

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA DISTRICT
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CLAIM OF VESTED RIGHTS STAFF REPORT AND RECOMMENDATION

CLAIM NO: 4-00-279-VRC

CLAIMANT: MALIBU VALLEY FARMS, INC.

PROJECT LOCATION: 2200 Stokes Canyon Road, Calabasas, Los Angeles County.

ASSESSOR'S PARCEL NO.: 4455-028-044

DEVELOPMENT RIGHT CLAIMED: Right to "conduct agricultural and livestock activities on the property that were commenced prior to 1930," right to build new structures in connection with that use, and right to construct, operate and maintain the equestrian facility that currently exists on the property. Structures at site include enclosed 1,440 sq. ft. horse barn, 36 metal pipe corrals, 2,660 sq. ft. mare motel, six tack rooms, three cross-tie areas, two riding arenas, ten parking stalls, fencing, hot walker, and three storage structures.

SUBSTANTIVE FILE DOCUMENTS: Photographs of site taken November 19, 1999 and March 2, 2000; Coastal Development Permit Application File No. 4-02-231 (Malibu Valley Farms, Inc.); Violation File No. V-4-MAL-00-001; Exemption Letter No. 4-98-125-X (Boudreau); Letter from Commission to Brian Boudreau regarding revocation of Exemption Letter No. 4-98-125-X, dated January 22, 1999; Commission letters to Cox, Castle & Nicholson dated August 18, 2000, October 6, 2000, February 23, 2001, and March 19, 2001; 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.

ACTION: Commission Hearing and Vote

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **denial** of the claim of vested rights. Malibu Valley Farms, Inc. ("Malibu Valley Farms") claims a vested right to construct operate and maintain an equestrian facility, i.e., a facility for boarding, training and breeding horses, that includes numerous structures based on claims that agricultural and livestock activities were conducted on the site since the 1930s.

The Coastal Act requires a coastal development permit prior to undertaking development. The vested rights exemption allows the completion or continuance of development that was commenced prior to the Coastal Act without a coastal development permit if all other required permits were obtained and, in reliance on those permits, the owner incurred substantial liabilities and commenced construction. Malibu Valley Farms does not provide any evidence that it obtained permits and, in reliance on those permits, began construction of the equestrian facility prior to the effective date of the Coastal Act (January 1, 1977). Nor does Malibu Valley Farms provide any evidence that the structures on the site existed (or are replacements of what existed) on the site just prior to the effective date of the Coastal Act. Aerial photographs of the property taken in 1977 show that there were no structures on the property at that time.

Instead, Malibu Valley Farms has provided a number of declarations that assert that oat hay was grown on the property from 1947 through 1978, that sheep and cattle were grazed on the site at various times between 1952 and 1978, that there were fencing and feeding structures for livestock between 1974 and 1978 and that these structures were repeatedly placed and removed, and that there may have been a barn somewhere on or near the property up to 1975. There is no evidence that the fencing and feeding structures and barn were present on the site when the Coastal Act became effective. Nor is Malibu Valley Farms claiming a vested right to graze sheep or cattle or to grow oat hay or other crops. Rather, Malibu Valley Farms claims that because the property was used for growing hay and sheep and cattle grazing prior to passage of the Coastal Act, Malibu Valley Farms has a vested right to use the property as an equestrian facility after passage of the Coastal Act and to build any structures that support an equestrian facility without coastal development permits. A vested right exemption from coastal development permits applies only to development that was permitted and commenced prior to the Coastal Act. There is no vested right to undertake new development without a permit on grounds that the development facilitates a pre-Coastal Act use of the property. Malibu Valley Farms' claim is in effect, a claim to a right to (1) build new structures after enactment of the Coastal Act without coastal permits and to (2) use its property in a manner that is consistent with only the most general description of the alleged pre-Coastal use. This is clearly unsupported by the Coastal Act. For these reasons, staff concludes that there is no basis to find a vested right to the existing structures on the property.

I. STAFF RECOMMENDATION FOR DENIAL OF CLAIM

The Executive Director has made an 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.

II. FINDINGS AND DECLARATIONS

A. Legal Authority and Standard of Review

The Coastal Act requires that a coastal development permit be obtained before development is undertaken in the coastal zone. Coastal Act section 30600(a)¹ states:

. . . in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person . . . wishing to perform or undertake any development in the coastal zone, . . . shall obtain a coastal development permit.

Coastal Act section 30106 defines the term "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,

¹ The Coastal Act is at Public Resources Code sections 30,000 to 30,9000.

One exception to the general requirement that one obtain a coastal development permit before undertaking development within the coastal zone is that if one has obtained a vested right in the development prior to enactment of the Coastal Act, a permit is not required. Section 30608 of the Coastal Act states:

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. The subject property was not subject to the Coastal Zone Conservation Act of 1972 (aka Proposition 20, “the Coastal Initiative”) and therefore was not required to obtain a coastal development 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 a CDP, or approval pursuant to another provision of the Coastal Act.

The procedural framework for Commission consideration of a claim of vested rights is found in Sections 13200 through 13208 of Title 14 of the 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, the claimant is exempt from Coastal Development Permit requirements for that specific development only. Any substantial 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 the development is not exempt from CDP requirements.

Section 30608 provides an exemption from the permit requirements of the Coastal Act if one has obtained a vested right in a development. Neither the Coastal Act nor the Commission’s regulations articulate any standard for determining whether a person has obtained such a right. Thus, to determine whether the Coastal Act’s vested rights exemption applies, the Commission relies on the criteria for acquisition of vested rights as developed in the case law applying the Coastal Act’s vested right provision, as well as in common law vested rights jurisprudence. That case law is discussed below.

“”The vested rights theory is predicated upon estoppel of the governing body.”” *Raley v. California Tahoe Regional Planning Agency* (1977), 68 Cal.App.3d 965, 977.² Equitable estoppel may be applied against the government only where the injustice that would result from a failure to estop the government “is of sufficient dimension to justify any effect upon public interest or policy” that would result from the estoppel. *Raley*, 68 Cal.App.3d at 975.³ Thus, the standard for determining the validity of a claim of vested rights requires a weighing of the injury to the regulated party from the regulation against the environmental impacts of the project. *Raley*, 68 Cal.App.3d at 976.

The seminal decision regarding vested rights under the Coastal Act is *Avco Community Developers, Inc. v. South Coast Regional Commission* (1976) 17 Cal.3d 785. In *Avco*, the California Supreme Court recognized the long-standing rule in California that if a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government, he acquires a vested right to complete a construction in accordance with the terms of the permit. The court contrasted the affirmative approval of the proposed project by the granting of a permit with the existence of a zoning classification that would allow the type of land use involved in the proposed project. The court stated it is beyond question that a landowner has no vested right in existing or anticipated zoning. *Avco, supra*, at 796; *accord, Oceanic Calif., Inc. v. North Central Coast Regional Com.* (1976) 63 Cal.App.3d 357.

The acquisition of a vested right to continue an activity without complying with a change in the law thus depends on good faith reliance by the claimant on a governmental representation that the project is fully approved and legal. The scope of a vested right is limited by the scope of the governmental representation on which the claimant relied, and which constitutes the basis of the estoppel. One cannot rely on an approval that has not been given, nor can one estop the government from applying a change in the law to a project it has not in fact approved. Therefore, the extent of the vested right is determined by the terms and conditions of the permit or approval on which the owner relied before the law that governs the project was changed. *Avco Community Developers, inc. v. South Coast Regional Commission, supra*, 17 Cal.3d 785.

There are many vested rights cases involving the Commission (or its predecessor agency). The courts consistently focused on whether the developers had acquired all of the necessary government approvals for the work in which they claimed a vested right, satisfied all of the conditions of those permits, and had begun their development before the Coastal Act (or its predecessor) took effect.⁴ The frequently cited standard for

² Quoting *Spindler Realty Corp. v. Monning*, 243 Cal. App.2d 255, 269, quoting *Anderson v. City Council*, 229 Cal. App.2d 79, 89.

³ Quoting *City of Long Beach v. Mansell*, 3 Cal. 3d 462, 496-97.

⁴ See, e.g., *Patterson v. Central Coast Regional Commission* (1976), 58 Cal. App. 3d. 833; *Avco Community Developers, Inc. v. South Coast Regional Commission*, 17 Cal.3d 785; *Tosh v. California Coastal Commission* (1979) 99 Cal.App.3d 388; *Billings v. California Coastal Commission* (1980) 103 Cal.App.3d 729. *Halaco Engineering Co. v. South Central Coast Regional Commission* (1986), 42 Cal. 3d 52 (metal recycling); *Monterey Sand Co., Inc. v. California Coastal Commission* (1987), 191 Cal. App. 3d 169 (sand dredging).

establishing a vested right is that the claimant had to have “performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government” in order to acquire a vested right to complete such construction. *Avco Community Developers, Inc. v. South Coast Regional Commission* (1976), 17 Cal.3d 785, 791.

Based on these cases, 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 undertake the development prior to January 1, 1977. Typically this would be a building permit or other legal authorization, and
2. The claimant must have performed substantial work and/or incurred substantial liabilities in good faith reliance on the governmental approvals. The Commission must weigh the injury to the regulated party from the regulation against the environmental impacts of the project and ask whether such injustice would result from denial of the vested rights claim as to justify the impacts of the activity upon Coastal Act policies. (*Raley, supra*, 68 Cal.App.3d at 975-76).

There is also legal authority that suggests that only the person who obtained the original permits or other governmental authorization and performed substantial work in reliance thereon has standing to make a vested right claim. (*Urban Renewal Agency v. California Coastal Zone Conservation Commission* (1975) 15 Cal.3d 577).

The burden of proof is on the claimant to substantiate the claim of vested right. (14 CCR § 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.4th 533, 568; *County of San Diego v. McClurken* (1957) 37 Cal.2d 683, 687).

B. Background Regarding Property

1. The Property

The subject property is an approximately 31.02-acre parcel at the northeast corner of Mulholland Highway and Stokes Canyon Road in the Santa Monica Mountains area of unincorporated Los Angeles County (**Exhibit 1**). 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 3**). 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 development on the part of the property (or "site") at 2200 Stokes Canyon Road that is located in the coastal zone.

Stokes Canyon Creek, an intermittent blue-line stream recognized by the United States Geological Survey (USGS), runs in a southwesterly direction through the western half of the parcel. The parcel area east of the creek consists of mountainous terrain containing chaparral, oak woodland, and annual grassland habitats; the parcel area west and south of the creek is level and contains an approximately six-acre equestrian facility.

The facility is used for breeding, training, and boarding horses, and contains two large riding arenas, fencing, a dirt access road and two at-grade crossings through Stokes Creek, an approximately 2,000 sq. ft. parking area, an approximately 20,000 sq. ft. fenced paddock, 36 pipe corrals, six tack rooms, a 1,440 sq. ft. barn, 2,660 sq. ft. mare motel, two cross tie areas and a cross tie shelter, a hot walker, and three storage units. The number of horses boarded at the site is unknown. A March 2005 Draft Environmental Impact Report (EIR) prepared for the proposed Malibu Valley Inn and Spa, which was to be located nearby, estimated that an average of 50 horses were stabled on the project site at that time; however, the existing site facilities could accommodate a larger numbers of horses.

The equestrian facility is located in and adjacent to Stokes Creek. The central and southern portions of the facility are linked by two dirt access roads with at-grade crossings through Stokes Creek. Several pipe corrals are located immediately adjacent to the creek, as are the paddock, barn, a storage container, tack room, and cross-tie areas. The rest of the structures are located between approximately 20 and 50 feet from creek and/or riparian canopy.

The subject property is currently owned by Malibu Valley Farms, Inc. and is identified as APN Number 4455-028-044. Malibu Valley Farms, Inc., whose president is Brian Boudreau, acquired the property in February 2002 from Robert K. Levin (via an unrecorded grant deed). 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.

