

**CALIFORNIA COASTAL COMMISSION**

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Filed: 11/06/00  
Staff: SG-SF  
Staff Report: 01/26/01  
Hearing Date: 02/13-16/01  
Commission Action:

**Th. 14****RECORD PACKET COPY****CLAIM OF VESTED RIGHTS****STAFF REPORT AND RECOMMENDATION****CLAIM NO:** 4-00-279-VRC**CLAIMANT:** MALIBU VALLEY, INC.**PROJECT LOCATION:** 2200 Stokes Canyon Road, Calabasas, Los Angeles County, CA 91302. APN 4455-028-044

**DEVELOPMENT CLAIMED:** Right to conduct agricultural and livestock activities and right to continue to erect and maintain structures in connection with that use. Structures at site include enclosed horse barn, approximately 34 metal pipe corrals, covered horse stalls, mare motel, horse-washing facilities, two riding arenas and storage structures.

**FILE DOCUMENTS:** Photographs of site taken November 19, 1999 and March 2, 2000; Coastal Commission letters to Cox, Castle & Nicholson dated August 18, 2000 and October 6, 2000; L.A. County Code, Title 22, Section 22.56.1540 and Title 26, Sections 101-106; aerial photographs taken January 24, 1977 and November 3, 1952.

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**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **denial** of the claim of vested rights. Malibu Valley claims a vested right for agricultural and livestock activities that allegedly were conducted since the 1930s and all structures associated with those activities. Malibu Valley has not demonstrated that it has any legal right, title or interest in the development at the site that would allow it to claim vested rights for development at the site. Even if Malibu Valley did demonstrate such a right, the claim should be denied because all of the structures at the site were destroyed by a combination of wildfire in 1996 and storms and floods in 1997/1998. There is no vested right to build new structures to replace a vested structure that has been destroyed. Aerial photographs of the site in 1952 and 1977 indicate that no buildings were present on those dates. With respect to structures that Malibu Valley asserts that it constructed at the site in the 1970s, the required building permits for construction of a barn or enclosed horse stalls were not obtained. Therefore, Malibu Valley did not obtain all required local government approvals for that development, which is required to establish a vested right. Furthermore, Malibu Valley's assertions are too vague and general to prove its claim of vested rights. It has not provided evidence of the specific location of any structures at the site or of any specific number of horses that were kept at the site prior to the effective date of the Coastal Act. In addition, growing of crops, and raising sheep, cattle and goats are activities that have been discontinued and there is no vested right to resume such activities. These activities are also different in nature and extent from the horse boarding activities and structures for which a vested right is claimed. For all these reasons, staff recommends that the Commission find that Malibu Valley has not met its burden of proving its claim of vested rights.

**ACTION:** Commission Hearing and Vote

**STAFF RECOMMENDATION FOR DENIAL OF CLAIM:** The Executive Director has made initial determination that Claim of Vested Rights 4-00-279-VRC has not been substantiated. Staff recommends that Claim of Vested Rights 4-00-279-VRC be rejected.

**Motion:** *"I move that the Commission determine that Claim of Vested Rights 4-00-279-VRC is substantiated and the development described in the claim does not require a Coastal Development Permit."*

Staff recommends a **NO** vote. Failure of the motion will result in a determination by the Commission that the development described in the claim requires a Coastal Development Permit and in the adoption of the resolution and findings set forth below. The motion passes only by an affirmative vote of a majority of the Commissioners present.

## **Resolution for Denial of Claim:**

The Commission hereby determines that Claim of Vested Rights 4-00-279-VRC is not substantiated and adopts the Findings set forth below.

## **Findings and Declarations**

### **1. Legal Authority and Standard of Review**

Section 30608 of the Coastal Act, in relevant part, provides that:

"No person who has obtained a vested right in a development prior to the effective date of this division or who has obtained a permit from the California Coastal Zone Conservation Commission pursuant to the California Coastal Act of 1972 (commenting with Section 27000) shall be required to secure approval for the development pursuant to this division; provided, however, that no substantial change may be made in any such development without prior approval having been obtained under this division."

The effective date of the division, i.e., the Coastal Act, for the site at issue is January 1, 1977. Malibu Valley has not obtained a permit from the California Coastal Zone Conservation Commission. Pursuant to Section 30608, if a person obtained a vested right in a development on the subject site prior to January 1, 1977, no Coastal Development Permit (CDP) is required for that development. However, no substantial change in any such development may be made until obtaining either approval in a CDP, or approval pursuant to another provision of the Coastal Act.

The Coastal Act defines "development" as:

"the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act ... change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, ....

As used in this section, "structure" includes but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line." (Coastal Act Section 30106).

The procedural framework for Commission consideration of a claim of vested rights is found in Sections 13200 through 13208 of the Commission's administrative regulations. (Title 14, California Code of Regulations). These regulations require that the staff prepare a written recommendation for the Commission and that the Commission determine, after a public hearing, whether to acknowledge the claim. If the Commission finds that the claimant has a vested right for a specific development or development activity, then the claimant is exempt from Coastal Development Permit requirements for that specific

development only. Any changes to the exempt development after January 1, 1977 will require a CDP. If the Commission finds that the claimant does not have a vested right for the particular development, then a CDP must be obtained to authorize the development or, if a CDP is not obtained, then the development is not authorized under Coastal Act.

The Commission must apply certain legal criteria to determine whether a claimant has a vested right for a specific development. These criteria are based on the terms of the Coastal Act and case law interpreting the Coastal Act's vested right provision, as well as common law vested rights claims. The standard of review for determining the validity of a claim of vested rights is summarized as follows:

1. The claimed development must have received all applicable governmental approvals needed to complete the development prior to January 1, 1977. Typically this would be a building permit, grading permit, Final Map, Health Department approval for a well or septic system, etc. or evidence that no permit was required for the claimed development. (*Billings v. California Coastal Commission* (1988) 103 Cal.App.3d at 729).
2. If work was not completed by January 1, 1977, the claimant must have performed substantial work and/or incurred substantial liabilities in good faith reliance on the governmental authorization received prior to January 1, 1977. (*Tosh v. California Coastal Commission* (1979) 99 Cal.App. 3d 388, 393; *Avco Community Developers, Inc. v. South Coast Regional Commission* (1976) 17 Cal.3d 785).

In order to acknowledge a claim of vested right for a specific development, the Commission must find that the claimant met all applicable permit requirements for the project and, at a minimum, performed substantial work and/or incurred substantial liabilities in good faith reliance on the permits or approvals that were granted prior to January 1, 1977. Similarly, a claim of vested right will be acknowledged if the claimant performed substantial work and/or incurred substantial liabilities in good faith reliance on the ability to conduct the development without any permits or specific governmental approvals prior to January 1, 1977.

The burden of proof is on the claimant to substantiate the claim of vested right. (Title 14, California Code of Regulation, Section 13200). If there are any doubts regarding the meaning or extent of the vested rights exemption, they should be resolved against the person seeking the exemption. (*Urban Renewal Agency v. California Coastal Zone Conservation Commission* (1975) 15 Cal.3d 577, 588).

A narrow, as opposed to expansive, view of vested rights should be adopted to avoid seriously impairing the government's right to control land use policy. (*Charles A. Pratt Construction Co. v. California Coastal Commission* (1982) 128 Cal.App.3d 830, 844, citing, *Avco v. South Coast Regional Commission* (1976) 17 Cal.3d 785, 797). In evaluating a claimed vested right to maintain a nonconforming use (i.e., a use that fails to conform to current zoning), courts have stated that it is appropriate to "follow a strict policy against extension or expansion of those uses." *Hansen Bros. Enterprises v. Board of*

*Supervisors* (1996) 12 Cal.4<sup>th</sup> 533, 568; *County of San Diego v. McClurken* (1957) 37 Cal.2d 683, 687).

The following vested rights analysis is based on information submitted by the claimant and supplemental Commission staff research or official Commission and County records.

## **2. Background Regarding Property**

The subject property is currently owned by Robert K. Levin and is identified as APN Number 4455-028-044. Levin apparently acquired the property from Charles Boudreau, or a member of the Boudreau family, around 1996. Charles Boudreau, or a member of the Boudreau family, apparently acquired the property from the Claretian Mission around 1978. The property is approximately 31 acres in size. The parcel is bisected by the coastal zone boundary. The location of the parcel is shown on the "boundary determination" for the property that the Coastal Commission prepared in April 2000. (Exhibit 1). Approximately 80% of the parcel is located in the coastal zone and is subject to the Coastal Commission's jurisdiction. This staff report only addresses the part of the property (or "site") at 2200 Stokes Canyon Road that is located in the coastal zone.

The facility currently has approximately 50 covered, indoor horse stalls. It could accommodate twice this number of horses if they are kept two in a stall or kept in the outdoor corrals. Stokes Canyon Creek crosses the property. Pipe corrals are located approximately 30 feet from the bank of the creek. Horse washing facilities are also located near the creek and drainage from the horse washing facilities is discharged into Stokes Canyon Creek. A dirt road leads across Stokes Canyon Creek and is used for horses to walk across the creek.

In November, 1998, Malibu Valley Farms, Inc. sought an "exemption" from the Coastal Act permit requirements for replacement of pipe corrals and other structures at the site that were destroyed by a wildfire in 1996. (Exhibit 2). The 1998 letter requesting the exemption was from Brian Boudreau, President of Malibu Valley Farms, Inc. After receiving a notice of intent to initiate enforcement proceedings from the Coastal Commission, Malibu Valley Farms, Inc. (along with Boudreau and Levin) also submitted a "Statement of Defense" dated April 10, 2000 to the Coastal Commission staff. (Exhibit 3). The Commission notes that from 1998 until at least May 2000, a different corporation, Malibu Valley Farms, Inc., represented to the Commission staff that it operated the horse boarding facility at the site.

The current claim of vested rights was submitted in June 2000 by a different corporation, Malibu Valley, Inc. Malibu Valley, Inc. states that it is the current operator of the horse boarding facilities at the site. Boudreau is also the President of Malibu Valley, Inc.

In his November 1998 letter requesting an exemption, Boudreau stated that the proposed replacement structures did not expand "the horse farming activities which have been conducted on the land for the past 23 years." (Exhibit 2). On December 7, 1998, the Coastal Commission granted Brian Boudreau an exemption from the Coastal Development Permit requirements for replacement of 14 pipe corrals (totaling 2,500

square feet) at the site. However, the Commission rescinded this exemption shortly thereafter, in January 1999, because it was discovered that the horse corrals and barn at the site were constructed without building permits from Los Angeles County and were therefore not considered vested development under the Coastal Act. The exemption from the Coastal Act's permit requirements for replacement of structures destroyed by a fire (Section 30610(g)), only applies for structures that were either legally constructed prior to the Coastal Act, or were constructed after the Coastal Act with the appropriate authorization under the Act.

The Commission staff contacted Boudreau on January 14, 1999 and sent him a letter dated January 22, 1999, informing him that the exemption was revoked. (Exhibit 4). The letter also stated that a Coastal Development Permit is required for the horse riding area, polo field, numerous horse corrals, barn, and accessory buildings at the site and directed Boudreau to submit an after-the-fact application for such a permit.

No application for a Coastal Development Permit has been submitted for the development at the site. In November 1999, several Coastal Commission staff members conducted an inspection at the site and took photographs of the site. On March 2, 2000, Coastal Commission staff members conducted another inspection of the site from Stokes Canyon Road and Mulholland Highway, and took photographs of the site. During this inspection, a Commission staff member observed that construction was going on at the property. She observed stacks of irrigation sprinklers and 20 foot long pipes that workers were carrying onto the property. In March 2000, Commission staff notified Levin and Boudreau that it intended to initiate cease and desist proceedings regarding the development at the site. Levin, Boudreau and Malibu Valley Farms, Inc. submitted a Statement of Defense dated April 10, 2000. (Exhibit 3). The Statement of Defense states that "horses have been raised and trained on the property since the mid 1970s." (*Id.* Para. 5).

### **3. Development Claimed As Exempt From Coastal Act Requirements**

Malibu Valley has applied for an exemption from the CDP requirements of the Coastal Act, contending that it has a vested right to conduct agricultural and livestock activities and erect and maintain structures in connection with those activities at the property at 2200 Stokes Canyon Road, Calabasas. (Exhibit 5, Application for Claim of Vested Rights) and (Exhibit 6, letter dated November 3, 2000 supporting Claim of Vested Rights).

Malibu Valley claims this vested right for all development shown on the large-scale map submitted with its application form. The map is attached as an exhibit in reduced form. (See, Exhibit 5, Claim of Vested Rights, Exhibit C - Sheet #2). It identifies the following structures located in the coastal zone: equestrian riding arena (240'x 05'); arena with wooden wall (150'x 300'); one story barn (24'x60'); proposed 24'x24'x10' covered shelter; existing corrals proposed roof to be added (2 - 45'x45'); storage container (8'x20'); back to back mare motel (2,600 square feet); 9 parking stalls; 4 existing 20'x20' portable pipe corrals; equipment storage shelter (16'x18'); portable storage trailer; cross tie area; 28 existing 24'x24' portable pipe corrals; tack room w/o porch; cross tie shelter; tack room with porch. The map indicates that all of these structures are currently present at the site

except the proposed 24'x24'x10' covered shelter and the roof of the two existing 45'x45' corrals.

Malibu Valley contends that its agricultural and ranching activities at the site constitute development that was "vested" in the 1930s; therefore, they were vested prior to January 1, 1977, the effective date of the Coastal Act. The claimant asserts that no governmental authorization was necessary at the time that the agricultural and livestock activities on the site began. Additionally, Malibu Valley asserts that the scope of its vested rights to conduct agricultural and livestock activities encompasses the right to make changes, repairs, and/or additions to structures at the site and to agricultural and livestock uses at the site, and to construct new structures connected to those uses, after the effective date of the Coastal Act and at any time in the future, without complying with the Act's requirements.

#### **4. Evidence Presented by Claimant**

Malibu Valley submitted a vested rights application form with numerous exhibits (Exhibit 5), including large-scale maps showing the development at the site. It also submitted a letter from Malibu Valley's attorney dated November 3, 2000 (Exhibit 6) further explaining the claim of vested rights. One of the maps provided with the application (Exhibit 5, Application for Claim Of Vested Rights, Exhibit C - "Sheet No. 2") shows the size, location, and name of all currently existing and proposed structures at the site. In support of its application, Malibu Valley has also provided declarations setting forth the evidence summarized below. The declarations are found in Exhibit B of the Application for Claim of Vested Rights.

**Declaration of Warren Larry Cress** – Mr. Cress executed a declaration stating that in 1967, when it was owned by Claretian Missionaries, the property was used for agriculture, growing oat hay, raising livestock, grazing and raising sheep. Mr. Cress also states that the Missionaries had horses on the property. He states that during a wildfire in 1969 or 1970, that people brought over 100 horses from all over the area to the property and they were kept in fenced areas that had been used for the sheep. Other than fences for the sheep, the Cress declaration does not indicate that any particular structures were located at the property at that time.

**Declaration of Virgil Cure** – Mr. Cure executed a declaration stating that cattle were raised on the property from 1952 until 1978; that it was used for farming oat hay until the late 1960s or early 1970s; and that sheep were raised on the east side of Stokes Canyon Road until 1978. The Cure declaration does not indicate that horses were raised or boarded on the property or that any particular structures were located at the property during that time.

**Declaration of Dominic Ferrante** – Mr. Ferrante executed a declaration stating that he was general manager for the Claretian Missionaries from 1974 to 1988. He states that the property was used for growing oat hay and grazing livestock, including cattle and sheep during this time. Ferrante states that he was involved in sale of the property to the Boudreau family in 1978 and subsequent to that time he visited the property about twice a

year. The structures located at the site that Mr. Ferrante identifies are fences, corralling facilities and feeding facilities. He states that these facilities were moved during planting seasons and then returned either to the same location or another location on the property. The Ferrante declaration does not indicate that horses were boarded at the property.

Declaration of Luigi Viso – Mr. Viso executed a declaration stating that he raised sheep (approximately 2000 ewes and a large number of rams) on the property from 1969 through 1975. He states that there were holding pens and a stocking area on the flat area of the property, and there was a horse barn nearby. Mr. Viso also states that there was a large fire in 1969 and people brought more than 100 horses to put in the corralled area that he used for his sheep. Mr. Viso also provided a videotape of his sheep being used in 1983 or 1984 to save the community from the risks of fire in the area.

## **5. Analysis of Claim of Vested Rights**

### **A. Malibu Valley, Inc. Has Not Demonstrated Any Right, Title or Interest That Authorizes it to Claim Vested Rights to Development at the Site**

Malibu Valley, Inc. has not demonstrated that it has any right, title or interest to use, occupy or construct any structures at the site or to conduct activities at the site. Malibu Valley has represented that it operates a horse boarding facility at the site; however, it has not provided any lease or other agreement documenting its rights with respect to the site. In addition, the Commission notes that from 1998 until at least May 2000, a different corporation, Malibu Valley Farms, Inc., represented to the Commission that it was the operator of the horse boarding facility at the site.

In January 1999, Robert Levin, the property owner, signed a grant of authority to Brian Boudreau, President of Malibu Valley Farms, Inc., to sign "all permits or other documents necessary to facilitate the replacement of the pipe barn burned by the 1996 wild fire." (Exhibit 8). However, this grant does not extend to the claimant in this matter, Malibu Valley, Inc., and even if it did, it does not demonstrate a sufficient right, title or interest in development at the site to enable Malibu Valley, Inc. to establish a vested right to any of that development.

