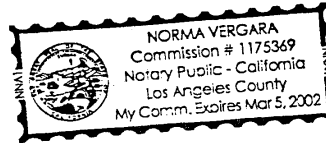
State of California)
County of Los Angeles) SS.

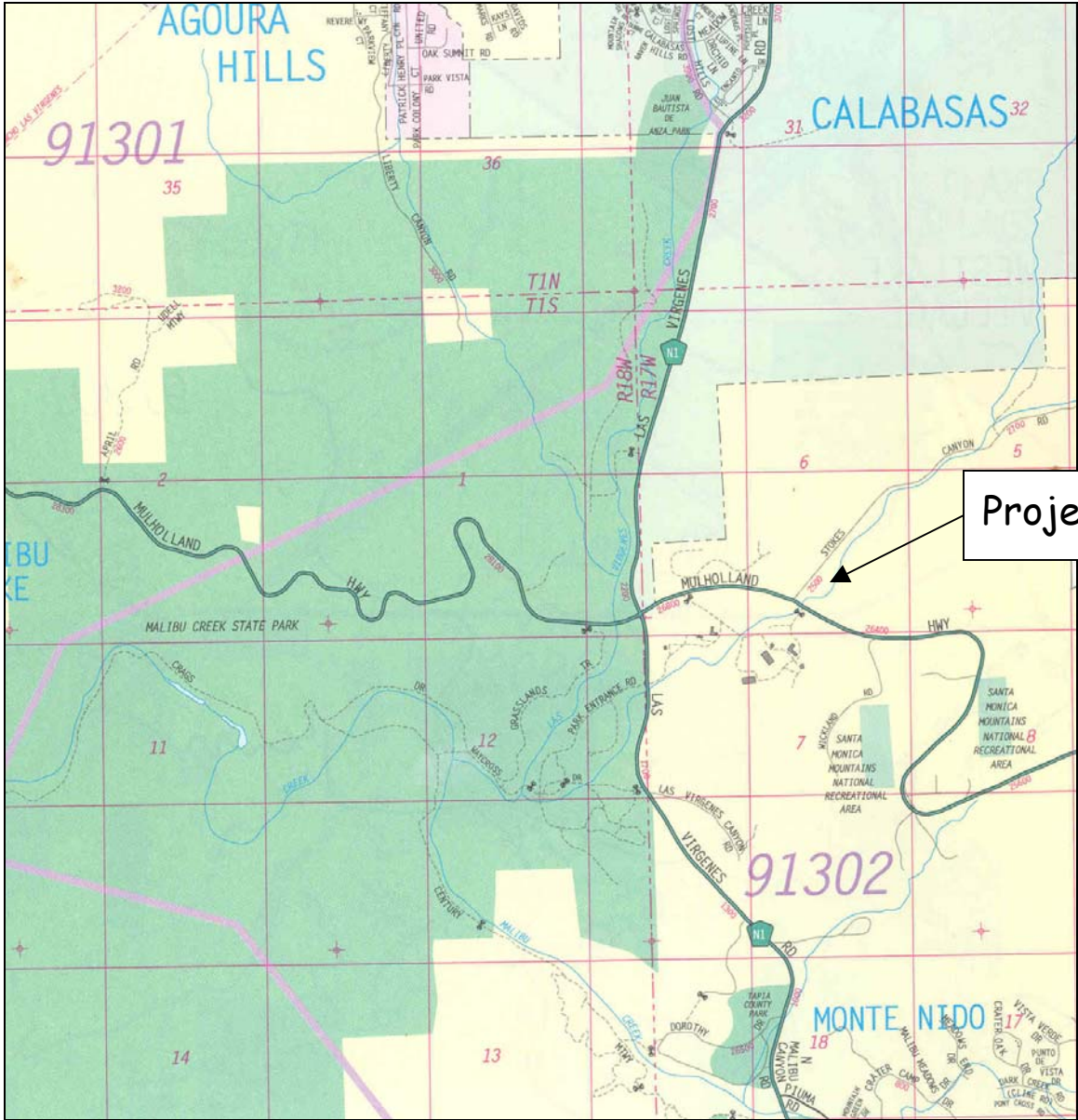
On 1-6, 1999, before me, Norma Vergara Notary Public,
personally appeared Brian Boudreau, personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person whose name is subscribed to the within instrument and
acknowledged to me that he executed the same in his authorized capacity, and that by his signature on
the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Norma Vergara

(Seal)





