

Property Location

Exhibit 1
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)



**Subject Property
Boundary**

**Approximate Location of
Coastal Zone
Boundary**

Exhibit 2
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

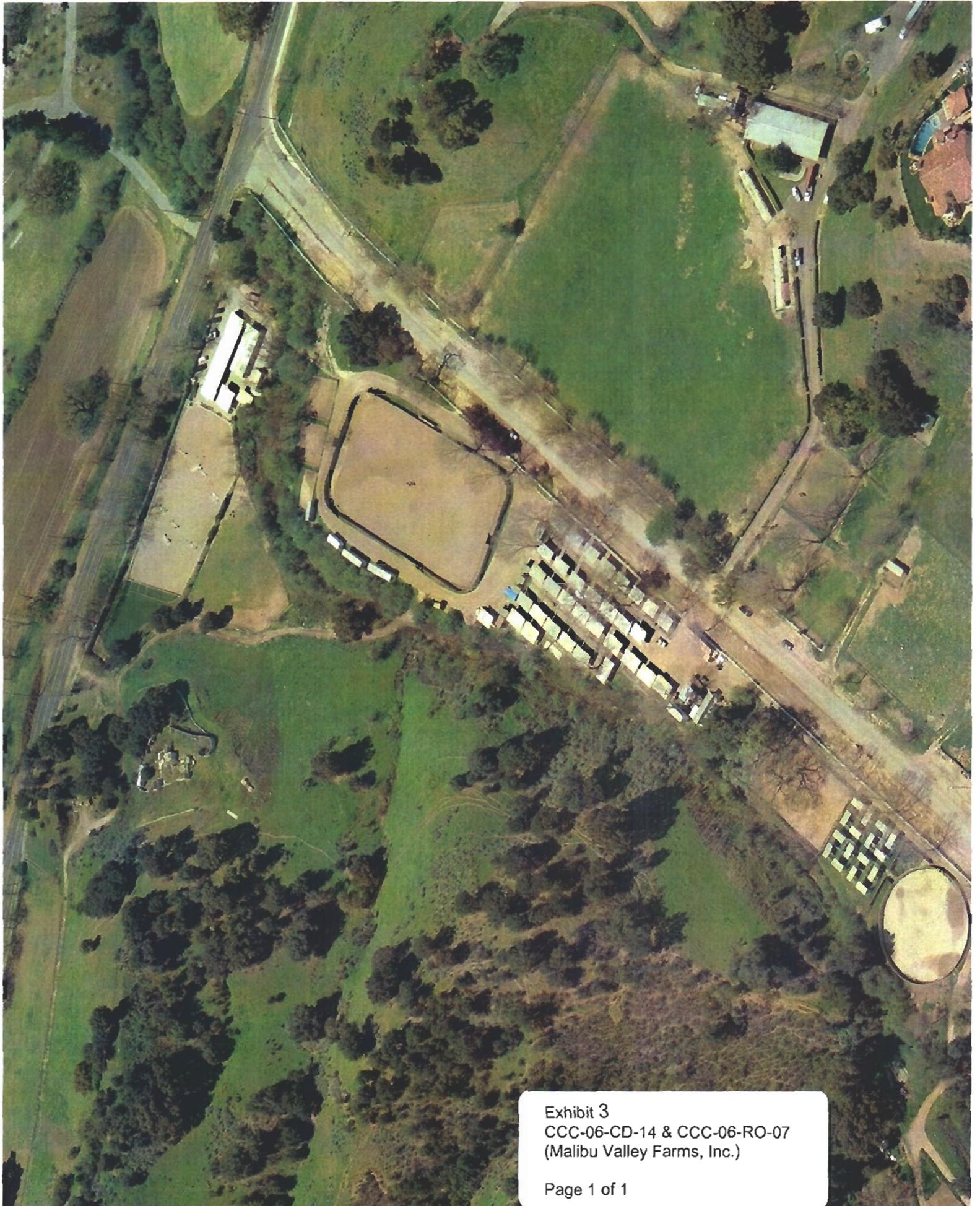


Exhibit 3
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

CALIFORNIA COASTAL COMMISSION

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



Via Certified and Regular Mail

September 25, 2006

Malibu Valley Farms, Inc.
Attn: Brian Boudreau
26885 Mulholland Highway
Calabasas, CA 91302
(Certified Mail No. 7002 2030 0002 6358 2826)

**Subject: Notification of Intent to Commence Cease and Desist
Order and Restoration Order Proceedings**

Violation No.: V-4-00-001

**Subject Property: Northeast corner of Mulholland Highway and Stokes Canyon
Road, Santa Monica Mountains, Los Angeles County,
Assessor's Parcel Number 4455-028-044**

Violation Description:

Unpermitted construction of an approximately six-acre equestrian facility including, but not limited to, 1) a 45,000 sq. ft. arena with a five-foot high surrounding wooden wall with posts, 2) a 25,200 sq. ft. riding arena, 3) numerous storage containers, 4) portable tack rooms, 5) numerous pipe corrals and covered shelters, 6) an approximately 2,000 sq. ft. parking area, 7) a 2,660 sq. ft. back to back "mare motel", 8) a 1,440 sq. ft. one-story barn, 9) railroad tie walls, 10) an approximately 20,000 sq. ft. fenced paddock, 11) various fencing throughout the property, 12) graded dirt access road with at-grade crossing through Stokes Creek and a second at-grade dirt crossing of Stokes Creek, 13) two 2,025 sq. ft. covered corrals and one 1,080 sq. ft. covered corral, 14) grading, and 15) removal of major vegetation.

Dear Mr. Boudreau:

The purpose of this letter is to notify Malibu Valley Farms, Inc. (hereinafter, "MVF") of my intent, as the Executive Director of the California Coastal Commission (hereinafter "Commission"), to commence proceedings for issuance of a Cease and Desist Order and Restoration Order to require MVF to remove unpermitted development from property located at the Northeast corner of Mulholland Highway and Stokes Canyon

Exhibit 4
CCC-06-CD-14 & CCC-06-RO-07
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Road in the Santa Monica Mountains area of Los Angeles County, Assessor's Parcel Number 4455-028-044 (hereinafter "Subject Property"), restore the Subject Property to its pre-violation condition using restorative grading and planting of native vegetation, and to cease and desist from conducting any further unpermitted development and/or maintaining existing unpermitted development on the Subject Property.

The Subject Property is an approximately 31.02-acre parcel (approximately 28 acres are within the Coastal Zone and approximately 3 acres are located outside of the Coastal Zone) at the northeast corner of Mulholland Highway and Stokes Canyon Road in the Santa Monica Mountains area of unincorporated Los Angeles County. Stokes Canyon Creek, an intermittent southern portion of the blue-line stream delineated by the United States Geological Survey, runs in a southwesterly direction through the western half of the Subject Property. The Subject Property east of the creek consists of mountainous terrain containing chaparral, oak woodland, and annual grassland habitats; the Subject Property west and south of the creek is level and contains the approximately six-acre unpermitted equestrian facility.

Oak woodland and chaparral habitats are vanishing vegetative communities in Southern California, and their rare presence provides critical habitat for several plant and animal species and is critical to the scenic and visual character of this area. This habitat supports exceedingly rare ecosystems. The Coastal Act protects the oak woodland/chaparral and riparian habitats that were affected by the activity described above because they are rare and valuable and because of their susceptibility to disturbance and their relatively pristine character, physical complexity, and resultant biological diversity. Therefore, these habitat areas that provide important roles in this ecosystem are especially valuable and meet the criterion for designating this area as an environmentally sensitive area. See Cal. Pub. Res. Code ("PRC") § 30107.5.

A large expanse of riparian, oak woodland, and chaparral environmentally sensitive habitat areas (hereinafter, "ESHA") are located on the Subject Property. Staff biologist Dr. John Dixon visited the site on August 22, 2005, and has confirmed that the stream and surrounding riparian habitat are ESHA. In addition, Stokes Canyon Creek and its associated riparian canopy are designated as inland ESHA in the Malibu-Santa Monica Mountains Land Use Plan (hereinafter, "LUP"), for the Santa Monica Mountains area of unincorporated Los Angeles County. The LUP, which the Commission uses as guidance, requires that non-exempt development be set back a minimum of 100 feet from all designated ESHAs, prohibits alteration of streambeds in ESHA, requires road crossings to be minimized, and requires any such crossings that are unavoidable to use a bridge to avoid impacts to the river. Therefore, all of these ESHA protections, including the 100-foot setback, required by the LUP and the Coastal Act apply to the Subject Property.

The unpermitted equestrian facility is located in and adjacent to Stokes Creek and also within and adjacent to oak woodland/chaparral and riparian ESHA and is inconsistent with the LUP. The unpermitted arena in the central portion of the property is located

approximately 20 to 40 feet west of the riparian dripline. In the southern portion of the site, the existing unpermitted storage container and cross tie area are also located within the riparian canopy, while the remainder of the unpermitted development extends from being immediately adjacent to, to 20 feet away from the edge of the riparian canopy. In addition, the unpermitted development includes two at-grade dirt crossings of Stokes Creek, which have reduced the existing streambed to compacted bare soil, which increased erosion and sedimentation and contributed to landform alteration, inconsistent with the ESHA protection standards of the Coastal Act (PRC § 30240). Lastly, the unpermitted development includes livestock fencing enclosing an approximately 23-acre hillside area of the property east of Stokes Creek, which contains oak woodland and chaparral ESHA. This area is used for containing livestock and equestrian uses, which has adverse impacts on ESHA, marine resources, the water quality and biological productivity of Stokes Creek as well as the natural stream course of the stream. As discussed in more detail below, not only does the unpermitted activity clearly meet the definition of development as that term is defined in the Coastal Act (PRC § 30106) and in the Malibu-Santa Monica Mountains LUP, but the unpermitted development is also clearly inconsistent with the Chapter 3 policies of the Coastal Act.

History of Violation and Previous Commission Actions

On November 20, 1998, MVF submitted an exemption request for replacement of pipe corrals and related improvements that had been destroyed by wildfire in 1996. 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) based on information that MVF submitted to Commission staff. However, the Commission rescinded this exemption letter shortly thereafter, in January 1999, because it was discovered that the equestrian facility on the site was constructed after January 1, 1977 (effective date of the Coastal Act) without benefit of a coastal development permit. Exemptions from the Coastal Act's permit requirements for replacement of structures destroyed by disaster (PRC 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 Coastal Act.

Commission staff contacted MVF on January 14, 1999 and subsequently sent MVF a letter dated January 22, 1999 informing MVF that the exemption was revoked and notifying MVF of the Coastal Act violations on the Subject Property. The letter also stated that a Coastal Development Permit (hereinafter, "CDP") is required for the horse riding area, polo field, numerous horse corrals, barn, and accessory buildings at the site and directed MVF to submit a CDP application to address the unpermitted development.

Because MVF did not resolve the violations as requested by Commission staff, on March 7, 2000, the Executive Director notified MVF of his intent (hereinafter, "NOI") to initiate cease and desist order proceedings regarding the unpermitted development on the Subject Property. As authorized by the regulations regarding Cease and Desist Orders, MVF submitted a Statement of Defense dated April 10, 2000. On June 13,

2000, Malibu Valley, Inc. (a separate corporation also owned by Mr. Boudreau) submitted a Claim of Vested Rights application (Vested Rights Claim Application No. 4-00-279-VRC). The application contended that a vested right exists to conduct agricultural and livestock activities and to erect and maintain structures in connection with those activities on the site.

In an attempt to work cooperatively with MVF, Commission enforcement staff agreed to postpone the scheduled cease and desist order hearing to allow MVF (the party pursuing the Claim of Vested Rights after Malibu Valley, Inc.) to proceed with its vested rights claim. A public hearing on Vested Rights Claim Application No. 4-00-279-VRC was scheduled for the February 2001 Commission meeting. The staff recommendation prepared for the hearing recommended denial of the vested right claim based on the analysis of the relevant usage criteria for establishing a vested right. Instead of pursuing this vested rights claim, on February 15, 2001, at the applicant's request, the Commission postponed the hearing on the application pending the submittal of a complete coastal development permit application for the unpermitted development.

On May 31, 2002, over one year from the date of the scheduled and postponed hearing on Vested Rights Claim Application No. 4-00-279-VRC, MVF submitted CDP application No. 4-02-131 to the Commission's South Central Coast District office. The application was not deemed complete until March 6, 2006, nearly four years after the application was submitted and over five years after the original claim of vested rights hearing was scheduled.

The hearing for CDP No. 4-02-131, to review MVF's request for after-the-fact authorization of the development in place and authorization of additional development was scheduled for the August 2006 Commission meeting, with a staff recommendation of denial, based on the project's inconsistencies with the resource protection policies of the Coastal Act. Prior to the hearing, MVF withdrew the application; and therefore there was no Commission action taken on the CDP application.

To address the claim of vested rights application that MVF had submitted in 2000, Commission staff scheduled yet another hearing for Vested Rights Claim Application No. 4-00-279-VRC at the September 2006 Commission hearing with a staff recommendation of denial. Once again, prior to the date of the hearing, MVF requested a postponement of the Vested Rights claim, and as a courtesy to its request, Commission staff granted the postponement.

Because of the ongoing resource damage at the Subject Property and the fact that the subject violations have remained in place and unaddressed since at least 1999, when Commission staff first informed MVF of the violations and the need to resolve them, I am commencing proceedings for issuance of a Cease and Desist Order and Restoration Order, as described below.

Cease and Desist Order

The Commission's authority to issue Cease and Desist Orders is set forth in Section 30810(a) of the PRC (in the Coastal Act), which states the following:

If the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person or governmental agency to cease and desist.

The Executive Director of the Commission is issuing this notice of intent to commence Cease and Desist Order proceedings (1) to require MVF to cease and desist from maintaining unpermitted development on the Subject Property or conducting any further development on the Subject Property unless authorized through a Cease and Desist and/or Restoration Order and/or a CDP or the equivalent, and (2) to compel the removal of the unpermitted development, which the Commission is specifically authorized to require, pursuant to PRC section 30810(b).

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 defined by Section 30106 of the Coastal Act as follows:

"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 use of land...change in the intensity of use of water, or of access thereto...and the removal or harvesting of major vegetation other than for agricultural purposes...

The unpermitted activity clearly constitutes "development" within the meaning of the above-quoted definition and therefore is subject to the permit requirement of section 30600(a). A coastal development permit was not issued to authorize the subject unpermitted development.

For these reasons, the criteria of Section 30810(a) of the Coastal Act have been met and I am sending this letter to initiate proceedings for the Commission to determine whether to issue a Cease and Desist Order.

Based on Section 30810(b) of the Coastal Act, the Cease and Desist Order may be subject to such terms and conditions as the Commission may determine are necessary to ensure compliance with the Coastal Act, including immediate removal of any development or material.

Restoration Order

Section 30811 of the Coastal Act authorizes the Commission to order restoration of a site in the following terms:

In addition to any other authority to order restoration, the commission...may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the commission... the development is inconsistent with this division, and the development is causing continuing resource damage.

I have determined that the actions taken at this site meet the criteria of Section 30811 of the Coastal Act, based on the following:

- 1) Development consisting of the construction of an equestrian facility, grading, and removal of major vegetation has occurred on the Subject Property without a CDP.
- 2) This development is inconsistent with the resource protection policies of the Coastal Act (and the analogous Sections of the LUP), including, but not limited to the following:
 - a) Section 30230 (protection of marine resources)
 - b) Section 30231 (protection of biological productivity of coastal waters)
 - c) Section 30236 (alteration of rivers and streams)
 - d) Section 30240 (protection of ESHA),
 - e) Section 30250 (location of new development)
 - f) Section 30251 (protection of scenic public views and visual qualities of coastal areas).
- 3) The unpermitted development is causing continuing resource damage, as defined by Section 13190 of the Commission's regulations. Cal. Code Regs., Title 14 ("14 CCR"), § 13190. The unpermitted development has impacted the resources listed in the previous paragraph (item number two).

The impacts from the unpermitted development continue to exist at the subject property; therefore, the damage to resources protected by the Coastal Act is continuing.

For the reasons stated above, I have decided to commence proceedings for a Restoration Order before the Commission in order to compel the restoration of the Subject Property through removal of unpermitted development, restorative grading, and the planting of native vegetation to assist in achieving successful restoration of the Subject Property.

The procedures for the issuance of Restoration Orders are described in Sections 13190 through 13197 of the Commission's regulations. 14 CCR §§ 13190-97. Section 13196(e) of the Commission's regulations states the following:

Any term or condition that the commission may impose which requires removal of any development or material shall be for the purpose of restoring the property affected by the violation to the condition it was in before the violation occurred.

Accordingly, any Restoration Order that the Commission may issue will have as its purpose the restoration of the oak woodland/chaparral and riparian habitat on the Subject Property.

In accordance with Sections 13181(a) and 13191(a) of the Commission's Regulations, MVF has the opportunity to respond to the Commission staff's allegations as set forth in this notice of intent to commence Cease and Desist Order and Restoration Order proceedings by completing the enclosed Statement of Defense (SOD) form. **The completed SOD form, including identification of issues and materials for Commission consideration, and documents and issues that MVF would like the Commission to consider, must be returned to the Commission's San Francisco office, directed to the attention of Aaron McLendon, no later than October 15, 2006.**

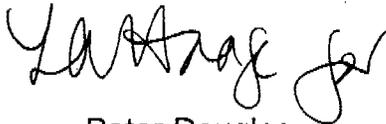
Please be advised that PRC Section 30820(a)(1) provides for civil liability to be imposed on any person who performs or undertakes development without a coastal development permit and/or that is inconsistent with any coastal development permit previously issued by the Commission in an amount that shall not exceed \$30,000 and shall not be less than \$500 for each violation. PRC Section 30820(b) provides that additional civil liability may be imposed on any person who performs or undertakes development without a coastal development permit and/or that is inconsistent with any coastal development permit previously issued by the Commission when the person intentionally and knowingly performs or undertakes such development, in an amount not less than \$1,000 and not more than \$15,000 per day for each day in which each violation persists. PRC Section 30821.6 provides that a violation of a cease and desist order or a restoration order can result in civil fines of up to \$6,000 for each day in which each violation persists.

Commission staff intends to schedule the hearings for the Cease and Desist Order and Restoration Order during the Commission's November 15-17, 2006 meeting in Huntington Beach. However, we would like to work with MVF to resolve these issues amicably. One option that MVF may consider is agreeing to a "consent order". A consent order is similar to a settlement agreement. A consent order would provide MVF with an opportunity to resolve this matter consensually, and to have input into the process and timing of removal of the unpermitted development and restoration of the subject property, and would allow MVF to negotiate a penalty amount with Commission staff. If MVF is interested in negotiating a consent order, please contact Aaron

Exhibit 4
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

McLendon at (415) 904-5220 or send correspondence to his attention at the address listed on the letterhead when you receive this letter to discuss options to resolve this case.

Sincerely,



Peter Douglas
Executive Director

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Statewide Enforcement Analyst
Alex Helperin, Staff Counsel
Pat Veesart, Southern California Enforcement Team Leader
Tom Sinclair, South Central Coast District Enforcement Officer
Jack Ainsworth, South Central Coast District Director
Lillian Ford, South Central Coast Permit Analyst

Enc. Statement of Defense Form for Cease and Desist Order and Restoration Order

October 16, 2006

TRANSMITTED VIA FACSIMILE

Mr. Aaron McLendon, Legal Division
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

**Re: Notification of Intent to Commence Cease and Desist Order
and Restoration Order Proceedings -- Violation Number V-4-
00-001**

Dear Mr. McLendon:

I would like to acknowledge that we have been working closely with Coastal Commission staff to resolve the alleged permitting issues regarding the subject property. We currently have a Vesting Application on file that is being processed by Coastal Commission staff and will be scheduled for a public hearing shortly. With this in mind, I find Cease and Desist Order timing rather disturbing. I hope that the Coastal Commission will allow the due process of our Vesting Application to occur prior to coming to any conclusions on our vested rights claim. The simple fact that the Cease and Desist Order has come prior to our public hearing has placed doubts that we will have a non-bias decision making process on our vesting application.

With that said, I am attaching a Statement of Defence in accordance with the Coastal Commissions procedures.