Since Malibu Valley, Inc. has not demonstrated that it has any legal right, title or interest in development at the site, the Commission finds that Malibu Valley, Inc. cannot establish that it has a vested right for any development at the site.

### **B. The Development Currently Located at the Site Was Constructed After the Effective Date of the Coastal Act and is Not Exempt From Coastal Act Requirements**

The Commission has reviewed aerial photographs of the site taken in 1952 and 1977. These photographs do not show any of the structures for which Malibu Valley claims a vested right. At the time these photographs were taken, any structures that were



previously constructed on the site had been removed. Correspondence to the Commission from Brian Boudreau, President of Malibu Valley, states that all of the structures/improvements used for horse farming operations at the site were destroyed by a combination of wildfire in 1996 and heavy rains and flooding in 1997/1998. (Exhibit 2). Mr. Boudreau confirmed in conversations with Commission staff that the structures at the site had all been destroyed by 1998. Commission staff has also observed the structures at the site and determined that they are made of newer materials and were constructed more recently than 1977. Malibu Valley has not submitted any evidence purporting to establish that any of the particular structures currently located at the site were constructed prior to January 1, 1977.

Rather, Malibu Valley contends that the existing structures were built to repair and/or replace prior structures that were "vested" or to facilitate uses of the property that were "vested" prior to the Coastal Act, and that Malibu Valley has a vested right to build these replacement structures. Malibu Valley further appears to claim that it has an unlimited vested right to construct structures on the site in the future, as long as those structures are connected to agricultural or livestock activities on the site. As explained below, the Coastal Commission rejects Malibu Valley's position.

The Coastal Act recognizes vested rights "in a development." (Section 30608). Under the Coastal Act, vested rights cannot be established for new development that is constructed after the effective date of the Coastal Act. The Coastal Act specifies that when a vested right to a development is established "no substantial change may be made in any such development without prior approval having been obtained under this division." (Section 30608). No vested right exists to build an entirely new structure to replace a vested structure. "Development" under the Coastal Act includes "construction, reconstruction, demolition, or alteration of the size of any structure, ..." (Section 30106). "Structure" includes but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power ...." (Coastal Act Section 30106).

The vested right is limited to the particular development completed prior to the Coastal Act, or the particular development for which there was good faith reliance to the claimant's detriment on authorization for the development that existed prior to the Coastal Act. Building the new structure is new development subject to the requirements of the Coastal Act and also is a substantial change in the vested development present at the site, which requires compliance with the Act.

Thus, even assuming that the claimant had established a vested right to maintain certain structures at the site (which it has not), there is no vested right to replace a vested structure with a new structure, without complying with the requirements of the Coastal Act. This simply means that when the useful life of the vested structure has ended, a permit under the Coastal Act is required prior to replacing it with a new structure. Furthermore, if a particular structure or use at the property is vested, any substantial expansion of the structure or use also is "new development" and is not part of the vested right.

This position is consistent with the rule that vested rights claims are narrowly construed against the person making the claim. (*Urban Renewal Agency v. California Coastal Commission* (1975) 15 Cal.3d 577). Accordingly, vested rights to conduct an activity at the site are limited to specific identified activities that meet the requirements for establishing a vested right. Other related development undertaken at a later time to modify or update the manner in which the vested activity is conducted, or to facilitate the vested activity, is not vested or exempt from current permit requirements. (See, *Halaco Engineering Co. v. So. Central Coast Regional Commission* (1986) 42 Cal.3d 52, 76 (court acknowledged vested right to operate a foundry that had obtained all necessary local approvals prior to the effective date of the Coastal Act, but denied a vested right for a propane storage tank that was installed later, although it was characterized as "incidental" to the foundry operation and an "integral" part of that operation). In *Halaco*, the court found that the propane tank at issue "was not, however, an integral part of the process prior to 1973 when it was placed on the property. It is, therefore, a change or new development for which a permit was required if it meets the statutory definition of development." 42 Cal.3d at 76. Similarly, new development conducted by Malibu Valley after January 1, 1977, is subject to the requirements of the Coastal Act.

As explained above, vested rights do not extend to new development that occurs after the effective date of the Coastal Act. In addition, the Coastal Act does not allow substantial changes to vested development without complying with the Act. Thus, even if Malibu Valley had established a vested right to board a certain number of horses (which it has not), the scope of the vested right is limited to only what existed at the time of vesting. Any substantial change, such as a substantial increase in the number of horses boarded at the site, or construction of new structures used for exercising, sheltering, or caring for the horses, are not vested and are subject to the requirements of the Coastal Act.

Thus, a Coastal Development Permit is required for a substantial repair or addition to a vested structure, for demolition of such structure, or for building a new structure to replace the vested structure. Since Malibu Valley has indicated that all structures at the site were destroyed by a combination of wildfire in 1996 and storms and flooding in 1997/1998, any vested structures at the site were destroyed and have been replaced with entirely new structures. Therefore, this is not a case involving only an insubstantial repair or addition to a vested structure.

Malibu Valley's claim of vested rights is so broad that it would cover any structure built on the site in the future as long as it is "connected" to agricultural or livestock activities that were allegedly vested prior to the Coastal Act. Under this theory, an unrestricted amount of development could occur at the site and neither the Coastal Act nor any local ordinances would ever apply, because the development would be within the scope of Malibu Valley's vested rights. The Coastal Commission rejects this expansive view of vested rights.

Malibu Valley's theory is contrary to numerous legal decisions regarding local government regulation of nonconforming development. With respect to nonconforming uses, "courts should follow a strict policy against extension or enlargement of those uses." (*Hansen*

*Brothers Enterprises v. Board of Supervisors* (1996) 12 Cal.4<sup>th</sup> 533, 568; *County of San Diego v. McClurken* (1951) 37 Cal.2d 683, 687; *Sabek, Inc. v. County of Sonoma* (1987) 190 Cal.App.3d 163, 166). It is also "well settled that a nonconforming use does not entitle the owner of the property to increase the size of his permanent buildings." (*Francis Edmonds v. County of Los Angeles* (1953) 40 Cal.2d 642, 652 (denying right to bring additional trailers onto property where nonconforming trailer park is located), citing, *Rehfeld v. City and County of San Francisco* (1933) 218 Cal.83, 85). "Intensification or expansion of the existing nonconforming use, or moving the operation to another location on the property is not permitted." *Hansen*, 12 Cal.4<sup>th</sup> at 552. Pursuant to these principles, municipal zoning ordinances generally provide that nonconforming uses may be continued, but there is no right to enlarge or rebuild a nonconforming use after destruction. (*Sabek, Inc. v. County of Sonoma* (1987) 190 Cal.App.3d 163, 166). An ordinance granting a vested right to maintain a nonconforming use is not open ended: "The object of such provision is the gradual elimination of the nonconforming use by obsolescence or destruction by fire or the elements, and it has been frequently upheld by the courts." (*Id.*, citing, *Rehfeld v. San Francisco* (1933) 218 Cal.83, 84-85).

In summary, the Coastal Commission finds that Malibu Valley has not provided evidence establishing that any of the existing structures at the site were constructed prior the effective date of the Coastal Act. The Commission finds that the construction of the existing structures at the site was new development that occurred after the effective date of the Coastal Act and, even if it was for the purpose of replacing vested structures, the new development is not exempt from the requirements of the Coastal Act. The Commission also finds that the construction of the existing structures at the site, even if it was for the purpose of facilitating, updating, or modifying a vested use of the site, was a substantial change to any prior vested development and was not exempt from the requirements of the Coastal Act. Accordingly, the Commission finds that Malibu Valley did not have a vested right to construct, and does not have a vested right to maintain, the existing structures at the site, without complying with the Coastal Act. Similarly, the Commission finds that Malibu Valley does not have a vested right to build new structures at the site in the future, without complying with the Coastal Act.

**C. The Site is Not Currently Used For Agriculture or Raising Sheep, Goats or Cattle and There Is No Vested Right to Resume Such Activities**

Coastal Commission staff inspected the site in November 1999. Commission staff had the opportunity to observe all of the site, and did not observe any use of the site for growing crops or raising sheep, goats or cattle. Coastal Commission staff again observed the site from Stokes Canyon Road and Mulholland Road in March 2000 and did not observe any use of the site for growing crops or raising sheep, goats or cattle. Coastal Commission staff have, however, observed that areas of the site are irrigated pastures where horses are permitted to graze. In his November 18, 1998, Brian Boudreau, asserted that the site was used by Malibu Valley Farms for horse farming activities for 23 years; however, he never asserted that a use of the site at that time was growing crops or raising sheep, goats or cattle.

Malibu Valley has not provided any documentation of expenditures for growing crops or raising sheep, goats or cattle at the site nor has it provided any documentation of income generated by the sale of crops, or from raising sheep, goats or cattle. Accordingly, Malibu Valley has not provided evidence indicating that whatever growing of crops and/or raising of sheep, goats, or cattle occurred at the site in the 1930s, or prior to January 1, 1977, is a continuing activity at the site. Mr. Cure, who stated in his declaration that the property was continuously used for farming until he retired in 1993, appears to have included "horse farming" activities when he said the site was "used for farming." (Exhibit 5, Application for Claim of Vested Rights, Exhibit B – Declaration of Virgil Cure). When he more specifically discussed using the site for growing crops, however, he stated that growing oat hay was only conducted until the late 1960s or early 1970s. (*Id.*) Similarly, he stated specifically that the site was used for raising cattle until 1978 and that sheep were raised on the property prior to 1978. (*Id.*)

The evidence indicates that whatever growing of crops and raising sheep, goats and cattle was previously conducted at the site are uses of the site (and "development") that were voluntarily discontinued, abandoned and/or removed. Thus, Malibu Valley cannot demonstrate any "investment" or "reliance" on a prior ability to conduct these activities at the site without a Coastal Development Permit. This is consistent with the case law directing that vested rights should be narrowly construed to avoid seriously impairing the government's right to control land use policy. (*Urban Renewal Agency v. California Coastal Zone Conservation Commission* (1975) 15 Cal.3d 577, 588; *Charles A. Pratt Construction Co. v. California Coastal Commission* (1982) 128 Cal.App.3d 830, 844). Similarly, as is a common practice, Los Angeles County ordinances contain provisions for termination of the right to maintain a prior nonconforming use of property, if the use is abandoned or discontinued. (L.A. County Code, Title 22, Section 22.56.1540).

Because these uses of the site were discontinued, abandoned and/or removed, the Commission finds that Malibu Valley has no vested right to resume growing of crops or raising sheep, goats or cattle, or conduct such activities at the site in the future, without complying with the Coastal Act.

In addition, the Commission finds that the prior use of the site for growing crops and raising sheep and cattle was a different nature and extent of use than the current horse boarding facility at the site. These prior activities did not involve the type of extensive structures that are currently part of the horse boarding facility at the site. Therefore, those prior activities did not create a vested right for the horse boarding facility at the site.

**D. Evidence Was Not Provided to Establish that Specific Structures Were Present or Specific Horse Boarding Activities Were Conducted Either in the 1930s, or Prior to January 1, 1977**

The evidence provided in support of Malibu Valley's claim of vested rights to continue development that began in the 1930s is too general and vague to enable the Commission to acknowledge a vested right for a particular structure, or for operating a horse boarding

facility at the site. Malibu Valley asserts that livestock and agricultural activities began at the site in the 1930s and existed over the entire site. However, Malibu Valley has not identified a particular structure (i.e., "development" under the Coastal Act) that existed at a particular location in the 1930s. Therefore, the Commission cannot find that Malibu Valley has a vested right to maintain any structures at the site based on the claim that they were legally constructed in the 1930s.

Malibu Valley also asserts that agricultural and livestock activities were conducted over the entire site since the 1930s. The evidence Malibu Valley provides to document this claim includes several declarations. As explained above, Malibu Valley has not provided any evidence that growing crops, raising sheep, goats or cattle is continuing at the site and therefore, there is no vested right to resume these activities. In addition, the raising sheep and cattle that is described in the declarations submitted by Malibu Valley is a different nature and extent of use than the horse boarding facilities currently located at the site. Those earlier activities did not require the extensive structures currently present at the site. Therefore, those prior activities did not create a vested right for the horse boarding facility currently located at the site.

No evidence was submitted that establishes that horses were boarded or raised at the site in the 1930s. Malibu Valley did provide declarations asserting that the Claretian Missionaries had horses on the property when they owned it and that after a wildfire in 1969, approximately 100 horses were brought to the site temporarily. (Exhibit 5, Application for Claim of Vested Rights, Exhibit B - Declarations of Warren Larry Cress and Luigi Viso). The evidence of a one-time temporary use of the site to keep horses after a wildfire does not establish vested right to continuously maintain that number of horses at the site. The use was merely a temporary, short-term use in response to a natural disaster. Malibu Valley has also not provided sufficient evidence to establish the nature and extent of horse raising or boarding activities that it states began prior to the effective date of the Coastal Act. A vested right is limited to the actual extent or scope of the activity that was being lawfully conducted prior to the Coastal Act. A vested right to raise and board horses cannot be open-ended, allowing an unlimited number of horses at the site. In this case, the Commission was provided no evidence that enables it to determine the scope of the alleged vested right to raise and board horses. Whether such a right exists for five horses or fifty horses makes a very significant difference to the extent of impacts occurring to resources protected by the Coastal Act, for which there is a vested right. Malibu Valley's claim of vested right is too general and vague for the Commission to acknowledge. The Coastal Commission finds that because Malibu Valley has not met its burden of establishing that it has a vested right to raise or board any particular number of horses at the site, the claim of vested rights for this use must be denied.

The evidence regarding structures at the site is too general and vague to establish a vested right to a particular structure. Mr. Viso says in his declaration that "[t]here was a horse barn nearby" however, he does not identify the specific location of the barn or even say if it was located on the parcel that is the subject of this claim. (Exhibit 5, Application for Claim of Vested Rights, Exhibit B - Declaration of Luigi Viso). Mr. Ferrante's declaration indicates that he was the General Manager for the Claretian Missionaries from 1974

through 1988 and structures including fences, corralling facilities and feeding facilities were constructed at various places on the Property. (Exhibit 5, Application for Claim of Vested Rights, Exhibit B - Declaration of Dominic Ferrante). He states these structures would be moved during planting season and then returned either to the same location or to another location. (*Id.*) Therefore, these were movable structures, and no specific location where they were located was identified.

With respect to structures that were allegedly constructed at the site by Malibu Valley beginning in the mid-1970s, this information is also too general and vague to establish a vested right. Boudreau stated in his letter requesting an exemption that Malibu Valley had been conducting horse farming activities at the site for 23 years, i.e., since 1975. (Exhibit 2). Therefore, any pre-coastal structures erected by Malibu Valley at the site must have been constructed between 1975 and January 1, 1977. However, Malibu Valley has not identified the specific location of any structures that it constructed between 1975 and 1977. Nor has it provided building permits for such structures. We are informed that a Los Angeles County ordinance in effect in 1975 would require a building permit for covered horse stalls and a barn. (Los Angeles Code, Title 26, Sections 101-106). Since Malibu Valley has not provided evidence that it acquired a building permit for covered horse stalls or a barn built prior to the Coastal Act, there is no vested right to erect or maintain such structures on the site. Furthermore, since Malibu Valley has not identified the specific location of any structures that it erected at the site prior to January 1, 1977, it has not provided evidence that would enable the Commission to acknowledge a vested right to a particular structure.

The Commission also notes that there is additional development on the site that is not mentioned specifically by Malibu Valley in its claim of vested rights, including irrigation structures, drainage structures discharging into Stokes Canyon Creek and a dirt road crossing Stokes Canyon Creek. Malibu Valley has not submitted any evidence indicating that this development occurred in the 1930s or that it existed at any time prior to January 1, 1977. However, this development would be included under Malibu Valley's claim that all development present at the site or occurring in the future is covered by vested rights, if it is "connected" to agricultural or livestock activities that are allegedly vested. The Commission specifically finds that Malibu Valley has not establish a vested right to erect or maintain any of the development mentioned in the first sentence of this paragraph, even if it is for the purpose of furthering or facilitating horse farming activities at the site, because Malibu Valley has not provided any evidence of when the development occurred. Therefore, it has not met its burden of establishing that the development was legally constructed prior to January 1, 1977.

#### **E. County Position Regarding Status of Site**

The site is zoned by the County as A-1 (Light Agriculture). The County of Los Angeles has determined that Malibu Valley was required to obtain building permits prior to construction of the covered horse stalls and barn that are currently located at the site and that were constructed after 1977. (Exhibit 7, County letter revoking building permits). A building permit is required for these structures pursuant to Los Angeles Code, Title 26, Sections

101-106). The building permit requirement was enacted by the County in Ordinance No. 1494, Adopted in 1927, and has been in effect since that time for any structure not expressly exempt from the permit requirement. The County required a building permit for any covered horse stalls and barns that Malibu Valley may have constructed in 1975-1977. Malibu Valley has not provided evidence that it ever obtained a building permit for such structures prior to the Coastal Act.

The Commission finds that all applicable local approvals for construction of the covered horse stalls and barn currently located at the site have not been obtained. In addition, the Commission finds that all applicable local approvals were not obtained for construction of any fixed structures located at the site prior to the effective date of the Coastal Act that were subsequently destroyed. Therefore, Malibu Valley has not established that it has a vested right to maintain the existing structures at the site, without complying with the Coastal Act.