2. Previous Commission Action

On November 20, 1998, Brian Boudreau, president of Malibu Valley Farms, Inc., submitted an exemption request for replacement of pipe corrals and related improvements that had been destroyed by wildfire in 1996. In the letter, 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 4**). On December 7, 1998, the Commission issued Exemption Letter No. 4-98-125-X for replacement of 14 pipe corrals (totaling 2,500 sq. ft) at the site (**Exhibit 5**). However, on December 15, 1998, Commission staff received a copy of a notice of violation letter, issued by the Los Angeles County Department of Regional Planning to Malibu Valley Farms, Inc. on September 29, 1998, for operation of a horse boarding facility without the required permits and inconsistent with required setbacks (**Exhibit 6**). In addition, Commission staff reviewed an aerial photograph of the site from January 24, 1977 and determined that the equestrian facility on the site was constructed after the January 1, 1977 effectiveness date of the Coastal Act, without benefit of a coastal development permit (**Exhibit 10**). Exemptions from the Coastal Act’s permit requirements for replacement of structures destroyed by disaster (Section 30610(g)) only apply to 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

Commission staff contacted Mr. Boudreau on January 14, 1999 and sent him a letter dated January 22, 1999 informing him that the exemption was revoked. The letter also stated that a Coastal Development Permit (CDP) is required for the horse riding area, polo field, numerous horse corrals, barn, and accessory buildings at the site and directed the applicant to submit an CDP application requesting after-the-fact approval of the unpermitted development (**Exhibit 7**).

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 Mr. Boudreau that it intended to initiate cease and desist order proceedings regarding the development at the site. Mr. Boudreau, Malibu Valley Farms, Inc., and Robert Levin, the owner of the property at the time, submitted a Statement of Defense dated April 10, 2000. The Statement of Defense states that “horses have been raised and trained on the property since the mid 1970s.” (*Id.* Para. 5).

On June 13, 2000, Malibu Valley, Inc. (a separate corporation also owned by Mr. Boudreau) submitted the current Claim of Vested Rights application (**Exhibit 2**). A public hearing on the application was scheduled for the February 2001 Commission meeting, with a staff recommendation of denial. On February 15, 2001, at the applicant’s request, the hearing on the application was continued pending processing of

a coastal development permit application for the unpermitted development on the site **(Exhibit 8)**. During this time the application was amended to change the applicant from Malibu Valley, Inc. to Malibu Valley Farms, Inc. with Robert Levin as co-applicant. In March 2002, Mr. Levin transferred the property to Malibu Valley Farms, Inc. by an unrecorded grant deed.

Malibu Valley Farms, Inc. submitted a permit application on May 31, 2002. The application requested after-the-fact approval for the existing development, with the exception of twenty-eight 576 sq. ft. portable pipe corrals, a 288 sq. ft. storage shelter, 200 sq. ft. portable storage trailer, four 400 sq. ft. portable pipe corrals, 101 sq. ft. tack room with no porch, four 101 sq. ft. portable tack rooms with four-foot porches, 250 sq. ft. cross tie area, 360 sq. ft. cross tie shelter, two 2,025 sq. ft. covered corrals, and one 1,080 sq. ft. covered corral, all of which the applicant proposed to remove. The application also proposed construction of four 2,660 sq. ft. covered pipe barns, two 576 sq. ft. shelters, three 96 sq. ft. tack rooms, and a 2,400 sq. ft. hay/storage barn.

Although the application was submitted in 2002, it was not deemed complete until March 6, 2006, due in part to delays in securing approval-in-concept for the proposed project from the Los Angeles County Department of Regional Planning (DRP). A hearing on the application was scheduled for the May 2006 Commission meeting, but was postponed at the applicant's request. A hearing was subsequently scheduled for the August 2006 Commission meeting, with a staff recommendation of denial **(Exhibit 9)**. On July 27, 2006, the applicant submitted a letter withdrawing the permit application.

C. Development Claimed As Exempt From Coastal Act Requirements

Malibu Valley Farms contends that it has a vested right to conduct agricultural and livestock activities and to 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.

Malibu Valley Farms 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 **(Exhibit 2)**. It identifies the following structures located in the coastal zone: equestrian riding arena (240'x105'); arena with wooden wall (150'x 300'); one story barn (24'x60'); proposed covered shelter (24'x24'x10'); two 45'x45' corrals with proposed roof to be added; storage container (8'x20'); back to back mare motel (2,600 square feet); cross tie area (10'x15'); nine 17'x10' parking stalls and one 17'x15' parking stall; four 20'x20' portable pipe corrals; equipment storage shelter (16'x18'); portable storage trailer (8'x25'); two 10'x15' cross tie areas; twenty-nine 24'x24' portable pipe corrals; tack room with no porch (101 sq. ft.); cross tie shelter (15'x24'); and four 101 sq. ft. tack rooms with porches. 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 Farms 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 Farms asserts that the scope of its vested rights to conduct agricultural and livestock activities encompasses the right to replace structures, “modernize and update” the operations and to erect and maintain “any other structures incidental to the vested uses of the property.” **(Exhibit 2).**

D. Evidence Presented by Claimant

In support of its application, Malibu Valley Farms has provided declarations concerning use of the property prior to enactment of the Coastal Act. The declarations are found in Exhibit B of the Application for Claim of Vested Rights. A summary of the declarations is set forth below.

Declaration of Warren Larry Cress – Mr. Cress executed a declaration stating that he lived near the property from 1967 to 1995 and that when the property was owned by the Claretian Missionaries, it was “used for agriculture, growing oat hay, and raising livestock” and that sheep were grazed and herded on the property by a man named Luigi. Mr. Cress also states that “[t]he 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 by Luigi. Other than fences for the sheep, the Cress declaration does not indicate that any other structures were located 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 suggests that there were holding pens and a stocking area on the flat area of the property. He also states that there was a horse barn nearby although he does not state whether it was on the property. 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.

Declaration of Virgil Cure – Mr. Cure executed a declaration stating that he worked as a farm hand on the property between 1947 and 1993. He asserts that the property was used for growing oat hay from 1947 until the late 1960s or early 1970s, that cattle were raised on the property from 1952 until 1978, and that sheep were raised on the property at some time prior to 1978. The Cure declaration does not indicate that horses were raised or boarded on the property or that any 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. (The 1988 date appears to be a typographical error because the property was transferred from the

Claretian Missionaries to the Boudreau family in 1978, as acknowledged in the declaration.) He states that the property was used for growing oat hay and grazing livestock, including cattle and sheep during this time. He also states that structures were placed at various locations and repeatedly removed during planting seasons and then replaced in the same or different location to accommodate the needs of the livestock. Mr. Ferrante does not state when the structures existed on the property. 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 Ferrante declaration does not indicate that horses were boarded at the property.

E. Analysis of Claim of Vested Rights

1. There is No Evidence That Any of the Structures For Which a Vested Right is Sought Were Present on the Site as of January 1, 1977

The Commission has reviewed aerial photographs of the site taken in 1952 and January 24, 1977. These photographs do not show any of the structures for which Malibu Valley Farms claims a vested right. Malibu Valley Farms has not submitted any photographs that show the structures on the site as of January 1, 1977. The 1952 aerial photograph does appear to show some fences and similar structures on property that is located south of the Malibu Valley Farms property and that was owned by the Claretian Missionaries at that time.

Malibu Valley Farms provided declarations from four individuals as to what existed on the site prior to passage of the Coastal Act. The declaration from Mr. Warren Cress states that there were fences on the property. Mr. Cress does not state when the fences were present, whether they were present as of January 1, 1977, where they were located, what they were made of, or any other information that would support a finding that the fences present today are the same as the fences that Mr. Cress observed.

The declaration from Mr. Virgil Cure does not state that any structures were present on the site.

The declaration from Mr. Dominic Ferrante states that fences, corralling facilities and feeding facilities existed on the site, and that these were placed, removed, and replaced to coincide with the shifting locations of planting and grazing activities. There is no evidence that the fences currently existing on the site to support the equestrian facility are the same type and in the same location as the fences used for grazing of sheep and cattle. Nor is there an explanation as to why these structures do not appear on the 1977 aerial photographs. Therefore, this declaration does not demonstrate that the structures for which a vested right are sought are the same as those described by Mr. Ferrante.

The declaration from Mr. Luigi Viso describes holding pens, a stocking area and a barn. However, Mr. Viso's declaration is limited to a description of the property in 1975. There is no evidence that these structures remained on the site and were present when the Coastal Act was enacted.

In 1998, Brian Boudreau, President of Malibu Valley Farms, asserted that structures and 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). Commission staff has observed the structures at the site and determined that they are made of newer materials and were constructed more recently than 1977. Whether the current structures were built following the destruction of prior existing structures by wildfire and floods does not affect the vested rights analysis. If structures existed at the time the Coastal Act was enacted and those structures were subsequently destroyed by wildfire or flood, new structures could potentially be built without coastal development permits pursuant to the disaster exemption at section 30610 (g) of the Coastal Act. (Use of this exemption requires that a replacement structure conform to existing zoning, be the same use as the destroyed structure, not exceed the floor area, height or bulk of the destroyed structure by more than 10 percent, and be in the same location as the destroyed structure.) Malibu Valley Farms has not submitted any evidence that demonstrates that any of the particular structures currently located at the site are replacements of structures that existed on the site on January 1, 1977, i.e. that they are in the same location, and of the same height and bulk as structures that existed on the site as of January 1, 1977.

Rather, the evidence suggests that Malibu Valley Farms built all of the structures and improvements associated with its equestrian facility after 1978. First, none of the declarations assert that Malibu Valley Farms began operations on the property prior to the time that the Claretian Missionaries transferred the property to the Boudreau family or that the Claretian Missionaries built structures that would be needed for a horse boarding, training and breeding operation. Instead, the declarations indicate that the Claretian Missionaries used the property for sheep and cattle grazing up until the time the property was sold, which was in 1978. Second, Malibu Valley Farms does not claim that it built particular structures before the property was acquired by the Boudreau family in 1978. Based upon the declarations that the Claretian Missionaries used the property for sheep and cattle grazing until sale to the Boudreau family in 1978, it seems that all of the structures for the horse boarding, training and breeding operation must have been constructed after acquisition of the property by Malibu Valley Farms in 1978.

2. There is No Evidence that Substantial Work Commenced or that Substantial Liabilities Were Incurred In Reliance on Government Approvals

As discussed above, there is no evidence that the existing structures and improvements on the site were present as of January 1, 1977. Furthermore, there is no evidence that

necessary permits for these structures and improvements had been obtained and substantial work commenced in reliance on such approvals prior to January 1, 1977. First, based on the aerial photographs, there is no evidence that construction of the improvements had commenced, e.g., there is no evidence of grading or partial construction of the equestrian related structures as of January 24, 1977. No other evidence has been provided to show commencement of construction, and instead, it appears that all construction commenced after Malibu Valley Farms took ownership of the property, which was in 1978. Second, if work had commenced to construct these structures and improvements, it was not based on government approvals given that required County approvals had not been obtained. At a minimum, the covered horse stalls (i.e., the mare motel) and the barn required building permits pursuant to County ordinances. The permit requirement for these structures is currently found at Los Angeles Code, Title 26, Sections 101–106. This ordinance was originally enacted in 1927 as Ordinance No. 1494 and has been in effect ever since then. Malibu Valley Farms has not provided evidence that it ever obtained a building permit for such structures prior to the Coastal Act.

There is additional development on the site that is not mentioned specifically by Malibu Valley Farms in its claim of vested rights, including irrigation structures, drainage structures discharging into Stokes Canyon Creek, as well as a dirt road and two at-grade crossings of Stokes Canyon Creek. Malibu Valley Farms has not submitted any evidence indicating that this development was undertaken prior to enactment of the Coastal Act or after enactment in reliance on governmental approvals. However, this development would be included under Malibu Valley Farms' 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 finds that Malibu Valley Farms has not establish a vested right to erect or maintain any of the development shown in its plans or any of the development that exists on the site that is not shown on the plans and that is not proposed to be removed. Malibu Valley Farms has not provided any evidence that it obtained permits and commenced construction in reliance on these permits prior to enactment of the Coastal Act. Therefore, it has not met its burden of establishing a vested right in this development.