Project Site

Exhibit 3
CDPA No. 4-02-131
Vicinity Map

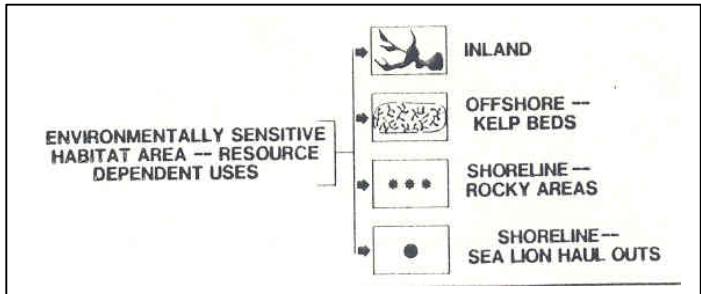
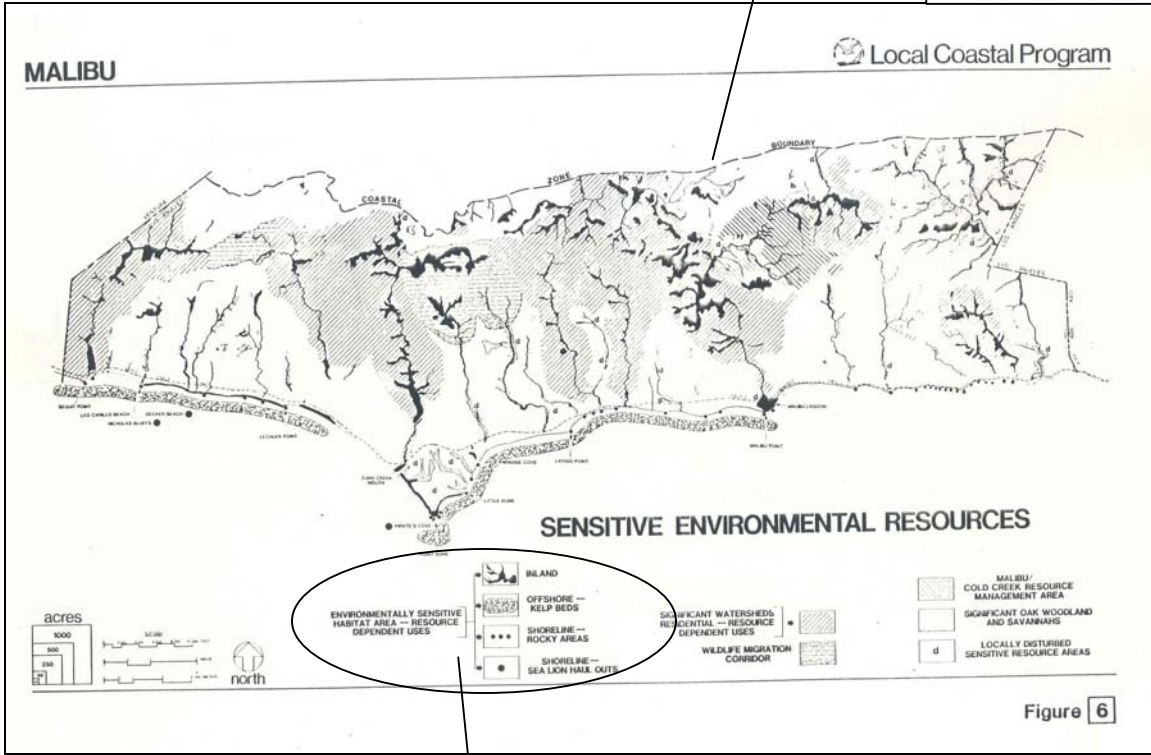
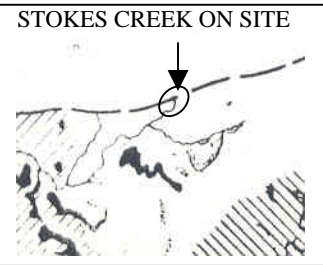