### **Conclusion**

For all the reasons set forth above, the Commission finds that Malibu Valley has not met the burden of proving its claim of vested rights for development at 2200 Stokes Valley Road. This is not a determination of whether, ultimately, the current development at the site can be allowed. Rather, the decision to deny the claim of vested rights means only that no development is authorized until the claimant goes through the permitting process under the Coastal Act.

The Commission also finds, for the reasons discussed above, that the evidence does not establish that Malibu Valley Farms, Inc., which from at least 1998 until May 2000 represented to the Commission that it was operating the horse boarding facilities at the site, has a vested right to any development at the site.

**SG/sg**





## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



April 19, 2000

Jan Perez, Statewide Enforcement Program  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

SUBJECT: **Boundary Determination No. 18-2000**  
**APN 4455-028-044, Los Angeles County**

Dear Ms. Perez:

Enclosed is a copy of a portion of the adopted Coastal Zone Boundary Map No. 135 (Malibu Beach Quadrangle) with the approximate location of Los Angeles County APN 4455-028-044 indicated. Also included is an assessor parcel map exhibit that includes the subject property, to which the coastal zone boundary has been added.

Based on the information provided and that available in our office, the APN 4455-028-044 appears to be bisected by the coastal zone boundary in the manner indicated on Exhibit 2. Any development activity proposed within the coastal zone would require coastal development permit authorization from the Coastal Commission.

Please contact me at (415) 904-5335 if you have any questions regarding this determination.

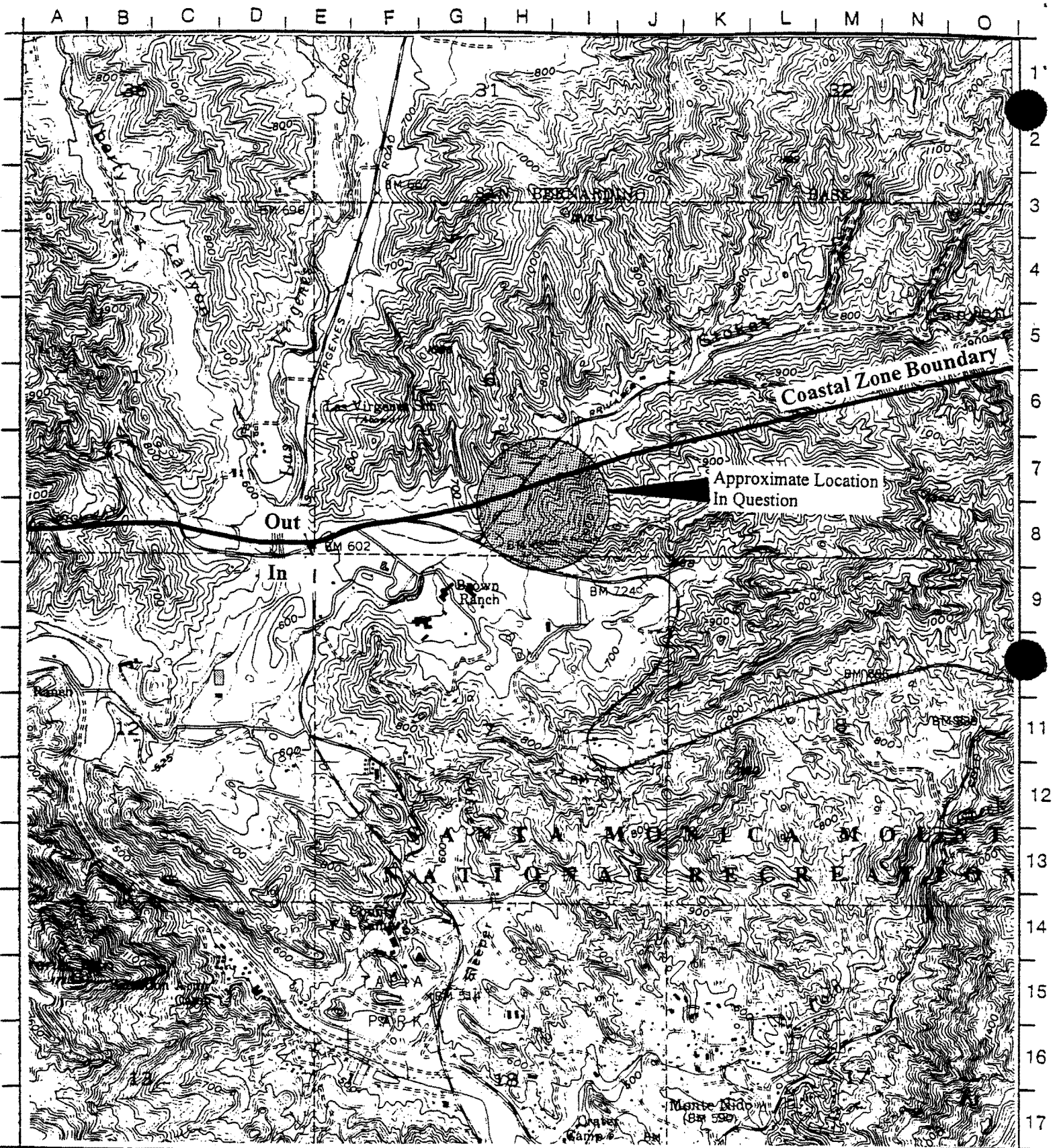
Sincerely,

Darryl Rance  
Mapping/GIS Unit

Enclosures

cc: Jack Ainsworth, CCC-SCC

<b>EXHIBIT NO. 1</b>
<b>APPLICATION NO.</b> 4-00-279-VRC
Boundary Determination 18-2000 (4/19/2000)
California Coastal Commission



BD#18-2000

APN 4455-028-044



California Coastal Commission

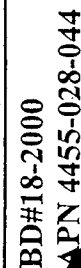
Portion of Adopted Coastal  
Zone Boundary Map No. 135  
(Malibu Beach Quadrangle)

1000 0 2000  
feet



County of Los Angeles

Exhibit 1





4-98-125-7

# MALIBU VALLEY FARMS, INC.

---

November 19, 1998

VIA FEDERAL EXPRESS

Mr. Jack Ainsworth  
California Coastal Commission  
South Central Coast Area  
89 South California Street, Suite 200  
Ventura, California 93001

RECEIVED  
NOV 20 1998

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Re: **Malibu Valley Farms, Inc.**  
**Replacement of Horse Farming Structures Destroyed by Disaster**

Dear Mr. Ainsworth:

This letter is a follow-up to my telephone conversation on November 18, 1998, with Sue Brooker regarding the replacement by Malibu Valley Farms, Inc. of pipe corrals and other structures that were damaged or destroyed by disaster.

Malibu Valley Farms operates a horse farm on land east of Stokes Canyon Road and north of Mulholland Highway in the unincorporated area of Los Angeles County. For your convenience, I have enclosed with this letter a site plan showing the location of the land on which Malibu Valley Farms intends to replace the destroyed structures. This area is within the Coastal Zone. In connection with its horse farming activities, Malibu Valley Farms installed and erected several large covered pipe corrals, a separate storage room for tack, and a large covered bin used to protect stall shavings from the elements. These improvements were erected prior to the passage of the Coastal Act and were located just north of Mulholland Highway.

In 1996, the pipe corrals and the related improvements were destroyed by the intense fires that swept through the Santa Monica Mountains. Copies of several newspaper photographs showing the effects of the fires on the land used by Malibu Valley Farms for its horse farming operation are enclosed. What little that remained of the improvements was destroyed this past winter by the severe flooding that caused severe erosion due to unusually heavy rains.

EXHIBIT NO. 2
APPLICATION NO.
4-00-279-VRC
Malibu Valley Farms
Ltr (11/19/1998)


Malibu Valley Farms is now in the process of replacing the structures destroyed by the disasters with a new covered pipe barn structure. A copy of the structural elevations for the replacement structures is enclosed. The structural plans and the location of the replacement structure have been approved by the County. Although the replacement structure meets County setback requirements and is permitted under the A-1-10 zoning, because it will be erected on land within the Coastal Zone, the County has requested that we furnish a Coastal Commission exemption letter.

The new structure is replacing the covered pipe corrals, storage barn, tack room, and other improvements that were destroyed by the fires and floods. The new pipe barn is sited in the same location on the affected property as the improvements that were destroyed and does not exceed the floor area, height, or bulk of the destroyed structures by more than 10 percent. To meet the new County setback requirements, we intend to replace the destroyed structures with pipe corrals connected by a contiguous roof and thereby concentrate the improvements in a smaller area. The replacement of the destroyed structures does not involve any expansion of the horse farming activities which have been conducted on the land for the past 23 years.

As we have discussed, Malibu Valley Farms would like to complete this work as soon as possible in order to prepare for the impending winter rains. Therefore, I ask that you forward a letter confirming that no coastal development permit is needed for this work to my office at your earliest convenience. If you require any additional information, please do not hesitate to call.

Thank you for your assistance and courtesy.

Sincerely,

  
Brian Boudreau, President  
Malibu Valley Farms, Inc.

Phillip R. Nicholson\*  
Lawrence Teplin  
Ronald I. Silverman\*  
Mario Camara  
George D. Calkins, II  
John H. Kuhl  
Arthur O. Spaulding, Jr.  
Jeffrey Lapota  
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Douglas P. Snyder  
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Stanley W. Lamport  
Randall W. Black  
Perry D. Mociaro  
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D. Scott Turner  
Sandra C. Stewart  
Mathew A. Wyman  
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Paul J. Titcher  
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Alfred F. DeLeo

Stathi G. Marcopulos  
Camellia Kuo Schuk  
Charles J. Moore  
Herbert J. Klein  
Estelle M. Braaf  
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Jonathan Sears  
Scott L. Grossfeld  
Robert M. Haight, Jr.  
Richard J. Kaiser  
Anne-Marie Reader  
Perry S. Hughes  
John P. Sharkey  
Veronica P. Davies  
Judy Man-Ling Lam  
Leigh Otsuka Linder  
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Sean W. Southard  
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Hans Lauterbach  
Mitchell Poole  
Carolyn Yashari Becher  
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April 10, 2000

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Facsimile (415) 397-1095

OUR FILE NO.

32051

WRITER'S DIRECT DIAL NUMBER

(310) 284-2275

WRITER'S E-MAIL ADDRESS

slamport@ccnlaw.com

## VIA FACSIMILE AND U.S. MAIL

Ms. Jan E. Perez  
Statewide Enforcement Program  
California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, California 94105-2219

Re: Coastal Act Violation File No. V-4-00-001

Dear Ms. Perez:

I enclose a revised statement of defense of behalf of Robert Levin, Brian Boudreau and Malibu Valley Farms, Inc. ("MVFI"). MVFI leases and operates the farm and horse facilities located on the property in question. Mr. Boudreau is the president of MVFI. Accordingly, I have revised the statement of defense to properly reference the proper parties and their relationship to the property in question. There are no other changes to the statement. The enclosed statement of defenses supercedes the statement I sent you earlier today. My apologies for any inconvenience this may cause.

It is not clear from your most recent correspondence whether the notice of intent is being directed to Mr. Boudreau individually or to MVFI, which is the entity that actually has the property interest in the facilities that appear to be in question. Accordingly, until that is clarified, we continue to appear on Mr. Boudreau's behalf in this matter as well as on behalf of MVFI, which we believe is the proper party in this matter

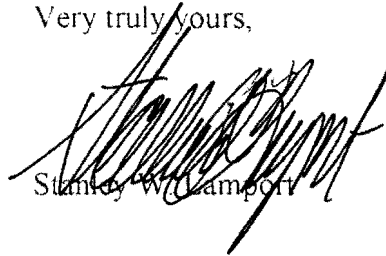
<b>EXHIBIT NO.</b>	3
<b>APPLICATION NO.</b>	4-00-279-VRC
Cox, Castle, et al. Ltr (4/10/2000)	
California Coastal Commission	

\*A Professional Corporation

Ms. Jan E. Perez  
April 10, 2000  
Page 2

If you have any questions, please call me.

Very truly yours,



Stanley W. Lamport

SWL

32051 834244v1

cc: Mr. Brian Boudreau  
Mr. Robert K. Levin



**1. Facts or allegations contained in the cease and desist order or the notice of intent that you admit (with specific reference to the paragraph number in such document):**

The notice of intent is vague and does not contain sufficient detail to permit Mr. Levin and Malibu Valley Farms, Inc. ("MVFI") to provide a complete response. The notice of intent does not contain numbered paragraphs. It appears that the factual allegations are limited to the three paragraphs on the first page of the March 7, 2000 letter. This response is directed to those paragraphs. Mr. Levin and MVFI admit that Sue Brooker of the Commission sent Mr. Boudreau at MVFI a letter dated January 22, 1999, requesting, among other things, that MVFI submit an after-the-fact coastal development permit by February 26, 1999. Mr. Boudreau was informed that an ERB review through the County of Los Angeles would be necessary as part of the application and that the County would not process an ERB as a result of a dispute over an alleged code violation concerning the boarding of horses which Mr. Boudreau has spent the last year working with the County to resolve. Mr. Boudreau discussed the matter with Ms. Brooker, who told Mr. Boudreau to submit an application after issues with the County had been resolved. Mr. Boudreau and counsel discussed the matter with Mr. Ainsworth last November. Mr. Ainsworth informed Mr. Boudreau that he would get back to him to work out a process to resolve the permitting issue.

**2. Facts or allegations contained in the cease and desist order or the notice of intent that you deny (with specific reference to the paragraph number in such document):**

The notice of intent is vague and does not contain sufficient detail to permit Mr. Levin and MVFI to provide a complete response. For the reasons stated above, this response is directed to the first three paragraphs in the March 7, 2000 letter. Based on what Mr. Levin and MVFI can reasonably ascertain from the general statements in the notice of intent and the information presently available to Mr. Levin and MVFI, they deny the remaining allegations in the first three paragraphs. They specifically deny that development has been undertaken in a manner that is inconsistent with the Coastal Act, that unpermitted construction took place between 1997 and 1999, that staff first became aware of unpermitted development in October 1998, and that they have failed to resolve this matter as required at the district office level.

**3. Facts or allegations contained in the cease and desist order or notice of intent of which you have no personal knowledge (with specific reference to paragraph number in such document):**

The Notice of Intent is vague and does not contain sufficient detail to permit a complete response. For the reasons stated above, this response is directed to the first three paragraphs in the March 7, 2000 letter. Mr. Levin and MVFI have no personal knowledge regarding the reasons why this matter has been referred to Statewide Enforcement staff. Mr. Levin has no personal knowledge of any of the matters set forth in the March 7, 2000 letter. MVFI leases the land in question and has been continuing activities that have been occurring on the site since at least the 1940s. Mr. Levin has had no involvement in those activities or the communications between MVFI and the Commission.

**4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any document(s), photograph(s), map(s), letter(s), or other evidence that you believe is/are relevant, please identify it/them by name, date, type, and any other identifying information and provide the original(s) or (a) copy(ies) if you can:**

The facilities that appear to be in question have been in place since before the Coastal Act was adopted. The Commission has been aware of these facilities since at least 1987. In 1987 the Coastal Commission made a boundary line determination. The Commission also considered at least two boundary adjustment applications affecting the property in 1987 and 1989. On those occasions, the property was inspected by Commission staff, which never noted any violation. The facilities that appear to be in question appear on maps that were before the Commission at the time. Mr. Levin and MVFI are currently obtaining more details. More than three years have passed since the Commission knew or should have known about alleged violations. The statute of limitations under Public Resources Code Section 30805.5 applies.

MVFI and Mr. Levin have been prevented from applying for an after-the-fact permit because the County will not accept an application for ERB review. In January 1999, the County adopted a new interpretation of its planning and zoning code to require a conditional use permit for horse boarding facilities. MVFI vigorously disputes the validity of this determination, but agreed to comply with County procedures to obtain a CUP. The County Code prevents the County from considering an application while a planning code violation exists unless the applicant obtains an approval from the planning director to proceed. Mr. Boudreau was informed that the prohibition would include ERB review. Mr. Boudreau discussed this problem with Sue Brooker, who informed him that he should resolve the violation issue with the County and submit an application thereafter.

After Mr. Boudreau left the Commission, Mr. Boudreau made numerous attempts to meet with Mr. Ainsworth to discuss the situation and decide how to proceed. Through no fault of MVFI or Mr. Levin, it took months before Mr. Boudreau could discuss the property with Mr. Ainsworth. More than one meeting was scheduled and then canceled at Mr. Ainsworth's request. A meeting finally occurred in November 1999, at which time Mr. Ainsworth acknowledged that he had been unable to meet with Mr. Boudreau to address the issues on the property earlier.

In the meantime, in consultation with County planning staff, MVFI submitted a request to the County Planning Director to allow an application to proceed while horse boarding continued. The first request was submitted on March 17, 1999. MVFI was later informed that the request would be rejected because it was not limited to the property in question. A second request was submitted on September 14, 1999. The director decided to turn down the request in December 1999. At that time MVFI began taking measures to remove the boarders, which is almost complete.

Mr. Boudreau met with Mr. Ainsworth in November 1999 as part of the County process to review the request to allow an application to proceed. Mr. Ainsworth, Mr. Boudreau and Mr. Lamport, MVFI's counsel, discussed the barriers to submitting an application that MVFI faced and that MVFI needed a definitive list of violations in order to figure out what to include in an after-the-fact permit. Mr. Boudreau and Mr. Lamport told Mr. Ainsworth that they wanted to work with the Commission to resolve any problems. Mr. Ainsworth stated that he would review matters back at his office and would be contacting Mr. Boudreau.