3. Use of the Site for Sheep and Cattle Grazing and Growing Hay Does Not Give Rise to a Vested Right to Construct Numerous Structures to Support an Equestrian Facility

Malibu Valley Farms claims that because the site was used for sheep and cattle grazing along with agriculture prior to enactment of the Coastal Act, Malibu Valley Farms has an unlimited vested right to construct structures on the site without coastal permits, as long as those structures are connected to any type of agricultural or livestock activities on the site. As explained below, the Commission rejects Malibu Valley Farms' position.

The Coastal Act requires that a coastal development permit be obtained before new development is performed or undertaken [Coastal Act section 30600(a)]. The construction and/or placement of each of the structures on the site, including the barn, the covered shelter, the corrals, the mare motel, the parking stalls, and numerous other structures, is development as defined by the Coastal Act. Therefore, construction and placement of each of these structures required a coastal development permit. Section 30608 of the Coastal Act recognizes vested rights "in a development." A vested right is acquired if the development was completed prior to the Coastal Act pursuant to required government approvals or, at the time of enactment of the Coastal Act substantial work had commenced and substantial liabilities had been incurred in reliance on government approvals. Neither of these criteria has been met, as discussed above. If these criteria are not met, vested rights cannot be established for new development that is undertaken after the effective date of the Coastal Act. Because the evidence shows that all of the structures on the site were constructed after enactment of the Coastal Act, the construction and/or placement of these structures required a coastal development permit.

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 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). In *Halaco*, the court found that the propane tank at issue was not part of what had been approved by the local government prior to enactment of the Coastal Act and therefore the tank constituted new development for which a permit was required, even though it was not disputed that the tank would contribute to the operation of the foundry. 42 Cal.3d at 76. Similarly, new development conducted by Malibu Valley Farms after January 1, 1977, is subject to the requirements of the Coastal Act.

Thus, even if the site was used for sheep and cattle grazing prior to the Coastal Act, there is no vested right to construct new structures to support that use or any other use. Furthermore, if a particular structure or use at the property is vested, by the very terms of the Coastal Act exemption (Section 30608), any substantial expansion of the structure or use also is "new development" and is not part of the vested right. Therefore, even if fences and feeding structures existed to support sheep and cattle grazing, substantial changes to such structures, such as placement of a new, different type of fence, would require a coastal development permit.

Even if Malibu Valley Farms 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. Further, no evidence was submitted that establishes that horses were boarded, trained and bred at the site prior to enactment of the Coastal Act. The declarations provided by Malibu Valley Farms assert 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. There is one declaration that states that the Claretian Missionaries "had horses on the property," but it does not state when or whether horses were boarded on the property. Therefore, this one statement is insufficient to establish that horses were boarded, trained and bred on the property prior to the Coastal Act. Even if there were evidence of use of the property for boarding horses prior to the Coastal Act, the erection of structures for purposes of boarding, training and breeding horses requires a coastal development permit if it occurs after January 1, 1977 unless the criteria for establishing a vested right have been met.

Malibu Valley Farms' 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 Farms' vested rights. This theory is not supported by the Coastal Act and the case law on vested rights.

In summary, the Commission finds that Malibu Valley Farms has not provided evidence establishing that any of the existing structures at the site were constructed or were in the process of being 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. 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 prior 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 Farms 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 Farms does not have a vested right to build new structures at the site in the future, without complying with the Coastal Act.

4. The Site is Not Currently Used For Agriculture or Grazing Sheep and or Cattle and There Is No Vested Right to Resume Such Activities

Although Malibu Valley Farms claims that it is seeking a vested right to continue the agricultural and livestock activities that occurred on the site prior to enactment of the Coastal Act, it also states that it is seeking a vested right to maintain all of the existing development on the site. The evidence of prior agricultural and livestock use relates to use of the site for growing oat hay and raising and grazing sheep and cattle. All of the existing development is related to an equestrian facility, i.e., a facility for the boarding, training and breeding of horses. Thus, it does not appear that Malibu Valley Farms is seeking a vested right to carry out the actual agricultural and livestock activities that occurred on the site prior to enactment of the Coastal Act – oat hay farming and cattle and sheep raising and grazing. Commission staff inspected the site in November 1999. Commission staff had the opportunity to observe the entire site, and did not observe any use of the site for growing crops or grazing sheep or cattle. 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 grazing sheep or cattle. Commission staff returned to the site in August 2005 and again did not observe any use of the site for growing crops or raising goats, sheep, or cattle. Commission staff has, however, observed that areas of the site are irrigated pastures where horses are permitted to graze.

Malibu Valley Farms has not provided any documentation of expenditures for growing crops or grazing sheep 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 Farms has not provided evidence indicating that whatever growing of crops and/or raising of sheep, goats, or cattle occurred at the site prior to January 1, 1977, is a continuing activity at the site.

The evidence indicates that, at most, the Claretian Missionaries had a legal nonconforming use of the site consisting of growing of crops and grazing sheep and cattle as of January 1, 1977. This nonconforming use was subsequently discontinued, abandoned and/or removed by Malibu Valley Farms when it constructed a horse boarding, training and breeding facility. The legal nonconforming use of the site does not give rise to a vested right to construct an equestrian facility and in any event was abandoned and cannot be resurrected by Malibu Valley Farms at this point. 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).

F. Conclusion

For all the reasons set forth above, the Commission finds that Malibu Valley Farms has not met the burden of proving its claim of vested rights for any of the development the currently exists at 2200 Stokes Valley Road.

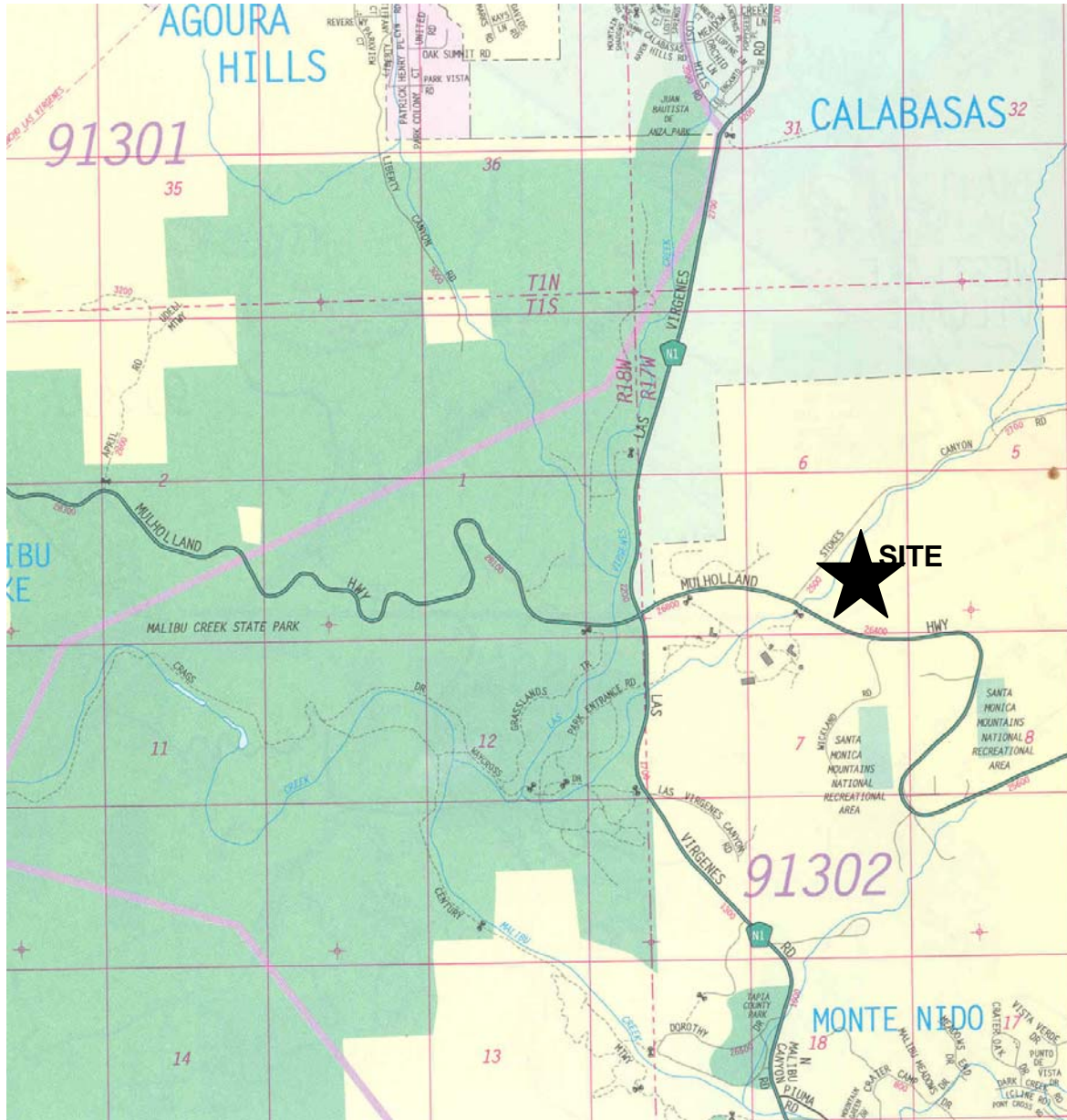


Exhibit 1
4-00-279-VRC
Vicinity Map

Philip R. Nicholson*
Lawrence Teplin
Ronald I. Silverman*
Mario Camara
George D. Calkins, II
John H. Kuhl
Arthur O. Spaulding, Jr.
Jeffrey Lapota
John S. Miller, Jr.
Kenneth B. Bley
Ira J. Waldman
John F. Nicholson
Charles E. Newman
Marlene D. Goodfried
Jeffrey D. Masters
Robert D. Infelise
Tamar C. Stein
Douglas P. Snyder
Gary A. Gluck
Lora Lee Moore
Lewis G. Feldman
Mark P. McClanathan
John A. Kucanannon
Stanley W. Lampert
Randall W. Black
Perry D. Mocciano
Jess R. Rossi
Gregory J. Karna
D. Scott Turner
Sandra C. Stewart
Mathew A. Wyman
Randy P. Orlig
Kenneth Williams
Laurel R. Ballard
Amy H. Wells
Scott D. Brooks
Gary P. Deoux
Valerie L. Flores
Preston W. Brooks
Paul J. Titcher
Robert J. Sykes

Alfred F. DeLeo
Stathi G. Marcopulos
Camelia Kuo Schuk
Charles J. Moore
Robert P. Doty
Stuart I. Block
Herbert J. Klein
Estelle M. Braaf
Adam B. Weisburg
Jeffrey A. Cagliardi
Jonathan Sears
Scott L. Grossfeld
Robert M. Haigh, Jr.
Richard J. Katsier
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
Lorin Dunn Arkow
Jason A. Hobson
Steven M. Muldowney
Perrin S. Victor
Stephen E. Abraham
Tara N. Morris
Tuan A. Pham
Paddy Sharifian
John M. Trotter
Lawrence Venick
Joanna C. Huchting
Hans Lauterbach
Mitchell Poole
Carolyn Yashari Becher
Ceide Zapparoni
Kimberly Kessler Chytraus
Joel L. Kietz

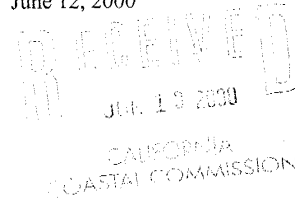
*A Professional Corporation

COX, CASTLE & NICHOLSON LLP

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June 12, 2000



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OUR FILE NO:

32051

WRITER'S DIRECT DIAL NUMBER

(310) 284-2252

WRITER'S E-MAIL ADDRESS

sabraham@ccnlaw.com

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.

Exhibit 2
4-00-279-VRC
Claim of Vested Rights Application

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 read 'SEA', followed by a horizontal line.

Stephen E. Abraham

SEA

SEABRAIIA/32051/844267v1

Enclosures (Faxed w/out Exhibits)

Cc: California Coastal Commission, North Coast Area

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
45 FREMONT, 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 _____

J1: 2/89

-2-

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.

-3-

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

Siân Soudreau 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.

Siân Soudreau
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.