Exhibit 4
CDPA No. 4-02-131
LUP ESHA Map

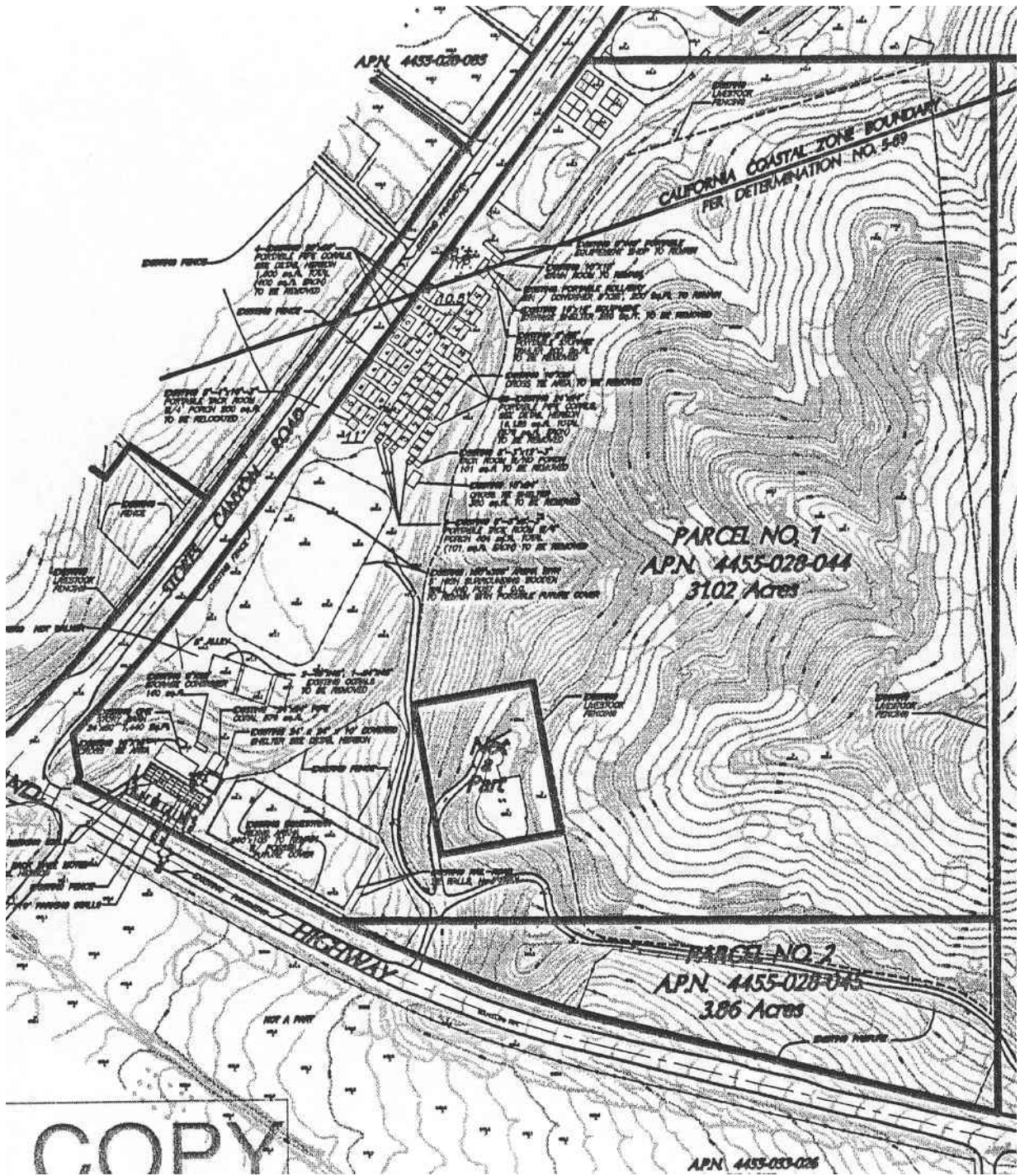


Exhibit 5
CDPA No. 4-02-131
Site Plan (Existing)

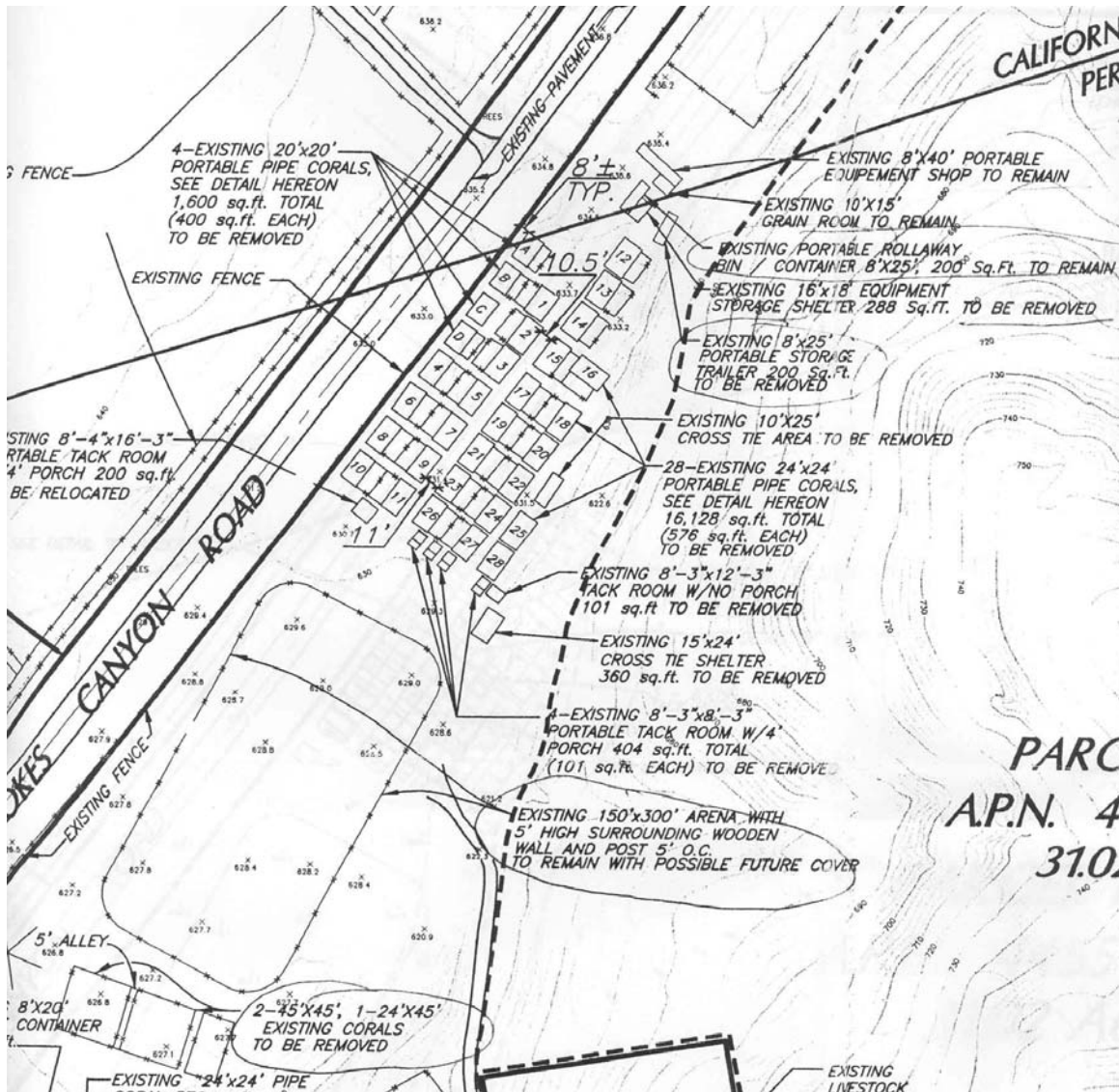


Exhibit 6
 CDPA No. 4-02-131
 Site Detail - North (Existing)