Mr. Boudreau has not heard from Mr. Ainsworth since that time. In the meantime, he has been working to remove the remaining boarders so that he would be in a position to start the ERB process.

MVFI is anxious to cooperate with the Commission to resolve any violations. MVFI was surprised to learn that the matter was referred to Statewide Enforcement, in light of where matters stood in his last meeting with Mr. Ainsworth.

**5. Any other information, statement, etc. that you want to offer or make:**

The property in question has been actively farmed since at least the late 1940's. The property was used for years to grow oat hay. Starting in the 1950's, cattle and sheep were raised on the site. Horses have been raised and trained on the property since the mid 1970's. The water course on the site was created in the 1950's when Stokes Canyon Road was created. None of the property is in a native undisturbed condition. It has not been in such a condition since at least the 1940's. All of the activities on the property are a continuation of farming activities that pre-date the Coastal Act.

6. **Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this form to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, and title, and enclose a copy with this completed form):**

MVFI and Mr. Levin are still assembling this information. They reserve the right to update and supplement this statement.

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
SANTA ANA, CA 92701  
641 - 0142

**CERTIFIED & REGULAR MAIL**

January 22, 1999

Brian Boudreau  
Malibu Valley Farms, Inc.  
2200 Stokes Canyon Road  
Calabasas, CA 91302

<b>EXHIBIT NO.</b> 4
<b>APPLICATION NO.</b> 4-00-279-VRC
CCC's CDP Exemption Request 4-98-125-X (1/22/1999)
California Coastal Commission

**Re:** Coastal Development Exemption Request 4-98-125-X

**Location:** 2200 Stokes Canyon Road, Calabasas, Los Angeles County

Dear Mr. Boudreau:

On December 7, 1998, Commission staff issued coastal development permit exemption 4-98-125-X for 14 pipe horse corrals (totaling 2,500 sq. ft.) to replace the previous corrals totaling 3,500 sq. ft. burned by the 1996 wild fire. Upon further investigation, staff has determined that the horse corrals and additional existing development, including a horse riding area, horse pastures, and a barn, that has been constructed after the implementation of the Coastal Act, January 1, 1977, without the benefit of the required coastal development permit. This exemption was issued in error and unfortunately must be revoked. This letter confirms this conclusion which was communicated to you on January 14, 1998.

Please be advised that Section 30600(a) of the Coastal Act states that in addition to obtaining any other permit required by law, any person wishing to perform or undertake any development in the coastal zone must obtain a coastal development permit. "Development" is broadly defined by Section 30106 of the Coastal Act to include:

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations....*

The horse corrals, riding facilities, and a barn that were constructed on your property between 1977 and 1986 constitute "development" as defined in Section 30106 of the

Coastal Act and, therefore, a coastal development permit was required from the Commission prior to construction.

Because this development was unpermitted, the exemption for reconstruction of structures destroyed by natural disasters under Section 30610(g)(1) of the Coastal Act is inapplicable. Therefore, coastal development permit exemption 4-98-125-X (Malibu Valley Farms) is revoked on the basis that the unpermitted development destroyed in the fire does not qualify for an exemption pursuant to Section 30610 (g)(1) of the Coastal Act. Construction of the horse corrals will require a coastal development permit.

In addition, the following unpermitted development remains on site: a horse riding area, a polo field, two horse corrals, a barn, numerous horse corrals, and accessory buildings.

Please note that any development activity performed without a coastal development permit constitutes a violation of the California Coastal Act's permitting requirements. Resolution this matter can occur through the issuance of an after-the-fact permit for the remaining unpermitted development, restoration of the site or a combination of the two actions. Please know that our office would prefer to resolve this matter administratively through the issuance of an after-the-fact coastal development permit to either retain the development or restore the site.

Enclosed is a coastal development permit application for your convenience. Please include all existing and proposed construction on your property that lies within the Coastal Zone within your coastal development permit application. Please submit a completed coastal development permit application to our office by February 26, 1999. If you have any further questions, please do not hesitate to contact me at (805) 641-0142.

Your anticipated cooperation is appreciated.

Sincerely,



Sue Brooker  
Coastal Program Analyst

Encl.: CDP application

Cc: Mark Pestrella; LA County Dept of Building and Safety

Phillip R. Nicholson\*  
Lawrence Teplin  
Ronald I. Silverman\*  
Mario Camara  
George D. Calkins, II  
John M. Kuhl  
John M. Spaulding, Jr.  
John M. Spota  
John M. Miller, Jr.  
Kenneth B. Bley  
Ira J. Waldman  
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Jess R. Bressi  
Gregory J. Karns  
D. Scott Turner  
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Laurel R. Ballard  
Amy H. Wells  
Scott D. Brooks  
Gary P. Downs  
Valerie L. Flores  
Preston W. Brooks  
Paul J. Titcher  
Robert J. Sykes

Alfred F. DeLeo  
Stathi G. Marcopoulos  
Camellia Kuo Schuk  
Charles J. Moore  
Robert P. Doty  
Stuart J. Block  
Herbert J. Klein  
Estelle M. Braaf  
Adam B. Weissburg  
Jeffrey A. Gagliardi  
Jonathan Sears  
Scott L. Grossfeld  
Robert M. Haight, 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. Cheloden  
Kevin J. Crabtree  
Peter Y. Lee  
Seth I. Weissman  
Loryn Dunn Arkow  
Jason A. Hobson  
Steven M. Muldowney  
Perri S. Victor  
Stephen E. Abraham  
Tara N. Morris  
Tuan A. Pham  
Paddi Sharifian  
John M. Trott  
Lawrence Venick  
Joanna C. Huchting  
Hans Lauterbach  
Mitchell Poole  
Carolyn Yashari Becher  
Ceide Zapparoni  
Kimberly Kesler Chytraus  
Joel L. Rietz

## COX, CASTLE & NICHOLSON LLP

A Limited Liability Partnership Including Professional Corporations  
LAWYERS

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505 Montgomery Street  
Suite 1550  
San Francisco, California 94111-2585  
Telephone (415) 296-9966  
Facsimile (415) 397-1095

OUR FILE NO:

**32051**

WRITER'S DIRECT DIAL NUMBER

**(310) 284-2252**

WRITER'S E-MAIL ADDRESS

**sabraham@ccnlaw.com**

June 12, 2000

RECEIVED  
JUN 13 2000  
CALIFORNIA  
COASTAL COMMISSION

### VIA FACSIMILE & HAND- DELIVERY

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:

As we previously discussed on May 12, 2000, and agreed in subsequent communications, including our letter of May 25, 2000 and your response thereto, enclosed is the application of Malibu Valley, Inc. supporting its Claim of Vested Rights. Exhibits accompany the application that is hand-delivered with the original of this letter. A copy of the completed package is being delivered to the Coastal Commission's San Francisco Office and should be received tomorrow.

As we agreed, having submitted this application for a vested rights determination, you will have the enforcement proceeding that is currently on the Commission's June agenda taken off calendar. **Please confirm that the proceeding is dropped from the calendar.**

We understand that your office may ask for additional information and we will attempt to respond to these requests in a timely manner.

<b>EXHIBIT NO.</b> 5
<b>APPLICATION NO.</b> 4-00-279-VRC
Application for Claim of Vested Rights
 California Coastal Commission

\*A Professional Corporation

Mr. Jack Ainsworth  
June 12, 2000  
Page 2

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

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Abraham', with a long horizontal stroke extending to the right.

Stephen E. Abraham

SEA  
SEABRAHA/32051/844267v1  
Enclosures (Faxed w/out Exhibits)  
Cc: California Coastal Commission, North Coast Area



## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

MONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260



## CLAIM OF VESTED RIGHTS

NOTE: Documentation of the information requested, such as permits, receipts, building department inspection reports, and photographs, must be attached.

1. Name of claimant, address, telephone number:

Malibu Valley, Inc., 26885 Mulholland Highway

Calabasas, California      91302      (818)      880-5139  
(zip code)      (area code)      (telephone number)

2. Name, address and telephone number of claimant's representative, if any:

Stanley W. Lamport, Esq.; Stephen E. Abraham, Esq. Cox, Castle & Nicholson LLP

2049 Century Park East, 28th Floor, Los Angeles, CA 90067      (310) 277-4222  
(zip code)      (area code)      (telephone number)

3. Describe the development claimed to be exempt and its location. Include all incidental improvements such as utilities, road, etc. Attach a site plan, development plan, grading plan, and construction or architectural plans.

Agriculture and livestock activities on the property located at 2200 Stokes Canyon Road. Malibu Valley is seeking a vesting determination with respect to both the nature and intensity of use on the property in question.

4. California Environmental Quality Act/Project Status.      Not Applicable.

Check one of the following:

- a. Categorically exempt \_\_\_\_\_. Class: \_\_\_\_\_. Item: \_\_\_\_\_.

Describe exempted status and date granted: \_\_\_\_\_.

- b. Date Negative Declaration Status Granted: \_\_\_\_\_.

- c. Date Environmental Impact Report Approved: \_\_\_\_\_.

Attach environmental impact report or negative declaration.

FOR COASTAL COMMISSION USE:

Application Number \_\_\_\_\_

Date Submitted \_\_\_\_\_

Date Filed \_\_\_\_\_

5. List all governmental approvals which have been obtained (including those from federal agencies) and list the date of each final approval. Attach copies of all approvals.

Permits for certain improvements are included in this application at Tab A.

Remaining facilities and grading on the site pre-dated the Coastal Act and did not otherwise require permits at the time the work occurred.

6. List any governmental approvals which have not yet been obtained and anticipated dates of approval.

None.

7. List any conditions to which the approvals are subject and date on which the conditions were satisfied or are expected to be satisfied.

None.

8. Specify, on additional pages, nature and extent of work in progress or completed, including (a) date of each portion commenced (e.g., grading, foundation work, structural work, etc.); (b) governmental approval pursuant to which portion was commenced; (c) portions completed and date on which completed; (d) status of each portion on January 1, 1977; (e) status of each portion on date of claim; (f) amounts of money expended on portions of work completed or in progress (itemize dates and amounts of expenditures; do not include expenses incurred in securing any necessary governmental approvals). See continuation page 4 following this application.

9. Describe those portions of development remaining to be constructed.

None.

10. List the amount and nature of any liabilities incurred that are not covered above and dates incurred. List any remaining liabilities to be incurred and dates when these are anticipated to be incurred.

Malibu Valley is a multi-million dollar ranching business that continues to operate a farm -- including growing of crops and raising of livestock -- that has existed continuously on the Property for over 70 years.

11. State the expected total cost of the development, excluding expenses incurred in securing any necessary governmental expenses.

12. Is the development planned as a series of phases or segments? If so, explain.

No.

13. When is it anticipated that the total development would be completed?

Work is completed.

14. Authorization of Agent.

I hereby authorize Cox, Castle & Nicholson LLP to act as my ~~representative and bind me~~ in all matters concerning this application.  
attorneys

Marianne Dendrea PRESIDENT  
Signature of Claimant

15. I hereby certify that to the best of my knowledge the information in this application and all attached exhibits is full, complete, and correct, and I understand that any misstatement or omission of the requested information or of any information subsequently requested, shall be grounds for denying the exemption or suspending or revoking any exemption allowed on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Commission.

Marianne Dendrea  
Signature of Claimant(s) or Agent

## CLAIM OF VESTED RIGHTS

Application of Malibu Valley  
June 9, 2000  
page 4

### Question 8:

Specify, on additional pages, nature and extent of work in progress or completed, including (a) date of each portion commenced (e.g., grading, foundation work, structural work, etc.); (b) governmental approval pursuant to which portion was commenced; (c) portions completed and date on which completed; (d) status of each portion on January 1, 1977; (e) status of each portion on date of claim; (f) amounts of money expended on portions of work completed or in progress (itemize dates and amounts of expenditures; do not include expenses incurred in securing any necessary approvals).

Malibu Valley operates an ongoing farming enterprise. Malibu Valley is engaging in agricultural and ranching activities that have been conducted on the land for more than 70 years. Declarations regarding the nature and intensity of use of the land are included in this application at Tab B. Maps and other graphic representations of the land are included at Tab C. Other documents demonstrating the extent to which the land was used for farming operations are included at Tab D.

**CALIFORNIA COASTAL COMMISSION**

SOUTHERN CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

**EXEMPTION LETTER**4-98-125-X

**DATE:** December 7, 1998

**NAME:** Brian Boudreau

**LOCATION:** 2200 Stokes Canyon Road, Calabasas, Los Angeles County

**PROJECT:** Replace 14 pipe corrals (totaling 2,500 sq. ft.) burned by 1996 wild fire (to replace previous corrals totaling approximately 3,500 sq. ft.) in same location, to be similarly used for commercial horse boarding on pre-existing horse farm.

This is to certify that this location and/or proposed project has been reviewed by the staff of the Coastal Commission. A coastal development permit is not necessary for the reasons checked below.


- ☐ The site is not located within the coastal zone as established by the California Coastal Act of 1976, as amended.
- ☒ The proposed development is included in Categorical Exclusion No. \_\_\_\_\_ adopted by the California Coastal Commission.
- ☐ The proposed development is judged to be repair or maintenance activity not resulting in an addition to or enlargement or expansion of the object of such activities (Section 30610(d) of Coastal Act).
- ☐ The proposed development is an improvement to an existing single family residence (Section 30610(a) of the Coastal Act) and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) (Section 13250(b)(4) of 14 Cal. Admin. Code).
- ☐ The proposed development is an improvement to an existing single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) but is not a) an increase of 10% or more of internal floor area, b) an increase in height over 10%, or c) a significant non-attached structure (Sections 30610(a) of Coastal Act and Section 13250(b)(4) of Administrative Regulations).
- ☐ The proposed development is an interior modification to an existing use with no change in the density or intensity of use (Section 30106 of Coastal Act).

(OVER)

- ☐ The proposed development involves the installation, testing and placement in service of a necessary utility connection between an existing service facility and development approved in accordance with coastal development permit requirements, pursuant to Coastal Act Section 30610(f).
- ☐ The proposed development is an improvement to a structure other than a single family residence or public works facility and is not subject to a permit requirement (Section 13253 of Administrative Regulations).
- ☒ The proposed development is the rebuilding of a structure, other than a public works facility, destroyed by a disaster. The replacement conforms to all of the requirements of Coastal Act Section 30610(g).
- ☐ Other:

Please be advised that only the project described above is exempt from the permit requirements of the Coastal Act. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the recipient of this letter. If, at a later date, this information is found to be incorrect or incomplete, this letter will become invalid, and any development occurring at that time must cease until a coastal development permit is obtained.

Truly yours,



Melanie Hale  
Coastal Program Analyst

# MALIBU VALLEY FARMS, INC.

---

November 19, 1998

VIA FEDERAL EXPRESS

Mr. Jack Ainsworth  
California Coastal Commission  
South Central Coast Area  
89 South California Street, Suite 200  
Ventura, California 93001

Re: **Malibu Valley Farms, Inc.**  
**Replacement of Horse Farming Structures Destroyed by Disaster**

Dear Mr. Ainsworth:

This letter is a follow-up to my telephone conversation on November 18, 1998, with Sue Brooker regarding the replacement by Malibu Valley Farms, Inc. of pipe corrals and other structures that were damaged or destroyed by disaster.

Malibu Valley Farms operates a horse farm on land east of Stokes Canyon Road and north of Mulholland Highway in the unincorporated area of Los Angeles County. For your convenience, I have enclosed with this letter a site plan showing the location of the land on which Malibu Valley Farms intends to replace the destroyed structures. This area is within the Coastal Zone. In connection with its horse farming activities, Malibu Valley Farms installed and erected several large covered pipe corrals, a separate storage room for tack, and a large covered bin used to protect stall shavings from the elements. These improvements were erected prior to the passage of the Coastal Act and were located just north of Mulholland Highway.

In 1996, the pipe corrals and the related improvements were destroyed by the intense fires that swept through the Santa Monica Mountains. Copies of several newspaper photographs showing the effects of the fires on the land used by Malibu Valley Farms for its horse farming operation are enclosed. What little that remained of the improvements was destroyed this past winter by the severe flooding that caused severe erosion due to unusually heavy rains.

Mr. Jack Ainsworth  
California Coastal Commission  
November 19, 1998  
Page 2


Malibu Valley Farms is now in the process of replacing the structures destroyed by the disasters with a new covered pipe barn structure. A copy of the structural elevations for the replacement structures is enclosed. The structural plans and the location of the replacement structure have been approved by the County. Although the replacement structure meets County setback requirements and is permitted under the A-1-10 zoning, because it will be erected on land within the Coastal Zone, the County has requested that we furnish a Coastal Commission exemption letter.

The new structure is replacing the covered pipe corrals, storage barn, tack room, and other improvements that were destroyed by the fires and floods. The new pipe barn is sited in the same location on the affected property as the improvements that were destroyed and does not exceed the floor area, height, or bulk of the destroyed structures by more than 10 percent. To meet the new County setback requirements, we intend to replace the destroyed structures with pipe corrals connected by a contiguous roof and thereby concentrate the improvements in a smaller area. The replacement of the destroyed structures does not involve any expansion of the horse farming activities which have been conducted on the land for the past 23 years.

As we have discussed, Malibu Valley Farms would like to complete this work as soon as possible in order to prepare for the impending winter rains. Therefore, I ask that you forward a letter confirming that no coastal development permit is needed for this work to my office at your earliest convenience. If you require any additional information, please do not hesitate to call.