DECLARATION OF WARREN LARRY CRESS

I, Warren Larry Cress, declare as follows:

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

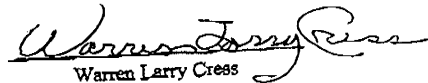
2. My house was close to the property owned by the Claretian Missions that is now operated by Malibu Valley. That property was used for agriculture, growing oat hay and raising livestock. The Missionaries had horses on the property. Also, a man named Luigi grazed and herded his sheep on the Property.

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

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

5. 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 2, 2000, at Bradley, California.


Warren Larry Cress

DECLARATION OF VIRGIL CURE

I, Virgil Cure, declare as follows:

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

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

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

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

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

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

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

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

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

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

23
24 
25 Virgil Cure
26
27
28

DECLARATION OF DOMINIC FERRANTE

I, Dominic Ferrante, declare as follows:

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

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."

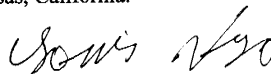
5. The property included hilly areas and a naturally flat area just north of Mulholland and east of Stokes Canyon Road. It was always flat as long as I had used it and had very little vegetation. It was mostly the remains after oat hay was cut and bailed.

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.

8
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.

11 

12 _____
13 Luigi Viso
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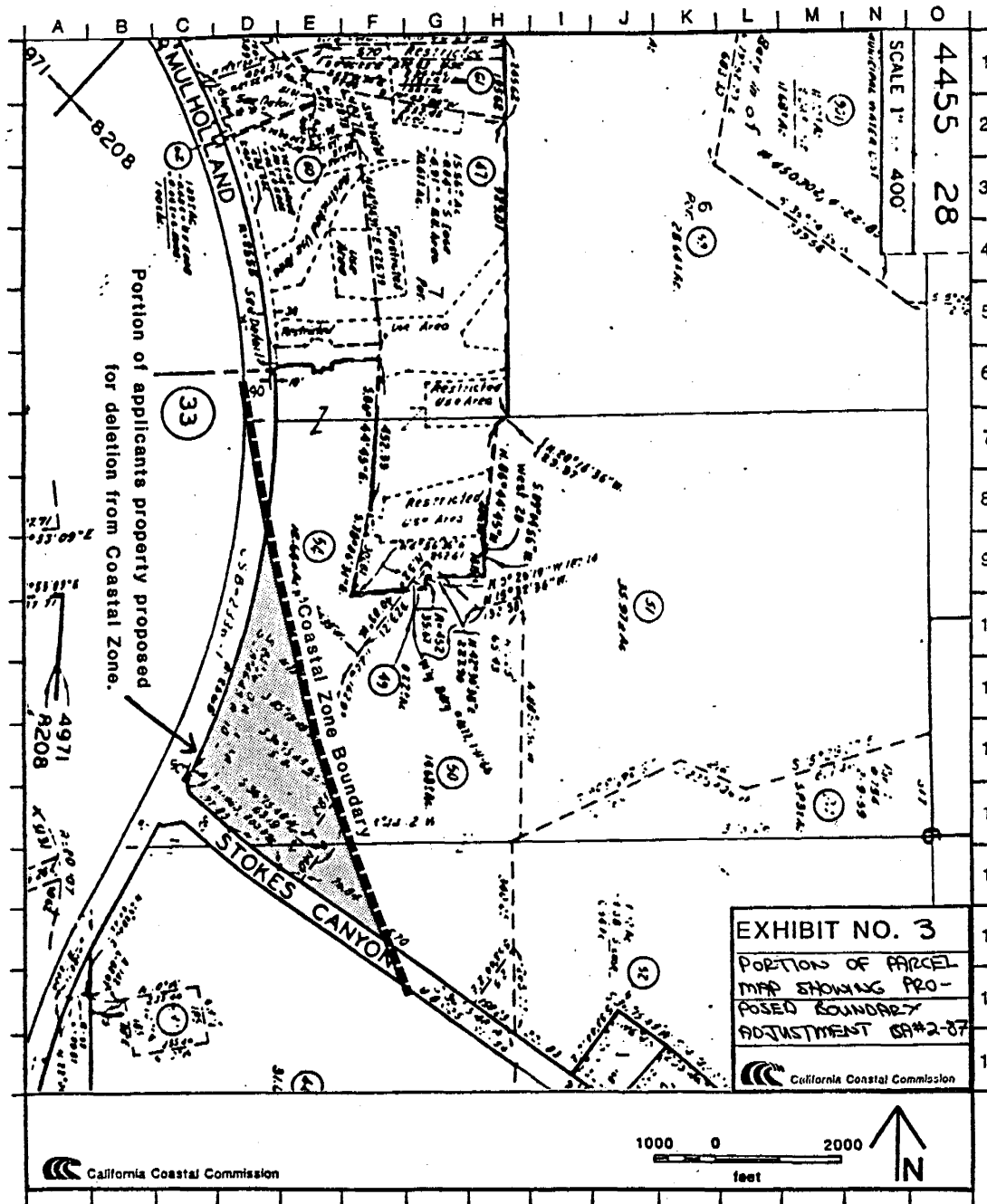
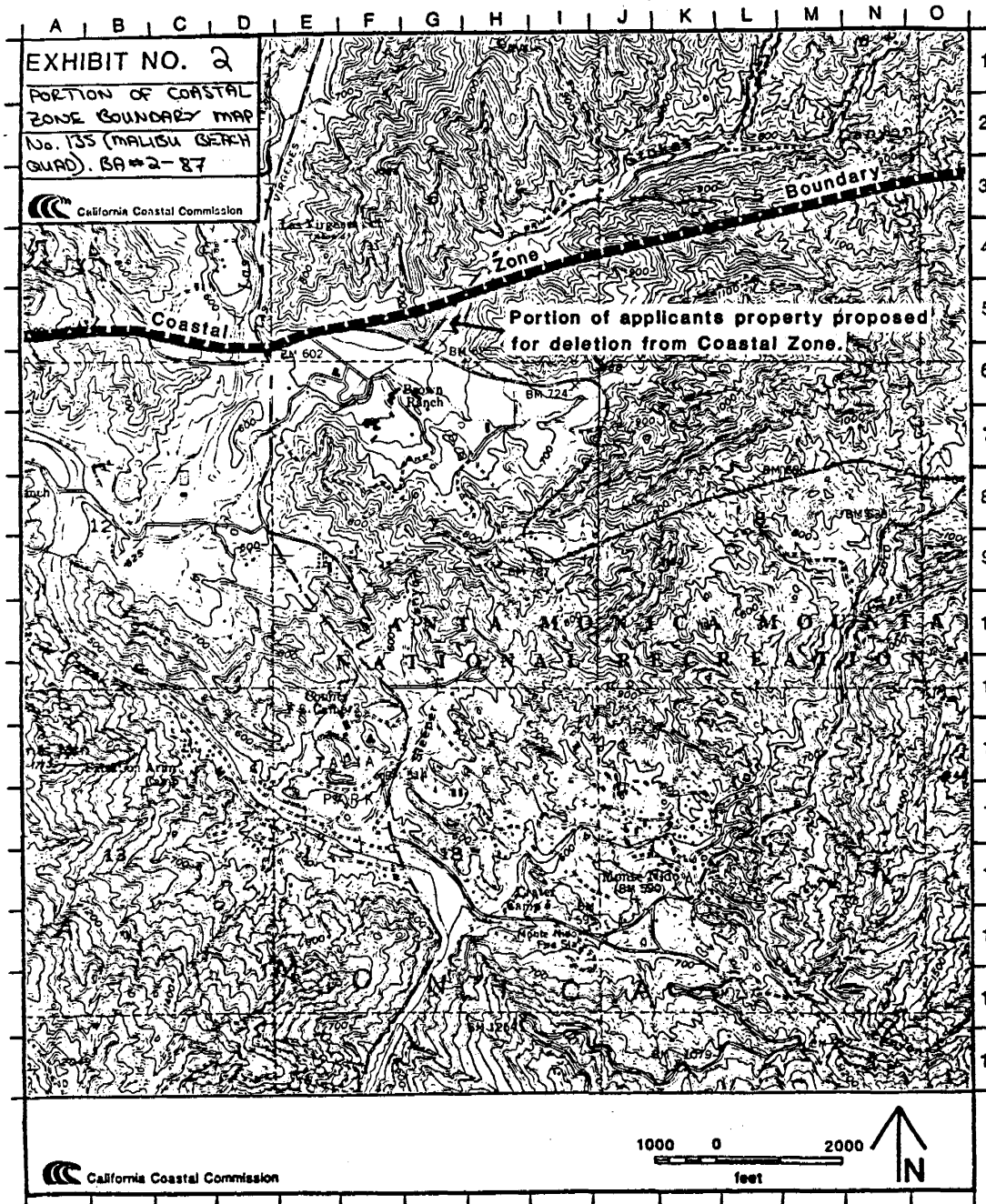
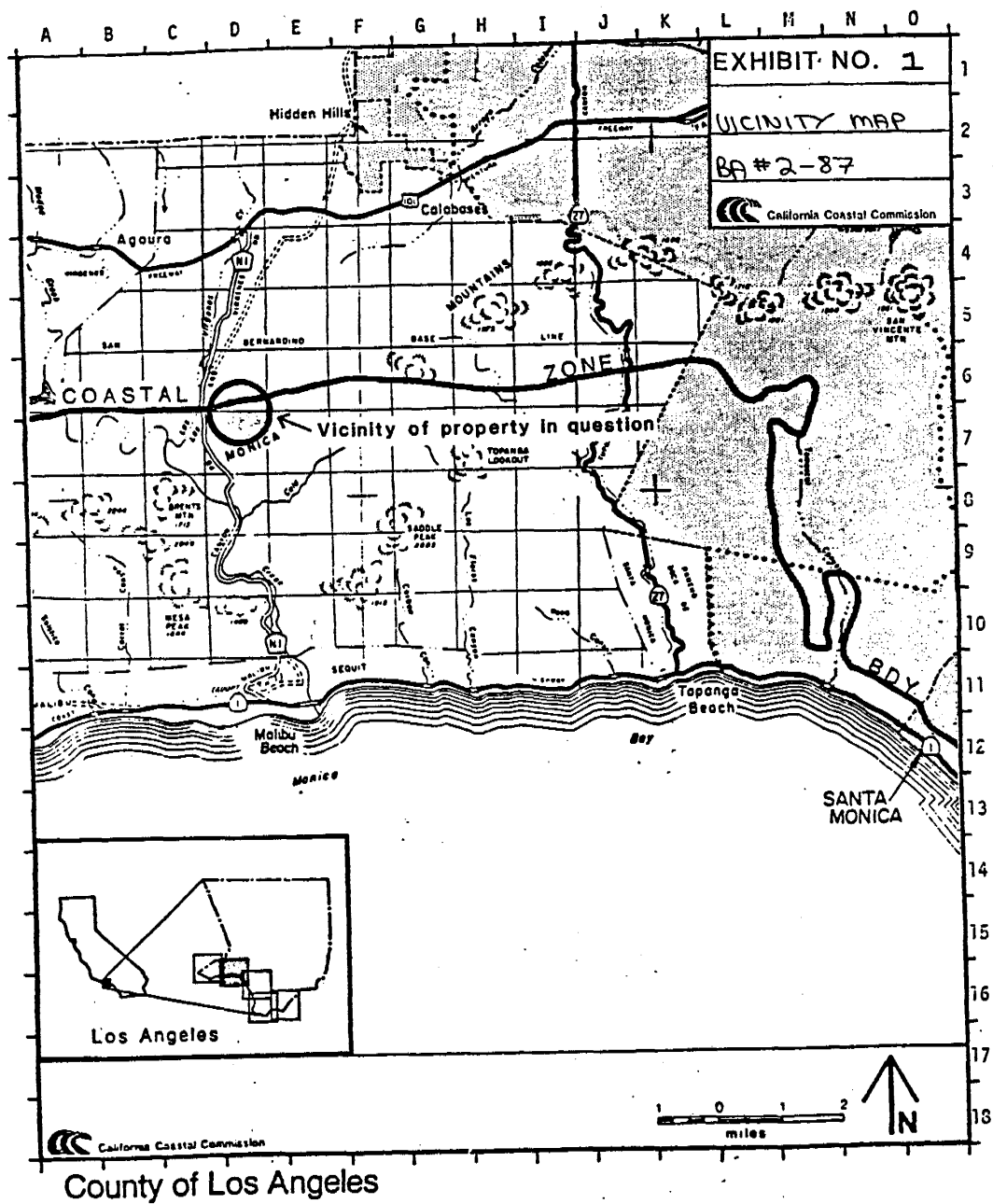
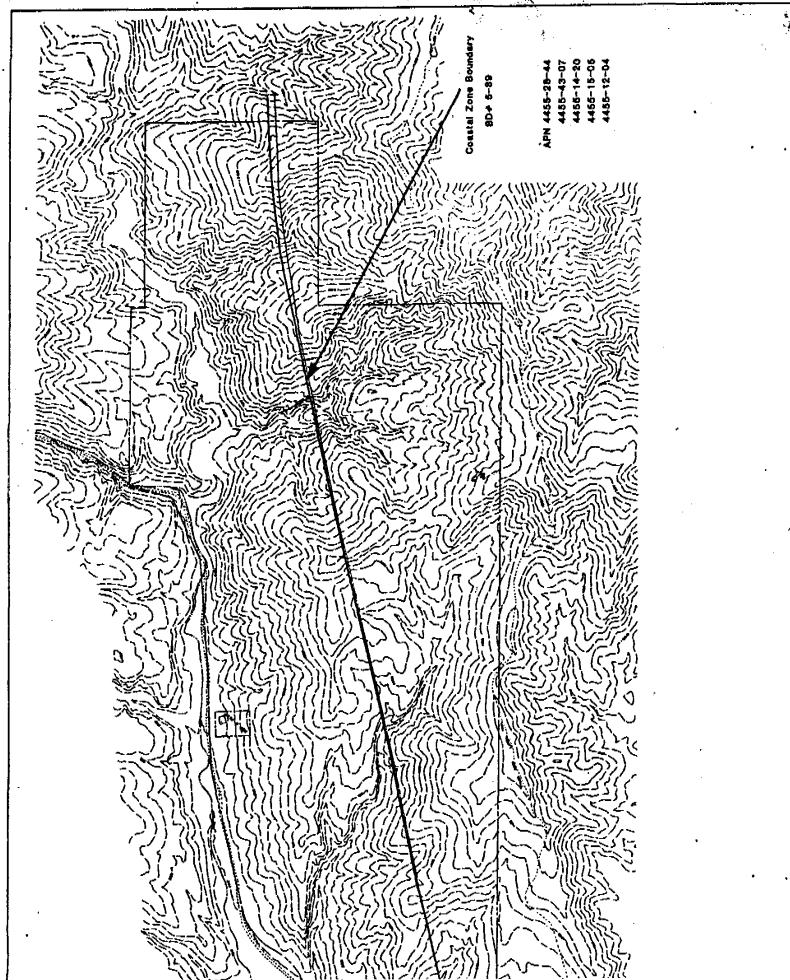