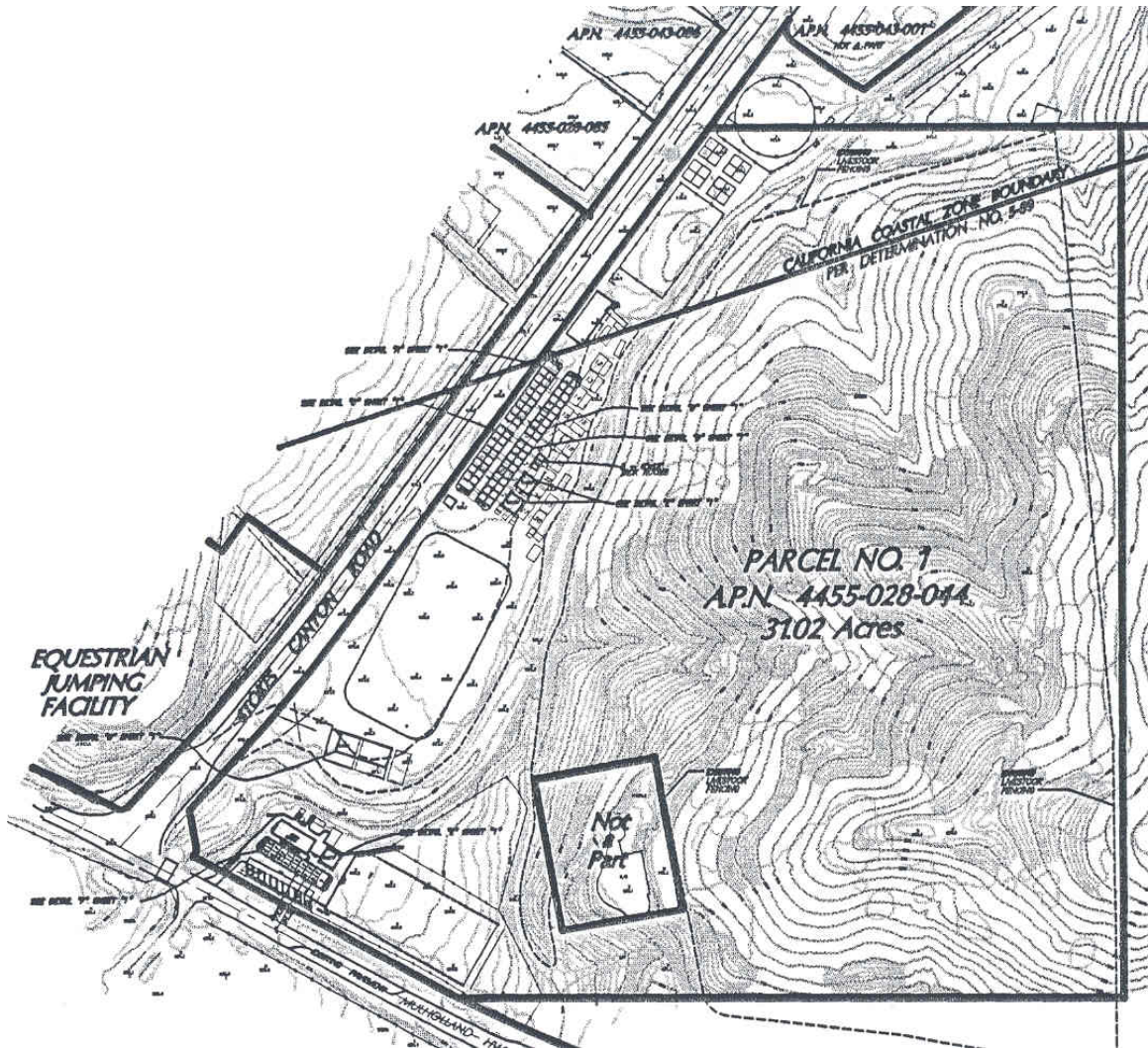


Exhibit 8
CDPA No. 4-02-131
Site Plan (Proposed)