If there are any concerns or questions regarding this, please contact Beth Palmer at 818-880-4107 x119.

Sincerely,

Beth Palmer
General Counsel

BP:kt

Exhibit 5
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

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

The notice of intent is vague and does not contain sufficient detail to permit Mr. Levin and Malibu Valley Farms, Inc. ("MVFI") to provide a complete response. The notice of intent does not contain numbered paragraphs.

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

The notice of intent is vague and does not contain sufficient detail to permit Mr. Levin and MVFI to provide a complete response. They specifically deny that development has been undertaken in a manner that is inconsistent with the Coastal Act, that unpermitted construction took place between 1997 and 1999, that staff first became aware of unpermitted development in October 1998, and that they have failed to resolve this matter as required at the district office level.

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

The Notice of Intent is vague and does not contain sufficient detail to permit a complete response. Mr. Levin and MVFI have no personal knowledge regarding the reasons why this matter has been referred to Statewide Enforcement staff. MVFI leases the land in question and has been continuing activities that have been occurring on the site since at least the 1940's. Mr. Levin has had no involvement in those activities or the communications between MVFI and the Commission.

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

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

MVFI is anxious to cooperate with the Commission to resolve any violations. MVFI was surprised to learn that the matter was referred to Statewide Enforcement.

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

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

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

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

CALIFORNIA COASTAL COMMISSION

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



MEMORANDUM

FROM: John Dixon, Ph.D.
Ecologist / Wetland Coordinator

TO: Ventura Staff

SUBJECT: Designation of ESHA in the Santa Monica Mountains

DATE: March 25, 2003

In the context of the Malibu LCP, the Commission found that the Mediterranean Ecosystem in the Santa Mountains is rare, and especially valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Therefore, areas of undeveloped native habitat in the Santa Monica Mountains that are large and relatively unfragmented may meet the definition of ESHA by virtue of their valuable roles in that ecosystem, regardless of their relative rarity throughout the state. This is the only place in the coastal zone where the Commission has recognized chaparral as meeting the definition of ESHA. The scientific background presented herein for ESHA analysis in the Santa Monica Mountains is adapted from the Revised Findings for the Malibu LCP that the Commission adopted on February 6, 2003.

For habitats in the Santa Monica Mountains, particularly coastal sage scrub and chaparral, there are three site-specific tests to determine whether an area is ESHA because of its especially valuable role in the ecosystem. First, is the habitat properly identified, for example as coastal sage scrub or chaparral? The requisite information for this test generally should be provided by a site-specific biological assessment. Second, is the habitat largely undeveloped and otherwise relatively pristine? Third, is the habitat part of a large, contiguous block of relatively pristine native vegetation? This should be documented with an aerial photograph from our mapping unit (with the site delineated) and should be attached as an exhibit to the staff report. For those habitats that are absolutely rare or that support individual rare species, it is not necessary to find that they are relatively pristine, and are neither isolated nor fragmented.

**Designation of Environmentally Sensitive Habitat in the
Santa Monica Mountains**

The Coastal Act provides a definition of "environmentally sensitive area" as: "Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Section 30107.5).

Exhibit 6
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

There are three important elements to the definition of ESHA. First, a geographic area can be designated ESHA either because of the presence of individual species of plants or animals or because of the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the species or habitat must be either rare or it must be especially valuable. Finally, the area must be easily disturbed or degraded by human activities.

The first test of ESHA is whether a habitat or species is rare. Rarity can take several forms, each of which is important. Within the Santa Monica Mountains, rare species and habitats often fall within one of two common categories. Many rare species or habitats are globally rare, but locally abundant. They have suffered severe historical declines in overall abundance and currently are reduced to a small fraction of their original range, but where present may occur in relatively large numbers or cover large local areas. This is probably the most common form of rarity for both species and habitats in California and is characteristic of coastal sage scrub, for example. Some other habitats are geographically widespread, but occur everywhere in low abundance. California's native perennial grasslands fall within this category.

A second test for ESHA is whether a habitat or species is especially valuable. Areas may be valuable because of their "special nature," such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. For example, reproducing populations of valley oaks are not only increasingly rare, but their southernmost occurrence is in the Santa Monica Mountains. Generally, however, habitats or species are considered valuable because of their special "role in the ecosystem." For example, many areas within the Santa Monica Mountains may meet this test because they provide habitat for endangered species, protect water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages such as the provision of pollinators or crucial trophic connections. Of course, all species play a role in their ecosystem that is arguably "special." However, the Coastal Act requires that this role be "especially valuable." This test is met for relatively pristine areas that are integral parts of the Santa Monica Mountains Mediterranean ecosystem because of the demonstrably rare and extraordinarily special nature of that ecosystem as detailed below.

Finally, ESHAs are those areas that could be easily disturbed or degraded by human activities and developments. Within the Santa Monica Mountains, as in most areas of southern California affected by urbanization, all natural habitats are in grave danger of direct loss or significant degradation as a result of many factors related to anthropogenic changes.

Ecosystem Context of the Habitats of the Santa Monica Mountains

The Santa Monica Mountains comprise the largest, most pristine, and ecologically complex example of a Mediterranean ecosystem in coastal southern California.

California's coastal sage scrub, chaparral, oak woodlands, and associated riparian areas have analogues in just a few areas of the world with similar climate. Mediterranean ecosystems with their wet winters and warm dry summers are only found in five localities (the Mediterranean coast, California, Chile, South Africa, and south and southwest Australia). Throughout the world, this ecosystem with its specially adapted vegetation and wildlife has suffered severe loss and degradation from human development. Worldwide, only 18 percent of the Mediterranean community type remains undisturbed¹. However, within the Santa Monica Mountains, this ecosystem is remarkably intact despite the fact that it is closely surrounded by some 17 million people. For example, the 150,000 acres of the Santa Monica Mountains National Recreation Area, which encompasses most of the Santa Monica Mountains, was estimated to be 90 percent free of development in 2000². Therefore, this relatively pristine area is both large and mostly unfragmented, which fulfills a fundamental tenet of conservation biology³. The need for large contiguous areas of natural habitat in order to maintain critical ecological processes has been emphasized by many conservation biologists⁴.

In addition to being a large single expanse of land, the Santa Monica Mountains ecosystem is still connected, albeit somewhat tenuously, to adjacent, more inland ecosystems⁵. Connectivity among habitats within an ecosystem and connectivity among ecosystems is very important for the preservation of species and ecosystem integrity. In a recent statewide report, the California Resources Agency⁶ identified wildlife corridors and habitat connectivity as the top conservation priority. In a letter to governor Gray Davis, sixty leading environmental scientists have endorsed the

¹ National Park Service. 2000. Draft general management plan & environmental impact statement. Santa Monica Mountains National Recreation Area – California.

² Ibid.

³ Harris, L. D. 1988. Edge effects and conservation of biotic diversity. *Conserv. Biol.* 330-332. Soule, M. E., D. T. Bolger, A. C. Alberts, J. Wright, M. Sorice and S. Hill. 1988. Reconstructed dynamics of rapid extinctions of chaparral-requiring birds in urban habitat islands. *Conserv. Biol.* 2: 75-92. Yahner, R. H. 1988. Changes in wildlife communities near edges. *Conserv. Biol.* 2:333-339. Murphy, D. D. 1989. Conservation and confusion: Wrong species, wrong scale, wrong conclusions. *Conservation Biol.* 3:82-84.

⁴ Crooks, K. 2000. Mammalian carnivores as target species for conservation in Southern California. p. 105-112 *in*: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Sauvajot, R. M., E. C. York, T. K. Fuller, H. Sharon Kim, D. A. Kamradt and R. K. Wayne. 2000. Distribution and status of carnivores in the Santa Monica Mountains, California: Preliminary results from radio telemetry and remote camera surveys. p 113-123 *in*: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Beier, P. and R. F. Noss. 1998. Do habitat corridors provide connectivity? *Conserv. Biol.* 12:1241-1252. Beier, P. 1996. Metapopulation models, tenacious tracking and cougar conservation. *In*: Metapopulations and Wildlife Conservation, ed. D. R. McCullough. Island Press, Covelo, California, 429p.

⁵ The SMM area is linked to larger natural inland areas to the north through two narrow corridors: 1) the Conejo Grade connection at the west end of the Mountains and 2) the Simi Hills connection in the central region of the SMM (from Malibu Creek State Park to the Santa Susanna Mountains).

⁶ California Resources Agency. 2001. Missing Linkages: Restoring Connectivity to the California Landscape. California Wilderness Coalition, Calif. Dept of Parks & Recreation, USGS, San Diego Zoo and The Nature Conservancy. Available at: <http://www.calwild.org/pubs/reports/linkages/index.htm>

conclusions of that report⁷. The chief of natural resources at the California Department of Parks and Recreation has identified the Santa Monica Mountains as an area where maintaining connectivity is particularly important⁸.

The species most directly affected by large scale connectivity are those that require large areas or a variety of habitats, e.g., gray fox, cougar, bobcat, badger, steelhead trout, and mule deer⁹. Large terrestrial predators are particularly good indicators of habitat connectivity and of the general health of the ecosystem¹⁰. Recent studies show that the mountain lion, or cougar, is the most sensitive indicator species of habitat fragmentation, followed by the spotted skunk and the bobcat¹¹. Sightings of cougars in both inland and coastal areas of the Santa Monica Mountains¹² demonstrate their continued presence. Like the "canary in the mineshaft," an indicator species like this is good evidence that habitat connectivity and large scale ecological function remains in the Santa Monica Mountains ecosystem.

The habitat integrity and connectivity that is still evident within the Santa Monica Mountains is extremely important to maintain, because both theory and experiments over 75 years in ecology confirm that large spatially connected habitats tend to be more stable and have less frequent extinctions than habitats without extended spatial structure¹³. Beyond simply destabilizing the ecosystem, fragmentation and disturbance

⁷ Letters received and included in the September 2002 staff report for the Malibu LCP.

⁸ Schoch, D. 2001. Survey lists 300 pathways as vital to state wildlife. Los Angeles Times. August 7, 2001.

⁹ Martin, G. 2001. Linking habitat areas called vital for survival of state's wildlife Scientists map main migration corridors. San Francisco Chronicle, August 7, 2001.

¹⁰ Noss, R. F., H. B. Quigley, M. G. Hornocker, T. Merrill and P. C. Paquet. 1996. Conservation biology and carnivore conservation in the Rocky Mountains. *Conerv. Biol.* 10: 949-963. Noss, R. F. 1995. Maintaining ecological integrity in representative reserve networks. World Wildlife Fund Canada.

¹¹ Sauvajot, R. M., E. C. York, T. K. Fuller, H. Sharon Kim, D. A. Kamradt and R. K. Wayne. 2000. Distribution and status of carnivores in the Santa Monica Mountains, California: Preliminary results from radio telemetry and remote camera surveys. p 113-123 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Beier, P. 1996. Metapopulation models, tenacious tracking and cougar conservation. In: *Metapopulations and Wildlife Conservation*, ed. D. R. McCullough. Island Press, Covelo, California, 429p.

¹² Recent sightings of mountain lions include: Temescal Canyon (pers. com., Peter Brown, Facilities Manager, Calvary Church), Topanga Canyon (pers. com., Marti Witter, NPS), Encinal and Trancas Canyons (pers. com., Pat Healy), Stump Ranch Research Center (pers. com., Dr. Robert Wayne, Dept. of Biology, UCLA). In May of 2002, the NPS *photographed* a mountain lion at a trip camera on the Back Bone Trail near Castro Crest – Seth Riley, Eric York and Dr. Ray Sauvajot, National Park Service, SMMNRA.

¹³ Gause, G. F. 1934. The struggle for existence. Baltimore, William and Wilkins 163 p. (also reprinted by Hafner, N.Y. 1964). Gause, G. F., N. P. Smaragdova and A. A. Witt. 1936. Further studies of interaction between predators and their prey. *J. Anim. Ecol.* 5:1-18. Huffaker, C. B. 1958. Experimental studies on predation: dispersion factors and predator-prey oscillations. *Hilgardia* 27:343-383. Luckinbill, L. S. 1973. Coexistence in laboratory populations of *Paramecium aurelia* and its predator *Didinium nasutum*. *Ecology* 54:1320-1327. Allen, J. C., C. C. Brewster and D. H. Slone. 2001. Spatially explicit ecological models: A spatial convolution approach. *Chaos, Solitons and Fractals.* 12:333-347.

can even cause unexpected and irreversible changes to new and completely different kinds of ecosystems (habitat conversion)¹⁴.

As a result of the pristine nature of large areas of the Santa Monica Mountains and the existence of large, unfragmented and interconnected blocks of habitat, this ecosystem continues to support an extremely diverse flora and fauna. The observed diversity is probably a function of the diversity of physical habitats. The Santa Monica Mountains have the greatest geological diversity of all major mountain ranges within the transverse range province. According to the National Park Service, the Santa Monica Mountains contain 40 separate watersheds and over 170 major streams with 49 coastal outlets¹⁵. These streams are somewhat unique along the California coast because of their topographic setting. As a "transverse" range, the Santa Monica Mountains are oriented in an east-west direction. As a result, the south-facing riparian habitats have more variable sun exposure than the east-west riparian corridors of other sections of the coast. This creates a more diverse moisture environment and contributes to the higher biodiversity of the region. The many different physical habitats of the Santa Monica Mountains support at least 17 native vegetation types¹⁶ including the following habitats considered sensitive by the California Department of Fish and Game: native perennial grassland, coastal sage scrub, red-shank chaparral, valley oak woodland, walnut woodland, southern willow scrub, southern cottonwood-willow riparian forest, sycamore-alder woodland, oak riparian forest, coastal salt marsh, and freshwater marsh. Over 400 species of birds, 35 species of reptiles and amphibians, and more than 40 species of mammals have been documented in this diverse ecosystem. More than 80 sensitive species of plants and animals (listed, proposed for listing, or species of concern) are known to occur or have the potential to occur within the Santa Monica Mountains Mediterranean ecosystem.

The Santa Monica Mountains are also important in a larger regional context. Several recent studies have concluded that the area of southern California that includes the Santa Monica Mountains is among the most sensitive in the world in terms of the number of rare endemic species, endangered species and habitat loss. These studies have designated the area to be a local hot-spot of endangerment in need of special protection¹⁷.

Therefore, the Commission finds that the Santa Monica Mountains ecosystem is itself rare and especially valuable because of its special nature as the largest, most pristine,

¹⁴ Scheffer, M., S. Carpenter, J. A. Foley, C. Folke and B. Walker. 2001. Catastrophic shifts in ecosystems. *Nature* 413:591-596.

¹⁵ NPS. 2000. *op.cit.*

¹⁶ From the NPS report (2000 *op. cit.*) that is based on the older Holland system of subjective classification. The data-driven system of Sawyer and Keeler-Wolf results in a much larger number of distinct "alliances" or vegetation types.

¹⁷ Myers, N. 1990. The biodiversity challenge: Expanded hot-spots analysis. *Environmentalist* 10:243-256. Myers, N., R. A. Mittermeier, C. G. Mittermeier, G. A. B. da Fonseca and J. A. Kent. 2000. Biodiversity hot-spots for conservation priorities. *Nature* 403:853-858. Dobson, A. P., J. P. Rodriguez, W. M. Roberts and D. S. Wilcove. 1997. Geographic distribution of endangered species in the United States. *Science* 275:550-553.

physically complex, and biologically diverse example of a Mediterranean ecosystem in coastal southern California. The Commission further finds that because of the rare and special nature of the Santa Monica Mountains ecosystem, the ecosystem roles of substantially intact areas of the constituent plant communities discussed below are "especially valuable" under the Coastal Act.

Major Habitats within the Santa Monica Mountains

The most recent vegetation map that is available for the Santa Monica Mountains is the map that was produced for the National Park Service in the mid-1990s using 1993 satellite imagery supplemented with color and color infrared aerial imagery from 1984, 1988, and 1994 and field review¹⁸. The minimum mapping unit was 5 acres. For that map, the vegetation was mapped in very broad categories, generally following a vegetation classification scheme developed by Holland¹⁹. Because of the mapping methods used the degree of plant community complexity in the landscape is not represented. For example, the various types of "ceanothus chaparral" that have been documented were lumped under one vegetation type referred to as "northern mixed chaparral." Dr. Todd Keeler-Wolf of the California Department of Fish and Game is currently conducting a more detailed, quantitative vegetation survey of the Santa Monica Mountains.

The National Park Service map can be used to characterize broadly the types of plant communities present. The main generic plant communities present in the Santa Monica Mountains²⁰ are: coastal sage scrub, chaparral, riparian woodland, coast live oak woodland, and grasslands.

Riparian Woodland

Some 49 streams connect inland areas with the coast, and there are many smaller drainages as well, many of which are "blue line." Riparian woodlands occur along both perennial and intermittent streams in nutrient-rich soils. Partly because of its multi-layered vegetation, the riparian community contains the greatest overall biodiversity of all the plant communities in the area²¹. At least four types of riparian communities are discernable in the Santa Monica Mountains: walnut riparian areas, mulefat-dominated riparian areas, willow riparian areas and sycamore riparian woodlands. Of these, the

¹⁸ Franklin, J. 1997. Forest Service Southern California Mapping Project, Santa Monica Mountains National Recreation Area, Task 11 Description and Results, Final Report. June 13, 1997, Dept. of Geography, San Diego State University, USFS Contract No. 53-91S8-3-TM45.

¹⁹ Holland R. F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. State of California, The Resources Agency, Dept. of Fish and Game, Natural Heritage Division, Sacramento, CA. 95814.

²⁰ National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000. (Fig. 11 in this document.)

²¹ Ibid.

sycamore riparian woodland is the most diverse riparian community in the area. In these habitats, the dominant plant species include arroyo willow, California black walnut, sycamore, coast live oak, Mexican elderberry, California bay laurel, and mule fat. Wildlife species that have been observed in this community include least Bell's vireo (a State and federally listed species), American goldfinches, black phoebes, warbling vireos, bank swallows (State listed threatened species), song sparrows, belted kingfishers, raccoons, and California and Pacific tree frogs.

Riparian communities are the most species-rich to be found in the Santa Monica Mountains. Because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, they are attractive to many native wildlife species, and provide essential functions in their lifecycles²². During the long dry summers in this Mediterranean climate, these communities are an essential refuge and oasis for much of the areas' wildlife.

Riparian habitats and their associated streams form important connecting links in the Santa Monica Mountains. These habitats connect all of the biological communities from the highest elevation chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the way.

The streams themselves provide refuge for sensitive species including: the coast range newt, the Pacific pond turtle, and the steelhead trout. The coast range newt and the Pacific pond turtle are California Species of Special Concern and are proposed for federal listing²³, and the steelhead trout is federally endangered. The health of the streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure.

The importance of the connectivity between riparian areas and adjacent habitats is illustrated by the Pacific pond turtle and the coast range newt, both of which are sensitive and both of which require this connectivity for their survival. The life history of the Pacific pond turtle demonstrates the importance of riparian areas and their associated watersheds for this species. These turtles require the stream habitat during the wet season. However, recent radio tracking work²⁴ has found that although the Pacific pond turtle spends the wet season in streams, it also requires upland habitat for refuge during the dry season. Thus, in coastal southern California, the Pacific pond turtle requires both streams and intact adjacent upland habitats such as coastal sage

²² Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

²³ USFWS. 1989. Endangered and threatened wildlife and plants; animal notice of review. Fed. Reg. 54:554-579. USFWS. 1993. Endangered and threatened wildlife and plants; notice of 1-year petition finding on the western pond turtle. Fed. Reg. 58:42717-42718.

²⁴ Rathbun, G.B., N.J. Scott and T.G. Murphy. 2002. Terrestrial habitat use by Pacific pond turtle in a Mediterranean climate. *Southwestern Naturalist*. (*in Press*).

scrub, woodlands or chaparral as part of their normal life cycle. The turtles spend about four months of the year in upland refuge sites located an average distance of 50 m (but up to 280 m) from the edge of the creek bed. Similarly, nesting sites where the females lay eggs are also located in upland habitats an average of 30 m (but up to 170 m) from the creek. Occasionally, these turtles move up to 2 miles across upland habitat²⁵. Like many species, the pond turtle requires both stream habitats and the upland habitats of the watershed to complete its normal annual cycle of behavior. Similarly, the coast range newt has been observed to travel hundreds of meters into upland habitat and spend about ten months of the year far from the riparian streambed²⁶. They return to the stream to breed in the wet season, and they are therefore another species that requires both riparian habitat and adjacent uplands for their survival.