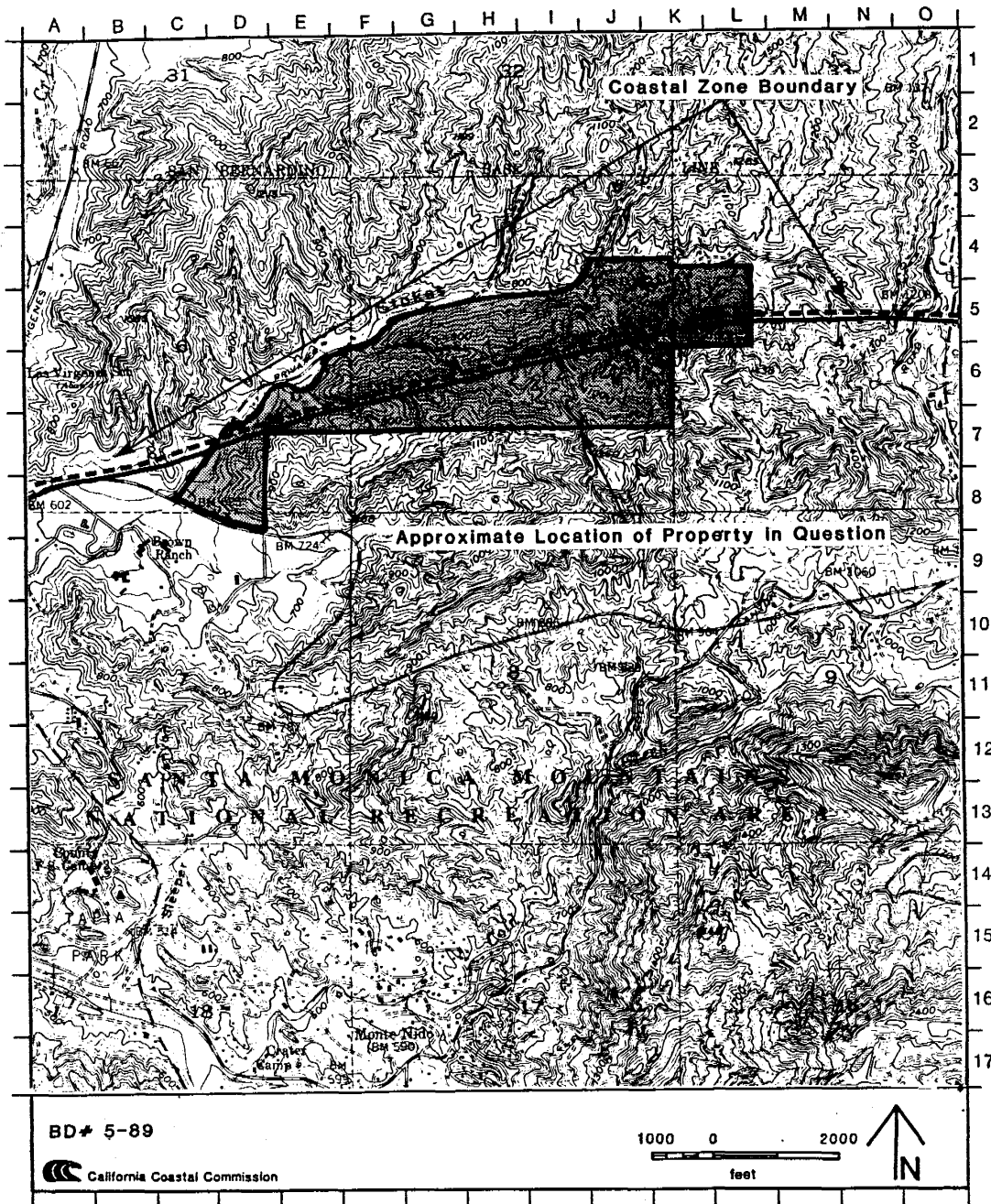
Exhibit 1
4-00-279-VRC
Vicinity Map



County of Los Angeles







County of Los Angeles

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, Governor

CALIFORNIA COASTAL COMMISSION

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



February 21, 1989

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

Re: Boundary Determination #5-89

Dear Mr. King,

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

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

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

Sincerely,

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

JONATHAN VAN COOPS
Mapping Program Manager

JVC:ns

cc: C. Damm, CCC-LA

Enclosures

2242N

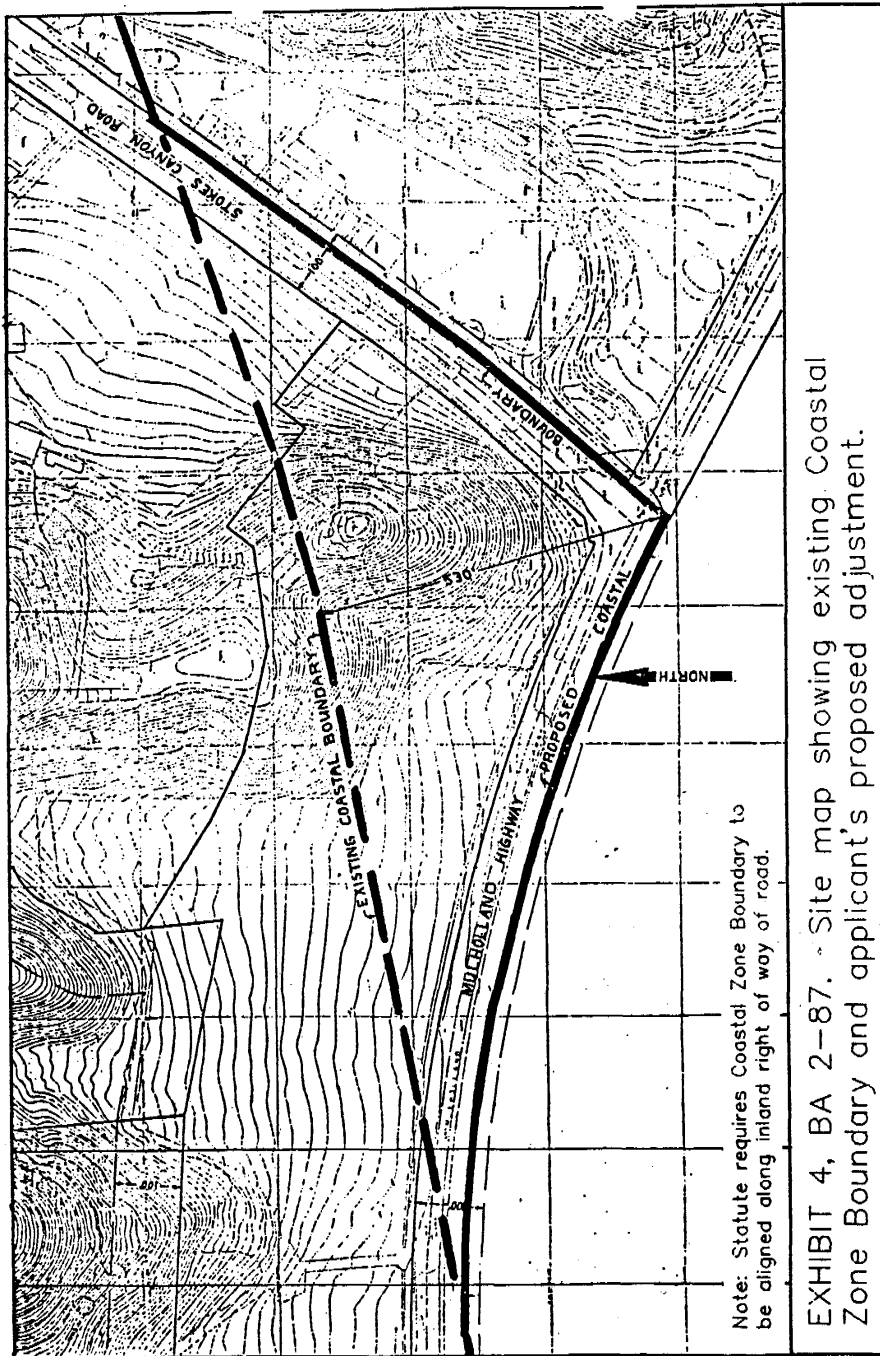
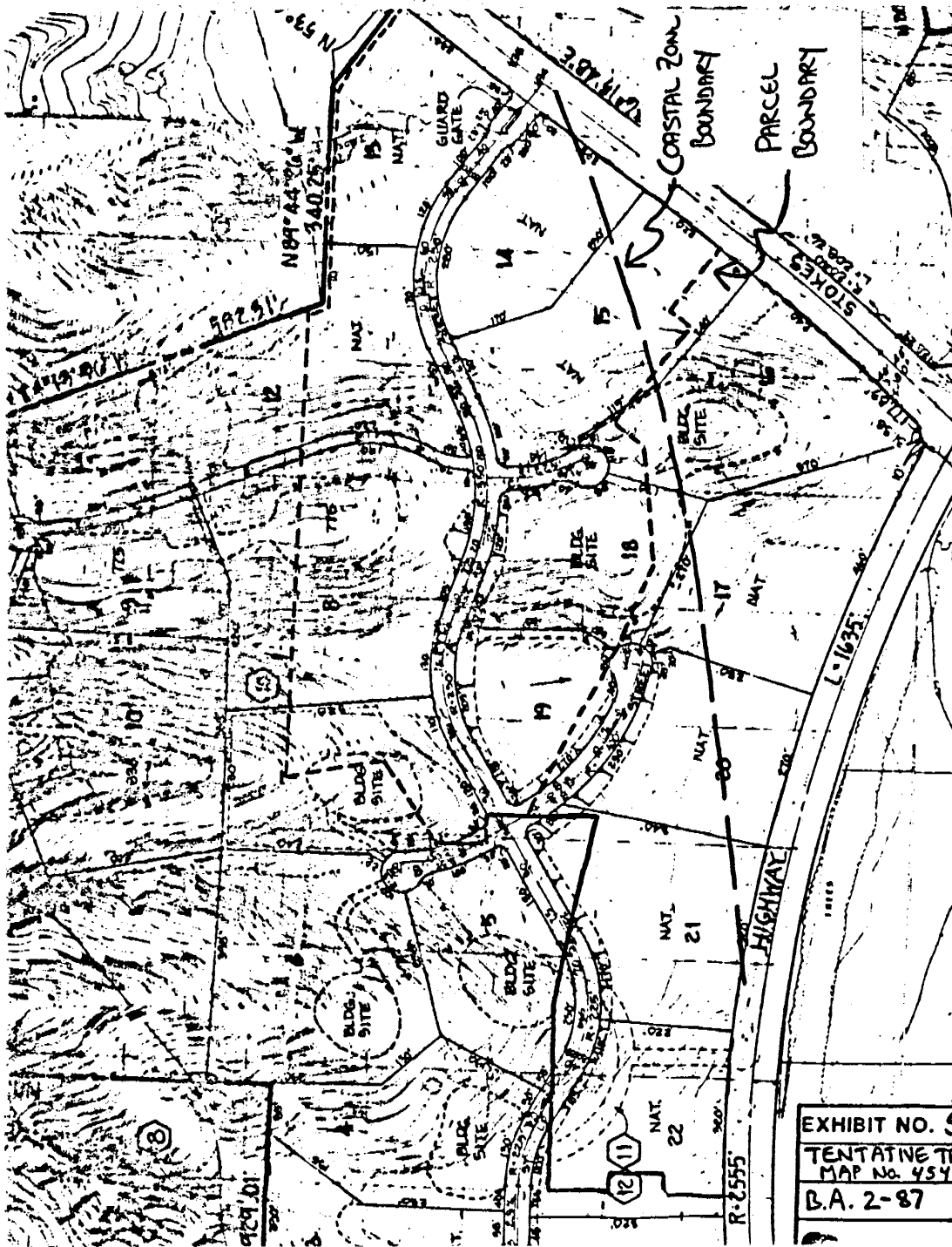