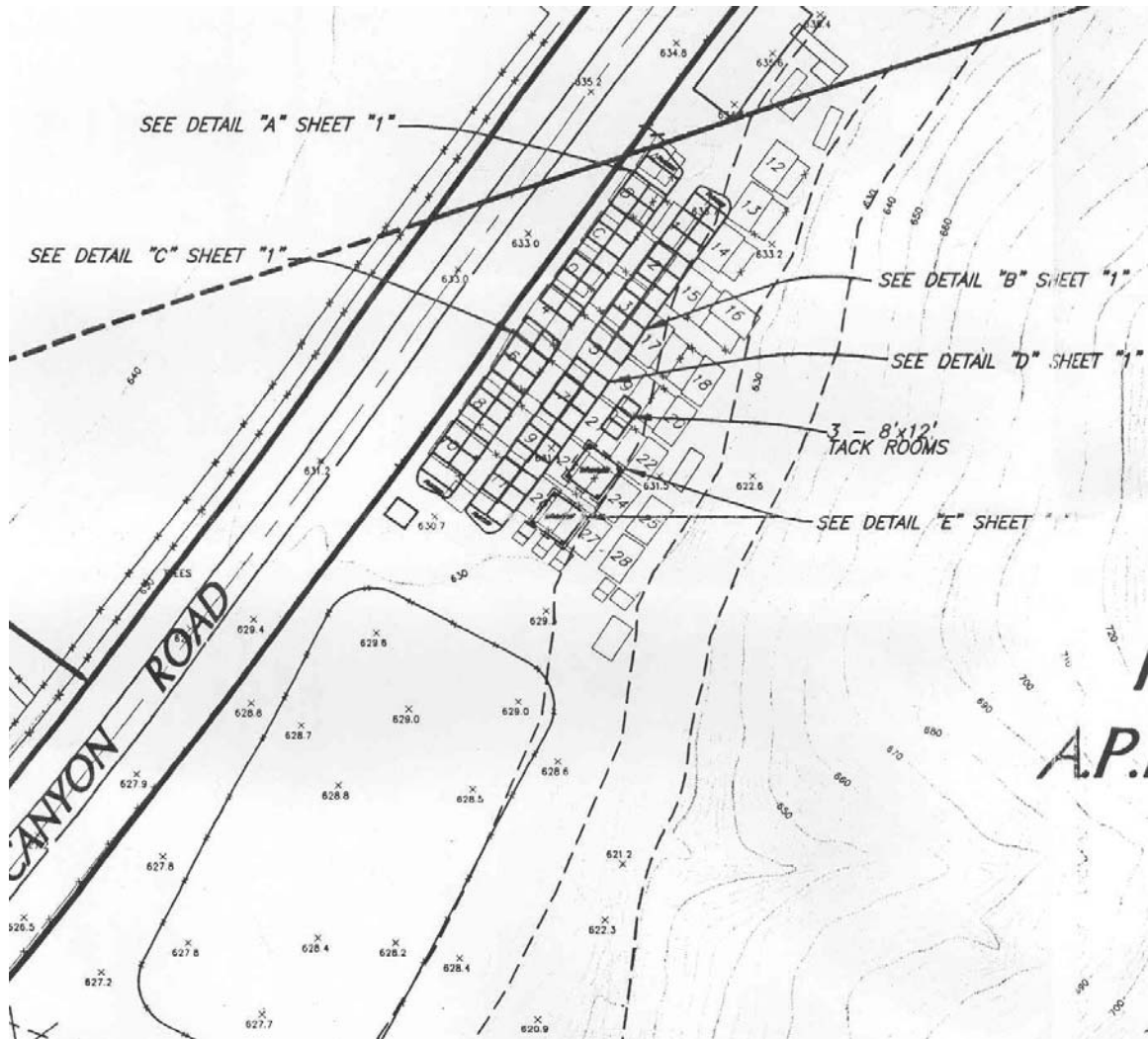


Exhibit 9
 CDPA No. 4-02-131
 Site Detail - North (Proposed)

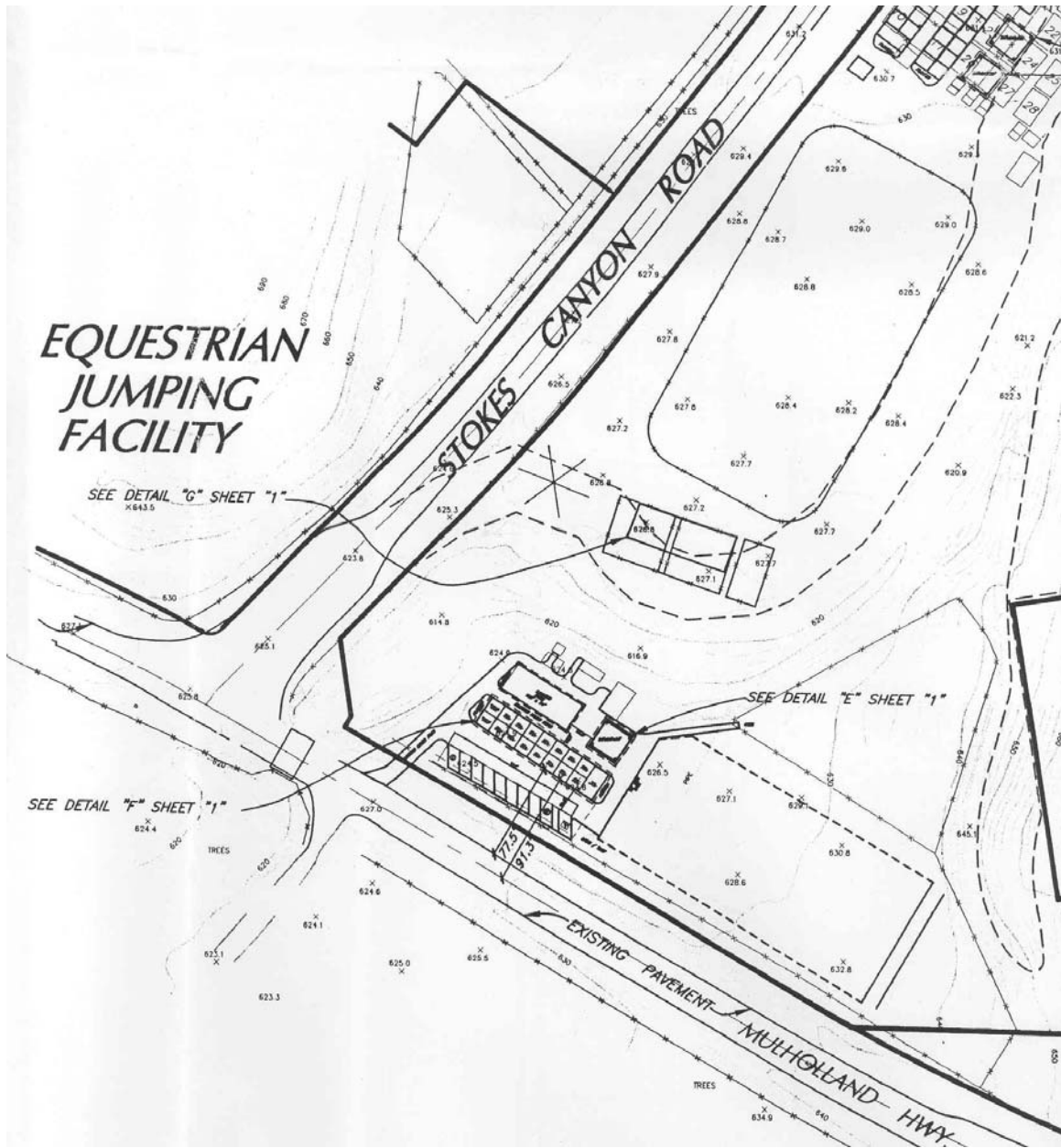
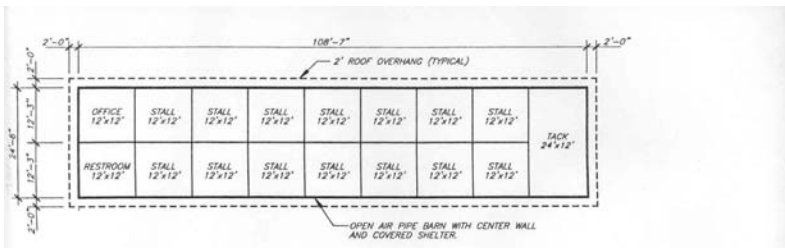