Riparian habitats in California have suffered serious losses and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost²⁷. Writing at the same time as Faber, Bowler asserted that, "[t]here is no question that riparian habitat in southern California is endangered."²⁸ In the intervening 13 years, there have been continuing losses of the small amount of riparian woodlands that remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California.

In addition to direct habitat loss, streams and riparian areas have been degraded by the effects of development. For example, the coast range newt, a California Species of Special Concern has suffered a variety of impacts from human-related disturbances²⁹. Human-caused increased fire frequency has resulted in increased sedimentation rates, which exacerbates the cannibalistic predation of adult newts on the larval stages.³⁰ In addition impacts from non-native species of crayfish and mosquito fish have also been documented. When these non-native predators are introduced, native prey organisms are exposed to new mortality pressures for which they are not adapted. Coast range newts that breed in the Santa Monica Mountain streams do not appear to have adaptations that permit co-occurrence with introduced mosquito fish and crayfish³¹. These introduced predators have eliminated the newts from streams where they previously occurred by both direct predation and suppression of breeding.

²⁵ Testimony by R. Dagit, Resource Conservation District of the Santa Monica Mountains at the CCC Habitat Workshop on June 13, 2002.

²⁶ Dr. Lee Kats, Pepperdine University, personal communication to Dr J. Allen, CCC.

²⁷ Faber, P.A., E. Keller, A. Sands and B.M. Massey. 1989. The ecology of riparian habitats of the southern California coastal region: a community profile. U.S. Fish and Wildlife Service Biological Report 85(7.27) 152pp.

²⁸ Bowler, P.A. 1989. Riparian woodland: An endangered habitat in southern California. Pp 80-97 in Schoenherr, A.A. (ed.) Endangered plant communities of southern California. Botanists Special Publication No. 3.

²⁹ Gamradt, S.C., L.B. Kats and C.B. Anzalone. 1997. Aggression by non-native crayfish deters breeding in California newts. Conservation Biology 11(3):793-796.

³⁰ Kerby, L.J., and L.B. Kats. 1998. Modified interactions between salamander life stages caused by wildfire-induced sedimentation. Ecology 79(2):740-745.

³¹ Gamradt, S.C. and L.B. Kats. 1996. Effect of introduced crayfish and mosquitofish on California newts. Conservation Biology 10(4):1155-1162.

Therefore, because of the essential role that riparian plant communities play in maintaining the biodiversity of the Santa Monica Mountains, because of the historical losses and current rarity of these habitats in southern California, and because of their extreme sensitivity to disturbance, the native riparian habitats in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

Coastal Sage Scrub and Chaparral

Coastal sage scrub and chaparral are often lumped together as “shrublands” because of their roughly similar appearance and occurrence in similar and often adjacent physical habitats. In earlier literature, these vegetation associations were often called soft chaparral and hard chaparral, respectively. “Soft” and “hard” refers to differences in their foliage associated with different adaptations to summer drought. Coastal sage scrub is dominated by soft-leaved, generally low-growing aromatic shrubs that die back and drop their leaves in response to drought. Chaparral is dominated by taller, deeper-rooted evergreen shrubs with hard, waxy leaves that minimize water loss during drought.

The two vegetation types are often found interspersed with each other. Under some circumstances, coastal sage scrub may even be successional to chaparral, meaning that after disturbance, a site may first be covered by coastal sage scrub, which is then replaced with chaparral over long periods of time.³² The existing mosaic of coastal sage scrub and chaparral is the result of a dynamic process that is a function of fire history, recent climatic conditions, soil differences, slope, aspect and moisture regime, and the two habitats should not be thought of as completely separate and unrelated entities but as different phases of the same process³³. The spatial pattern of these vegetation stands at any given time thus depends on both local site conditions and on history (e.g., fire), and is influenced by both natural and human factors.

In lower elevation areas with high fire frequency, chaparral and coastal sage scrub may be in a state of flux, leading one researcher to describe the mix as a “coastal sage-chaparral subclimax.”³⁴ Several other researchers have noted the replacement of chaparral by coastal sage scrub, or coastal sage scrub by chaparral depending on fire history.³⁵ In transitional and other settings, the mosaic of chaparral and coastal sage

³² Cooper, W.S. 1922. The broad-sclerophyll vegetation of California. Carnegie Institution of Washington Publication 319. 124 pp.

³³ Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. (See attached comment document in Appendix).

³⁴ Hanes, T.L. 1965. Ecological studies on two closely related chaparral shrubs in southern California. Ecological Monographs 41:27-52.

³⁵ Gray, K.L. 1983. Competition for light and dynamic boundary between chaparral and coastal sage scrub. Madrono 30(1):43-49. Zedler, P.H., C.R. Gautier and G.S. McMaster. 1983. Vegetation change in response to extreme events: The effect of a short interval between fires in California chaparral and coastal sage scrub. Ecology 64(4): 809-818.

scrub enriches the seasonal plant resource base and provides additional habitat variability and seasonality for the many species that inhabit the area.

Relationships Among Coastal Sage Scrub, Chaparral and Riparian Communities

Although the constituent communities of the Santa Monica Mountains Mediterranean ecosystem can be defined and distinguished based on species composition, growth habits, and the physical habitats they characteristically occupy, they are not independent entities ecologically. Many species of plants, such as black sage, and laurel sumac, occur in more than one plant community and many animals rely on the predictable mix of communities found in undisturbed Mediterranean ecosystems to sustain them through the seasons and during different portions of their life histories.

Strong evidence for the interconnectedness between chaparral, coastal scrub and other habitats is provided by "opportunistic foragers" (animals that follow the growth and flowering cycles across these habitats). Coastal scrub and chaparral flowering and growth cycles differ in a complimentary and sequential way that many animals have evolved to exploit. Whereas coastal sage scrub is shallow-rooted and responds quickly to seasonal rains, chaparral plants are typically deep-rooted having most of their flowering and growth later in the rainy season after the deeper soil layers have been saturated³⁶. New growth of chaparral evergreen shrubs takes place about four months later than coastal sage scrub plants and it continues later into the summer³⁷. For example, in coastal sage scrub, California sagebrush flowers and grows from August to February and coyote bush flowers from August to November³⁸. In contrast, chamise chaparral and bigpod ceanothus flower from April to June, buck brush ceanothus flowers from February to April, and hoaryleaf ceanothus flowers from March to April.

Many groups of animals exploit these seasonal differences in growth and blooming period. The opportunistic foraging insect community (e.g., honeybees, butterflies and moths) tends to follow these cycles of flowering and new growth, moving from coastal sage scrub in the early rainy season to chaparral in the spring³⁹. The insects in turn are followed by insectivorous birds such as the blue-gray gnatcatcher⁴⁰, bushtit, cactus wren, Bewick's wren and California towhee. At night bats take over the role of daytime insectivores. At least 12 species of bats (all of which are considered sensitive) occur in

³⁶ DeSimone, S. 2000. California's coastal sage scrub. *Fremontia* 23(4):3-8. Mooney, H.A. 1988. Southern coastal scrub. Chap. 13 in Barbour, M.G. and J. Majors; Eds. 1988. *Terrestrial vegetation of California*, 2nd Edition. Calif. Native Plant Soc. Spec. Publ. #9.

³⁷ Schoenherr, A. A. 1992. *A natural history of California*. University of California Press, Berkeley. 772p.

³⁸ Dale, N. 2000. Flowering plants of the Santa Monica Mountains. California Native Plant Society, 1722 J Street, Suite 17, Sacramento, CA 95814.

³⁹ Ballmer, G. R. 1995. What's bugging coastal sage scrub. *Fremontia* 23(4):17-26.

⁴⁰ Root, R. B. 1967. The niche exploitation pattern of the blue-gray gnatcatcher. *Ecol. Monog.* 37:317-350.

the Santa Monica Mountains⁴¹. Five species of hummingbirds also follow the flowering cycle⁴².

Many species of 'opportunistic foragers', which utilize several different community types, perform important ecological roles during their seasonal movements. The scrub jay is a good example of such a species. The scrub jay is an omnivore and forages in coastal sage scrub, chaparral, and oak woodlands for insects, berries and notably acorns. Its foraging behavior includes the habit of burying acorns, usually at sites away from the parent tree canopy. Buried acorns have a much better chance of successful germination (about two-fold) than exposed acorns because they are protected from desiccation and predators. One scrub jay will bury approximately 5000 acorns in a year. The scrub jay therefore performs the function of greatly increasing recruitment and regeneration of oak woodland, a valuable and sensitive habitat type⁴³.

Like the scrub jay, most of the species of birds that inhabit the Mediterranean ecosystem in the Santa Monica Mountains require more than one community type in order to flourish. Many species include several community types in their daily activities. Other species tend to move from one community to another seasonally. The importance of maintaining the integrity of the multi-community ecosystem is clear in the following observations of Dr. Hartmut Walter of the University of California at Los Angeles:

"Bird diversity is directly related to the habitat mosaic and topographic diversity of the Santa Monicas. Most bird species in this bio-landscape require more than one habitat for survival and reproduction." "A significant proportion of the avifauna breeds in the wooded canyons of the Santa Monicas. Most of the canyon breeders forage every day in the brush- and grass-covered slopes, ridges and mesas. They would not breed in the canyons in the absence of the surrounding shrublands. Hawks, owls, falcons, orioles, flycatchers, woodpeckers, warblers, hummingbirds, etc. belong to this group. Conversely, some of the characteristic chaparral birds such as thrashers, quails, and wrentits need the canyons for access to shelter, protection from fire, and water. The regular and massive movement of birds between riparian corridors and adjacent shrublands has been demonstrated by qualitative and quantitative observations by several UCLA students⁴⁴."

Thus, the Mediterranean ecosystem of the Santa Monica Mountains is a mosaic of vegetation types linked together ecologically. The high biodiversity of the area results

⁴¹ Letter from Dr. Marti Witter, NPS, dated Sept. 13, 2001, in letters received and included in the September 2002 staff report for the Malibu LCP.

⁴² National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701

⁴³ Borchert, M. I., F. W. Davis, J. Michaelson and L. D. Oyler. 1989. Interactions of factors affecting seedling recruitment of blue oak (*Quercus douglasii*) in California. *Ecology* 70:389-404. Bossema, I. 1979. Jays and oaks: An eco-ethological study of a symbiosis. *Behavior* 70:1-118. Schoenherr, A. A. 1992. A natural history of California. University of California Press, Berkeley. 772p.

⁴⁴ Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

from both the diversity and the interconnected nature of this mosaic. Most raptor species, for example, require large areas and will often require different habitats for perching, nesting and foraging. Fourteen species of raptors (13 of which are considered sensitive) are reported from the Santa Monica Mountains. These species utilize a variety of habitats including rock outcrops, oak woodlands, riparian areas, grasslands, chaparral, coastal sage scrub, estuaries and freshwater lakes⁴⁵.

When the community mosaic is disrupted and fragmented by development, many chaparral-associated native bird species are impacted. In a study of landscape-level fragmentation in the Santa Monica Mountains, Stralberg⁴⁶ found that the ash-throated flycatcher, Bewick's wren, wrentit, blue-gray gnatcatcher, California thrasher, orange-crowned warbler, rufous-crowned sparrow, spotted towhee, and California towhee all decreased in numbers as a result of urbanization. Soule⁴⁷ observed similar effects of fragmentation on chaparral and coastal sage scrub birds in the San Diego area.

In summary, all of the vegetation types in this ecosystem are strongly linked by animal movement and foraging. Whereas classification and mapping of vegetation types may suggest a snapshot view of the system, the seasonal movements and foraging of animals across these habitats illustrates the dynamic nature and vital connections that are crucial to the survival of this ecosystem.

Coastal Sage Scrub

"Coastal sage scrub" is a generic vegetation type that is inclusive of several subtypes⁴⁸. In the Santa Monica Mountains, coastal sage scrub is mostly of the type termed "Venturan Coastal Sage Scrub." In general, coastal sage scrub is comprised of dominant species that are semi-woody and low-growing, with shallow, dense roots that enable them to respond quickly to rainfall. Under the moist conditions of winter and spring, they grow quickly, flower, and produce light, wind-dispersed seeds, making them good colonizers following disturbance. These species cope with summer drought by dying back, dropping their leaves or producing a smaller summer leaf in order to reduce water loss. Stands of coastal sage scrub are much more open than chaparral and contain a greater admixture of herbaceous species. Coastal sage scrub is generally restricted to drier sites, such as low foothills, south-facing slopes, and shallow soils at higher elevations.

⁴⁵ National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701. and Letter from Dr. Marti Witter, NPS, Dated Sept. 13, 2001, in letters received and included in the September 2002 staff report for the Malibu LCP.

⁴⁶ Stralberg, D. 2000. Landscape-level urbanization effects on chaparral birds: A Santa Monica Mountains case study. p 125-136 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62.

⁴⁷ Soule, M. E., D. T. Bolger, A. C. Alberts, J. Wright, M. Sorice and S. Hill. 1988. Reconstructed dynamics of rapid extinctions of chaparral-requiring birds in urban habitat islands. *Conserv. Biol.* 2: 75-92.

⁴⁸ Kirkpatrick, J.B. and C.F. Hutchinson. 1977. The community composition of Californian coastal sage scrub. *Vegetatio* 35:21-33; Holland, 1986. op.cit.; Sawyer and Keeler-Wolf, 1995, op.cit.

The species composition and structure of individual stands of coastal sage scrub depend on moisture conditions that derive from slope, aspect, elevation and soil type. Drier sites are dominated by more drought-resistant species (e.g., California sagebrush, coast buckwheat, and *Opuntia* cactus). Where more moisture is available (e.g., north-facing slopes), larger evergreen species such as toyon, laurel sumac, lemonade berry, and sugar bush are common. As a result, there is more cover for wildlife, and movement of large animals from chaparral into coastal sage scrub is facilitated in these areas. Characteristic wildlife in this community includes Anna's hummingbirds, rufous-sided towhees, California quail, greater roadrunners, Bewick's wrens, coyotes, and coast horned lizards⁴⁹, but most of these species move between coastal sage scrub and chaparral during their daily activities or on a seasonal basis.

Of the many important ecosystem roles performed by the coastal sage scrub community, five are particularly important in the Santa Monica Mountains. Coastal sage scrub provides critical linkages between riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, provides essential habitat for local endemics, supports rare species that are in danger of extinction, and reduces erosion, thereby protecting the water quality of coastal streams.

Riparian woodlands are primary contributors to the high biodiversity of the Santa Monica Mountains. The ecological integrity of those riparian habitats not only requires wildlife dispersal along the streams, but also depends on the ability of animals to move from one riparian area to another. Such movement requires that the riparian corridors be connected by suitable habitat. In the Santa Monica Mountains, coastal sage scrub and chaparral provide that function. Significant development in coastal sage scrub would reduce the riparian corridors to linear islands of habitat with severe edge effects⁵⁰, reduced diversity, and lower productivity.

Most wildlife species and many species of plants utilize several types of habitat. Many species of animals endemic to Mediterranean habitats move among several plant communities during their daily activities and many are reliant on different communities either seasonally or during different stages of their life cycle. Without an intact mosaic of coastal sage scrub, chaparral, and riparian community types, many species will not thrive. Specific examples of the importance of interconnected communities, or habitats, were provided in the discussion above. This is an essential ecosystem role of coastal sage scrub.

A characteristic of the coastal sage scrub vegetation type is a high degree of endemism. This is consonant with Westman's observation that 44 percent of the species he sampled in coastal sage scrub occurred at only one of his 67 sites, which were

⁴⁹ National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000.

⁵⁰ Environmental impacts are particularly severe at the interface between development and natural habitats. The greater the amount of this "edge" relative to the area of natural habitat, the worse the impact.

distributed from the San Francisco Bay area to Mexico⁵¹. Species with restricted distributions are by nature more susceptible to loss or degradation of their habitat. Westman said of this unique and local aspect of coastal sage scrub species in California:

"While there are about 50 widespread sage scrub species, more than half of the 375 species encountered in the present study of the sage scrub flora are rare in occurrence within the habitat range. In view of the reduction of the area of coastal sage scrub in California to 10-15% of its former extent and the limited extent of preserves, measures to conserve the diversity of the flora are needed."⁵²

Coastal sage scrub in southern California provides habitat for about 100 rare species⁵³, many of which are also endemic to limited geographic regions⁵⁴. In the Santa Monica Mountains, rare animals that inhabit coastal sage scrub⁵⁵ include the Santa Monica shieldback katydid, silvery legless lizard, coastal cactus wren, Bell's sparrow, San Diego desert woodrat, southern California rufous-crowned sparrow, coastal western whiptail, and San Diego horned lizard. Some of these species are also found in chaparral⁵⁶. Rare plants found in coastal sage scrub in the Santa Monica Mountains include Santa Susana tarplant, Coulter's saltbush, Blockman's dudleya, Braunton's milkvetch, Parry's spineflower, and Plummer's mariposa lily⁵⁷. A total of 32 sensitive species of reptiles, birds and mammals have been identified in this community by the National Park Service.⁵⁸

One of the most important ecological functions of coastal sage scrub in the Santa Monica Mountains is to protect water quality in coastal streams by reducing erosion in the watershed. Although shallow rooted, the shrubs that define coastal sage scrub have dense root masses that hold the surface soils much more effectively than the exotic annual grasses and forbs that tend to dominate in disturbed areas. The native shrubs of this community are resistant not only to drought, as discussed above, but well adapted to fire. Most of the semi-woody shrubs have some ability to crown sprout after

⁵¹ Westman, W.E. 1981. Diversity relations and succession in Californian coastal sage scrub. *Ecology* 62:170-184.

⁵² Ibid.

⁵³ Atwood, J. L. 1993. California gnatcatchers and coastal sage scrub: The biological basis for endangered species listing. pp.149-166 *In: Interface Between Ecology and Land Development in California*. Ed. J. E. Keeley, So. Calif. Acad. of Sci., Los Angeles. California Department of Fish and Game (CDFG). 1993. The Southern California Coastal Sage Scrub (CSS) Natural Communities Conservation Plan (NCCP). CDFG and Calif. Resources Agency, 1416 9th St., Sacramento, CA 95814.

⁵⁴ Westman, W.E. 1981. *op. cit.*

⁵⁵ Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

⁵⁶ O'Leary J.F., S.A. DeSimone, D.D. Murphy, P.F. Brussard, M.S. Gilpin, and R.F. Noss. 1994. Bibliographies on coastal sage scrub and related malacophyllous shrublands of other Mediterranean-type climates. *California Wildlife Conservation Bulletin* 10:1-51.

⁵⁷ Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

⁵⁸ NPS, 2000, *op. cit.*

fire. Several CSS species (e.g., *Eriogonum cinereum*) in the Santa Monica Mountains and adjacent areas resprout vigorously and other species growing near the coast demonstrate this characteristic more strongly than do individuals of the same species growing at inland sites in Riverside County.⁵⁹ These shrub species also tend to recolonize rapidly from seed following fire. As a result they provide persistent cover that reduces erosion.

In addition to performing extremely important roles in the Mediterranean ecosystem, the coastal sage scrub community type has been drastically reduced in area by habitat loss to development. In the early 1980's it was estimated that 85 to 90 percent of the original extent of coastal sage scrub in California had already been destroyed.⁶⁰ Losses since that time have been significant and particularly severe in the coastal zone.

Therefore, because of its increasing rarity, its important role in the functioning of the Santa Monica Mountains Mediterranean ecosystem, and its extreme vulnerability to development, coastal sage scrub within the Santa Monica Mountains meets the definition of ESHA under the Coastal Act.