Thank you for your assistance and courtesy.

Sincerely,

  
Brian Boudreau, President  
Malibu Valley Farms, Inc.



# Brandeis-Bardin settles Rocketdyne

**DETAILS SECRET:** Action comes less than a week before case was scheduled to go to trial.

By Brett Johnson  
Staff writer

The Brandeis-Bardin Institute settled its lawsuit against Rocketdyne late Thursday, less than a week before the case was slated to go to trial.

"It's a fair and reasonable settlement from the institute's perspective," said Helen Zukin, attorney for Brandeis-Bardin.

Details of the settlement are confidential, Zukin said. The settlement was reached after an afternoon conference involving the institute, Rocketdyne officials and U.S. District Court Judge Audrey Collins.

Per a confidentiality agreement entered in court, Zukin would not say if the settlement involved money, an environ-

mental cleanup or both.

The institute was seeking financial compensation for diminished property values. In December 1995, it sued Rocketdyne's Santa Susana Field Laboratory for contaminating Brandeis-Bardin property in the eastern Simi Hills with dioxins, PCBs, tritium and other toxic and radioactive chemicals.

The trial was to start Wednesday before Collins in federal court in Los Angeles.

Rocketdyne officials could not be

reached for comment on the settlement.

"The court and the parties agreed it will best serve the parties to have it remain confidential," Zukin said.

Brandeis-Bardin, just north of Rocketdyne's 2,668-acre mountaintop laboratory is a center for teaching Jewish culture. The institute stretches across 3,100 acres.

The pollutants apparently migrated from a Rocketdyne burn pit on the company's northwest fringes to remote, uninhabited parts of the institute's property.

## Taking responsibility

THIS IS THE LOWER OF MULTITONNAGE AND STOKES WHERE WE ARE REPAIRING THE PIPE LOCATIONS.

# Out of harm's way

**ANIMAL-RESCUE:** Local residents call for better attempts to save large animals from fire.

By Billie Owens  
Staff writer

With an early fire season expected and thick brush blanketing the landscape, government agencies and volunteers prepare for the worst.

It's the time of year when veterinarian Richard Stevens, who operates a clinic in Thousand Oaks, worries about horses and other large animals. Who would rescue them if a firestorm broke out and their owners were at work?

Poorly orchestrated attempts to save horses could also jeopardize human lives, Stevens said.

Stevens and others in the Conejo Valley and the unincorporated areas along the Los Angeles/Ventura border say they are frustrated by a lack of leadership when it comes to large-animal rescue.

"Nobody wants to take responsibility," Stevens said. "When we do organize a group of volunteers, there's no protocol, no plan to follow, and no one wants to authorize them to go behind the fire lines."

Ventura County gets high marks by many residents, but Los Angeles County does not. Thousand Oaks contracts with L.A. county for animal control services.

The city's 5-year-old arrangement was made because of the proximity of the L.A. shelter in Agoura Hills and because it was more cost-effective for the city.

"There's nothing written down on paper" regarding the rescue of large animals in the city of Thousand Oaks, said Stacy Parks Minasian, assistant to the city manager.

"Neighbors have to work together because fires don't respect city limits, it's short-sighted to take a NIMBY attitude," said Alex Robertson, who founded the mounted search and rescue team in Agoura Hills that was forced to disband.

The highly trained equestrian rescue group was abruptly dissolved by the city of Agoura Hills in January when officials cited concerns about liability during rescues outside city limits.

The Los Angeles County Department of Animal Care and Control stepped in and invited the Agoura Hills Emergency Volunteer Rescue Team to

Please see **ANIMALS** on A8



Staff photos by K.C. Altred



**SAVING ANIMALS:** At left, Dr. Rich Stevens, right, along with vet assistant Sean Hoesterey, walk "Shelby" back to its stable. Above, Stokes Canyon residents load horses during the Calabasas-Malibu fire last year.

"We need a standardized training program, a strike team, a communications network, a means of identifying safe places and the ownership of animals."

Paul DeNubilo, member, trails advisory committee, Conejo Open Space Advisory Agency

# Pilot a martial general

**AIR FORCE:** Kelly Flinn's ordeal that attracted national attention ends.

By John Diamond  
The Associated Press

WASHINGTON — Pilot Kelly Flinn ended his Air Force career Thursday, at the mild punishment of a discharge and avoiding a martial on charges of a lying and disobeying an order. Air Force Secretary Sheila said the pilot's "lack of integrity," and her "disobedience" were more important than the "disobedience" brought against her in an affair with a man.

The announcement ended an ordeal that attracted national attention and proved embarrassing to both the Air Force and the first female B-52 pilot.

In recent days the B-

# Man, woman at Upper

**GLENDALE SUSPECT:** Woman, ailing father shot to death; toddlers spared.

By Bruce McLean  
Staff writer

A 3-year-old boy and his mother were shot to death in Upper Ojai early Thursday in a Glendale man who called surrendered to deputies. Later, authorities said.

Helen Dorothy Giard and her father Albert Alexander, 43, were found by deputies just inside the door of Alexander's home 11172 Ojai-Santa Paula Road. The coroner said he suffered multiple wounds.

Alexander had been colon cancer and his daughter moved in two months ago, neighbors said.

Miguel Hugo Garcia, 4

## Daily News

Today's weather:  
Breezy  
High 78-84 / Low 44-50  
Details, Page 2



TUESDAY, OCTOBER 22, 1996

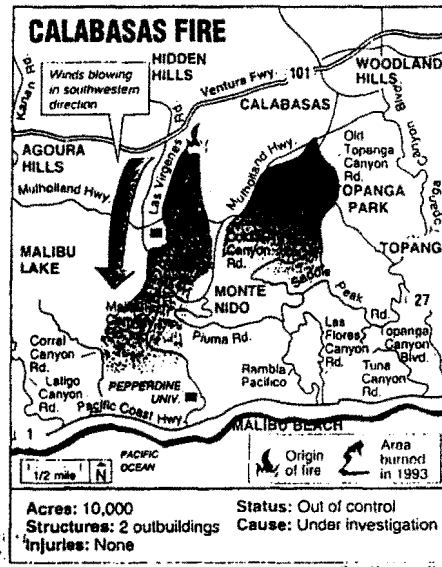
25 CENTS

# Firestorm erupts

## Winds fan flames from Calabasas to Malibu



A Malibu Sea Food employee runs from flames and blowing embers Monday after trying to prevent the fire from reaching the business on Pacific Coast Highway.



## Lessons from '93 help limit damage

By Dennis Love  
and Jaxon Van Derbeken  
Daily News Staff Writers

A fast-moving brush fire shoved along by heavy Santa Ana winds crackled from Calabasas to Malibu and the Pacific Ocean on Monday, blackening approximately 10,000 acres of brush and forcing widespread evacuations.

While the fire swept past numerous expensive canyon homes on its way to the sea, firefighters reported that only two outbuildings had burned. No injuries were reported. The cause of the fire was undetermined.

At least some of the credit for the minimal damage may go to brush clearing and other precautions taken by canyon residents following a devastating fire in 1993 that destroyed hundreds of homes in a similar march to the sea.

"A lot of it was luck of the draw, the way the fire was moving, but a lot of it was fire prevention," said Los Angeles County Supervisor Zev Yaroslavsky. "These kinds of things make all the difference in the world."

Hundreds of firefighters and a squadron of water- and retardant-dropping aircraft were dispatched to battle the blaze, which began at 10:34 a.m. just east of Las Virgenes Road

### INSIDE

■ **BUSED OUT:** Scared students were evacuated from several schools as smoke crept across their campuses. Two Calabasas area private schools will stay closed today, officials said.

Page 3

■ **LONG NIGHT:** At least three other wind-driven wildfires kept weary fire crews hopping all night long.

Page 3

■ **WICKED WINDS:** Santa Ana gusts up to 40 mph are expected to last until Thursday, complicating firefighters' efforts.

Page 14

## Blaze sends canyon residents packing

By Anne Burke and Yvette Cabrera  
Daily News Staff Writers

Ken Bluestein looked at the thick, black smoke billowing over the ridge above his home on Stokes Canyon Road. The sky rained ashes. Fierce gusts of wind whipped his face.

"It's coming over. I got to get the horses. I got to get out of here," Bluestein said, dashing toward the corral. In a second, the sky darkened to a hellish gray-black, leaves and ash and debris swirled everywhere, and an eerie, reddish hue lit up the ridge.

It was about 1 p.m., and Bluestein and his neighbors on this narrow country road north of Mulholland Highway and east of Las Virgenes Canyon, started getting out in a hurry; their vehicles loaded down with kids, dogs and photo albums, many pulling horse trailers.

None of them knew what they'd come back to when it was all over.

As Monday's wind-whipped Calabasas Fire raced to the sea, disaster-weary residents of Stokes Canyon, Monte Nido and the exclusive

See EVACUATION / Page 3

near the Ventura Freeway.

The fire chewed through largely open land, jumped Mulholland Highway, sprinted through Stokes Canyon and past Monte Nido, and by late afternoon had zeroed in on the Malibu Bowl area, where firefighters amassed to make a stand.

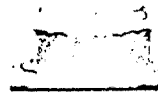
Evacuations were made in Stokes Canyon, Camp Gonzales, Monte Nido, Malibu Bowl, Malibu Hills and El Nido.

See FIRE / Page 14

ing  
Valley  
Moorpark  
Santa Clarita  
Burbank

Popular costumes this Halloween  
are mic, movie, TV characters

L.A. Life



nostalgic meal

Food

# Daily News

Today's weather:  
**Fair**  
High 78-84 / Low 52-58  
Details, Page 2

THURSDAY, OCTOBER 24, 1992



MHA board  
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and the county  
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**ALTHY**  
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onor adds to  
Ted's reputation  
health products  
Page 1.



**P**  
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for lunch. The  
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all American  
ak at all, says a  
national Business

The Super Lotto  
complete lottery

## SOUTHLAND FIRESTORMS

"The department is like a brotherhood.  
It is like it has happened to a family member."

-- Gary Ruff, Glendale Fire Department chaplain

*THIS IS OUR  
FAMILY MATTER  
AND HIS WIFE*

# Heartache and hope

Firefighters offer  
prayers for injured,  
get grip on blaze

Daily News Staff

With the Calabasas Fire finally in retreat Wednesday, firefighters from across the state paused to offer wishes and prayers for four comrades who had been trapped by flames on a rugged Malibu hillside.

Dozens of firefighters gathered at the Grossman Burn Center in Sherman Oaks to console the families and offer donations of blood.

Glendale firefighters began taking turns in a 24-hour

prayer vigil for their two fallen co-workers William Jensen and Scott French and also for Los Angeles city Fire-fighters

**JENSEN**

Sammy Tomlinson and Ross Torsienbo.

"The department is like a brotherhood," said Gary Ruff, department chaplain. "For them, it is like it has happened to a family member."

French, Tomlinson and Torsienbo are expected to survive; doctors offered less hope for the 52-year-old Jensen, burned Tuesday while trying to keep the brush fire from claiming another home.

The La Crescenta grandfather of three remained in critical condition Wednesday, with burns over about 70 percent of his body.

"His prognosis would have to be guarded," said Dr. Richard Grossman, founder of the world-renowned Grossman Burn Center. "He's going to need a lot of prayers."

Four surgical teams, led by Grossman, were preparing to operate on Jensen on Friday—an hour and a half of surgery to repair deep burns to his face and arms.

Jensen was surrounded by

See VIGIL / Page 26

This story was written by Daily News Staff Writer Keith Stone and reported by Staff Writers Mary Beth Alexander, Chip Jacobs, Lee Cordon and Jeanette DeSantis.



Toni Thomas/Daily News

Juana and Mark Cardiel tour the remains of their Stokes Canyon home Wednesday.

## Victims find comfort in community

By Stacy Finz  
Daily News Staff Writer

Juana Cardiel cried when her Stokes Canyon home was consumed in the Calabasas Fire. But the tears in her eyes Wednesday were not so much for all she lost in the fire, but for the help others have given her.

"There have been so many wonderful people," Cardiel said of neighbors in the rustic community and friends in Calabasas who have given her family a place to live, clothes and food.

As firefighters work to control the 3-day-old Calabasas Fire, a corps of individuals, volunteers and organizations are moving in to provide support for residents displaced and firefighters injured in the wind-swept wildfire.

Five houses and three mobile homes have been lost.



Juana Cardiel smiles after finding an item crafted by her daughter which survived the Calabasas Fire.

13,814 acres charred and 12 firefighters injured in the blaze which swept from Calabasas to Malibu on Monday and continues to chew through scrub-choked hillsides along the Pacific Ocean.

As the fire rages, the American Red Cross is operating three canteens in Calabasas and Malibu to serve refreshments to firefighters and relief workers, and since Monday has served 560 meals.

The Red Cross, which also has operated temporary shelters, has begun collecting

See HELP / Page 26

## Dole camp courts Perot

GOP crafts  
to shake up

By Richard L. Becker  
The New York Times

PANAMA CITY, Fla. — The latest sign of the struggle to overcome increasingly dire election time, his campaign Monday late Wednesday with R to try to convince the influential to abandon party but for the White and throw his support.

Dole's dramatic coming less than two before Election Day, was of several recent denials of his difficulties many prominent Rep say they have all but given him. His challenge was Wednesday as he barn across the South, a term has long been safely Republican but where he is trailing Clinton in state after state.

In another indication Dole's effort to catch up in the last two days, dropped the attack on president-elect Clinton. Dole's aides said attacks would be the theme of the end of the campaign, but they have excluded they were a mistake in a huge shift of resource the East to California officials said they would

See DOLE / Page 11

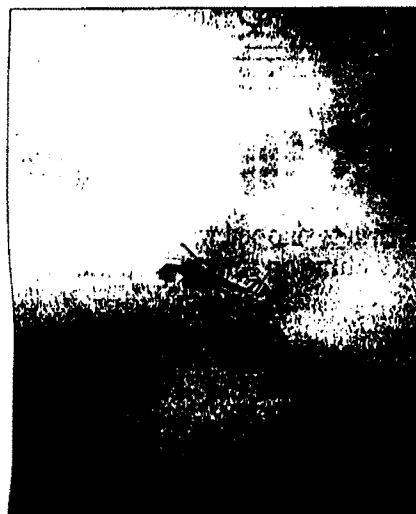
## CIA-drug tie unprov panel told

By Thomas Farragher  
Knight Ridder Tribune

WASHINGTON — A link connects the Central Intelligence Agency to a crack epidemic in Los Angeles, a former investigator into yrinthine Central A drug wars told a Senate Wednesday.

But arguing that the government's integrity stake, a key Senate co-chairman vowed to hold government probes — with congressional support — into possible CIA drug ring that helped to the crack scourge of the

See DRUGS / Page



Gene Raymond Blewett/Special to the Daily News



Hans Guttmach/Daily News

A helicopter, far left, flies through heavy smoke to make a water drop along Las Virgenes Canyon Road, while a Malibu fire crew battles the fire with a bucket of water. As of Monday night, the fire had blackened about 10,000 acres.



Gene Raymond Blewett/Special to the Daily News

A Los Angeles city firefighter hoses down a burning motor home on Las Virgenes Canyon Road. Hundreds of firefighters were dispatched to battle the blaze.

spots. Access to the area was limited to residents only.

The managers of the Malibu Valley Farm on Stokes Canyon Road a few miles north of Monte Nido weren't so lucky. The fire destroyed their doublewide mobile home at the farm containing practically all of their belongings.

"It's gone. There's nothing left," said Mark Cardiel, who surveyed the scene with his wife and co-manager, Juana, their faces and fingerprints black with soot.

The couple has managed the horse farm for the past 14 years. They said none of the 60 trees bordered there was harmed.

Larry Girard, a graphic designer, called his wife, Carol, to warn her about the fire, worried that it could progress to the Woodbull Road home the family has occupied near Monte Nido for 12 years.

Three years ago, the Old Topanga Fire skirted their property, but the erratic winds Monday and the towering plume in the distance troubled the Girardis, and Carol's mother, Mary Margaret Remondini.

"We'll probably stay," said Larry Girardi. He armed the family with hoses.

"I'm surprised it's gotten over this far," Carol Girardi said. "When it's out of control and the winds are going like this anything can happen. It's best to stay calm. But when you see embers it's scary."

By the time the blaze began its inevitable descent toward the ocean, veterans of Malibu firestorms past were coping with the evacuations and the cyclical, natural dangers of the coastal region.

At one point, as the fire raced along Corral Canyon Road, a horse bolted from the flames and finally was recaptured by its owner, Bill Rallin, who owns a ranch in the El Nido area. Rallin was taking provisions and the horse down from the ranch when the animal broke free.

"The fire took me by surprise," Rallin said as the horse took a drink from a creek. "That fire, you don't know what it's gonna do." He said the blaze came within 75 yards of his ranch.

Along the coast the fire picked up a little after 8 p.m., requiring the evacuation of a shelter that

had been set up at the Michael Landon Center on Pacific Coast Highway. The flames spread toward a condominium complex near PCH and Malibu Canyon.

Reneo Tab, 19, came rushing down Pacific Coast Highway in a caravan of four cars driven by a brother, a sister and her mother.

"I was taking a nap, because I thought it was all over with. Then my neighbor started screaming and I looked outside and we could see the fire coming," Tab said. "I'm sick of living in Malibu."