Exhibit 10
 CDPA No. 4-02-131
 Site Detail - South (Proposed)

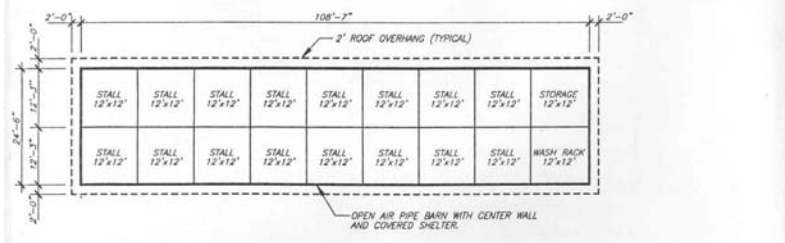


Note: Restroom will be tied to the sewer line

DETAIL OF ADDITIONAL STRUCTURE

A

NO SCALE
Building Area = 2,660 sq.ft.

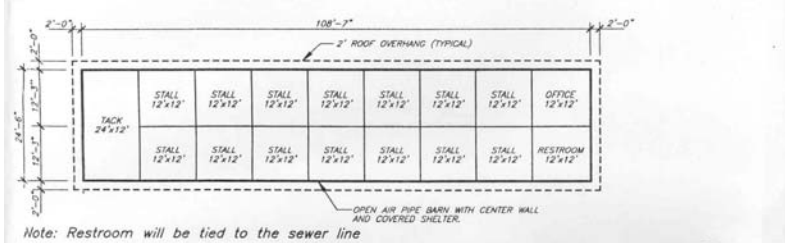


Note: Wash Rack will be tied to the sewer line

DETAIL OF ADDITIONAL STRUCTURE

B

NO SCALE
Building Area = 2,660 sq.ft.

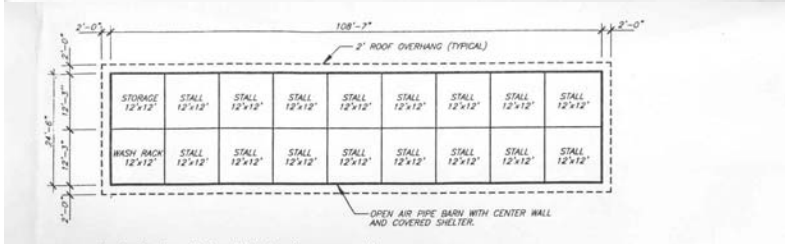


Note: Restroom will be tied to the sewer line

DETAIL OF ADDITIONAL STRUCTURE

C

NO SCALE
Building Area = 2,660 sq.ft.



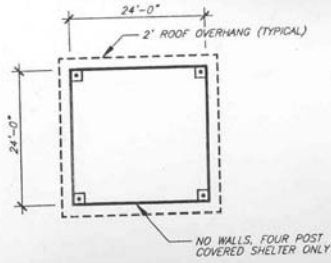
Note: Wash Rack will be tied to the sewer line

DETAIL OF ADDITIONAL STRUCTURE

D

NO SCALE
Building Area = 2,660 sq.ft.

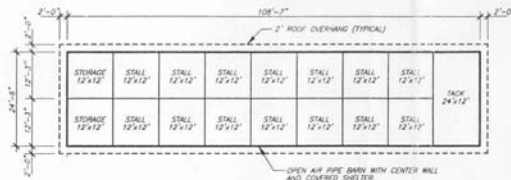
Exhibit 11
CDPA No. 4-02-131
Proposed Structure Details (2 pages)



24' x 24' x 10' SHELTER

Building Area = 576 sq.ft.
NO SCALE

E



BACK TO BACK MARE MOTEL

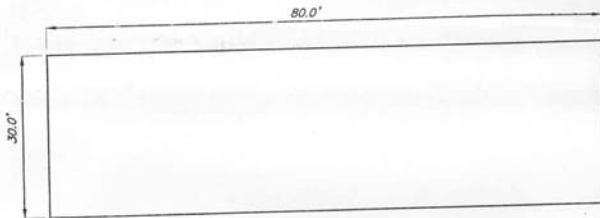
Building Area = 2,660 sq.ft.