Chaparral

Another shrub community in the Santa Monica Mountain Mediterranean ecosystem is chaparral. Like "coastal sage scrub," this is a generic category of vegetation. Chaparral species have deep roots (10s of ft) and hard waxy leaves, adaptations to drought that increase water supply and decrease water loss at the leaf surface. Some chaparral species cope more effectively with drought conditions than do desert plants⁶¹. Chaparral plants vary from about one to four meters tall and form dense, intertwining stands with nearly 100 percent ground cover. As a result, there are few herbaceous species present in mature stands. Chaparral is well adapted to fire. Many species regenerate mainly by crown sprouting; others rely on seeds which are stimulated to germinate by the heat and ash from fires. Over 100 evergreen shrubs may be found in chaparral⁶². On average, chaparral is found in wetter habitats than coastal sage scrub, being more common at higher elevations and on north facing slopes.

The broad category "northern mixed chaparral" is the major type of chaparral shown in the National Park Service map of the Santa Monica Mountains. However, northern mixed chaparral can be variously dominated by chamise, scrub oak or one of several species of manzanita or by ceanothus. In addition, it commonly contains woody vines and large shrubs such as mountain mahogany, toyon, hollyleaf redberry, and sugarbush⁶³. The rare red shank chaparral plant community also occurs in the Santa Monica Mountains. Although included within the category "northern mixed chaparral" in

⁵⁹ Dr. John O'Leary, SDSU, personal communication to Dr. John Dixon, CCC, July 2, 2002

⁶⁰ Westman, W.E. 1981. op. cit.

⁶¹ Dr. Stephen Davis, Pepperdine University. Presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.

⁶² Keely, J.E. and S.C. Keeley. Chaparral. Pages 166-207 in M.G. Barbour and W.D. Billings, eds. North American Terrestrial Vegetation. New York, Cambridge University Press.

⁶³ Ibid.

the vegetation map, several types of ceanothus chaparral are reported in the Santa Monica Mountains. Ceanothus chaparral occurs on stable slopes and ridges, and may be dominated by bigpod ceanothus, buck brush ceanothus, hoaryleaf ceanothus, or greenbark ceanothus. In addition to ceanothus, other species that are usually present in varying amounts are chamise, black sage, holly-leaf redberry, sugarbush, and coast golden bush⁶⁴.

Several sensitive plant species that occur in the chaparral of the Santa Monica Mountains area are: Santa Susana tarplant, Lyon's pentachaeta, marcescent dudleya, Santa Monica Mountains dudleya, Braunton's milk vetch and salt spring checkerbloom⁶⁵. Several occurring or potentially occurring sensitive animal species in chaparral from the area are: Santa Monica shieldback katydid, western spadefoot toad, silvery legless lizard, San Bernardino ring-neck snake, San Diego mountain kingsnake, coast patch-nosed snake, sharp-shinned hawk, southern California rufous-crowned sparrow, Bell's sparrow, yellow warbler, pallid bat, long-legged myotis bat, western mastiff bat, and San Diego desert woodrat.⁶⁶

Coastal sage scrub and chaparral are the predominant generic community types of the Santa Monica Mountains and provide the living matrix within which rarer habitats like riparian woodlands exist. These two shrub communities share many important ecosystem roles. Like coastal sage scrub, chaparral within the Santa Monica Mountains provides critical linkages among riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, provides essential habitat for sensitive species, and stabilizes steep slopes and reduces erosion, thereby protecting the water quality of coastal streams.

Many species of animals in Mediterranean habitats characteristically move among several plant communities during their daily activities, and many are reliant on different communities either seasonally or during different stages of their life cycle. The importance of an intact mosaic of coastal sage scrub, chaparral, and riparian community types is perhaps most critical for birds. However, the same principles apply to other taxonomic groups. For example, whereas coastal sage scrub supports a higher diversity of native ant species than chaparral, chaparral habitat is necessary for the coast horned lizard, an ant specialist⁶⁷. Additional examples of the importance of an interconnected communities, or habitats, were provided in the discussion of coastal sage scrub above. This is an extremely important ecosystem role of chaparral in the Santa Monica Mountains.

Chaparral is also remarkably adapted to control erosion, especially on steep slopes. The root systems of chaparral plants are very deep, extending far below the surface and

⁶⁴ Ibid.

⁶⁵ Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

⁶⁶ Ibid.

⁶⁷ A.V. Suarez. Ants and lizards in coastal sage scrub and chaparral. A presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.

penetrating the bedrock below⁶⁸, so chaparral literally holds the hillsides together and prevents slippage.⁶⁹ In addition, the direct soil erosion from precipitation is also greatly reduced by 1) water interception on the leaves and above ground foliage and plant structures, and 2) slowing the runoff of water across the soil surface and providing greater soil infiltration. Chaparral plants are extremely resistant to drought, which enables them to persist on steep slopes even during long periods of adverse conditions. Many other species die under such conditions, leaving the slopes unprotected when rains return. Since chaparral plants recover rapidly from fire, they quickly re-exert their ground stabilizing influence following burns. The effectiveness of chaparral for erosion control after fire increases rapidly with time⁷⁰. Thus, the erosion from a 2-inch rain-day event drops from 5 yd³/acre of soil one year after a fire to 1 yd³/acre after 4 years.⁷¹ The following table illustrates the strong protective effect of chaparral in preventing erosion.

Soil erosion as a function of 24-hour precipitation and chaparral age.

Years Since Fire	Erosion (yd ³ /acre) at Maximum 24-hr Precipitation of:		
	2 inches	5 inches	11 inches
1	5	20	180
4	1	12	140
17	0	1	28
50+	0	0	3

Therefore, because of its important roles in the functioning of the Santa Monica Mountains Mediterranean ecosystem, and its extreme vulnerability to development, chaparral within the Santa Monica Mountains meets the definition of ESHA under the Coastal Act.

Oak Woodland and Savanna

Coast live oak woodland occurs mostly on north slopes, shaded ravines and canyon bottoms. Besides the coast live oak, this plant community includes hollyleaf cherry, California bay laurel, coffeeberry, and poison oak. Coast live oak woodland is more

⁶⁸ Helmers, H., J.S. Horton, G. Juhren and J. O'Keefe. 1955. Root systems of some chaparral plants in southern California. *Ecology* 36(4):667-678. Kummerow, J. and W. Jow. 1977. Root systems of chaparral shrubs. *Oecologia* 29:163-177.

⁶⁹ Radtke, K. 1983. *Living more safely in the chaparral-urban interface*. General Technical Report PSW-67. U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station, Berkeley, California. 51 pp.

⁷⁰ Kittredge, J. 1973. *Forest influences — the effects of woody vegetation on climate, water, and soil*. Dover Publications, New York. 394 pp. Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. (Table 1). The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. Vicars, M. (ed.) 1999. *FireSmart: protecting your community from wildfire*. Partners in Protection, Edmonton, Alberta.

⁷¹ *Ibid.*

tolerant of salt-laden fog than other oaks and is generally found nearer the coast⁷². Coast live oak also occurs as a riparian corridor species within the Santa Monica Mountains.

Valley oaks are endemic to California and reach their southern most extent in the Santa Monica Mountains. Valley oaks were once widely distributed throughout California's perennial grasslands in central and coastal valleys. Individuals of this species may survive 400-600 years. Over the past 150 years, valley oak savanna habitat has been drastically reduced and altered due to agricultural and residential development. The understory is now dominated by annual grasses and recruitment of seedlings is generally poor. This is a very threatened habitat.

The important ecosystem functions of oak woodlands and savanna are widely recognized⁷³. These habitats support a high diversity of birds⁷⁴, and provide refuge for many species of sensitive bats⁷⁵. Typical wildlife in this habitat includes acorn woodpeckers, scrub jays, plain titmice, northern flickers, cooper's hawks, western screech owls, mule deer, gray foxes, ground squirrels, jackrabbits and several species of sensitive bats.

Therefore, because of their important ecosystem functions and vulnerability to development, oak woodlands and savanna within the Santa Monica Mountains met the definition of ESHA under the Coastal Act.

Grasslands

Grasslands consist of low herbaceous vegetation that is dominated by grass species but may also harbor native or non-native forbs.

California Perennial Grassland

Native grassland within the Santa Monica Mountains consists of perennial native needlegrasses: purple needlegrass, (*Nassella pulchra*), foothills needlegrass, (*Nassella lepida*) and nodding needlegrass (*Nassella cernua*). These grasses may occur in the same general area but they do not typically mix, tending to segregate based on slope

⁷² NPS 2000. op. cit.

⁷³ Block, W.M., M.L. Morrison, and J. Verner. 1990. Wildlife and oak-woodland interdependency. *Fremontia* 18(3):72-76. Pavlik, B.M., P.C. Muick, S. Johnson, and M. Popper. 1991. *Oaks of California*. Cachuma Press and California Oak Foundation, Los Olivos, California. 184 pp.

⁷⁴ Cody, M.L. 1977. Birds. Pp. 223-231 in Thrower, N.J.W., and D.E. Bradbury (eds.). *Chile-California Mediterranean scrub atlas*. US/IBP Synthesis Series 2. Dowden, Hutchinson & Ross, Stroudsburg, Pennsylvania. National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701

⁷⁵ Miner, K.L., and D.C. Stokes. 2000. Status, conservation issues, and research needs for bats in the south coast bioregion. Paper presented at *Planning for biodiversity: bringing research and management together*, February 29, California State University, Pomona, California.

and substrate factors⁷⁶. Mixed with these native needlegrasses are many non-native annual species that are characteristic of California annual grassland⁷⁷. Native perennial grasslands are now exceedingly rare⁷⁸. In California, native grasslands once covered nearly 20 percent of the land area, but today are reduced to less than 0.1 percent⁷⁹. The California Natural Diversity Database (CNDDDB) lists purple needlegrass habitat as a community needing priority monitoring and restoration. The CNDDDB considers grasslands with 10 percent or more cover by purple needlegrass to be significant, and recommends that these be protected as remnants of original California prairie. Patches of this sensitive habitat occur throughout the Santa Monica Mountains where they are intermingled with coastal sage scrub, chaparral and oak woodlands.

Many of the raptors that inhabit the Santa Monica Mountains make use of grasslands for foraging because they provide essential habitat for small mammals and other prey. Grasslands adjacent to woodlands are particularly attractive to these birds of prey since they simultaneously offer perching and foraging habitat. Particularly noteworthy in this regard are the white-tailed kite, northern harrier, sharp-shinned hawk, Cooper's hawk, red-shouldered hawk, red-tailed hawk, golden eagle, American kestrel, merlin, and prairie falcon⁸⁰.

Therefore, because of their extreme rarity, important ecosystem functions, and vulnerability to development, California native perennial grasslands within the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

California Annual Grassland

The term "California annual grassland" has been proposed to recognize the fact that non-native annual grasses should now be considered naturalized and a permanent feature of the California landscape and should be acknowledged as providing important ecological functions. These habitats support large populations of small mammals and provide essential foraging habitat for many species of birds of prey. California annual grassland generally consists of dominant invasive annual grasses that are primarily of Mediterranean origin. The dominant species in this community include common wild oats (*Avena fatua*), slender oat (*Avena barbata*), red brome (*Bromus madritensis* ssp. *Rubens*), ripgut brome, (*Bromus diandrus*), and herbs such as black mustard (*Brassica nigra*), wild radish (*Raphanus sativus*) and sweet fennel (*Foeniculum vulgare*). Annual grasslands are located in patches throughout the Santa Monica Mountains in previously disturbed areas, cattle pastures, valley bottoms and along roadsides. While many of

⁷⁶ Sawyer, J. O. and T. Keeler-Wolf. 1995. A manual of California vegetation. California Native Plant Society, 1722 J St., Suite 17, Sacramento, CA 95814.

⁷⁷ Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

⁷⁸ Noss, R.F., E.T. LaRoe III and J.M. Scott. 1995. Endangered ecosystems of the United States: a preliminary assessment of loss and degradation. Biological Report 28. National Biological Service, U.S. Dept. of Interior.

⁷⁹ NPS 2000. op. cit.

⁸⁰ NPS 2000. op. cit.

these patches are dominated by invasive non-native species, it would be premature to say that they are never sensitive or do not harbor valuable annual native species. A large number of native forbs also may be present in these habitats⁸¹, and many native wildflowers occur primarily in annual grasslands. In addition, annual grasslands are primary foraging areas for many sensitive raptor species in the area.

Inspection of California annual grasslands should be done prior to any impacts to determine if any rare native species are present or if any rare wildlife rely on the habitat and to determine if the site meets the Coastal Act ESHA criteria.

Effects of Human Activities and Development on Habitats within the Santa Monica Mountains

The natural habitats of the Santa Monica Mountains are highly threatened by current development pressure, fragmentation and impacts from the surrounding megalopolis. The developed portions of the Santa Monica Mountains represents the extension of this urbanization into natural areas. About 54% of the undeveloped Santa Monica Mountains are in private ownership⁸², and computer simulation studies of the development patterns over the next 25 years predict a serious increase in habitat fragmentation⁸³. Development and associated human activities have many well-documented deleterious effects on natural communities. These environmental impacts may be both direct and indirect and include the effects of increased fire frequency, of fire clearance, of introduction of exotic species, and of night lighting.

Increased Fire Frequency

Since 1925, all the major fires in the Santa Monica Mountains have been caused by human activities⁸⁴. Increased fire frequency alters plant communities by creating conditions that select for some species over others. Strong resprouting plant species such as laurel sumac, are favored while non-sprouters like bigpod ceanothus, are at a disadvantage. Frequent fire recurrence before the non-sprouters can develop and reestablish a seed bank is detrimental, so that with each fire their chances for propagation are further reduced. Resprouters can be sending up new shoots quickly, and so they are favored in an increased fire frequency regime. Also favored are weedy and invasive species. Dr. Steven Davis in his abstract for a Coastal Commission

⁸¹ Holstein, G. 2001. Pre-agricultural grassland in Central California. *Madrono* 48(4):253-264. Stromberg, M.R., P. Kephart and V. Yadon. 2001. Composition, invasibility and diversity of coastal California grasslands. *Madrono* 48(4):236-252.

⁸² National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000.

⁸³ Swenson, J. J., and J. Franklin. 2000. The effects of future urban development on habitat fragmentation in the Santa Monica Mountains. *Landscape Ecol.* 15:713-730.

⁸⁴ NPS, 2000, op. cit.

Workshop stated⁸⁵ *"We have evidence that recent increases in fire frequency has eliminated drought-hardy non-sprouters from chaparral communities near Malibu, facilitating the invasion of exotic grasses and forbs that further exacerbate fire frequency."* Thus, simply increasing fire frequency from about once every 22 years (the historical frequency) to about once every 12 years (the current frequency) can completely change the vegetation community. This has cascading effects throughout the ecosystem.

Fuel Clearance

The removal of vegetation for fire protection in the Santa Monica Mountains is required by law in "Very High Fire Hazard Severity Zones"⁸⁶. Fuel removal is reinforced by insurance carriers⁸⁷. Generally, the Santa Monica Mountains are considered to be a high fire hazard severity zone. In such high fire hazard areas, homeowners must often resort to the California FAIR Plan to obtain insurance. Because of the high risk, all homes in "brush areas" are assessed an insurance surcharge if they have less than the recommended 200-foot fuel modification zone⁸⁸ around the home. The combination of insurance incentives and regulation assures that the 200-foot clearance zone will be applied universally⁸⁹. While it is not required that all of this zone be cleared of vegetation, the common practice is simply to disk this zone, essentially removing or highly modifying all native vegetation. For a new structure not adjacent to existing structures, this results in the removal or modification of a minimum of three acres of vegetation⁹⁰. While the directly impacted area is large, the effects of fuel modification extend beyond the 200-foot clearance area.

Effects of Fuel Clearance on Bird Communities

The impacts of fuel clearance on bird communities was studied by Stralberg who identified three ecological categories of birds in the Santa Monica Mountains: 1) local and long distance migrators (ash-throated flycatcher, Pacific-slope flycatcher, phainopepla, black-headed grosbeak), 2) chaparral-associated species (Bewick's wren, wrentit, blue-gray gnatcatcher, California thrasher, orange-crowned warbler, rufous-crowned sparrow, spotted towhee, California towhee) and 3) urban-associated species

⁸⁵ Davis, Steven. Effects of fire and other factors on patterns of chaparral in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

⁸⁶ 1996 Los Angeles County Fire Code Section 1117.2.1

⁸⁷ Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. Vicars, M. (ed.) 1999. FireSmart: protecting your community from wildfire. Partners in Protection, Edmonton, Alberta.

⁸⁸ Fuel Modification Plan Guidelines. Co. of Los Angeles Fire Department, Fuel Modification Unit, Prevention Bureau, Forestry Division, Brush Clearance Section, January 1998.

⁸⁹ Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024.

⁹⁰ Ibid.

(mourning dove, American crow, Western scrub-jay, Northern mockingbird)⁹¹. It was found in this study that the number of migrators and chaparral-associated species decreased due to habitat fragmentation while the abundance of urban-associated species increased. The impact of fuel clearance is to greatly increase this edge-effect of fragmentation by expanding the amount of cleared area and "edge" many-fold. Similar results of decreases in fragmentation-sensitive bird species are reported from the work of Bolger et al. in southern California chaparral⁹².

Effects of Fuel Clearance on Arthropod Communities

Fuel clearance and habitat modification may also disrupt native arthropod communities, and this can have surprising effects far beyond the cleared area on species seemingly unrelated to the direct impacts. A particularly interesting and well-documented example with ants and lizards illustrates this point. When non-native landscaping with intensive irrigation is introduced, the area becomes favorable for the invasive and non-native Argentine ant. This ant forms "super colonies" that can forage more than 650 feet out into the surrounding native chaparral or coastal sage scrub around the landscaped area⁹³. The Argentine ant competes with native harvester ants and carpenter ants displacing them from the habitat⁹⁴. These native ants are the primary food resource for the native coast horned lizard, a California "Species of Special Concern." As a result of Argentine ant invasion, the coast horned lizard and its native ant food resources are diminished in areas near landscaped and irrigated developments⁹⁵. In addition to specific effects on the coast horned lizard, there are other Mediterranean habitat ecosystem processes that are impacted by Argentine ant invasion through impacts on long-evolved native ant-plant mutualisms⁹⁶. The composition of the whole arthropod community changes and biodiversity decreases when habitats are subjected to fuel modification. In coastal sage scrub disturbed by fuel modification, fewer arthropod

⁹¹ Stralberg, D. 2000. Landscape-level urbanization effects on chaparral birds: a Santa Monica Mountains case study. Pp. 125–136 in Keeley, J.E., M. Baer-Keeley, and C.J. Fotheringham (eds.). *2nd interface between ecology and land development in California*. U.S. Geological Survey, Sacramento, California.

⁹² Bolger, D. T., T. A. Scott and J. T. Rotenberry. 1997. Breeding bird abundance in an urbanizing landscape in coastal Southern California. *Conserv. Biol.* 11:406-421.

⁹³ Suarez, A.V., D.T. Bolger and T.J. Case. 1998. Effects of fragmentation and invasion on native ant communities in coastal southern California. *Ecology* 79(6):2041-2056.

⁹⁴ Holway, D.A. 1995. The distribution of the Argentine ant (*Linepithema humile*) in central California: a twenty-year record of invasion. *Conservation Biology* 9:1634-1637. Human, K.G. and D.M. Gordon. 1996. Exploitation and interference competition between the invasive Argentine ant, (*Linepithema humile*), and native ant species. *Oecologia* 105:405-412.

⁹⁵ Fisher, R.N., A.V. Suarez and T.J. Case. 2002. Spatial patterns in the abundance of the coastal horned lizard. *Conservation Biology* 16(1):205-215. Suarez, A.V. J.Q. Richmond and T.J. Case. 2000. Prey selection in horned lizards following the invasion of Argentine ants in southern California. *Ecological Applications* 10(3):711-725.

⁹⁶ Suarez, A.V., D.T. Bolger and T.J. Case. 1998. Effects of fragmentation and invasion on native ant communities in coastal southern California. *Ecology* 79(6):2041-2056. Bond, W. and P. Slingsby. Collapse of an Ant-Plant Mutualism: The Argentine Ant (*Iridomyrmex humilis*) and Myrmecochorous Proteaceae. *Ecology* 65(4):1031-1037.

predator species are seen and more exotic arthropod species are present than in undisturbed habitats⁹⁷.