At Pepperdine University in Malibu, where firefighters defended campus buildings from the fire that ate at landscaping, worried students and nearby residents evacuated to the campus hunkered down in the gym, cafeteria and student center.

"Four hours ago I was thinking of my midterm and now it doesn't matter," student Christina Cunha, 20, of Madera, said through tears. "It's funny how life is."

Of the fire, Pepperdine President David Davenport said: "We're optimistic that they can contain it. The winds are unpredictable,

but we should be fine."

On campus, the lines were long at the public telephones where students phoned home to try to reassure parents.

At the Beau Rivage Mediterranean Restaurant on PCH just south of Corral Canyon Road, owners Daniel and Luciana Forge watched as the yellow-and-red SuperScoopers doused the hillside only a few feet away from the restaurant. Meanwhile, restaurant workers doused the tile roof with water and firefighters were stationed in the parking lot.

Luciana Forge said the restaurant has survived the recent rash of natural calamities with flying colors. "We've been through fire and an earthquake and nothing happened because the Chintheese are watching over us," she said, referring to the American Indian tribe that once lived along the coast.

And the firefighters? "They pet the credit, too," she said.

Daily News Staff Writers Yvonne Cabrera, Anne Burke, Heesun Wee, Jennifer Houshoun and Mary Beth Alexander contributed to this report.



Hans Gutknecht/Daily News

s battling the Calabasas Fire. Two Glendale firefighters were  
itized in battling the wind-whipped blaze.

## Day-old blaze

push to extinguish the fire fully  
riday when the winds are  
ned to renew

report says.  
Some of that money has been  
spent on new fire-fighting tools on

## Neighbors, Red Cross aid victims of blaze

HELP / From Page 1

donations for victims here, and  
for those displaced in fires in San  
Diego and Orange counties.

Jaya Greene, a spokeswoman  
from Red Cross' Los Angeles  
chapter, said she expects checks to  
start rolling in.

"Usually several days after a  
disaster, corporations start  
donating," Greene said. "It usually  
takes them a couple of days to  
mobilize."

The American Red Cross can be  
reached by calling (213)  
739-5200.

Meanwhile, local groups are  
setting up their own funds for  
families whose homes were  
destroyed in the fire, and they are  
organizing food and clothing  
drives. Others have lent their  
homes and hard work to the cause.

Eight years of Juana Cardiel's  
life was packed into her family's  
double-wide mobile home on the  
Malibu Valley Farm.

"We still have the memories,"  
said Cardiel, who along with her  
husband, Mark, manage the  
thoroughbred horse ranch. "We  
just don't have the proof to show  
they happened."

Cardiel said Sherman Oaks  
veterinarian Richard Stevens,  
who rushed over to the farm  
Monday as flames devoured  
fences and threatened the horses,  
was an angel of mercy. He injected  
the thoroughbreds with sedatives  
to calm them during the excitement  
so they could be moved to  
safety.

In addition to their mobile  
home, the family lost possessions,  
photographs, birth certificates  
and other important records.

While the family has re-  
insurance, Cardiel said the  
won't cover much.

The Cardiel's neighbors,  
and Arthur Alisi, opened  
large five-bedroom home to  
couple and their 6-year-  
daughter, Angelica.

"It was the only thing to  
said Mary Alisi, who was  
prised to find her own  
standing after the fire  
through the area. "I'm  
thankful that we have the  
and it's comfortable for the

Angelica went to school  
Wednesday wearing clothes  
used to belong to her classmate.

Families from Lupin Hill  
mentary donated bags of clothes  
toys and books to the Cardiel  
family. Wednesday, Janna  
ard, president of the Parent  
ulty Club at Lupin Hill, set  
fund for the Cardiels.

Checks to the fund should  
made out to the Cardiel Family  
Trust and sent to Lupin Hill  
26210 Adamor Road, Calabasas  
CA 91302.

The club is also taking  
collections for the Miller family, whose  
Stokes Canyon home was  
burned in the fire. Dan and  
Miller's two children, Chris,  
14, and Vincent, 12, attend  
Lupin Hill, but are now in  
school.

Checks can be sent to the  
address and made out to  
Miller Family in care of  
Hill PFC.

The San Fernando Chapter  
the American Postal Workers  
also taking up a collection for  
Millers, said Bill Baron, a  
clerk who works with  
Miller in Agoura.

**FIRES IN SOUTHERN CALIFORNIA**

**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 Virgenes Road  
Calabasas, California 91302

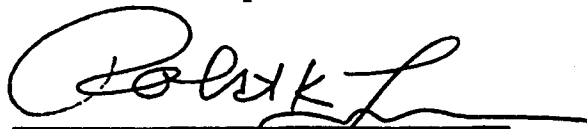
Re: Construction of Pipe Barn Located on the Northeast Intersection of  
Stokes Canyon Road and Mulholland Highway

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.

## ACKNOWLEDGMENTS

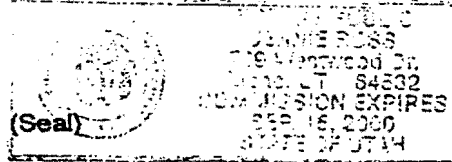
State of Utah )  
 County of Grand ) SS.

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



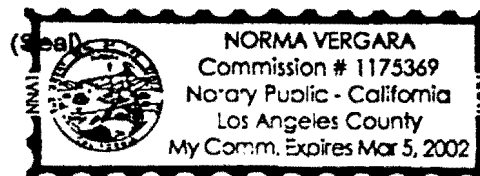
State of California )  
 County of Los Angeles ) SS.

On 1/8, 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



LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS  
DEVELOPMENT AND PERMITS TRACKING SYSTEM

TE: 12/18/98  
ME: 09:12:53  
UTE TO: BS0910

DPR405  
PAGE 1

REQUESTED BY: XXXXXXXX

FEE RECEIPT

RECEIPT NUMBER: BS09100012620

THIS IS A RECEIPT FOR THE AMOUNT OF FEES COLLECTED AS LISTED BELOW. THE RECEIPT NUMBER, DATE AND AMOUNT VALIDATED HEREON HAS ALSO BEEN VALIDATED ON YOUR APPLICATION OR OTHER DOCUMENT AND HAS BECOME A PART OF THE RECORD OF THE COUNTY OF LOS ANGELES, FROM WHICH THIS RECEIPT MAY BE IDENTIFIED. PLEASE RETAIN THIS RECEIPT AS PROOF OF PAYMENT. ANY REQUEST FOR REFUND MUST REFERENCE THIS RECEIPT NUMBER.

DATE PAYMENT RECEIVED: 12/18/98 09:12:03  
PROJ/APPL/IMPRV NBR: BL 9812170013  
PROPERTY ADDRESS: 2200 STOKES RD N CLBS  
RELATED PROJECT:  
PAYOR NAME: DIAMOND WEST ENGINEERING, INC.  
ADDRESS: 26885 MULHOLLAND HWY

CALABASAS CA 91302  
PHONE: (818) 878-0300 EXTN:

WORK DESCRIPTION: BARN-2464 SQ FT

ITEM	FEE DESCRIPTION	STATISTICAL CODE	CALCULATION FACTOR	UNIT OF MEASURE	EXTENDED AMOUNT
A	BLDG PERMIT ISSUANCE	A018303			\$18.90
E	STRONG MOTION OTHER	A018303	34780.00	VALUATN	\$7.30
1	PLANCHECK W/O EN-HC	A019224	34780.00	VALUATN	\$347.99
2	PERMIT W/O EN-HC	A018303	34780.00	VALUATN	\$409.40

TOTAL FEES PAID: \$783.59

PAYMENT TYPE	REFERENCE	AMT TENDERED	CHANGE GIVEN	AMOUNT APPLIED
CHECK	005175	\$783.59	\$0.00	\$783.59

OFFICE: BS 0910 DRAWER: SH  
CLERK: SH

ITEMS WITH AN ASTERISK (\*) WILL REQUIRE FURTHER DEPOSITS  
WHENEVER ACTUAL COSTS EXCEED THE DEPOSIT AMOUNT

\*\*\*\*\* END OF REPORT \*\*\*\*\*



LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS  
DEVELOPMENT AND PERMITS TRACKING SYSTEM

DATE: 12/17/98  
TIME: 08:27:43  
ROUTE TO: BS0910

DPR4051  
PAGE 1

REQUESTED BY: XXXXXXXX

MISCELLANEOUS FEE RECEIPT

RECEIPT NUMBER: BS09100012616

THIS IS A RECEIPT FOR THE AMOUNT OF FEES COLLECTED AS LISTED BELOW. THE RECEIPT NUMBER, DATE AND AMOUNT VALIDATED HEREON HAS ALSO BEEN VALIDATED ON YOUR APPLICATION OR OTHER DOCUMENT AND HAS BECOME A PART OF THE RECORD OF THE COUNTY OF LOS ANGELES, FROM WHICH THIS RECEIPT MAY BE IDENTIFIED. PLEASE RETAIN THIS RECEIPT AS PROOF OF PAYMENT. ANY REQUEST FOR REFUND MUST REFERENCE THIS RECEIPT NUMBER.

PAYMENT ACCEPTED FOR: 2200 STOKS CANYON

DATE PAYMENT RECEIVED: 12/17/98 08:27:28  
PAYOR NAME: DIAMOND WEST ENGINEERING  
ADDRESS: 26885 MULHOLLAND HWY CALABASAS CA 91302  
PHONE: (818) 878-0300

FEE	FEE DESCRIPTION	STATISTICAL CODE	CALCULATION FACTOR	UNIT OF MEASURE	EXTENDED AMOUNT
06	INSPECTIONS O.T.	A018303		1.00 HOURS	\$66.90
18	ADDITIONAL REVIEW	A019236		2.00 HOURS	\$149.00

TOTAL FEES PAID: \$215.90

PAYMENT TYPE	REFERENCE	AMT TENDERED	CHANGE GIVEN	AMOUNT APPLIED
CHECK	005167	\$215.90	\$0.00	\$215.90

OFFICE: BS 0910 DRAWER: 03  
CASHIER: LA

ITEMS WITH AN ASTERISK (\*) WILL REQUIRE FURTHER DEPOSITS  
WHENEVER ACTUAL COSTS EXCEED THE DEPOSIT AMOUNT

\*\*\*\*\* END OF REPORT \*\*\*\*\*

D A P T S  
FEEPMS

MISCELLANEOUS FEE ACCEPTANCE

12/15/98  
08:44:14

REVIEW CALCULATIONS - PRESS PF6 TO CONFIRM  
PREVIOUS TRANSACTION SUCCESSFULLY COMPLETED

PAGE 1

ORG/LOC: BS 0910

BAL DUE: 215.90

JOB

NUMBER

FEE ITEM TEXT

CALCULATION

FACTOR

UNIT

MEAS.

CALCULATED

AMOUNT

\* CALCULATION \*

\* OVERRIDE \*

CODE NEW AMOUNT

INSPECTION OTHER

1.00 HOURS

66.90

ADDITIONAL REVIEW

2.00 HOURS

149.00

OPC405

NEXT TRANSACTION: \_\_\_\_\_

PF1=HELP

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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.

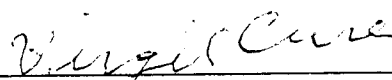
3 5. The Claretian Missionaries bought the portion of the farm located on the west side of  
4 Stokes Canyon Road in 1952. The land they acquired includes the land presently owned by Malibu  
5 Valley Farms, Inc. From approximately 1952 until they sold the land in 1978, the Claretians raised  
6 cattle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

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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.

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 MVFI. 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.

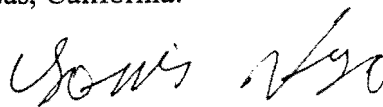
6. Each day, I turned the sheep out over the hills on the property. The sheep would graze in the areas where crops had been growing. They were watered in the creek running through the property. Each evening, the sheep would return to the flat area of the property. This was the best place to keep the 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.



1  
2 7. I also used this flat area to hold and shear the sheep. It was a perfect location for my  
3 holding pens and a stocking area. There was a horse barn nearby.  
4

5 8. The facts set forth in this declaration are personally known to me and I have first hand  
6 knowledge of the same. If called as a witness, I could and would competently testify to the facts set  
7 forth in this declaration.  
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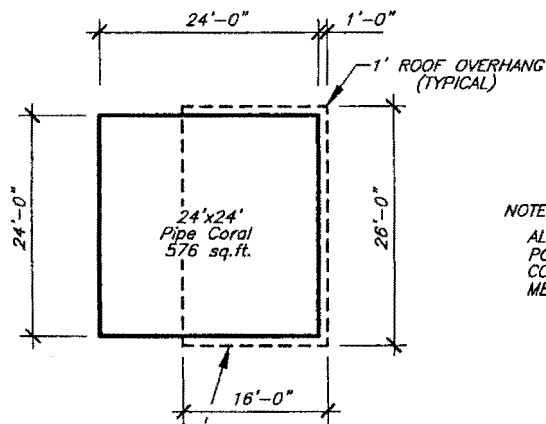
9 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
10 true and correct. Executed on June 9, 2000, at Calabasas, California.  
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13 \_\_\_\_\_  
14 Luigi Viso  
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EXCERPTS



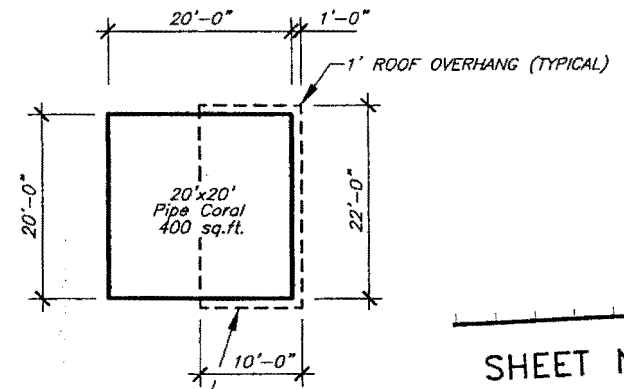
OPEN AIR PIPE CORAL  
WITH 16'x26' COVERED SHELTER.

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



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 SHEETS

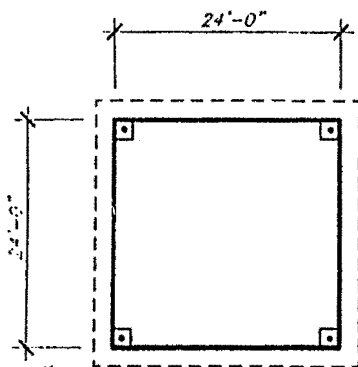
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EXCERPTS

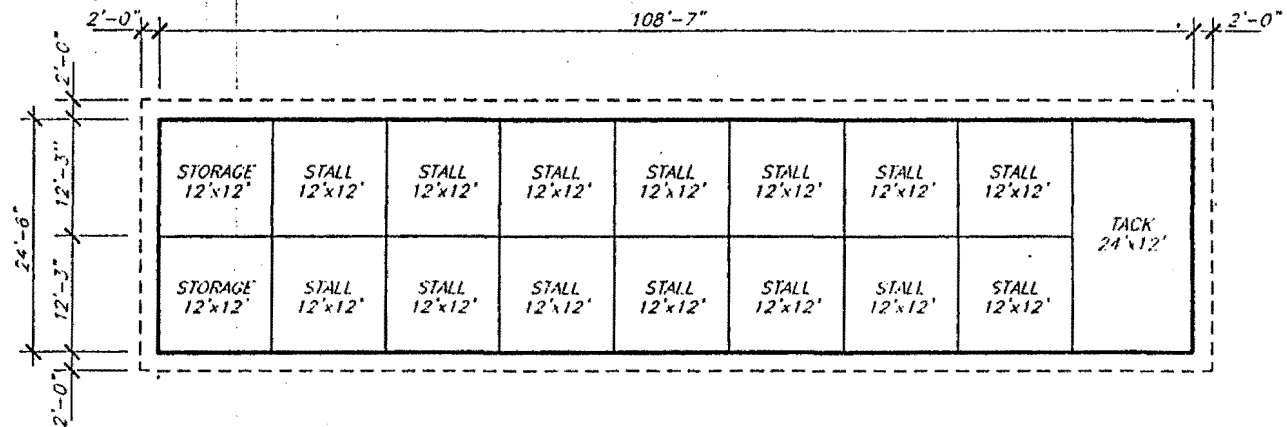
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OF SHEETS

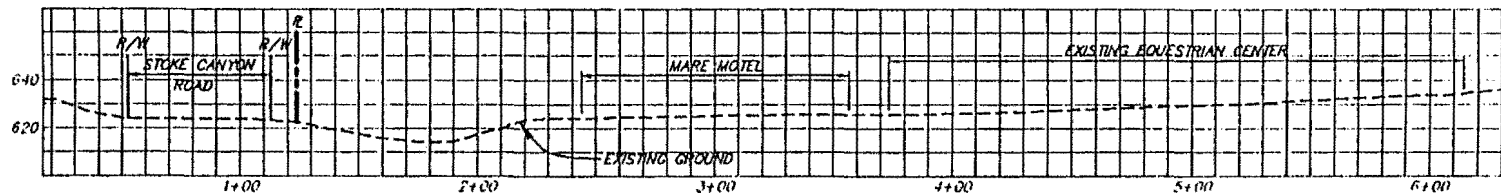
# Equestrian Center Conceptual Site Plan for Malibu Valley Farms



24' x 24' x 10' SHELTER  
NOT TO SCALE



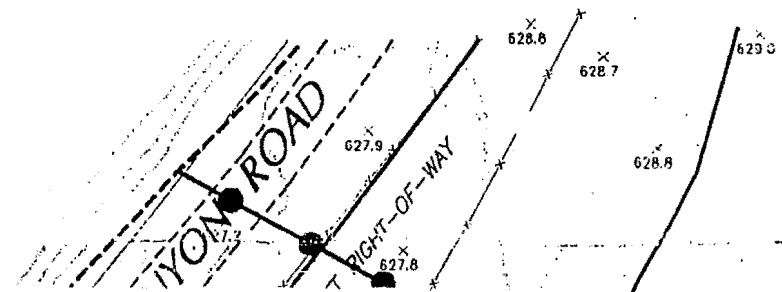
BACK TO BACK MARE MOTEL  
NOT TO SCALE



SECTION A-A

REPLACEMENT OF FIRE  
DAMAGED PIPE CORRALES

ENGINEERING AND SAFETY  
DEPARTMENT  
APPROVED  
UNDER ORDINANCE NO. 2226 N.S.