DETAIL OF ADDITIONAL STRUCTURE

NO SCALE

F

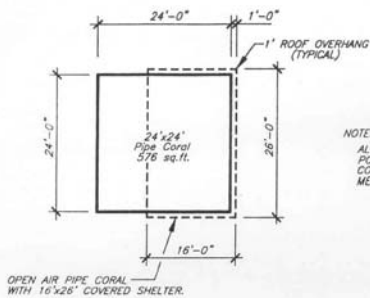
NOTE:
PROPOSED STRUCTURES ARE
PORTABLE MODULAR UNITS.



HAY/STORAGE BUILDING

NO SCALE
Building Area = 2,400 sq.ft.

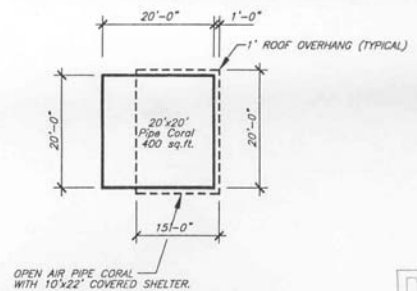
G



NOTE:
ALL PIPE CORALS ARE
PORTABLE STRUCTURES
CONSISTING OF NONFLAMMABLE
METAL MATERIALS

24' x 24' Pipe Coral

Building Area = 576 sq.ft.
NOT TO SCALE

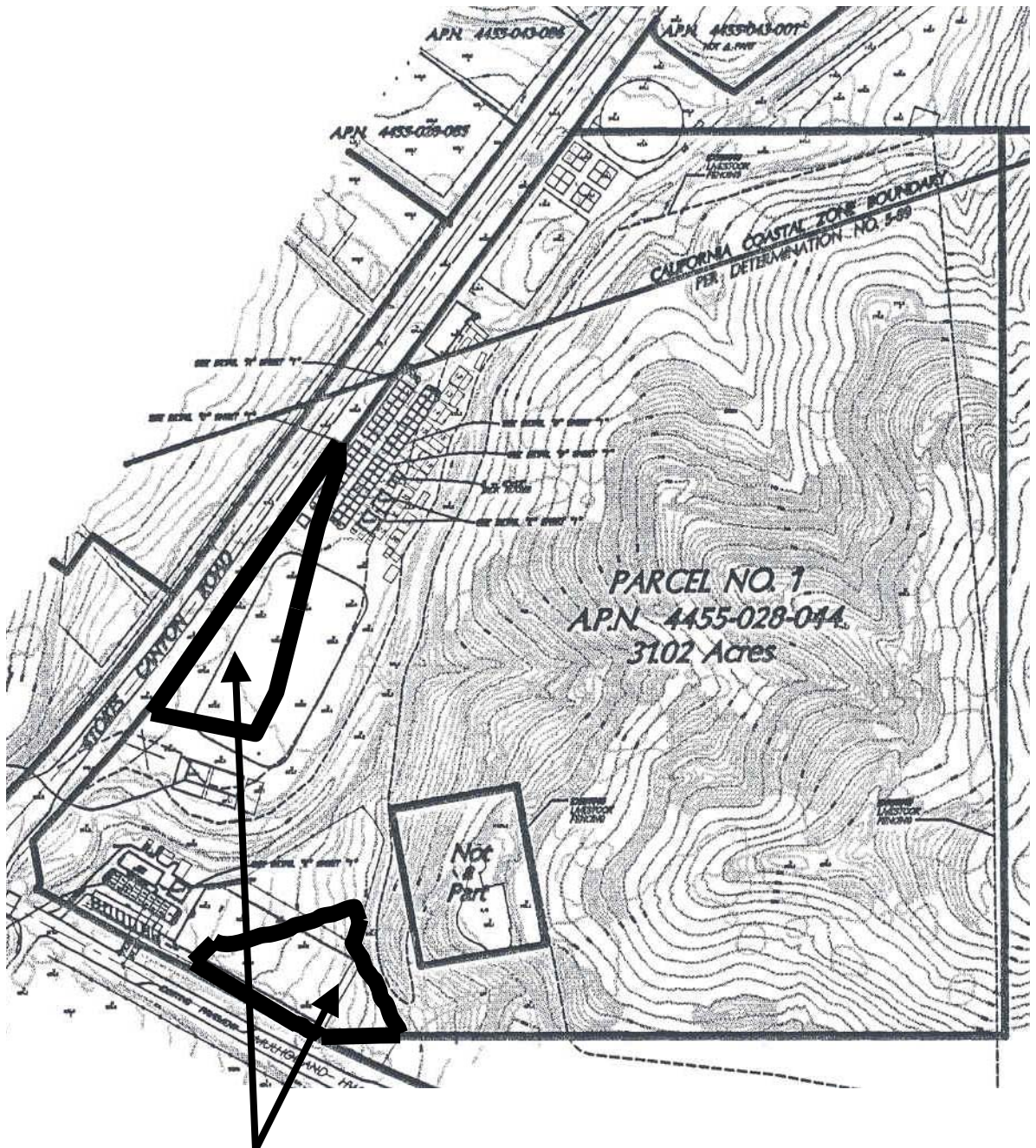


20' x 20' Pipe Coral

Building Area = 400 sq.ft.
NOT TO SCALE

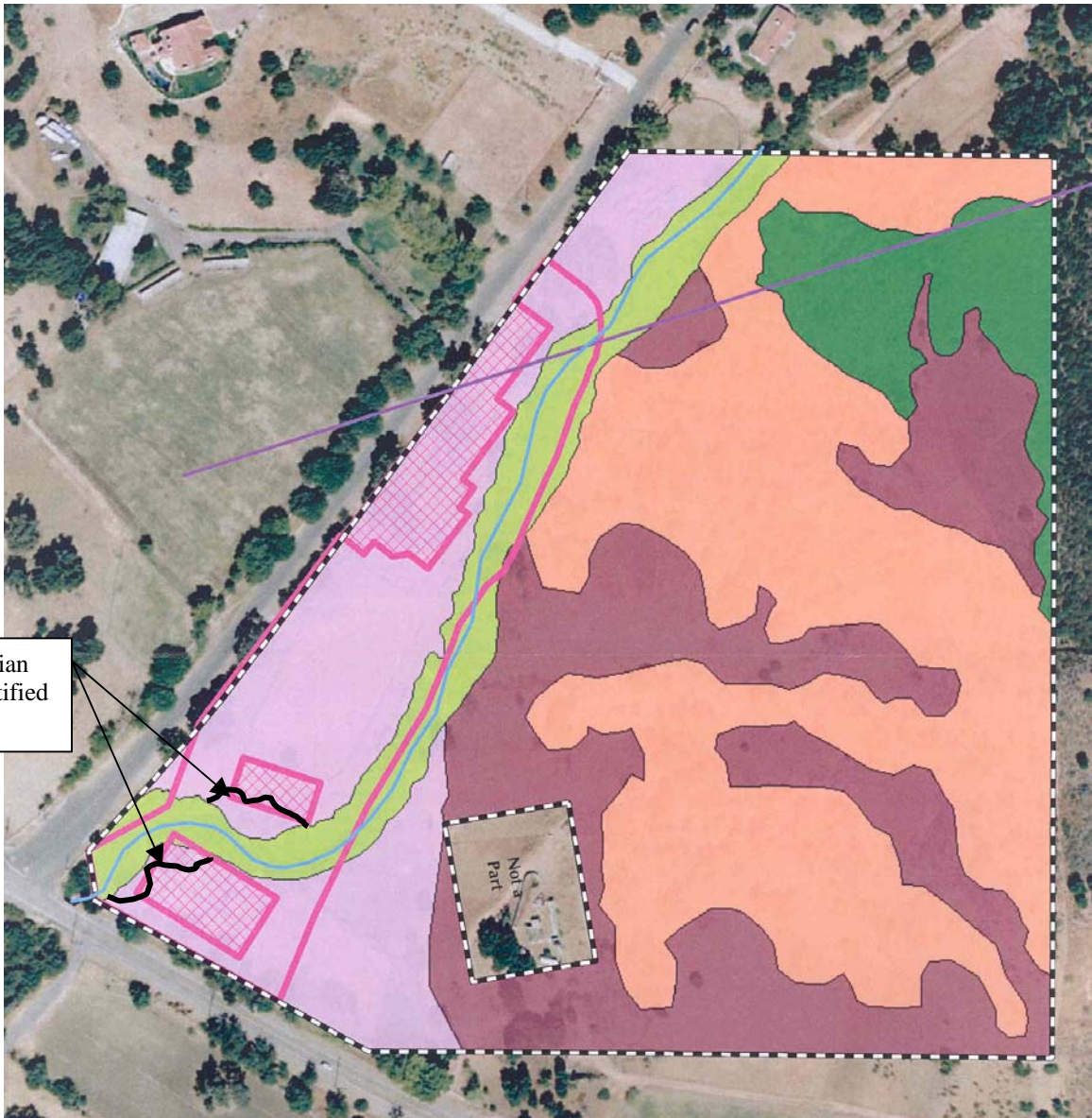
Detail of Existing Pipe Corals

NO SCALE



Alternative