EXHIBIT 4, BA 2-87. - Site map showing existing Coastal Zone Boundary and applicant's proposed adjustment.



/08/99 11:49 FAX

002

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
MVPZ179.doc

01/06/99 11:51

TX/RX NO.2346

P.002

01/06/99 11:50 FAX

003

ACKNOWLEDGMENTS

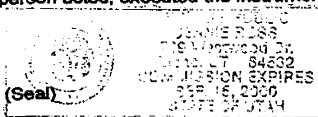
State of Utah
County of Grand

) 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

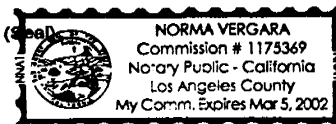
) SS.

County of Los Angeles

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 SYSTEMATE: 12/18/98
IME: 09:12:53
OUTE TO: BS0910

DPR4051

PAGE 1

REQUESTED BY: XXXXXXXX

FEE RECEIPT

RECEIPT NUMBER: BS09100012620

HIS 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.

ATE 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

FEE	STATISTICAL	CALCULATION	UNIT OF	EXTENDED
ITEM FEE DESCRIPTION	CODE	FACTOR	MEASURE	AMOUNT
AA BLDG PERMIT ISSUANCE	A018303			\$18.90
AE STRONG MOTION OTHER	A018303	34780.00	VALUATN	\$7.30
D1 PLANCHHECK W/O EN-HC	A019224	34780.00	VALUATN	\$347.99
D2 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
 ASHIER: 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 SYSTEMDATE: 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	STATISTICAL	CALCULATION	UNIT OF	EXTENDED
ITEM FEE DESCRIPTION	CODE	FACTOR	MEASURE	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
CLERK: LAITEMS WITH AN ASTERISK (*) WILL REQUIRE FURTHER DEPOSITS
WHENEVER ACTUAL COSTS EXCEED THE DEPOSIT AMOUNT

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

D A P T S MISCELLANEOUS FEE ACCEPTANCE
FEEPMS
REVIEW CALCULATIONS - PRESS PF6 TO CONFIRM
PREVIOUS TRANSACTION SUCCESSFULLY COMPLETED

12/15/98
08:44:14

PAGE 1

ORG/LOC: BS 0910
BAL DUE: 215.90

JOB NUMBER	FEE ITEM TEXT	CALCULATION FACTOR	UNIT MEAS.	CALCULATED AMOUNT	* CODE	* NEW	* AMOUNT
	INSPECTION OTHER	1.00	HOURS	66.90			
	ADDITIONAL REVIEW	2.00	HOURS	149.00			
DPC405	NEXT TRANSACTION: _____						PF1=HELP

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GRAY DAVIS, GOVERNOR

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,

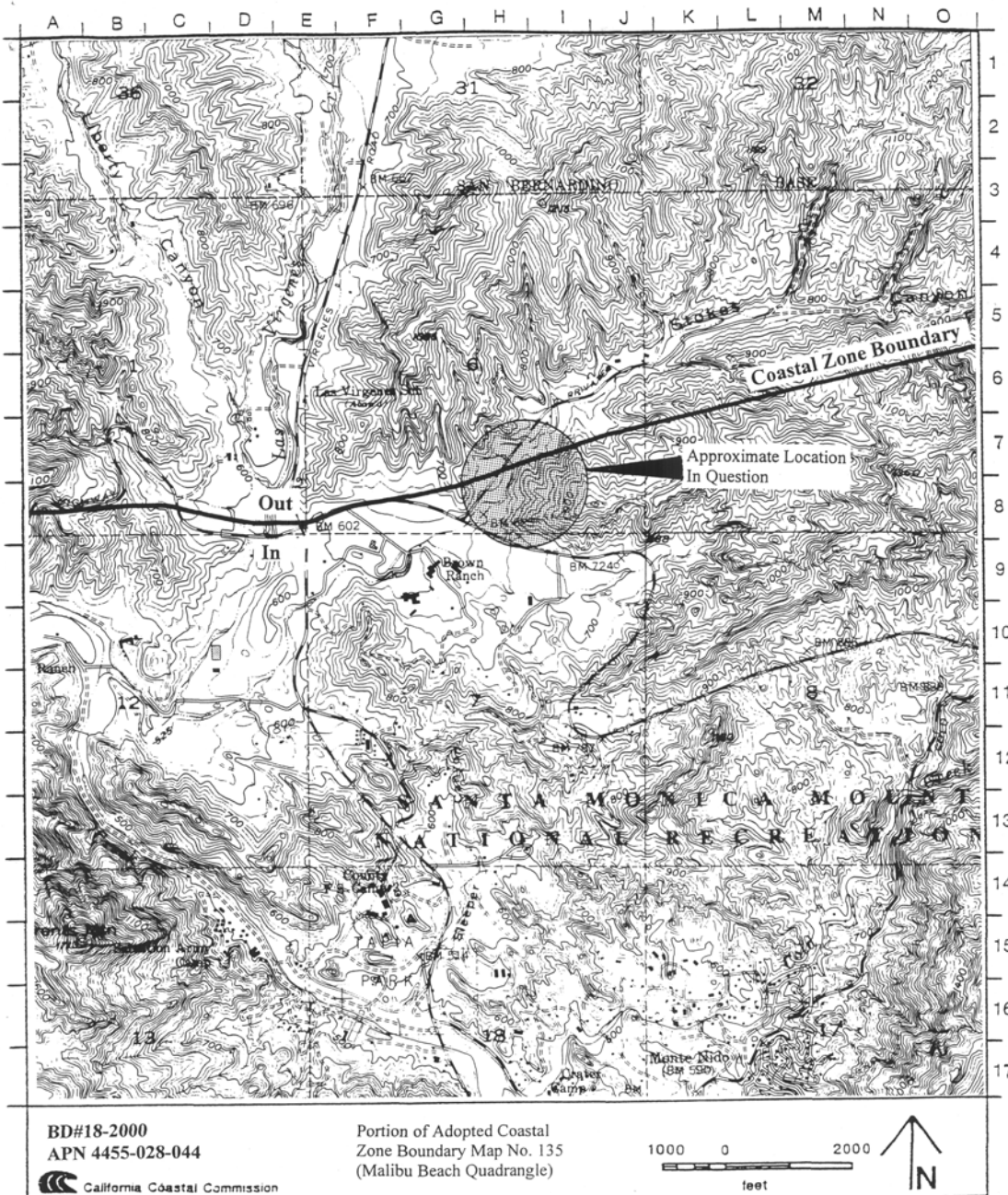
A handwritten signature in dark ink, appearing to read 'Darryl Rance'.

Darryl Rance
Mapping/GIS Unit

Enclosures

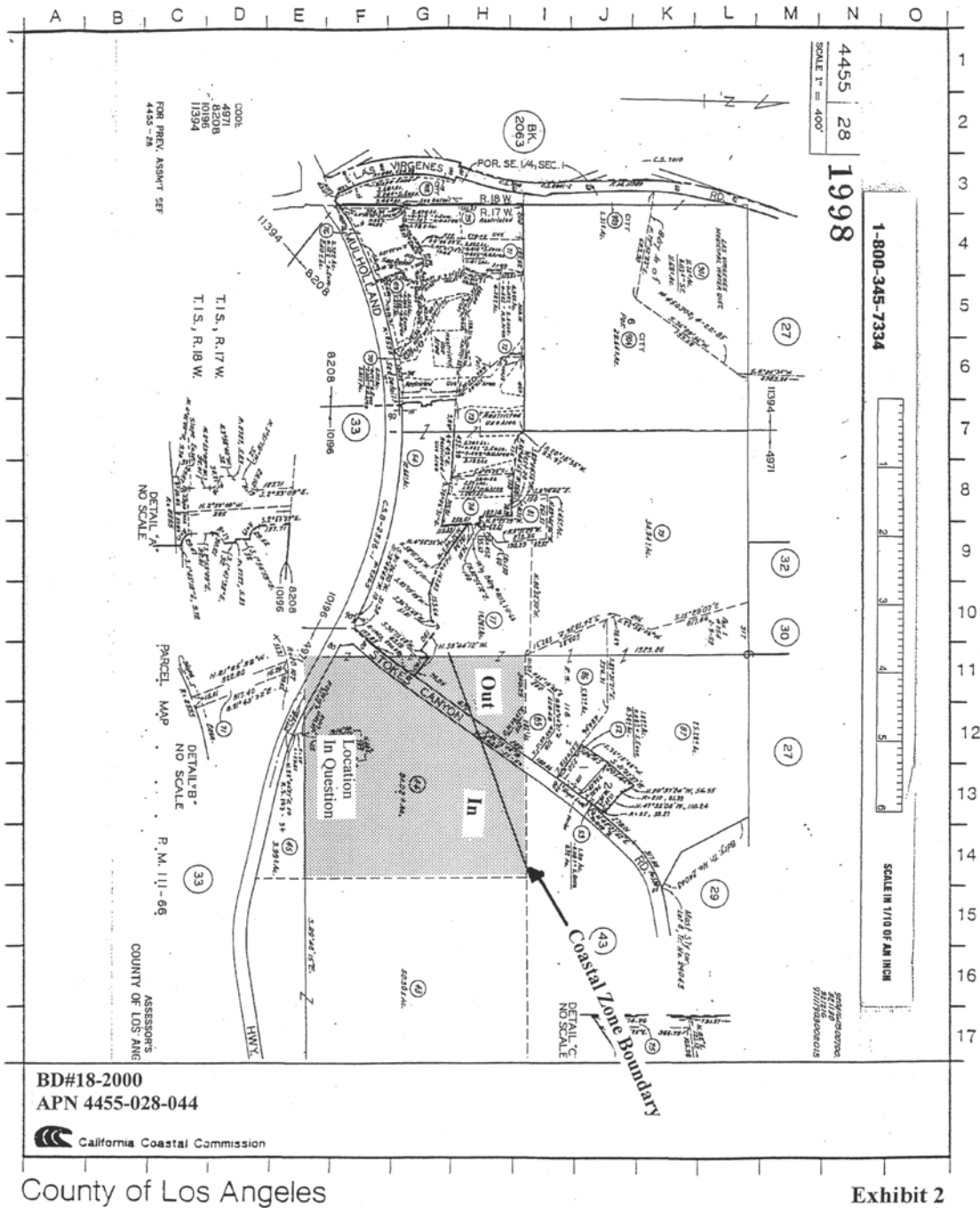
cc: Jack Ainsworth, CCC-SCC

Exhibit 3
4-00-279-VRC
Boundary Determination No. 18-2000



County of Los Angeles

Exhibit 1



4-98-125-y

MALIBU VALLEY FARMS, INC.