UNDER ORDINANCE NO. 122519.8.  
BY *[Signature]*

DEC 17 1998

This set of plans is prepared by the undersigned engineer and is to be used for the purpose of making any change to the original plan. The undersigned engineer and his/her staff shall not be held responsible for the violation of any ordinance, city or state law.

24' x 24' x 10'  
SHELTER

A.P.N. 4455-028-44  
Parcel 7

EXISTING  
BARN

FLOOD WAY

EXISTING EQUESTRIAN  
ARENA

BACK TO BACK  
MARE MOTEL

MULHOLLAND-HIGHWAY

**PLAN VIEW**

DRAWING SCALE 1"=80'

NOTE: VERIFY SITE SETBACK SUBJECT TO FIELD.

Replacement of existing structure



DIAMOND WEST ENGINEERING, INC.

20800 MULHOLLAND AVENUE, SUITE 100, VAN NUYS, CA 91411, PHONE: (818) 878-0300, FAX: (818) 878-0301

## CALIFORNIA COASTAL COMMISSION

431 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

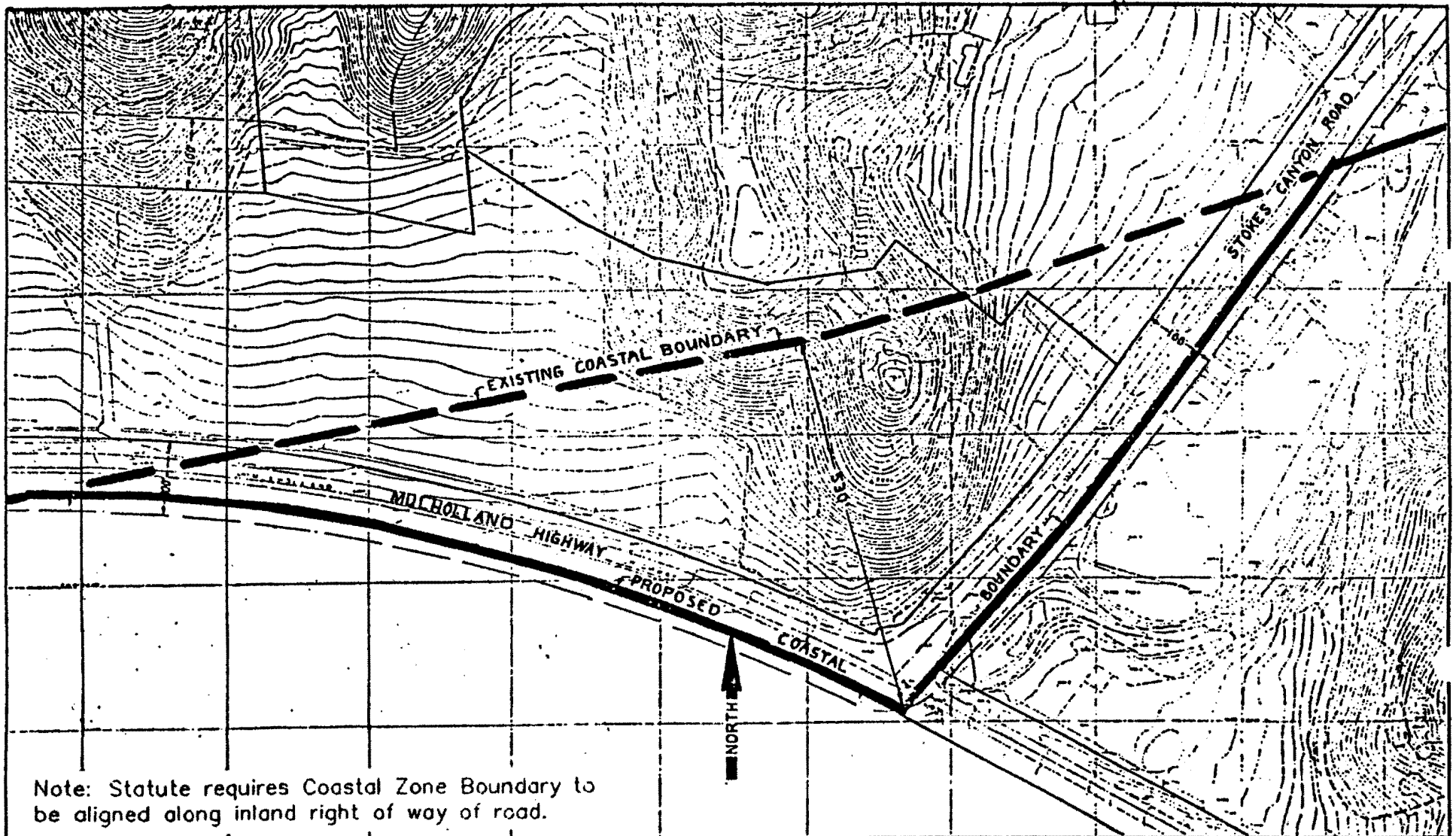


EXHIBIT 4, BA 2-87. - Site map showing existing Coastal Zone Boundary and applicant's proposed adjustment.