Studies in the Mediterranean vegetation of South Africa (equivalent to California shrubland with similar plant species) have shown how the invasive Argentine ant can disrupt the whole ecosystem.⁹⁸ In South Africa the Argentine ant displaces native ants as they do in California. Because the native ants are no longer present to collect and bury seeds, the seeds of the native plants are exposed to predation, and consumed by seed eating insects, birds and mammals. When this habitat burns after Argentine ant invasion the large-seeded plants that were protected by the native ants all but disappear. So the invasion of a non-native ant species drives out native ants, and this can cause a dramatic change in the species composition of the plant community by disrupting long-established seed dispersal mutualisms. In California, some insect eggs are adapted to being buried by native ants in a manner similar to plant seeds⁹⁹.

Artificial Night Lighting

One of the more recently recognized human impacts on ecosystem function is that of artificial night lighting as it effects the behavior and function of many different types of organisms¹⁰⁰. For literally billions of years the only nighttime sources of light were the moon and stars, and living things have adapted to this previously immutable standard and often depend upon it for their survival. A review of lighting impacts suggests that whereas some species are unaffected by artificial night lighting, many others are severely impacted. Overall, most impacts are negative ones or ones whose outcome is unknown. Research to date has found negative impacts to plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals, and a detailed literature review can be found in the report by Longcore and Rich¹⁰¹.

Summary

In a past action, the Coastal Commission found¹⁰² that the Santa Monica Mountains Mediterranean Ecosystem, which includes the undeveloped native habitats of the Santa Monica Mountains, is rare and especially valuable because of its relatively pristine

⁹⁷ Longcore, T.R. 1999. Terrestrial arthropods as indicators of restoration success in coastal sage scrub. Ph.D. Dissertation, University of California, Los Angeles.

⁹⁸ Christian, C. 2001. Consequences of a biological invasion reveal the importance of mutualism for plant communities. *Nature* 413:635-639.

⁹⁹ Hughes, L. and M. Westoby. 1992. Capitula on stick insect eggs and elaiosomes on seeds: convergent adaptations for burial by ants. *Functional Ecology* 6:642-648.

¹⁰⁰ Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024.

¹⁰¹ Ibid, and Ecological Consequences of Artificial Night Lighting, Conference, February 23-24, 2002, UCLA Los Angeles, California.

¹⁰² Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

character, physical complexity, and resultant biological diversity. The undeveloped native habitats within the Santa Monica Mountains that are discussed above are ESHA because of their valuable roles in that ecosystem, including providing a critical mosaic of habitats required by many species of birds, mammals and other groups of wildlife, providing the opportunity for unrestricted wildlife movement among habitats, supporting populations of rare species, and preventing the erosion of steep slopes and thereby protecting riparian corridors, streams and, ultimately, shallow marine waters.

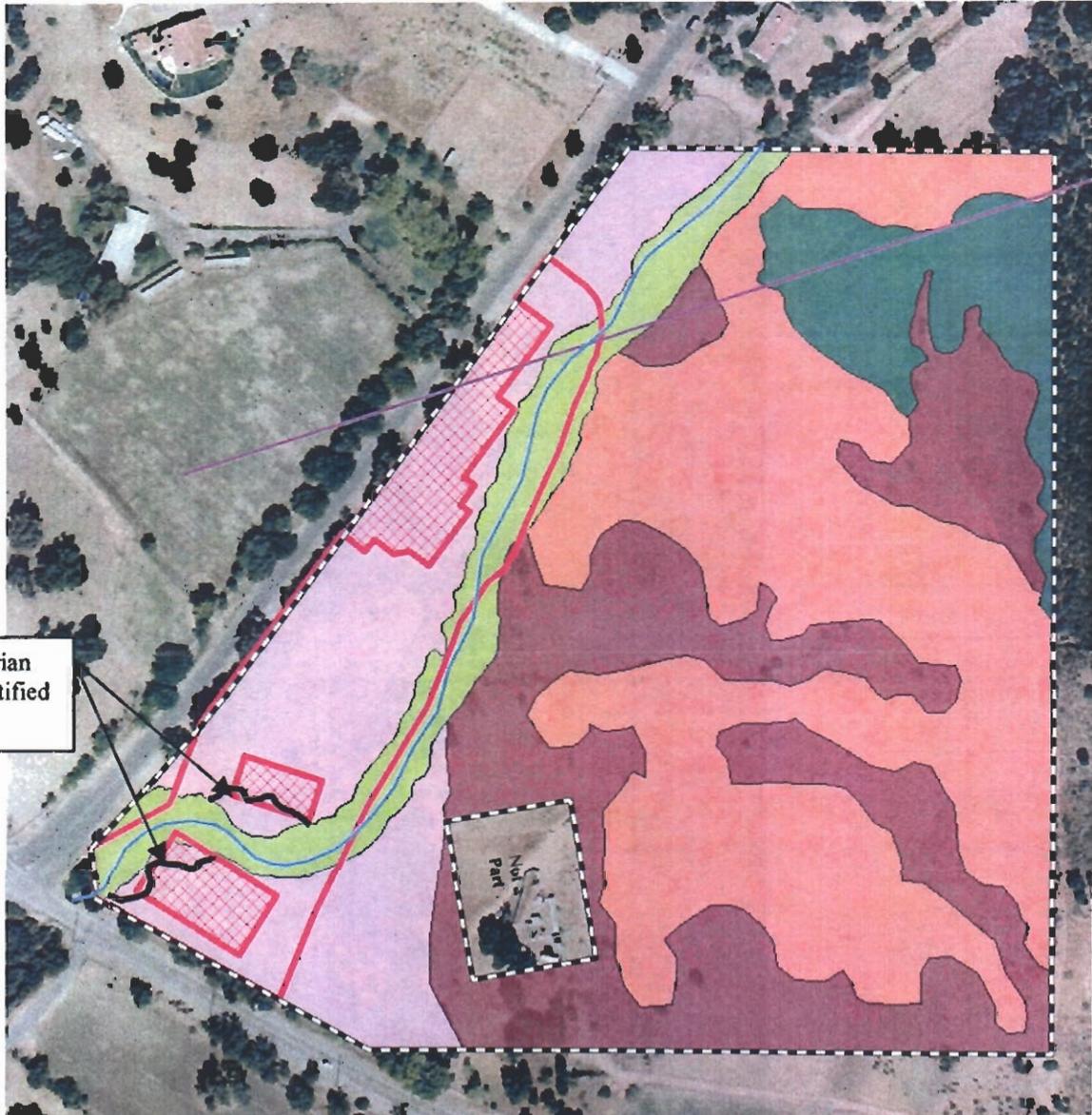
The importance the native habitats in the Santa Monica Mountains was emphasized nearly 20 years ago by the California Department of Fish and Game¹⁰³. Commenting on a Draft Land Use Plan for the City of Malibu, the Regional Manager wrote that, "It is essential that large areas of land be reclassified to reflect their true status as ESHAs. One of the major needs of the Malibu LUP is that it should provide protection for entire drainages and not just stream bottoms." These conclusions were supported by the following observations:

"It is a fact that many of the wildlife species of the Santa Monica Mountains, such as mountain lion, deer, and raccoon, have established access routes through the mountains. They often travel to and from riparian zones and development such as high density residential may adversely affect a wildlife corridor.

Most animal species that exist in riparian areas will, as part of their life histories, also be found in other habitat types, including chaparral (sic) or grassland. For example, hawks nest and roost in riparian areas, but are dependent on large open areas for foraging. For the survival of many species, particularly those high on the food chain, survival will depend upon the presence of such areas. Such areas in the Santa Monica Mountains include grassland and coastal sage scrub communities, which have been documented in the SEA studies as supporting a wide diversity of plant and animal life."

This analysis by the Department of Fish and Game is consonant with the findings of the Commission in the case of the Malibu LCP, and with the conclusion that large contiguous areas of relatively pristine native habitat in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

¹⁰³ Letter from F. A. Worthley, Jr. (CDFG) to N. Lucast (CCC) re Land Use Plan for Malibu dated March 22, 1983.



Edge of riparian canopy as identified by staff

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

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



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

Exhibit 7
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Los Angeles County
DEPARTMENT OF
REGIONAL PLANNING
320 West Temple Street
Los Angeles
California 90012
974-6411
James E. Hartl, AICP
Planning Director

June 9, 1989

Malibu Valley Farms Inc,
2200 North Stokes Canyon Road
Calabasas, California 91302



Inspection File No. EF89865

Dear Sirs:

In response to a recent complaint, an inspection has been made at 2200 North Stokes Canyon Road.

This inspection disclosed that mobile homes are being maintained on the premises at the above location. The Conditional Use Permit No. 1433 that allowed this use has expired.

This is not permitted use in zone A-1-1 and is in violation of the provision of the Los Angeles County Zoning Ordinance, Section(s) 22.24.030.

Please consider this an order to comply with the provisions of the Zoning Ordinance within 30 days after receipt of this letter.

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) 974-6453. To speak directly with the investigator, Mark Gonzalez, please call before 10:00 A.M.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning

John D. Calas, Acting Section Head
Zoning Enforcement

JDC:MAG:cds

Exhibit 8
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)



Los Angeles County
Department of Regional Planning

Director of Planning, James E. Hartl, AICP



March 31, 1992

Malibu Valley Farms Inc.
2200 North Stokes Canyon Road
Calabasas, California 91302

Inspection File No. EF89865

Dear Sir/Madam:

A routine inspection has been made at 2200 North Stokes Canyon Road.

This inspection disclosed that mobilehomes are being maintained on the premises at the above location. Conditional Use Permit No. 1433 that allowed this use has expired.

This is not a permitted use in zone A-1-1 and is in violation of the provisions of the Los Angeles County Zoning Ordinance, Section 22.24.030.

Please consider this an order to comply with the provisions of the Zoning Ordinance within thirty (30) days after receipt of this letter.

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 be addressed to the Department of Regional Planning, 320 W. Temple Street, Los Angeles, Ca 90012; Attention: Zoning Enforcement, telephone (213) 974-6453. To speak directly with the investigator, Geri Nakata, please call before 10:00 a.m. Monday through Thursday.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning

John D. Calas, Section Head
Zoning Enforcement

JDC:GN:nds

Exhibit 9
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 1



Los Angeles County
Department of Regional Planning

Director of Planning, James L. Hartl, AICP



December 16, 1993

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

Inspection File No. HFS9865

Dear Sir/Madam:

A routine inspection has been made at 2200 N. Stokes Canyon in the Malibu Zoned District to determine compliance with the provisions of Conditional Use Permit No. 1433.

This inspection disclosed that mobilehomes are being maintained at the above address after the expiration date of September 10, 1985.

In order to continue this use, a valid Conditional Use Permit Case must be obtained. The forms necessary for filing an application for such a permit may be obtained by making an appointment with the Land Development Coordinating Center at (213) 974-6411.

The property as presently maintained is not a permitted use in zone A-1-1 and is in violation of the provisions of the Los Angeles County Zoning Ordinance, Section 22.24.030.

Please consider this an order to comply with the provisions of the Zoning Ordinance upon receipt of this letter.

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: Attention: Zoning Enforcement, telephone (213) 974-6453. To speak directly with the investigator, Geri S. Nakata, please call before 10:00 a.m., Monday through Thursday.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning

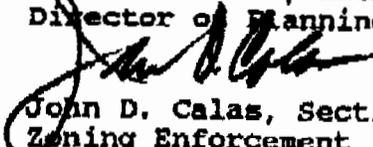

John D. Calas, Section Head
Zoning Enforcement

Exhibit 10
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 1

JDC:GSN:ar



Los Angeles County
Department of Regional Planning

Director of Planning, James E. Hartl, AICP



August 22, 1996

FINAL NOTICE

Brian Boudreau
Malibu Valley Farms, Inc.
26885 Mulholland Highway
Calabasas, CA 91302

Inspection File No. EF89865

Dear Mr. Boudreau:

Since you have failed to comply with the December 16, 1993 letter from our office, this matter will be referred to the District Attorney within fifteen (15) days from the date of this letter with the request that a criminal complaint be filed if compliance is not achieved. 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.

A recent inspection disclosed that the mobilehome is still maintained at the above address after the expiration date of September 10, 1985, and after several time extensions have been granted.

This is not a permitted use in zone A-1-1 and is in violation of the provisions of the Los Angeles County Zoning Ordinance, Section 22.24.030.

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. To speak directly with the investigator, Geri Nakata, please call before 10:00 a.m., Monday through Thursday (213) 974-6453. Our offices are closed on Fridays.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING

James E. Hartl, AICP
Director of Planning

John D. Calas, Section Head
Zoning Enforcement

JDC:GN:ar

Exhibit 11
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 1



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



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

Exhibit 12

CCC-06-CD-14 & CCC-06-RO-07
 (Malibu Valley Farms, Inc.)

Page 1 of 1

OCT 06 1998

MIL:CS:ar

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071



RECEIVED
JUN 20 1988
CALIFORNIA
COASTAL COMMISSION

December 22, 1987

To: Commissioners and Interested Persons

From: Wayne Woodroof, Assistant District Director
Larry Simon, Project Analyst *LS.*

Subject: Staff Recommendation on Minor Boundary Adjustment
BA-2-87, Malibu Valley Farms, Calabasas, Los Angeles
County (For Commission Consideration at its January
12-15, 1988 Meeting)

STAFF NOTE

Section 30103(b) of the Coastal Act of 1976 as amended provides for minor adjustment to the inland Coastal Zone Boundary within certain limitations, to avoid bisecting a parcel or to conform the boundary to readily identifiable features. The relevant portion of that section states:

"...the Commission may adjust the inland boundary of the Coastal Zone the minimum landward distance necessary, but in no event more than 100 yards, or the minimum distance seaward necessary, but in no event more than 200 yards, to avoid bisecting any single lot or parcel or to conform it to readily identifiable natural or manmade features."

The Commission has adopted regulations setting forth procedures for making minor adjustments to the Coastal Zone Boundary. This request for adjustment is being processed in conformance with those adopted regulations (14 Cal. Administrative Code Sections 13255-13259).

The specific language of Section 30103(b) states that the Commission may adjust the boundary but there is no mandate to automatically alter the boundary. The regulations provide procedures for establishing when such adjustments are possible, as well as when adjustments are desirable. The regulations establish a process of investigation to determine whether the parcel is currently bisected

Exhibit 13
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

by the boundary, whether there are alternative seaward or landward adjustments that would result in a more readily identifiable boundary location, and whether coastal resources would be affected by the adjustment or coastal planning issues are present such that an adjustment could prejudice the resolution of those issues in the Local Coastal Planning process. If a boundary adjustment would affect coastal resources or involve coastal planning issues, the proper mechanism for resolution of those issues is either the coastal permit process or the LCP process. In order to approve a minor boundary adjustment, Section 13256.2 of Title 14 of the California Administrative Code requires the Commission to make specific factual findings to support the following legal conclusions:

- (a) The adjustment conforms to the requirements of Section 30103(b) of the Coastal Act; and
- (b) The adjustments will not interfere with the achievement of the policies of Chapter 3 of the Coastal Act, and will not prejudice the preparation of a local coastal program conforming to Chapter 3 of the Coastal Act.

STAFF RECOMMENDATION

I. Denial

The staff recommends that the Commission deny the proposed adjustment in the location of the Coastal Zone Boundary with respect to Malibu Valley Farms, APN 4455-028-050 and APN 4455-028-054. This action requires that the Commission deny the following affirmative motion; thus, the staff recommends a NO vote.

Motion: I move to grant the application of Malibu Valley Farms to adjust the Coastal Zone Boundary.

Resolution: The Commission hereby denies the proposed adjustment in the location of the Coastal Zone Boundary on the grounds that the adjustment as requested will interfere with the achievement of the policies of Chapter 3 of the Coastal Act, and will prejudice the preparation of a local coastal program conforming to Chapter 3 of the Coastal Act.

II. Findings and Declaration

A. Background

Exhibit 13
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 2 of 19

This request proposes a minor boundary adjustment on two parcels in

the Santa Monica Mountains at the intersection of Mulholland Highway and Stokes Canyon Road (Exhibits 1-4). The Coastal Zone Boundary is presently located approximately five miles from the mean high tide line of the Pacific Ocean in the Malibu area. The two parcels in question, roughly 27 acres in size together, have about eight acres lying in the Coastal Zone. APN 4455-028-050 (the eastern parcel along Stokes Canyon Road) is 14.5 acres in size with about 1.5 acres in the zone. APN 4455-028-054 (the western parcel along Mulholland Highway) is 12.5 acres in size with about 6.5 acres in the Zone.

In October 1987, at the request of Malibu Valley Farms, Commission staff determined that the Coastal Zone Boundary bisected the two subject parcels. The owner is now requesting that the Commission adjust the boundary so as to delete the two subject parcels from the Coastal Zone. The requested adjustment would move the boundary seaward approximately 530 feet to conform to the seaward right-of-way of Mulholland Highway and Stokes Canyon Road, adjacent to the two subject parcels.

A portion of the property is currently used as pasture for a horse farm operation; on-site improvements include several buildings, fencing, and access roads. That part of the property proposed to be deleted from the Coastal Zone is a mix of pasture and vacant land. Los Angeles County's certified Malibu/Santa Monica Mountains Land Use Plan (LUP) designates the two parcels as "Rural Land III" with 2-acre minimum parcels and the principle permitted land use being large lot residential use. The two parcels are a part of Tentative Tract Map No. 45465, which is currently undergoing review by the County of Los Angeles. In conjunction with adjacent parcels to the north, west, and east of the two subject parcels, the applicant proposes to subdivide and create 81 lots for single family residences. As currently proposed, thirteen of the lots are within the two subject parcels, and all or part of seven lots are within the area proposed to be deleted from the Coastal Zone; one of said lots has a building site within the Coastal Zone (Exhibit 5).

B. Conformance to Section 30103(b) of the Coastal Act

The intent of Section 30103(b) is twofold. First, it seeks to avoid the bisecting of parcels by the Coastal Zone Boundary, thus avoiding the awkward and sometimes confusing situation where individual parcels are split by the boundary. Second, in areas where the boundary is difficult to locate on the ground, it seeks to align the boundary along a readily identifiable natural or manmade feature. In all cases, the adjustment must be the minimum necessary to achieve one or both of these goals, and in no event more than 100 yards landward or 200 yards seaward.

In the requested boundary adjustment, the Coastal Zone Boundary bisects two parcels under the same ownership. The applicant is requesting this boundary adjustment to delete in their entirety both parcels from the Coastal Zone in order to (a) eliminate the need to

apply for a Coastal Development Permit for a proposed subdivision (Tentative Tract Map No. 45465), (b) avoid the creation of lots with portions both in and out of the Coastal Zone as a result of the proposed subdivision, and (c) eliminate the need to apply for Coastal Development Permits for the construction of single family residences on lots within the Coastal Zone as a result of the proposed subdivision. The applicant's contention is that Mulholland Highway and Stokes Canyon Road are more identifiable man-made features than the present Coastal Zone Boundary which splits the two parcels.

The applicant proposes to move the Coastal Zone Boundary seaward to the seaward right-of-way of Mulholland Highway and Stokes Canyon Road. The Commission adopted a motion on March 1, 1977 in conjunction with the jurisdictional maps pursuant to Section 30103(b) of the Coastal Act. Section 1 of that motion reads as follows:

1. Where the Coastal Zone Boundary follows road or railroad rights-of-way, the boundary of the Coastal Zone shall be the inland boundary of the improved right-of-way as it exists as of January 1, 1977, or as modified by closure or additional improvement thereafter provided that it shall not be more than 100 yards inland from the center line.

Therefore, the applicant's proposed adjustment does not comply with the above motion, and even if the boundary adjustment were allowed, it would have to be readjusted to the inland boundary of Mulholland Highway and Stokes Canyon Road so that these roads remain in the Coastal Zone.

With respect to parcels APN 4455-028-050 and APN 4455-028-054, the proposed adjustment, if realigned to the inland right-of-way of Mulholland Highway and Stokes Canyon Road, conforms to Section 30103(b) of the Coastal Act. As requested, the boundary adjustment on parcel 4455-028-050 would be approximately 530 feet and on parcel 4455-028-054 would be approximately 310 feet. The maximum allowable adjustment is 600 feet seaward. Therefore, the Commission finds the requested adjustment for parcels 4455-028-050 and 4455-028-054 conforms to the requirements of Section 30103(b) of the Coastal Act.