November 19, 1998

RECEIVED
NOV 20 1998

VIA FEDERAL EXPRESS

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

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.

2200 STOKES CANYON ROAD ♦ CALABASAS 91302
TELEPHONE (818) 880-5139 ♦ FACSIMILE (818) 880-5414 ♦ E-MAIL MVFI@IX.NETCOM.COM

Exhibit 4
4-00-279-VRC
Exemption Request Letter, Nov. 19, 1998

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.

Enclosures
MVFI2164.doc
2005-019/012

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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

EXEMPTION LETTER4-98-125-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)

Exhibit 5
4-00-279-VRC
Exemption Letter 4-98-125-X

Page 2

- 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).
- XX 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

Dec. 15 '98 9:29 0000 STOKES PARTNERS 818-880-6370

P. 1



Los Angeles County
Department of Regional Planning
Director of Planning James E. Hartl

70:
Sue Brooks

September 29, 1998

NOTICE OF VIOLATION

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

Inspection File No. EF89865

Dear Sir/Madam:

It has been reported that you are boarding horses, maintaining inoperable vehicles and junk and salvage at the above address. In addition, there are numerous trailers occupied as dwelling units on the same address.

These are not permitted uses in the A-1-1 zone classification and are in violation of the provisions of the Los Angeles County Zoning Ordinance, Sections 22.24.030, 22.24.070, 22.24.035(B) and 22.24.100.

Please consider this an order to comply with the provisions of the Zoning Ordinance within ten (10) days after receipt of this letter.

Per Section Code 22.24.100, any property in the A-1 zone may be used for riding academies and stables with the boarding of horses, on a lot or parcel of land having as a condition of use, an area of not less than 5 acres, by filing for a Conditional Use Permit (CUP), you may keep or maintain horses as pets or for personal use only, provided that your property or parcel meets a minimum required area of 15,000 square feet, not to exceed one horse per 5,000 square feet. If you do not meet the minimum required area, you may be eligible for an "Animal Permit" for horses exceeding the number permitted, or on lots having less than the required area. Also, all buildings or structures used in conjunction therewith shall be located not less than 50' from any street, highway, or any building used for human habitation and corrals shall be 35' distance.

Failure to comply as requested will cause this matter to be referred to the District Attorney with the request that a criminal complaint be filed. Conviction can result in a penalty of up to six months in jail and/or a one thousand dollar fine, each day in violation constituting a separate offense.

Any inquiry regarding this matter may be addressed to the Department of Regional Planning, 320 W. Temple Street, Los Angeles, CA 90012; Attention: Zoning Enforcement, telephone (213) 974-6483. To speak directly with the investigator, Carmen Sainz, please call before 10:00 a.m., Monday through Thursday. Our offices are closed on Fridays.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING

James E. Hartl, AICP
Director of Planning

Morris J. Litwack
Morris J. Litwack, Acting Section Head
Zoning Enforcement

Reported 110

320 West Temple Street • Los Angeles, CA 90012 • 213 974-6411 Fax: 213 626-0434 • TDD: 213 617-2292

OCT 06 1998

Exhibit 6

4-00-279-VRC

9/28/1998 Letter from Los Angeles County

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

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



CERTIFIED & REGULAR MAIL

January 22, 1999

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

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

Exhibit 7
4-00-279-VRC
Revocation of Exemption 4-98-125-X

• Page 2

November 30, 1999
4-98-125-X (Malibu Valley Farms)

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

Feb-15-01 11:55am From-COX, CASTLE & NICHOLSON

310-277-7889

T-479 P.002/003 F-931

Philip R. Nicholson*
Lawrence Tepin
Ronald I. Silverman*
Mario Camara
George D. Calkins, II
John H. Kuhl
Arthur O. Spaulding, Jr.
Jeffrey Lantz
John S. Miller, Jr.
Kenneth B. Bily
Lisa J. Waldman
John F. Nicholson
Charles E. Noremus
Marlene D. Goodfield
Jeffrey D. Murray
Robert D. Infelise
Tamar C. Stein
Douglas P. Snyder
Gary A. Glick
Lewis G. Feldman
Mark P. McClosahan
John A. Kineannon
Stanley W. Lemport
Randall W. Ellick
Perry D. Macdonald
Joss R. Brecht
Gregory J. Karpis
P. Scott Turner
Sandra C. Stewart
Matthew A. Wyman
Randy P. Orlis
Kenneth Williams
Laurel R. Ballard
Amy H. Wells
Scott D. Brooks
Gary P. Downer
Valerie L. Flores
Preston W. Brooks
Paul J. Tachler
Robert J. Sykes
Alfred F. DeLeco
Stathi G. Maropoulos

* A Professional Corporation

COX, CASTLE & NICHOLSON LLP

A Limited Liability Partnership Including Professional Corporations

LAWYERS

2049 Century Park East
Twenty-Eighth Floor
Los Angeles, California 90067-3284
Telephone (310) 277-4222
Facsimile (310) 277-7889
www.ccnlaw.com

February 15, 2001

George M. Cox
(Retired)Richard N. Casse
(1932-1992)**Senior Counsel**

Edward C. Dygert
David S. Rosenberg
Susan S. Davis
Samuel H. Westhead
Beate J. Orlam
Matthew P. Scherger
Sherry M. Du Pont

Orange County Office

19800 MacArthur Boulevard
Suite 600
Irvine, California 92612-3416
(949) 478-2111 • (310) 284-2187
Facsimile (949) 476-0236

San Francisco Office

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) 284-2275
WRITER'S E-MAIL ADDRESS
stampport@ccnlaw.com

VIA FACSIMILE

Sandra Goldberg, Esq.
California Coastal Commission
San Luis Obispo, CA

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

Dear Ms. Goldberg:

This letter confirms that Malibu Valley Farms, Inc. and Robert K. Levin are requesting a continuance of the hearing before the Coastal Commission on the vested rights determination referenced above. The applicants have determined that they are not prepared to respond to the staff recommendations at the meeting today for which a vote on the application is scheduled. We first learned about the staff's recommendation when we received a copy of the staff report approximately two weeks ago. I have had to be out of town for most of the time since the report was sent to us. There are number of issues raised in the staff report for which the applicants believe there is important additional information that needs to be before the Commission in order for the applicants to receive a fair hearing on their application. Some of that information is in the possession of third parties who have not been available in the short time we have had to respond. While we been diligently working to assemble the additional declarations and documentation we believe will respond to the recommendations in the staff report, there just has not been enough time to complete that task.

This request is on behalf of all of the applicants, including Malibu Valley, Inc., to the extent it is still recognized as an applicant. Mr. Donald Schmitz is authorized to convey this request to the Commission on behalf of the applicants.

Exhibit 8

4-00-279-VRC

2/15/2001 Letter from Applicant's Representatives

Feb-15-01 11:55am From-COX, CASTLE & NICHOLSON

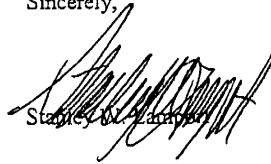
310-277-7889

T-479 P.003/003 F-931

Sandra Goldberg, Esq.
February 15, 2001
Page 2

We very much appreciate the Commission's favorable consideration of this
request.

Sincerely,



Stanley W. Zampieri

SWL:rs1
32051/882921v1

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Filed: 3/06/06
49th Day: 4/24/06
180th Day: 12/01/06
Staff: LF-V
Staff Report: 7/20/06
Hearing Date: 8/09/06
Commission Action:



W 8a

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-131

APPLICANT: Malibu Valley Farms, Inc.

AGENT: Stanley Lampert and Beth Palmer

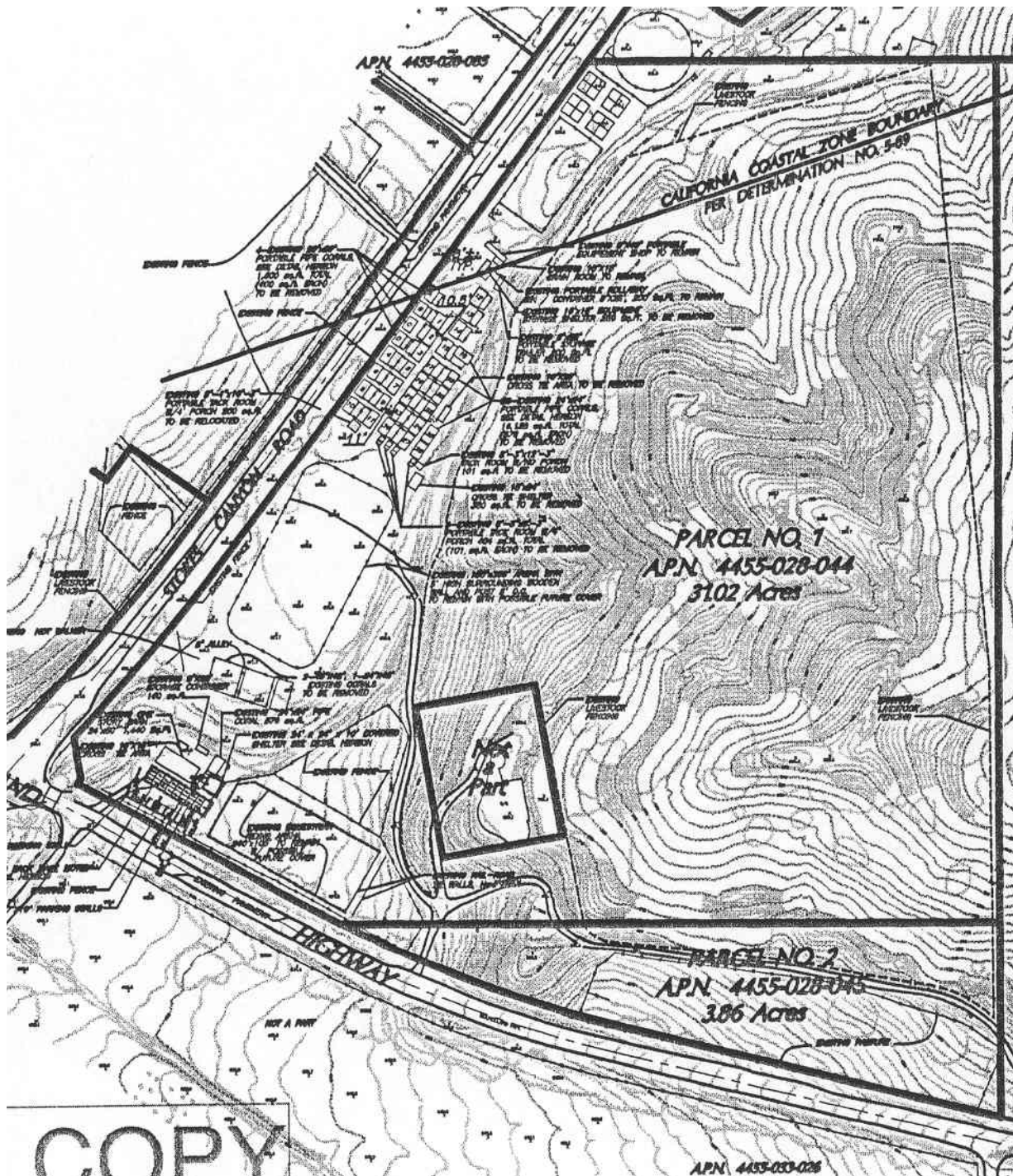
PROJECT LOCATION: Northeast corner of Mulholland Highway and Stokes Canyon Road, Santa Monica Mountains (Los Angeles County)