Development
Areas

Exhibit 2
CDPA No. 4-02-131
Staff Report 4-00-279-VRC



Excerpt from Attachment 10 of biological assessment by Sapphos Environmental, Inc. dated October 25, 2005.

The bold black lines have been added by Commission staff, and indicate the edge of the riparian canopy, where it extends further than the edge of riparian vegetation shown in Attachment 10.

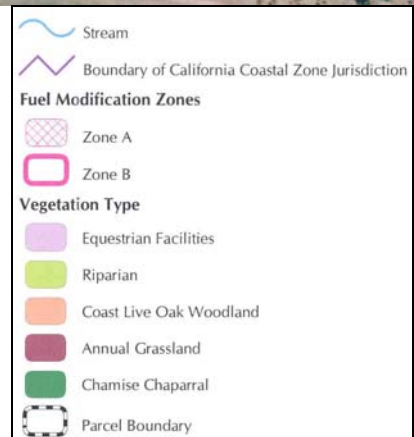
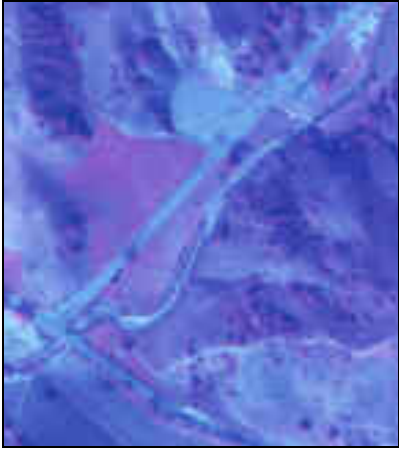


Exhibit 13
 CDPA No. 4-02-131
 Biological Resources / Fuel Modification



1977



1986



2004

Exhibit 14
CDPA No. 4-02-131
Aerial Photos