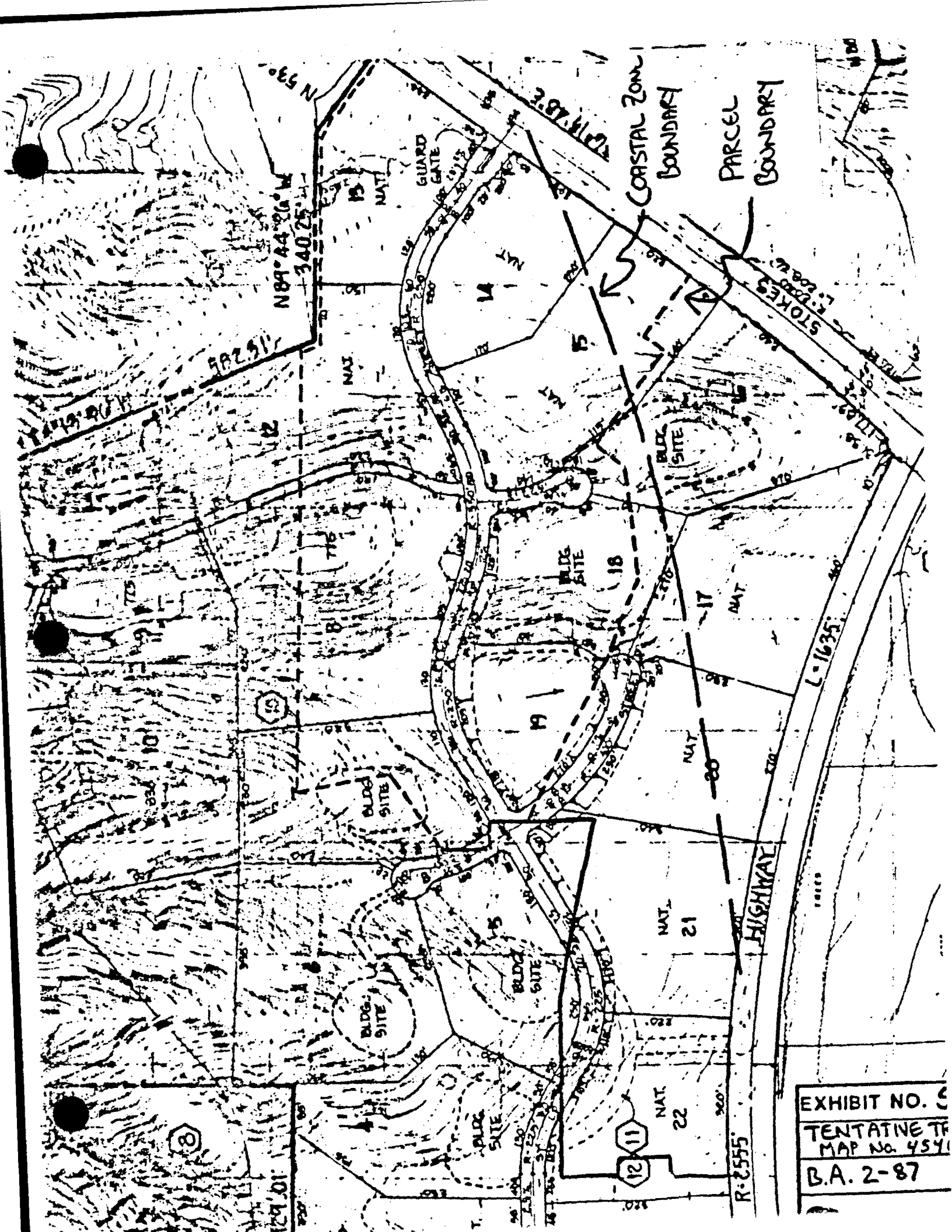


EXHIBIT NO. 5  
TENTATIVE TR  
MAP No. 454  
B.A. 2-87

County of Los Angeles

A B C D E F G H I J K L M N O

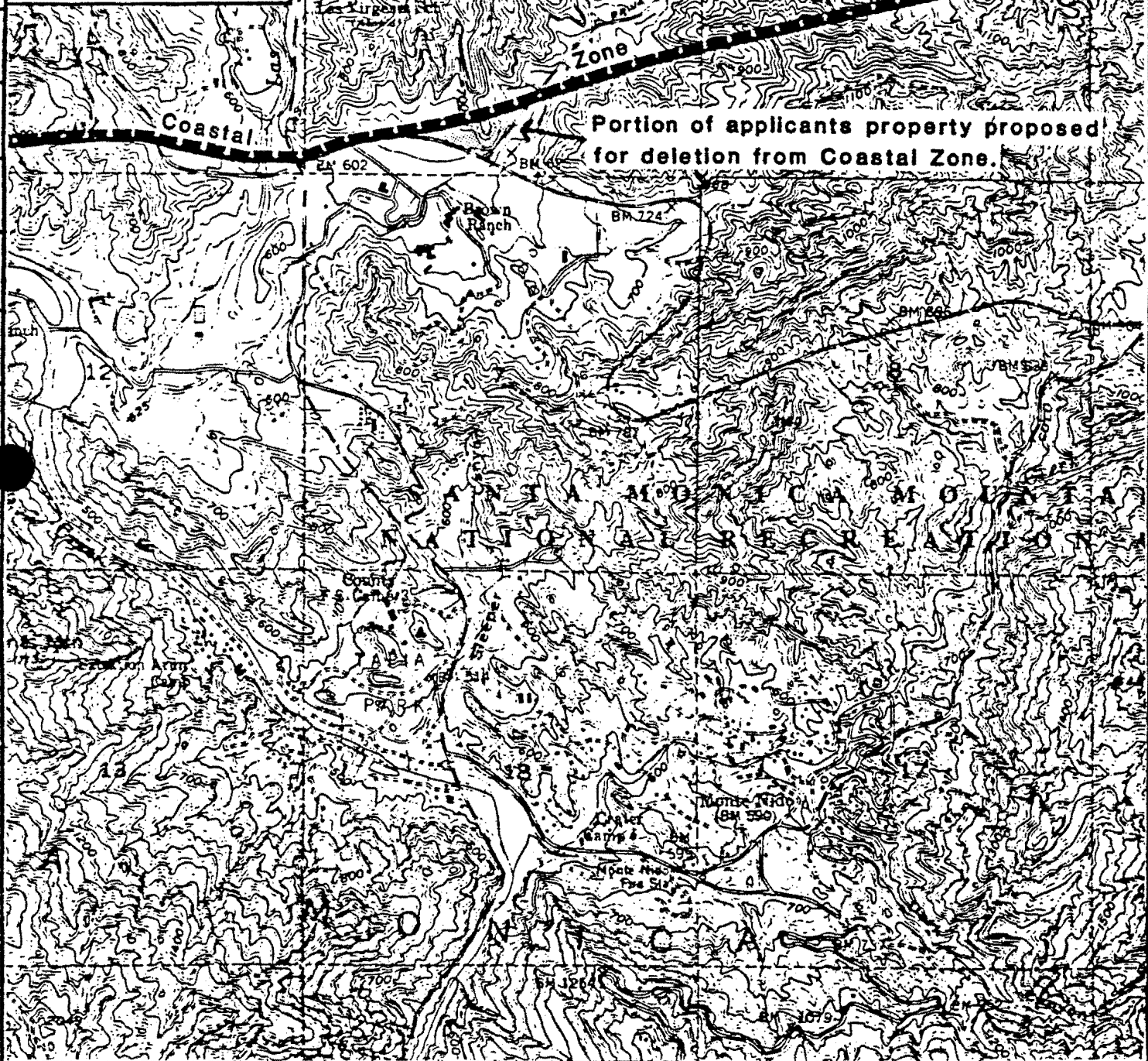
EXHIBIT NO. 2

PORTION OF COASTAL  
ZONE BOUNDARY MAP

No. 135 (MALIBU BEACH  
QUAD). BA#2-87



California Coastal Commission



California Coastal Commission

1000 0 2000  
feet



County of Los Angeles

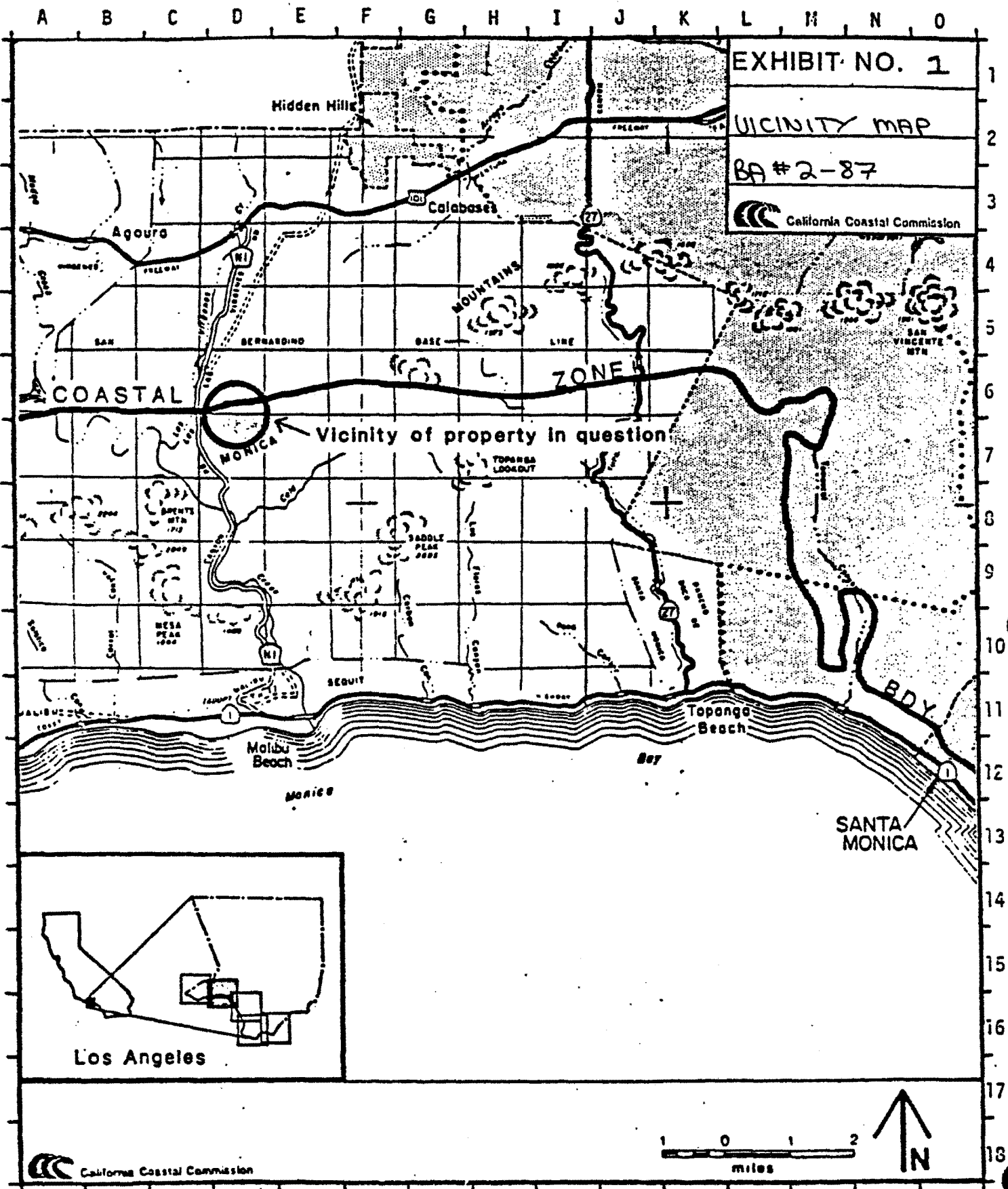


EXHIBIT NO. 1

VICINITY MAP

BA #2-87

California Coastal Commission

Vicinity of property in question

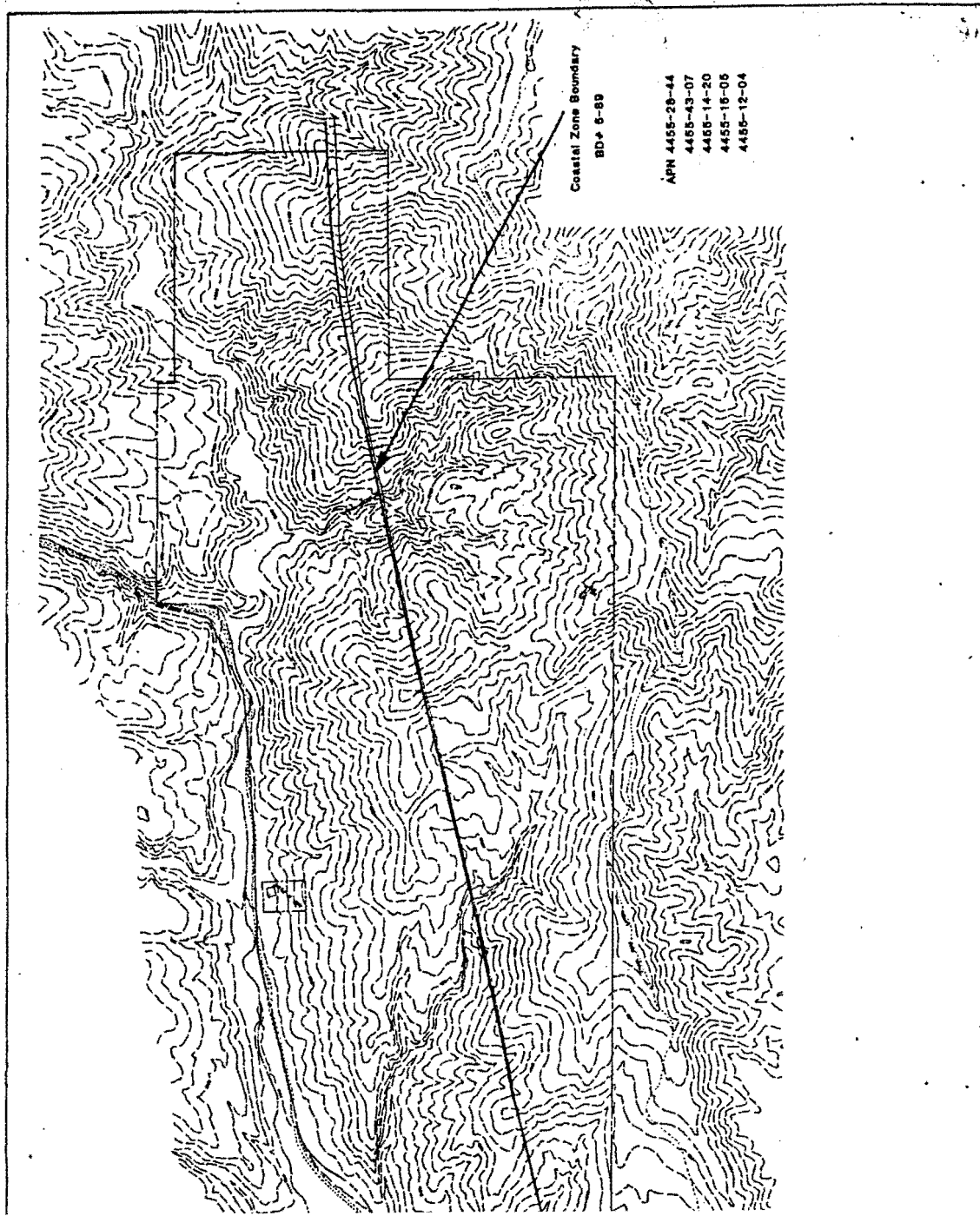
Los Angeles

California Coastal Commission

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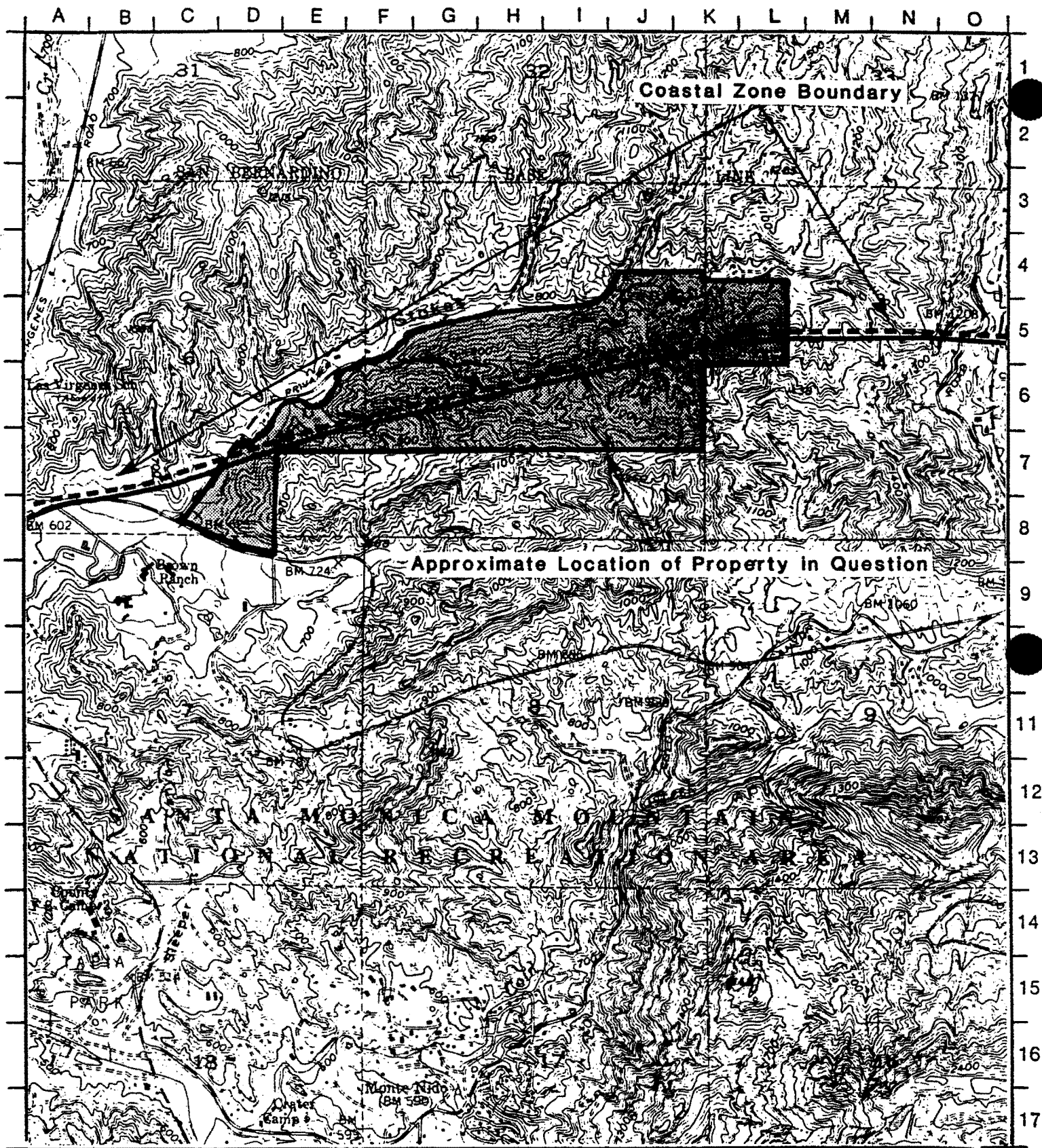
County of Los Angeles



Coastal Zone Boundary  
BD# 6-89

- APN 4455-28-44
- 4455-43-07
- 4455-14-20
- 4455-18-06
- 4455-12-04





BD# 5-89

 California Coastal Commission



County of Los Angeles

$$\text{ALE } i^* = 400$$

CODE  
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8208

FOR PREV. ASSM'T SEE:  
4435-2B

T. I S., R. 17 W.

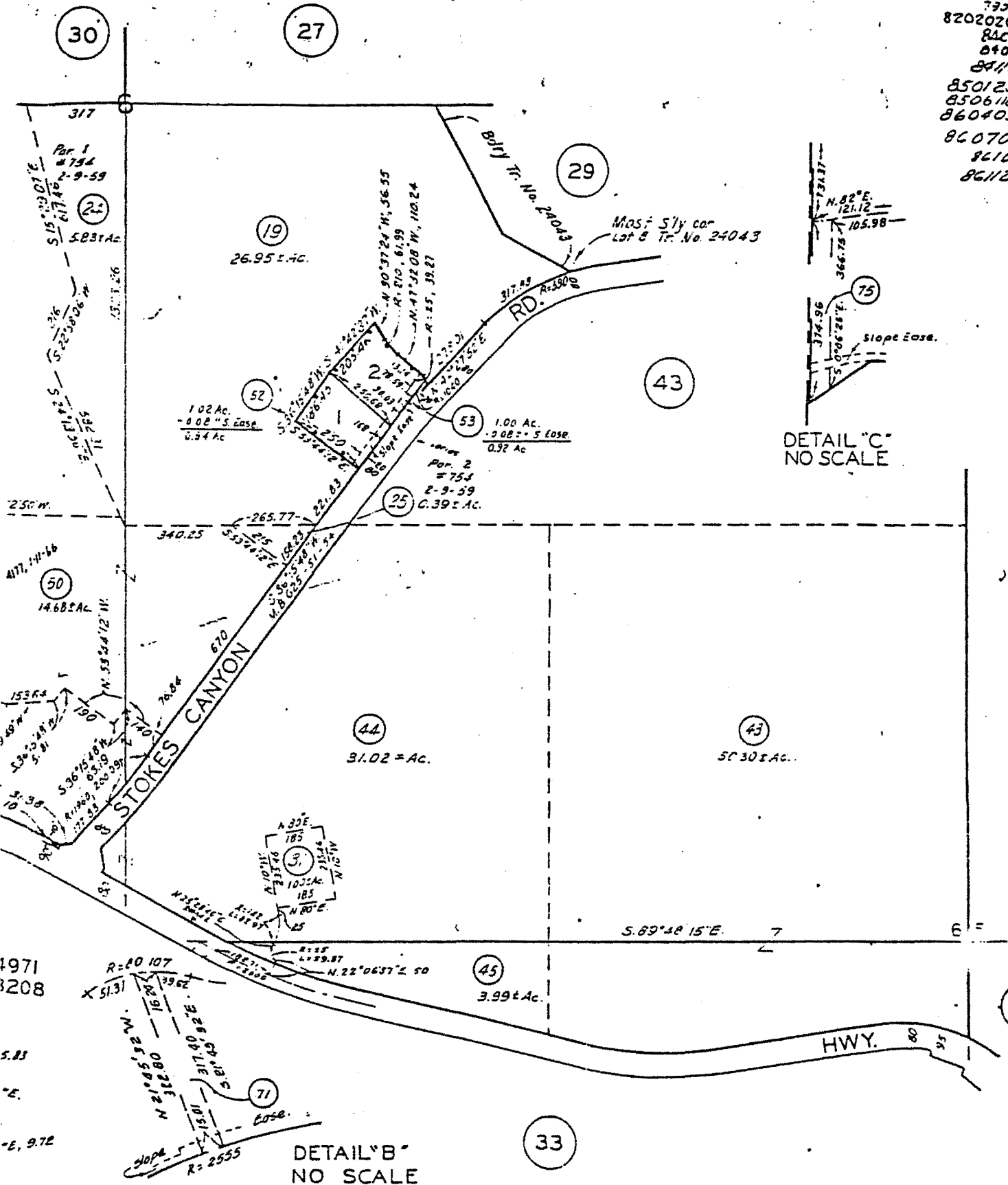
T. 1 S., R. 18 W.

DETAIL 'A'  
NO SCALE

PER OUR CONVERSATION ON  
MAY 14 DEC. 3, 1986

Per

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ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.



Phillip R. Nicholson\*  
 Lawrence Teplin  
 Ronald I. Silverman\*  
 Mario Camara  
 George D. Calkins, II  
 John H. Kuhl  
 O. Spaulding, Jr.  
 apota  
 Miller, Jr.  
 B. Bley  
 Ira J. Waldman  
 John F. Nicholson  
 Charles E. Noneman  
 Marlene D. Goodfried  
 Jeffrey D. Masters  
 Robert D. Infelise  
 Tamar C. Stein  
 Douglas P. Snyder  
 Gary A. Glick  
 Lora Lee Moore  
 Lewis G. Feldman  
 Mark P. McClanathan  
 John A. Kincannon  
 Stanley W. Lampert  
 Randall W. Black  
 Perry D. Mocciano  
 Jess R. Bressi  
 Gregory J. Karns  
 D. Scott Turner  
 Sandra C. Stewart  
 Mathew 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. Titcher  
 Robert J. Sykes

Alfred F. DeLeo  
 Stathi G. Marcopulos  
 Camellia Kuo Schuk  
 Charles J. Moore  
 Robert P. Doty  
 Stuart I. Block  
 Herbert J. Klein  
 Estelle M. Braaf  
 Adam B. Weissburg  
 Jeffrey A. Gagliardi  
 Jonathan Sears  
 Scott L. Grossfeld  
 Robert M. Haight, 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. Crabtree  
 Peter Y. Lee  
 Seth I. Weissman  
 Loryn Dunn Arkow  
 Jason A. Hobson  
 Steven M. Muldowney  
 Perri S. Victor  
 Stephen E. Abraham  
 Tara N. Morris  
 Tuan A. Pham  
 Paddi Sharifian  
 John M. Trott  
 Lawrence Venick  
 Joanna C. Huchting  
 Hans Lauterbach  
 Mitchell Poole  
 Carolyn Yashari Becher  
 Ceide Zapparoni  
 Kimberly Kesler Chytraus  
 Joel L. Rietz

# COX, CASTLE & NICHOLSON LLP

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 LAWYERS

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 Telephone (310) 277-4222  
 Facsimile (310) 277-7889  
[www.ccnlaw.com](http://www.ccnlaw.com)

November 3, 2000

George M. Cox  
 (Retired)

Richard N. Castle  
 (1932-1992)

Senior Counsel

Edward C. Dygert  
 David S. Rosenberg  
 Susan S. Davis  
 Samuel H. Weissbard  
 Timothy M. Truax  
 Bruce J. Graham  
 James M. A. Murphy

Orange County Office

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 Facsimile (949) 476-0256

San Francisco Office

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

\*A Professional Corporation

## 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

EXHIBIT NO. 6

APPLICATION NO.

4-00-279-VRC

Cox, Castle, et al.  
 Ltr (11/3/2000)

California Coastal Commission

1  
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.

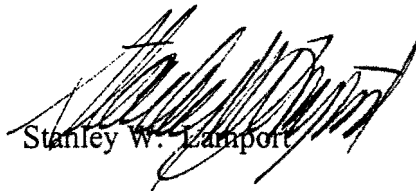
2. In response to Question #2 in your letter, Malibu Valley is saying that agricultural and ranching activities have been conducted on the property since before 1930. Malibu Valley maintains it has a vested right to continue to use the property for agricultural and livestock activities and to erect and 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:rs1

32051/866935v1

cc: California Coastal Commission, North Coast Area



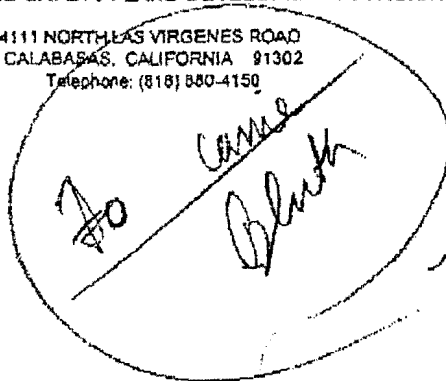
# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

BUILDING AND SAFETY / LAND DEVELOPMENT DIVISION

4111 NORTH LAS VIRGENES ROAD  
CALABASAS, CALIFORNIA 91302  
Telephone: (818) 880-4150

HARRY W. STONE, Director



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,

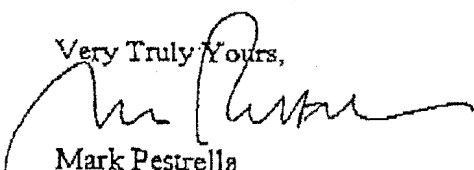

  
Mark Pestrella  
District Engineer

EXHIBIT NO. 7

APPLICATION NO.

4-00-279-VRC

County of Los Angeles  
Revocation Ltr (1/12/99)

 California Coastal Commission

**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 Virgenes 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.

2005-027.6  
MVF02179.doc

01/06/99 11:51

TX/RX NC

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

## ACKNOWLEDGMENTS

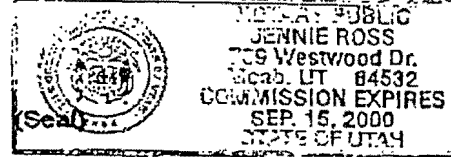
State of Utah )  
County of Grand ) SS.

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)