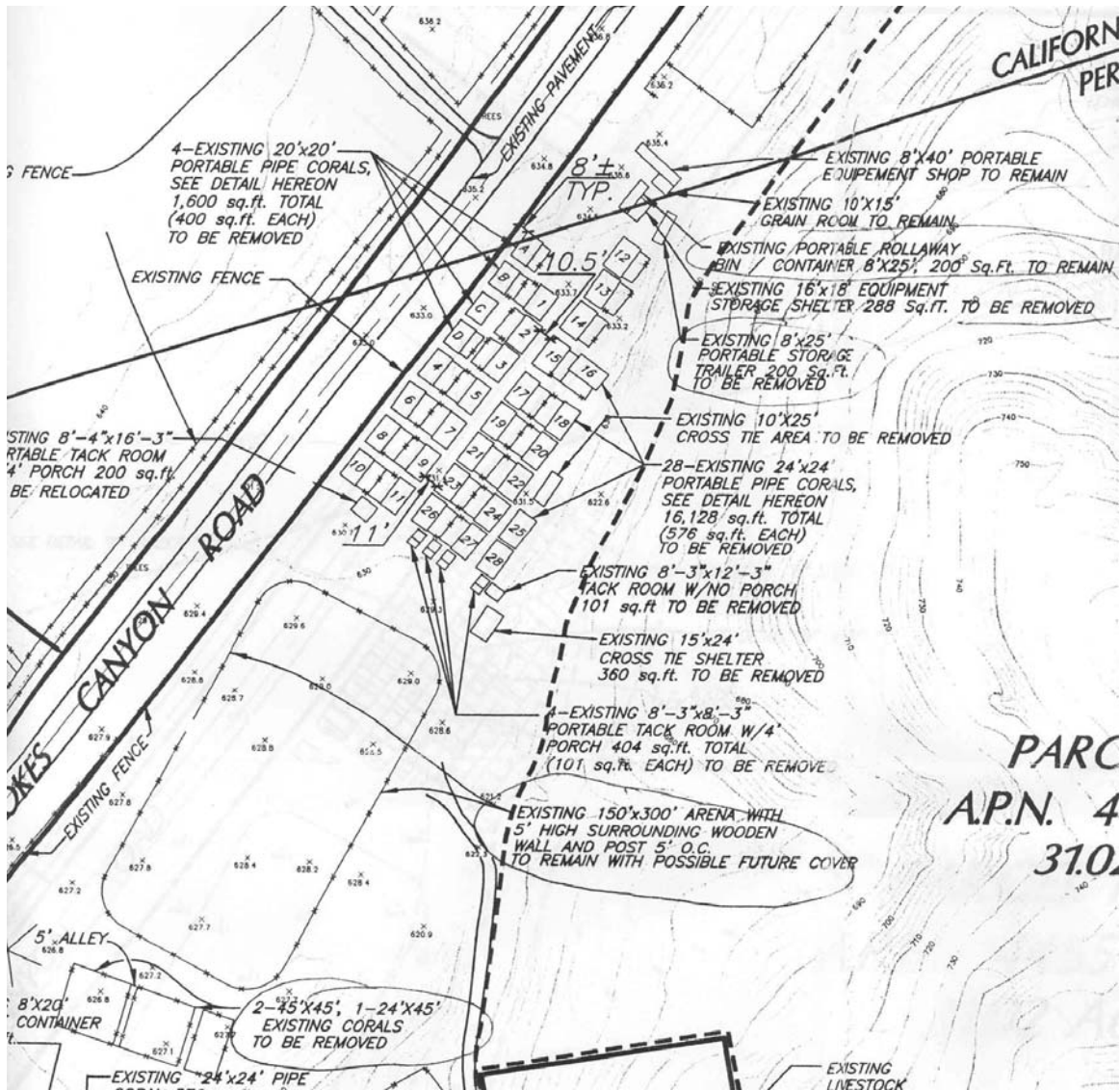
APN NO.: 4455-028-044

PROJECT DESCRIPTION: Request for after-the-fact approval for an equestrian facility, including a 45,000 sq. ft. arena with five-foot high surrounding wooden wall with posts, 200 sq. ft. portable rollaway bin/container, 200 sq. ft. portable tack room with four-foot porch (to be relocated approximately 20 feet west), 576 sq. ft. pipe corral, 576 sq. ft. covered shelter, 25,200 sq. ft. riding arena, approximately 2,000 sq. ft. parking area, 2,660 sq. ft. back to back mare motel, 150 sq. ft. cross tie area, 1,440 sq. ft. one-story barn, 160 sq. ft. storage container, three-foot railroad tie walls, approximately 20,000 sq. ft. fenced paddock, fencing, dirt access road with at-grade crossing through Stokes Creek, and a second at-grade dirt crossing of Stokes Creek. The proposed project also includes removal of twenty-eight 576 sq. ft. portable pipe corrals, a 288 sq. ft. storage shelter, 200 sq. ft. portable storage trailer, four 400 sq. ft. portable pipe corrals, 101 sq. ft. tack room with no porch, four 101 sq. ft. portable tack rooms with four-foot porches, 250 sq. ft. cross tie area, 360 sq. ft. cross tie shelter, two 2,025 sq. ft. covered corrals, and one 1,080 sq. ft. covered corral. The proposed project also includes construction of four 2,660 sq. ft. covered pipe barns, two 576 sq. ft. shelters, three 96 sq. ft. tack rooms, and a 2,400 sq. ft. hay/storage barn.

Lot Area	31.02 acres
Lot Area within Coastal Zone (CZ)	~28 acres
Proposed development area (in CZ)	~6 acres

Exhibit 9
4-00-279-VRC
Staff Report for CDP No. 4-02-131 with
selected exhibits





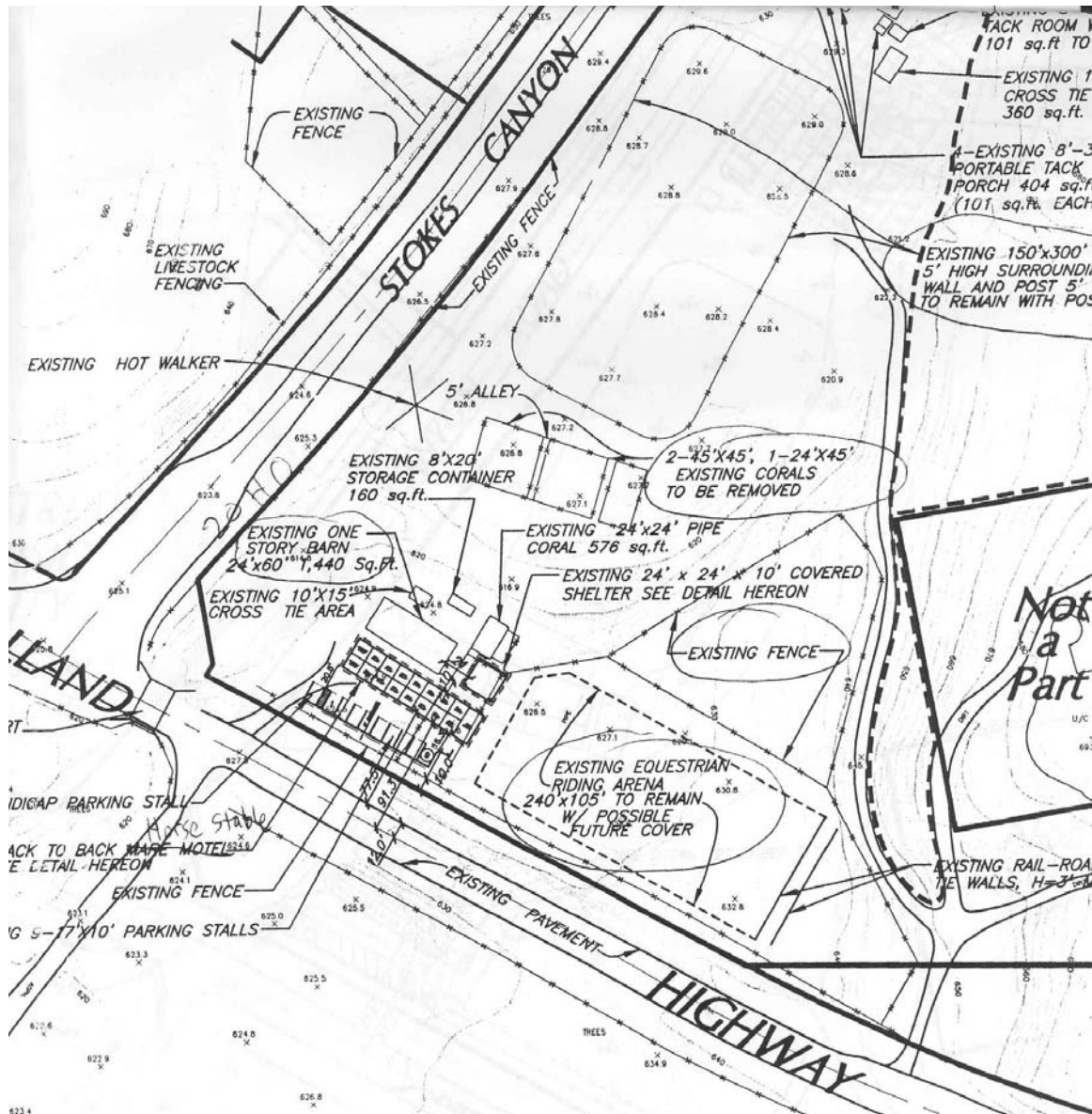
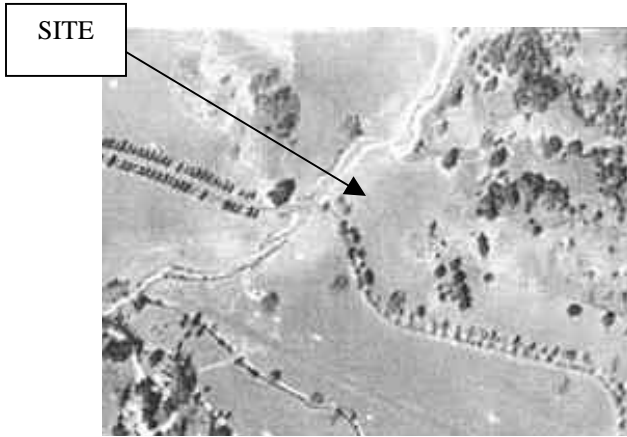
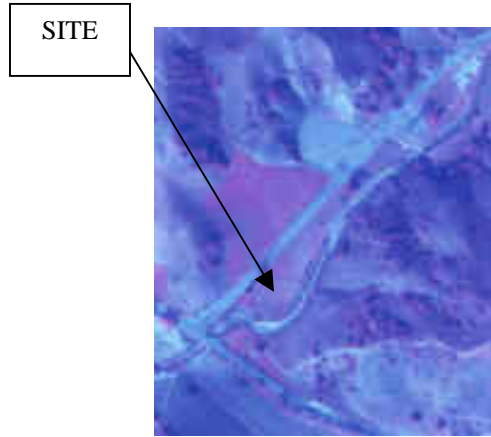


Exhibit 7
CDPA No. 4-02-131
Site Detail – South (Existing)



1952



January 24, 1977



2004

Exhibit 10
4-00-279-VRC
Aerial Photographs