C. Achievement of Chapter 3 policies and Coastal Program Preparation:

With respect to parcels APN 4455-028-050 and APN 4455-028-054, the boundary adjustment requested will interfere with the achievement of Chapter 3 policies of the Coastal Act, and will prejudice the preparation of a local coastal program conforming to Chapter 3 of the Coastal Act. Section 13256.1(b) of Title 14 of the California Administrative Code provides the standard of review as follows:

(b) Following the preliminary review the Executive Director of the Commission shall further review the requested boundary adjustment and shall investigate:

- (1) whether there are alternative adjustments to the boundary either seaward or landward which would be consistent with the provisions of Public Resources Code Section 30103(b) and which would result in a more readily identifiable location for the coastal zone boundary.
- (2) whether there are coastal resources on the affected lot or parcel which would be affected by a change in the boundary;
- (3) whether an adjustment to the boundary would affect coastal resources on other lands;
- (4) whether an adjustment to the boundary would affect opportunities for public access to or along the coast;
- (5) whether an adjustment to the boundary would affect the ability of the local government to prepare a Local Coastal Program in conformance with the goals, objectives, and policies of the Coastal Act of 1976.

Section 13256.1(b)(1) was addressed in section B of this report; analysis of Sections 13256.1(b)(2-5) follows.

1. ONSITE RESOURCES

Significant visual resources would be affected by this boundary adjustment. The subject parcels are located near the eastern end of the highly scenic Claretville Valley, and contain gently sloping and hilly terrain and several oak trees. The viewshed along Mulholland Scenic Highway encompasses the subject parcels. Section 30251 of the Coastal Act states in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance....New development in highly scenic areas such as those designated...by local government shall be subordinate to the character of its setting.

The Malibu/Santa Monica Mountains Land Use Plan (LUP) contains several policies that address visual resources in the Coastal Zone:

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including

public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.

minimize the alteration of natural landforms.

be landscaped to conceal raw-cut slopes.

be visually compatible with and subordinate to the character of its setting.

be sited so as not to significantly intrude into the skyline as seen from public viewing places.

P131 Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public places.

P132 Maintain the character and value of Mulholland Scenic Corridor, as a scenic and recreational resource connecting public parklands within the Santa Monica Mountains.

P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

The principle impact of this boundary adjustment in regard to on-site visual resources would be the inability of the Commission to ensure that any future development on the subject parcels (such as that proposed by the applicant in Tentative Tract Map No. 45465) would adhere to the above policies. When reviewing development proposals, such as construction of single family dwellings, the Commission may act to protect visual resources by conditioning projects to lower the maximum height, move the building site, reduce the amount of grading, or incorporate landscape plans. Parcel 4455-028-054 is within the Mulholland Scenic Highway Corridor and is clearly visible as one travels east on the highway. A motorist's direct line of site here includes the hilly area containing the scattered oak trees on the parcel, and Stokes Ridge immediately behind. Deletion of the parcel would allow an intrusion of non-Coastal Zone land into this viewshed and a subsequent loss of ability on the part of the Commission to protect visual resources

along this stretch of the Mulholland Corridor. Parcel 4455-028-050 is not visible from this location. Traveling west, however, both parcels are visible from Mulholland Highway from the point where it turns north off the ridge due east of the Diamond X Ranch holding of the National Park Service. They are less visible as one approaches the junction with Stokes Canyon Road but past this point parcel 4455-028-054 is adjacent to the highway.

In 1985 the Commission approved Application No. 5-85-52 (Edmunds), a single family residence on a parcel on Stokes Ridge due east of the intersection of Mulholland Highway and Stokes Canyon Road, and in clear view of motorists traveling east on Mulholland Highway. As a part of that approval the Commission attached the following Special Condition:

1. Landscaping Plans

Prior to the transmittal of a permit, the applicants shall submit, for the review and approval of the Executive Director, landscaping plans. The plans shall incorporate primarily endemic vegetation and shall be designed to integrate the development with the surrounding environment, including vegetation, and shall screen the visual impact created by the development from Mulholland Highway.

The present visual impact of construction scars from this ongoing project on the hillside above and in the viewshed of Mulholland Scenic Highway will be mitigated by revegetation of cut and fill slopes, as mandated by the Commission. It is this ability to condition development in the Coastal Zone to protect visual resources that supports retention of the present Coastal Zone Boundary with respect to the subject parcels.

The Commission finds that in order to preserve the visual quality along the Mulholland Highway Scenic Corridor, the present Coastal Zone Boundary must be retained. This will allow the Commission to ensure that any future development on the subject parcels allowable under the LUP will comply with LUP policies regarding visual resources and with Section 30251 of the Coastal Act.

The Coastal Act regulates the pattern, density, and timing of land divisions because of the crucial role of new subdivisions in establishing a pattern of the location and design of development, and the impact on resources of new development. Section 30250(a) of the Coastal Act limits development, including divisions of land, to developed areas. The primary land use on the subject parcels at present is pasture for a horse farm. As long as the parcels remain in the Coastal Zone, proposed subdivision for single family residences at a density allowable under the LUP would be subject to review by the Commission under Section 30250 of the Coastal Act. Section 30250 reads in part:

In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The two-acre parcels proposed in Tentative Tract Map No. 45465 are noticeably smaller than many of the surrounding parcels in this area. This may be a factor in future review of the proposed subdivision by the Commission, but only if the subject parcels remain in the Coastal Zone. In addition, policy 271 of the LUP provides much guidance as to the type and amount of new development allowed in the Malibu Coastal Zone. Since far fewer than one-half of the legal lots in the Malibu/Santa Monica Mountains area have been developed, the Commission has adopted policies and guidelines, carried out in a number of precedents, addressing (1) how any land division at all can be found consistent with Section 30250(a), and (2) if land divisions can be permitted, what criteria to follow for an approvable division of land. With the subject parcels being in a significant viewshed and outside of existing developed areas, any future subdivisions and/or change in land use will be subject to review by the Commission. The Commission finds that in order to ensure that future development follow P271 guidelines and be consistent with Section 30250(a) of the Coastal Act, the present Coastal Zone Boundary must be retained.

2. OFFSITE RESOURCES

Significant coastal resources on lands adjacent to the subject parcels would be affected by this boundary adjustment. The Stokes Creek environmentally sensitive habitat area (ESHA) is located southeast of the subject parcels, across Stokes Canyon Road at the base of Stokes Ridge. Because of its close proximity to an ESHA, development on these parcels would be subject to a number of Coastal Act sections and LUP policies dealing with grading and alteration of landforms, erosion and runoff control, and habitat protection. Stokes Creek is a tributary to Malibu Creek, and while not within a designated significant watershed zone, is nevertheless a U.S.G.S. designated blue-line stream with requirements for protection. Future development would need to be sited and designed to protect habitat and resource values associated with this ESHA.

Section 30240 of the Coastal Act states that:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly

degrade such areas, and shall be compatible with such habitat areas.

Several LUP policies are pertinent to the protection of off-site coastal resources from development:

P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

P72 ...Where new development is proposed adjacent to ESHAs, open space or conservation easements shall be required in order to protect resources within the ESHA.

In addition, LUP policies 82 through 96 deal with the control of grading to prevent erosion and runoff damage to ESHAs and other Coastal Zone resources. These policies could not be used to protect the Stokes Creek ESHA from any development impacts on the subject parcels if the boundary adjustment is allowed. It is clear that policies of both the Coastal Act and the LUP are designed to protect habitat values on and off sites proposed for development. Therefore, the Commission finds that in order to ensure that any future development will not adversely impact the Stokes Creek ESHA, and that future development follow LUP guidelines and remain consistent with Section 30240 of the Coastal Act, the present Coastal Zone Boundary must be retained.

3. PUBLIC ACCESS

With respect to both parcels, the proposed boundary adjustment would have no substantial adverse impact on public access to or along the coastline or other coastal zone areas.

4. LOCAL COASTAL PROGRAM PREPARATION

The Commission and the County of Los Angeles have both recognized the need to protect the rural character of this part of the Santa Monica Mountains by assigning a Rural Land III designation to the subject parcels in the LUP certified in 1986. If the two parcels are removed from the Coastal Zone, any change in the County's land use density affecting the parcels would no longer require any Commission review or LUP amendment. The ability of the Commission to ensure the future protection of this area's rural character would be restricted.

A second issue relating to LCP preparation deals with the cumulative impacts of potential buildout of existing non-conforming lots in the Malibu/Santa Monica Mountains Coastal Zone. The LUP places a cap on

the total amount of residential lots allowed in the Coastal Zone, and states that there cannot be a net increase in the number of buildable lots in the Zone. This is due to the fact that generally, the Malibu/Santa Monica Mountains Coastal Zone is not able to accommodate substantially intensified development due to a constrained road network, severe geologic and fire hazards, waste disposal problems, and the importance of the recreational and scenic resources of this region to the metropolitan Los Angeles area.

The County has in the LUP a program to mitigate the cumulative impacts on Coastal Zone resources from such buildout and includes five components to carry out the mitigation strategy. However, since the County has yet to implement any of the mitigation components, the Commission has utilized its Transfer of Development Credit Program (TDC) to mitigate the adverse cumulative effects of new land divisions in the Malibu/Santa Monica Mountains Coastal Zone. The result of the program is that the total number of buildable lots in the mountains is not increased by new subdivisions. Without such a mitigation program, the Commission could not find any division of land consistent with the provisions of Section 30250(a) of the Coastal Act.

Additionally, development of an illegal lot, that is, a lot that was created outside of the Subdivision Map Act and therefore not counted in the Malibu/Santa Monica Mountains build-out survey in 1978, requires participation in the TDC program. That survey, which utilized the County Engineer House Number maps, counted all legal lots and illegal lots that existed prior to 1968. Therefore, any lots illegally created after 1968 were not counted in the survey and are subject to the provisions of the TDC program. Parcel 4455-028-050 was created in 1975 and parcel 4455-028-054 was created sometime after 1975. The current owners, Malibu Valley Farms, purchased the parcels in 1978. Both parcels appear to have been illegally created as they (1) lack lot, block, and tract numbers and (2) their boundaries on the assessor's parcel maps are shown by dotted lines (Exhibits 6 and 7).

Therefore, as portions of both parcels are presently in the Coastal Zone, any future development in the Zone, either residential construction on the two existing parcels or a subdivision and subsequent residential construction in conformance with the Land Use Plan density, will require participation in the TDC program by the applicant. Also, any effort to legalize the currently illegal parcels will require TDC participation.

The ability of the Commission to ensure adequate mitigation of cumulative impacts associated with land divisions in the Malibu/Santa Monica Mountains Coastal Zone would be restricted if the two subject parcels were deleted from the Zone. Additionally, the ability of the County of Los Angeles to prepare a Local Coastal Program in conformance with the goals, objectives, and policies of the Coastal Act would be affected by this boundary adjustment and the effective foreclosure of cumulative impact mitigation strategies

at this site. Approving this boundary adjustment may also have a precedent-setting effect for any future boundary adjustment requests associated with Tentative Tract Map No. 45465. Therefore, the Commission finds that in order to ensure mitigation of cumulative impacts from land divisions in the Coastal Zone, and to avoid prejudicing the preparation of a Local Coastal Program conforming to Chapter 3 of the Coastal Act, it must retain the present Coastal Zone Boundary with respect to parcels 4455-028-050 and 4455-028-054.

4597A

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EXHIBIT NO. 1

VICINITY MAP

BA # 2-87

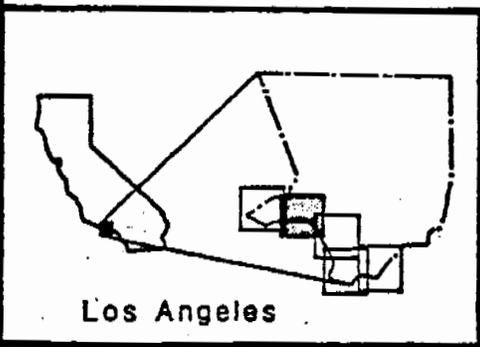
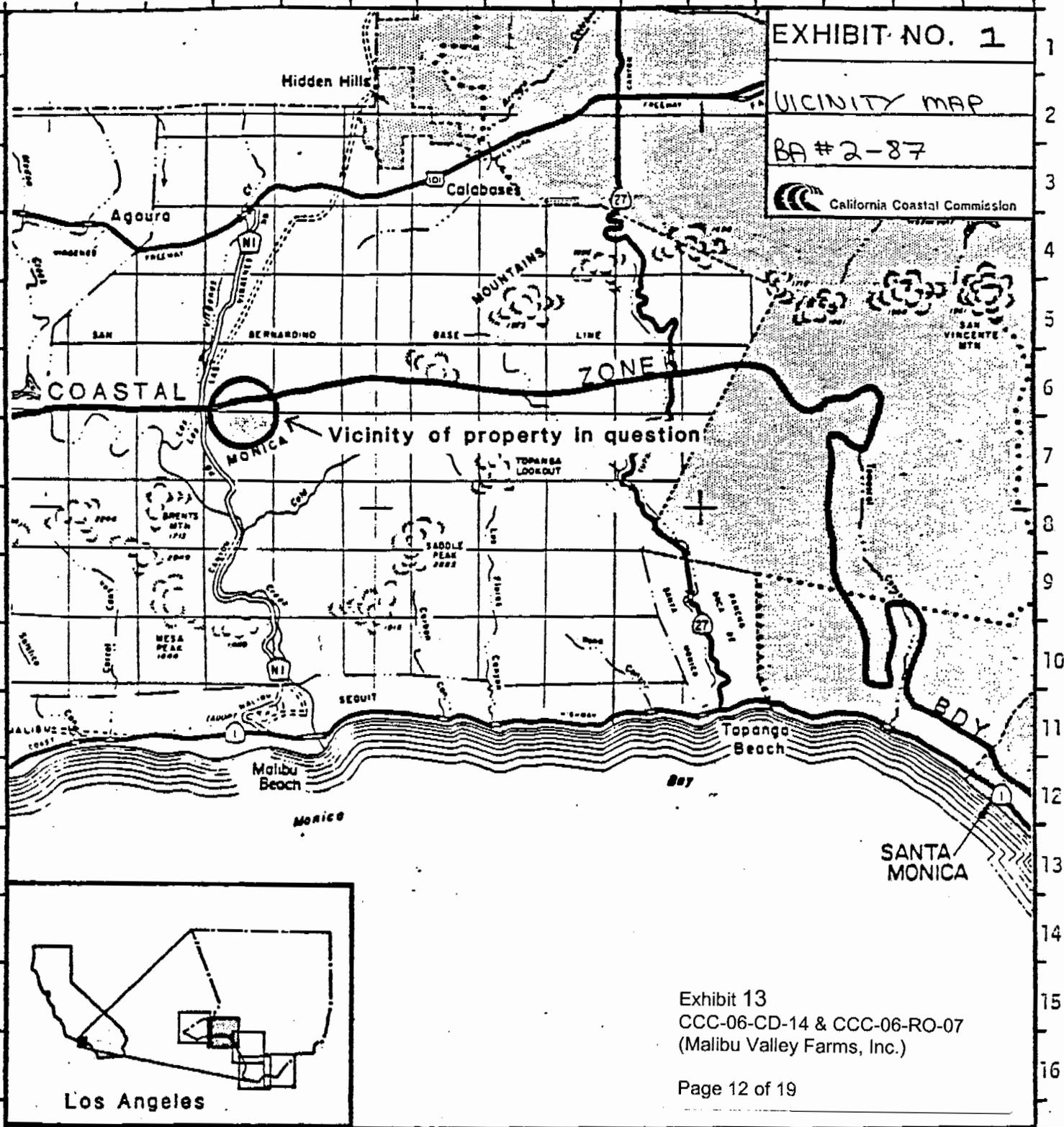
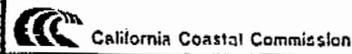
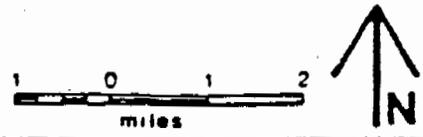
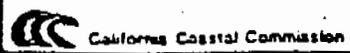


Exhibit 13
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

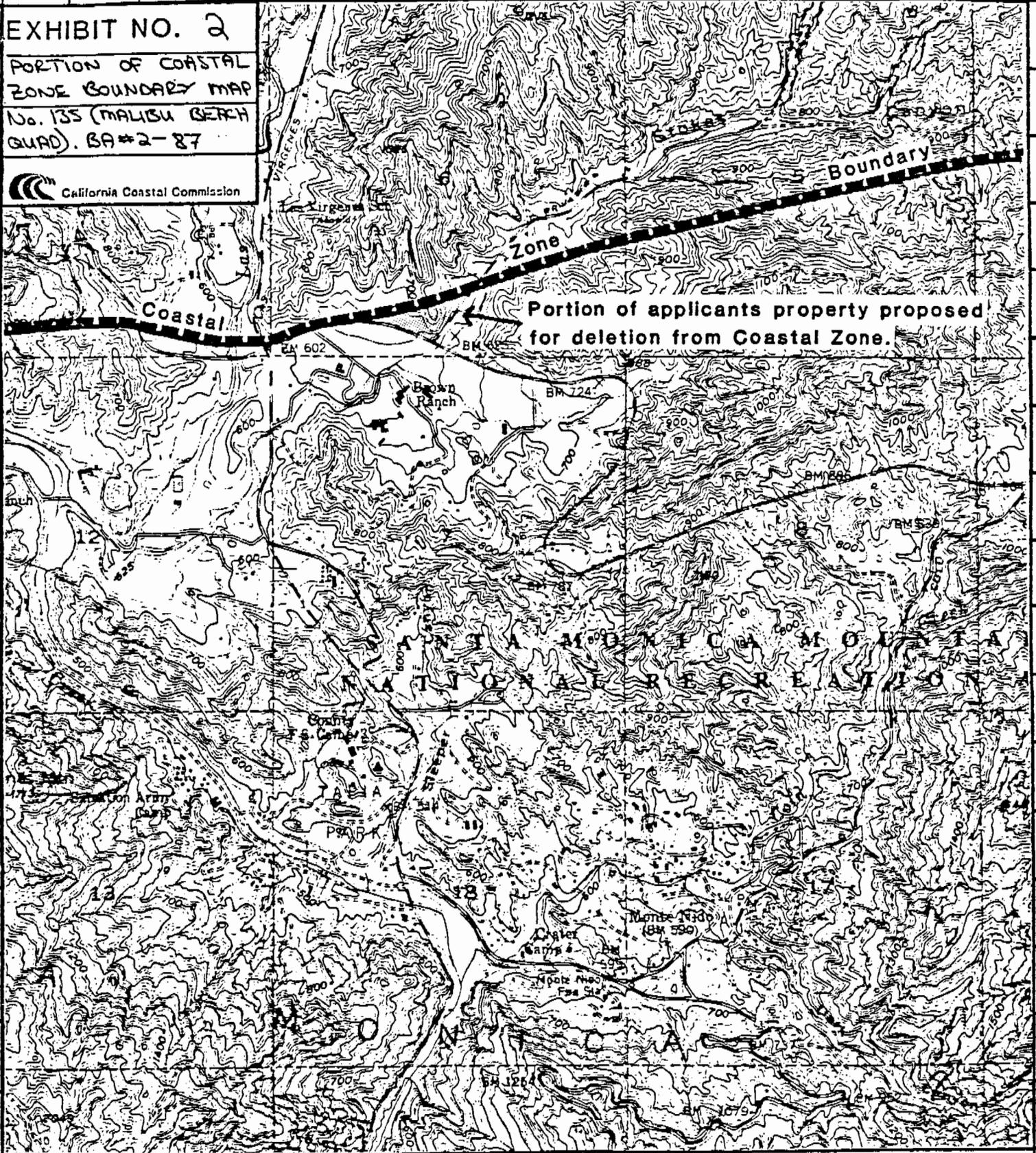
Page 12 of 19



County of Los Angeles

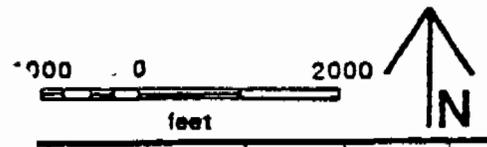
A B C D E F G H I J K L M N O

EXHIBIT NO. 2
PORTION OF COASTAL
ZONE BOUNDARY MAP
No. 135 (MALIBU BEACH
QUAD). BA#2-87
California Coastal Commission



California Coastal Commission

Exhibit 13
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)



County of Los Angeles

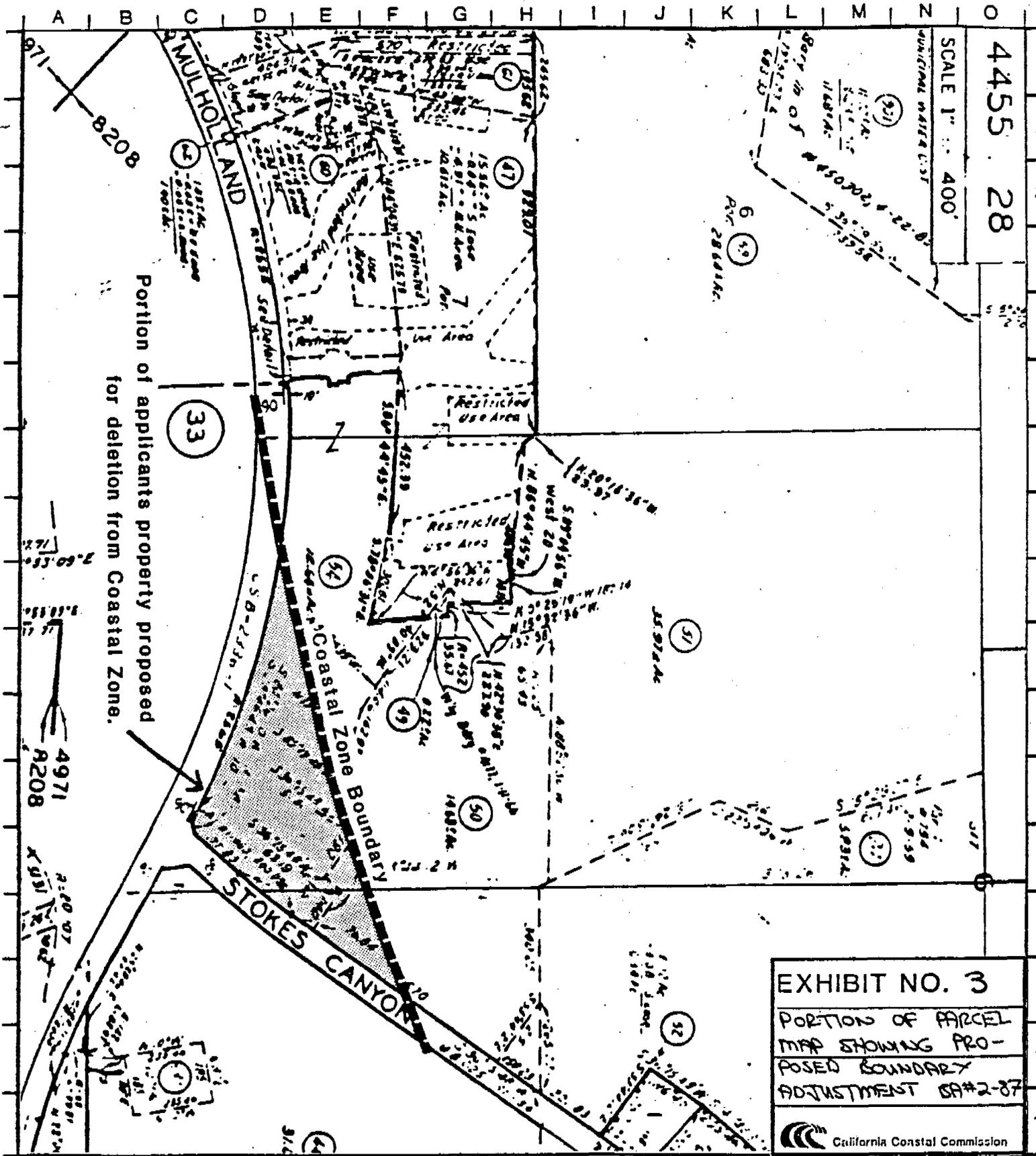
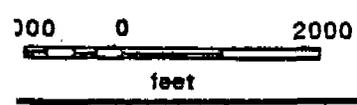


EXHIBIT NO. 3
 PORTION OF PARCEL
 MAP SHOWING PRO-
 POSED BOUNDARY
 ADJUSTMENT SA#2-07

California Coastal Commission



California Coastal Commission

Exhibit 13
 CCC-06-CD-14 & CCC-06-RO-07
 (Malibu Valley Farms, Inc.)

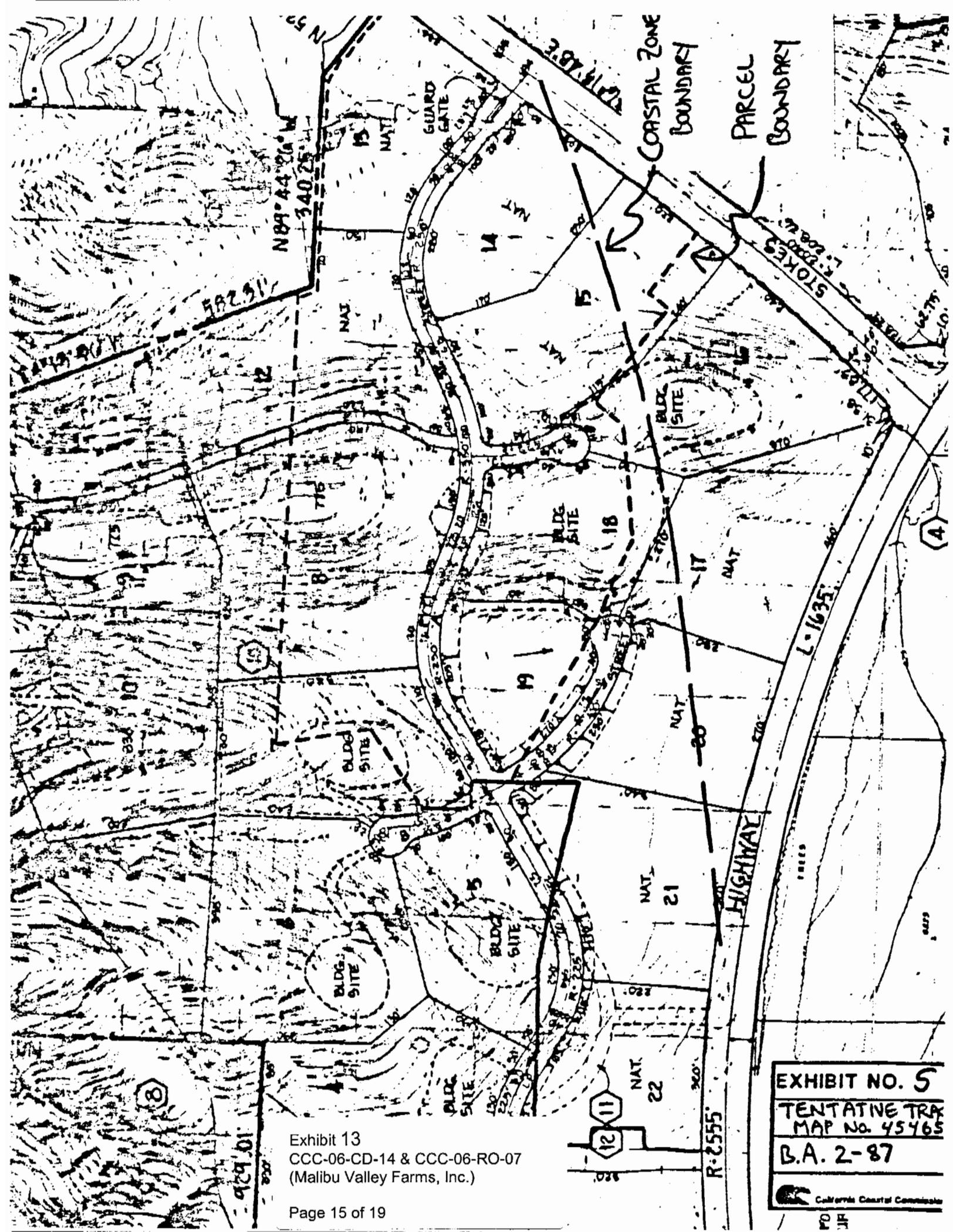
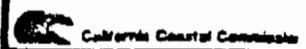


Exhibit 13
 CCC-06-CD-14 & CCC-06-RO-07
 (Malibu Valley Farms, Inc.)

EXHIBIT NO. 5
 TENTATIVE TRAC
 MAP No. 45465
 B.A. 2-87



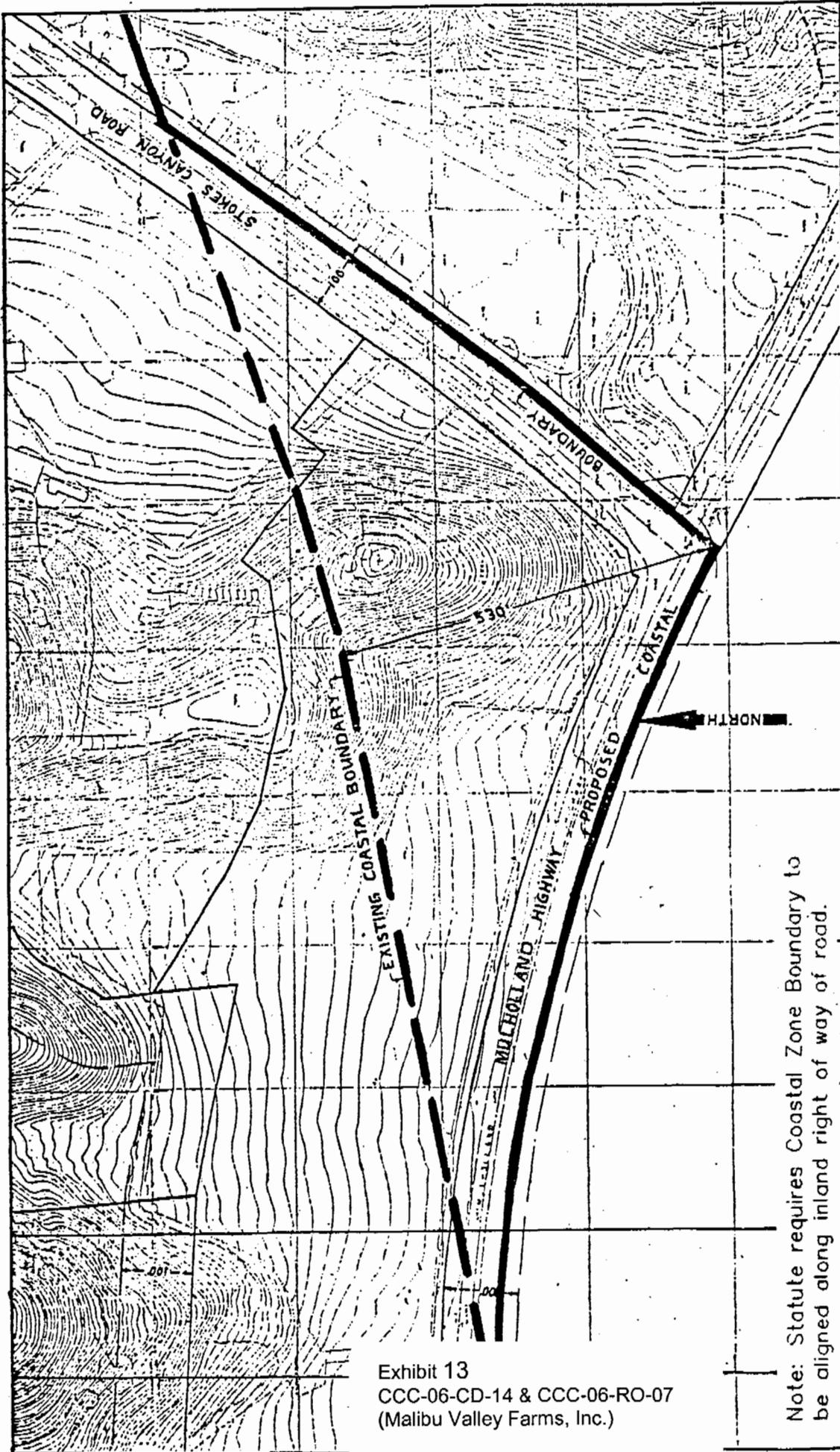


Exhibit 13
 CCC-06-CD-14 & CCC-06-RO-07
 (Malibu Valley Farms, Inc.)

Note: Statute requires Coastal Zone Boundary to be aligned along inland right of way of road.

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

1987

JOINT CONSOLIDATE
CITIES, COUNTY, SCHOOLS AND ALL OTHER TAXING
SECURED PROPERTY TAX FOR FISCAL YEAR

SANDRA R. TRACEY, TREASURER AND TAX COLLECTOR
225 N. HILL ST. LOS ANGELES, CA. 90012

FOR
BAC

OWNER OF RECORD AS OF MARCH 1, 1987
SAME AS BELOW

ACCOU

76

4455 028 050
MALIBU VALLEY FARMS INC
2200 STOKES CANYON RD
CALABASAS CA

91302

PROPERTY LOCATION AND/OR PROPERTY DESCRIPTION
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SW THEREON 158.23 FT FROM INTERSECTION
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4455 028 050 MALIBU V

NAME MALIBU VALLEY FARMS INC

HOUSE NUMBER, STREET NAME AND UNIT NUMBER

CITY STATE ZIP CODE

CURRENT DATE SEE REVERSE SIDE FOR
IMPORTANT TAXPAYER INFORMATION

1987

MALIBU VALLEY FARMS INC
2200 STOKES CANYON RD
CALABASAS CA

91302

PAY THIS
AMOUNT BY: 12-10-87 >

If not paid by 12-10-87
add penalty

of 71.49
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LOS ANGELES COUNTY
P.O. BOX 54010 TERI
LOS ANGELES, CA 91

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Exhibit 13
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

EXHIBIT NO. 6

APN: 4455-028-0

BA. 2-87

1987

JOINT CONSOLIDATED
CITIES, COUNTY, SCHOOLS AND ALL OTHER TAXES
SECURED PROPERTY TAX FOR FISCAL YEAR

SANDRA R. TRACEY, TREASURER AND TAX COLLECTOR
225 N. HILL ST. LOS ANGELES, CA. 90012

OWNER OF RECORD AS OF MARCH 1, 1987
SAME AS BELOW

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4455 028 054
MALIBU VALLEY FARMS INC
2200 STOKES CANYON RD
CALABASAS CA 91302

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NAME MALIBU VALLEY FARMS INC

HOUSE NUMBER, STREET NAME AND UNIT NUMBER

CITY STATE ZIP CODE

CURRENT DATE SEE REVERSE SIDE FOR
IMPORTANT TAXPAYER INFORMATION

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MALIBU VALLEY FARMS INC
2200 STOKES CANYON RD
CALABASAS CA 91302

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PAY THIS
AMOUNT BY: 12-10-87 >

If not paid by 12-10-87

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of
to 1st installment

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LOS ANGELES COUNTY
P.O. BOX 54010 TE
LOS ANGELES, CA

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Exhibit 13
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

EXHIBIT NO. 6

APN: 4455-028-0

B.A. 2-87



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CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

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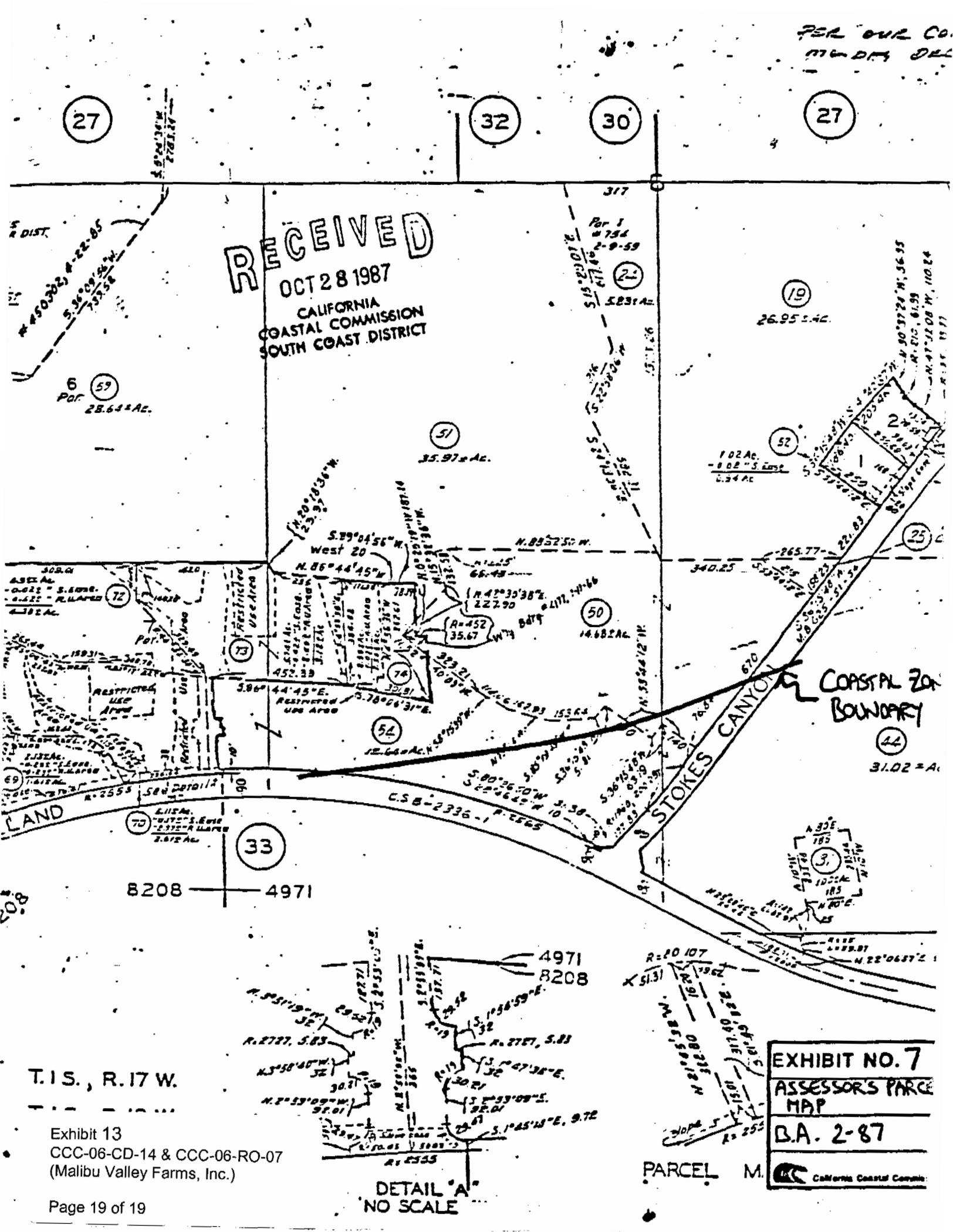
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Exhibit 13
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

DETAIL 'A'
NO SCALE

PARCEL M.

EXHIBIT NO. 7
ASSESSOR'S PARCEL MAP
B.A. 2-87
California Coastal Comm.



4-98-1257 (R)

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
Venura, 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.

Exhibit 14
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 2

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
 MVFE2164.doc
 2005-019012

Exhibit 14
 CCC-06-CD-14 & CCC-06-RO-07
 (Malibu Valley Farms, Inc.)



Los Angeles County
Department of Regional Planning
Director of Planning James E. Harll, AICP



January 12, 1999

TO: Mark Pestrella
Building & Safety
via Fax 818/880-6279

FROM:  Donald C. Culbertson, SRP
Land Development Coordinating Center

SUBJECT: 2200 STOKES CANYON ROAD

Based upon the information provided via telephone and consultation with Dr. Koutnik, our staff biologist, it is evident that approval of a plot plan, including review by the Environmental Review Board (ERB), would be required for construction of the proposed stable at 2200 Stokes Canyon Road.

DCC:lh

To Carrie Black
805 641-1732

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.^a

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 16
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

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



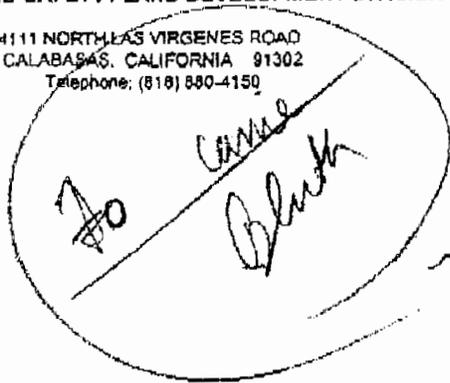
COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

BUILDING AND SAFETY / LAND DEVELOPMENT DIVISION

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

HARRY W. STONE, Director



from Bob Smyx

January 12, 1999

Brian Boudreau
2200 Stokes Canyon Road
Calabasas, CA 91302

Re: Revocation of Building Permits BL 9812170013 and BL 9812170014

Dear Mr Boudreau,

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

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

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

Very Truly Yours,

Mark Pestrella
District Engineer

Exhibit 17
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)



February 17, 1999

SECOND NOTICE OF VIOLATION

Malibu Valley Inc.
c/o Brian Boudreau
26885 Mulholland Highway
Calabasas, CA 91302

Inspection File No. EF89865

Dear Mr. Boudreau:

A routine inspection was conducted at the northeast corner of Stokes Canyon and Mulholland Highway in Calabasas.

This inspection disclosed the boarding of horses on the premises without an approved Conditional Use Permit (CUP) and proof of horse ownership.

This is not a permitted use in the A-1-1 zone classification without an approved CUP and is in violation of the provisions of the Los Angeles County Zoning Ordinance, Sections 22.24.070 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.

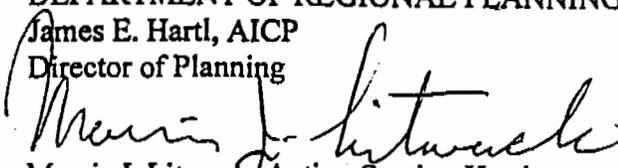
Your failure to comply can result in the issuance of a citation punishable by a fine of \$100.00 for the first violation. Subsequent violations of the same provision are punishable by a fine of \$200.00 for the second violation and \$500.00 for the third violation within a twelve (12) month period. Further violations are also punishable by fines not to exceed \$1,000.00 and/or six months in jail.

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, Acting Section Head
Zoning Enforcement II

MJL:CS:ar

Exhibit 18
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 1



LOS ANGELES COUNTY
Department of Regional Planning
Director of Planning James E. Hartl, AICP



April 6, 1999

Stanley Lamport
COX, CASTLE & NICHOLSON, LLP
2049 Century Park East, 28th Floor
Los Angeles, CA 90067-3284

Dear Mr. Lamport:

We are in receipt of your letter of March 17, 1999 concerning the property located at 2200 Stokes Canyon Road. In your letter, on behalf of your client Malibu Valley Farms, Inc. (MVFI), you request that the "Clean Hands" provisions contained in Section 22.04.110 of the County Code be waived. This would allow a conditional use permit (CUP) to be filed and processed for the current use of the property that includes the boarding of horses.

In response, we advise that we have reviewed our records as they relate to MVFI. Stokes Canyon Road divides MVFI into two separate and distinct areas which have been treated separately in the past. The property westerly of Stokes Canyon Road has been used as a thoroughbred horse farm and is currently the subject of CUP No. 97-142, a request to continue the use of three mobilehomes as caretakers' residences. At the most recent hearing for CUP No. 97-142, the Regional Planning Commission (RPC) on January 20, 1999 approved a motion to take this case off calendar until the illegal boarding of horses at this location had ceased. We would urge you to impress upon your client the importance of expeditiously complying with the Regional Planning Commission's request.

The property easterly of Stokes Canyon Road is currently being used as a horse boarding stable. As this use is being conducted without an approved CUP, MVFI has been issued an order to comply by our Zoning Enforcement staff.

Since it appears that your request for a "Clean Hands" waiver covers MVFI's property on both the east and west sides of Stokes Canyon Road, and since the RPC has already addressed the issue of boarding horses on the property westerly of Stokes Canyon, I must advise you of my decision to deny your request.

If you have any further questions on this matter, please contact Mr. Rudy Lackner of my staff at (213) 974-6431. Monday through Thursday between 7:30 a.m. and 6:00 p.m. Our offices are closed on Fridays.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING

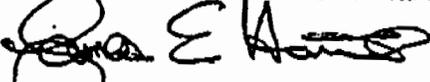

James E. Hartl, AICP
Director of Planning

Exhibit 19
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

JEH:RL:ar

Page 1 of 1

CALIFORNIA COASTAL COMMISSION

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



REGULAR AND CERTIFIED MAIL

Article No. Z 210 987 329

March 7, 2000

Robert K. Levin
P.O. Box K
Moab, UT 84532

SUBJECT: Notice of intent to commence Cease and Desist Order proceedings; Coastal Act Violation File No. V-4 -00-001

Dear Mr. Levin:

This letter is to notify you of the intent of the California Coastal Commission to commence Cease and Desist Order proceedings as a result of unauthorized development activities at 2200 Stokes Canyon Road, Calabasas, CA 91302.

History of the Violation Investigation

The above-referenced violation investigation concerns development (as that term is defined in section 30106 of the California Coastal Act) that has been undertaken in a manner that is inconsistent with the permitting requirements set forth in section 30600 of the Coastal Act. This development consists of equestrian facilities including: numerous horse stalls, a barn, two riding arenas, five corral areas, numerous small storage sheds, several horse washing areas with outlets into Stokes Creek, and a road through Stokes Creek. This unpermitted construction has taken place between 1977 and 1999.

Coastal Commission staff in the Commission's South Central Coast District Office (Ventura Office) became aware of the unpermitted development in October 1998. On January 22, 1999, District staff sent you a letter warning you that the development was in violation of the Coastal Act, but that you could resolve the violation by applying for an after-the-fact (ATF) coastal development permit (CDP) for all unpermitted development on your property. District staff gave you until February 26, 1999 to file for an ATF CDP. To date you have failed to submit to the Commission's Ventura Office an ATF-CDP application.

Because of your failure to resolve this matter as requested at the district office level, the Statewide Enforcement staff is hereby notifying you of its intent to schedule a Cease and Desist Order proceeding to order you to cease and desist from 1) committing further violations of the Coastal Act's permit requirements, and 2) continuing to maintain on the site any and all unpermitted development.

Exhibit 20
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Steps in the Cease and Desist Order Process

Pursuant to Coastal Act section 30810, the Commission has the authority to issue an order directing any person to cease and desist if the Commission, after a public hearing, determines that such person has engaged in "any activity that requires a permit from the commission without securing one." Additionally, pursuant to section 30810(b), the cease and desist order may be subject to such terms and conditions as the Commission may determine are necessary to ensure compliance with the Coastal Act, including immediate removal of any development or material.

An order issued pursuant to section 30810 would require that you: 1) refrain from engaging in any further development activities on your property without a CDP; and 2) submit to the Coastal Commission's South Central District Office a complete CDP application for a permit either to retain the existing unpermitted development, or to remove such development and restore the site to its pre-violation condition.

Please be advised that if the Commission issues a cease and desist order section 30821.6(a) of the Coastal Act authorizes the Commission to seek monetary daily penalties for any intentional or negligent violation of the order for each day in which the violation persists.

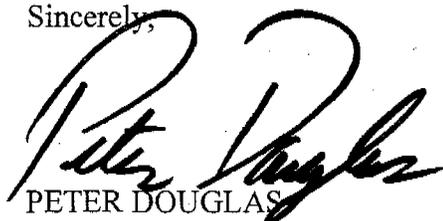
In accordance with the California Code of Regulations, Title 14, section 13181(a), you have the opportunity to respond to the Commission staff's allegations as set forth in this notice by completing the enclosed Statement of Defense form. **The completed Notice of Defense form must be returned to this office no later than March 29, 2000.**

Options for Resolving this Violation

You can prevent this hearing from taking place by filing a complete CDP application for all the cited unpermitted development activity with our Ventura Office, prior to the scheduled date of cease and desist order action, requesting a permit to either retain the existing unpermitted development, or to remove existing development and restore the site to its pre-violation condition. A CDP is required if you propose to remove cited unpermitted development because removal constitutes "development" as defined in section 30106 of the Coastal Act. The Commission must review any proposed removal project to ensure that it is consistent with the resource protection policies contained in the Coastal Act. For your convenience, I have enclosed a CDP application with this letter. If you have any question regarding the CDP application process please contact John Ainsworth in our Ventura Office at (805) 641-0142.

Should you have any questions regarding this enforcement action or procedures, please contact Jan E. Perez at (415) 904-5294.

Sincerely,



PETER DOUGLAS
Executive Director

Exhibit 20
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Enclosures

cc: Nancy L. Cave, Manager, Statewide Enforcement Program
Jan E. Perez, Statewide Enforcement Program
John Ainsworth, South Central Coast Permits and Enforcement Supervisor

Exhibit 20
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

CALIFORNIA COASTAL COMMISSION

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



FAX & REGULAR MAIL

April 4, 2000

Robert K. Levin & Brian Boudreau
c/o Stanley Lamport
Cox, Castle & Nicholson LLP
2049 Century Park East, Suite 2800
Los Angeles, CA 90067

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

Dear Mr. Lamport:

This letter is to confirm the statements I left in a voice mail message for you at 9:25 am today. In that message I stated that:

- ◆ 80% of the property at 2200 Stokes Canyon Road lies within the coastal zone;
- ◆ the Coastal Commission is moving forward with plans for a cease and desist hearing for the subject violation; and
- ◆ the time given to you to submit a statement of defense on your clients' behalf has been extended until 5:00 p.m. Monday, April 10, 2000.

If you have any questions regarding this letter or enforcement action procedures, please contact me at (415) 904-5294.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan E. Perez", with a long horizontal flourish extending to the right.

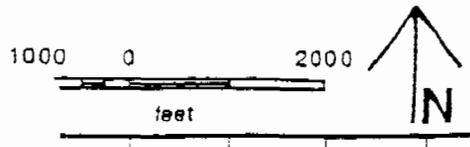
Jan E. Perez
Statewide Enforcement Program

Enclosures

1. Coastal Zone Boundary Map [Draft]
2. Statement of Defense Form

cc: Nancy L. Cave, Manager, Statewide Enforcement Program
John Ainsworth, South Central Coast Permits and Enforcement Supervisor

Exhibit 21
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)



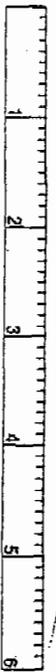
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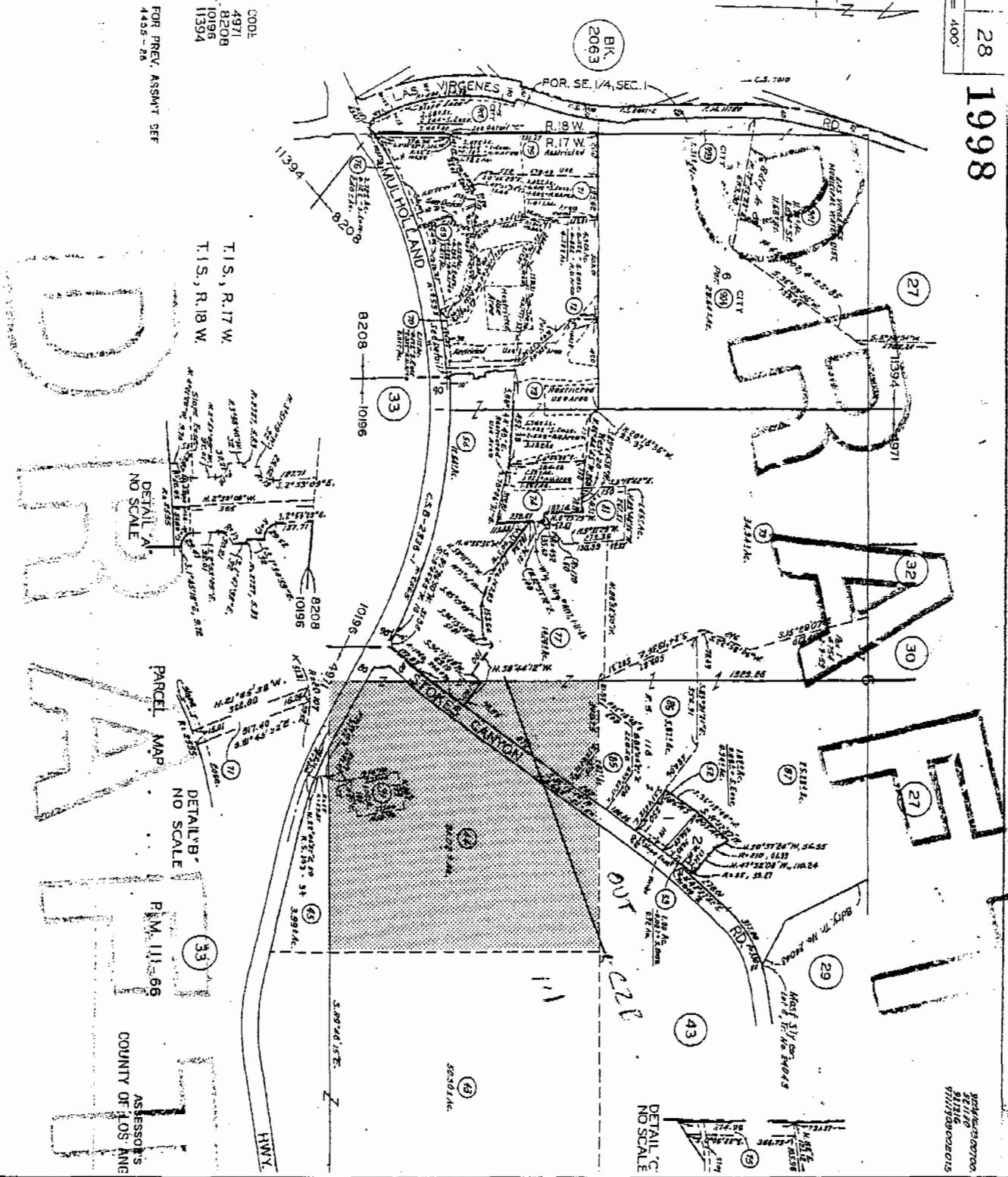
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SCALE IN 1/10 OF AN INCH

APPLICABLE TO
2/1/00
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2/1/00



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FOR PREV. ASSMNT SEE
4455-28

T.I.S., R.17 W.
T.I.S., R.18 W.

DETAIL 'A'
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PARCEL MAP

DETAIL 'B'
NO SCALE

P.M. 111-66

ASSASSOR'S
COUNTY OF LOS ANGE

DETAIL 'C'
NO SCALE

1000 0 2000



feet

Phillip R. Nicholson*
Lawrence Tepin
Ronald I. Silverman*
Mario Camara
George D. Calkins, II
John H. Kuhl
Arthur O. Spaulding, Jr.
Jeffrey Lapota
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D. Scott Turner
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Kenneth Williams
Laurel R. Ballard
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Scott D. Brooks
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Valerie L. Flores
Preston W. Brooks
Paul J. Titcher
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Christopher R. Cheleden
Kevin J. Crabtree
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Peter Y. Lee
Dwayne P. McKenzie
Seth I. Weissman
Loryn Dunn Arkow
Clark J. Duellman
Jason A. Hobson
Steven M. Muldowney
Perri S. Victor
Tuan A. Pham
Paddi Sharfian
Sean W. Southard
John M. Trott
Lawrence Venick
Hans Lauterbach
Mitchell Poole
Carolyn Yashari Becher
Ceide Zapparoni
Kimberly Kesler Chytraus
Joel L. Rietz

COX, CASTLE & NICHOLSON LLP

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April 7, 2000

George M. Cox
(Retired)

Richard N. Castle
(1932-1992)

Senior Counsel

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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) 284-2280

WRITER'S E-MAIL ADDRESS

ccheleden@ccnlaw.com

**VIA FACSIMILE (415) 904-5400
AND CERTIFIED MAIL/RETURN
RECEIPT REQUESTED**

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

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

Dear Ms. Perez:

Thank you for the information that you provided in today's telephone conversation. You indicated that the enforcement file in this matter is currently in San Francisco. You further indicated that it is not subject to public review. To the extent it is subject to public review, you requested that I submit a written Public Records Act Request to review the file. This letter constitutes such a request.

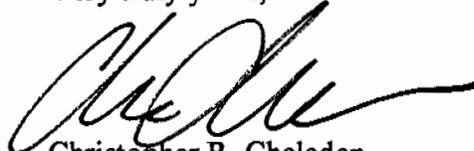
We would greatly appreciate the opportunity to review any available information in order to best address the Commission's concerns in this matter.

Exhibit 22
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Jan E. Perez
April 7, 2000
Page 2

We look forward to working with you on a cooperative basis to resolve this matter.

Very truly yours,



Christopher R. Cheleden

CRC/ssl
CRCHELED/32051/833917v1

cc: Stanley W. Lamport, Esq.

Exhibit 22
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 2 of 2

COX, CASTLE & NICHOLSON LLP

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Los Angeles, California 90067-3284
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April 10, 2000

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Lawrence Teplitz
Ronald I. Silverman*
Mario Camar
George D. Calkins, II
John H. Kuhl
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*A Professional Corporation

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OUR FILE NO
32051
WRITER'S DIRECT DIAL NUMBER
(310) 284-2275
WRITER'S E-MAIL ADDRESS
stampport@ccnlaw.com

VIA FACSIMILE AND U.S. MAIL

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

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

Dear Ms. Perez:

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

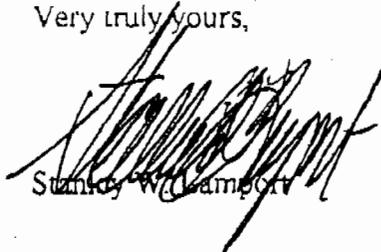
It is not clear from your most recent correspondence whether the notice of intent is being directed to Mr. Boudreau individually or to MVFI, which is the entity that actually has the property interest in the facilities that appear to be in question. Accordingly, until that is clarified, we continue to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

Exhibit 23
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

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

If you have any questions, please call me.

Very truly yours,



Stanley W. Lambert

SWL

320517834244v1

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

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

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

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

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

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

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

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

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

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

Exhibit 23
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

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

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

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

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

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

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

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

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

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

CALIFORNIA COASTAL COMMISSION

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



REGULAR & CERTIFIED MAIL Z 778 711 952

April 13, 2000

Robert K. Levin & Brian Boudreau
c/o Stanley Lamport
Cox, Castle & Nicholson LLP
2049 Century Park East, Suite 2800
Los Angeles, CA 90067

SUBJECT: Records request for Coastal Act Violation File No. V-4 -00-001

Dear Mr. Lamport:

This letter is in responses to your Public Records Act request, received in your office on April 7, 2000, for information in the Boudreau violation file V-4-00-001.

Enclosed you will find documents that I am able to release in accordance with the California Public Records Act (Government Code § 6250 *et seq.*). As you review the documents please keep in mind that Government Code sections 6254(f) and (k) (incorporating, among other exemptions, that for "official information" pursuant to Evidence Code § 1040) allow governmental agencies to withhold from public disclosure documents that are contained in the Commission's law enforcement investigatory files or that constitute "official information" as that term is defined in Evidence Code § 1040(a). The documents you have requested that we have not disclosed to you fall within the scope of one or the other, or both, of these two exemptions.

As always, if you have any questions regarding this letter or enforcement action procedures, please contact me at (415) 904-5294.

Sincerely,

A handwritten signature in black ink that reads "Jan E. Perez".

Jan E. Perez
Statewide Enforcement Program

Enclosures

cc: Nancy L. Cave, Manager, Statewide Enforcement Program
John Ainsworth, South Central Coast Permits and Enforcement Supervisor

Exhibit 24
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

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,

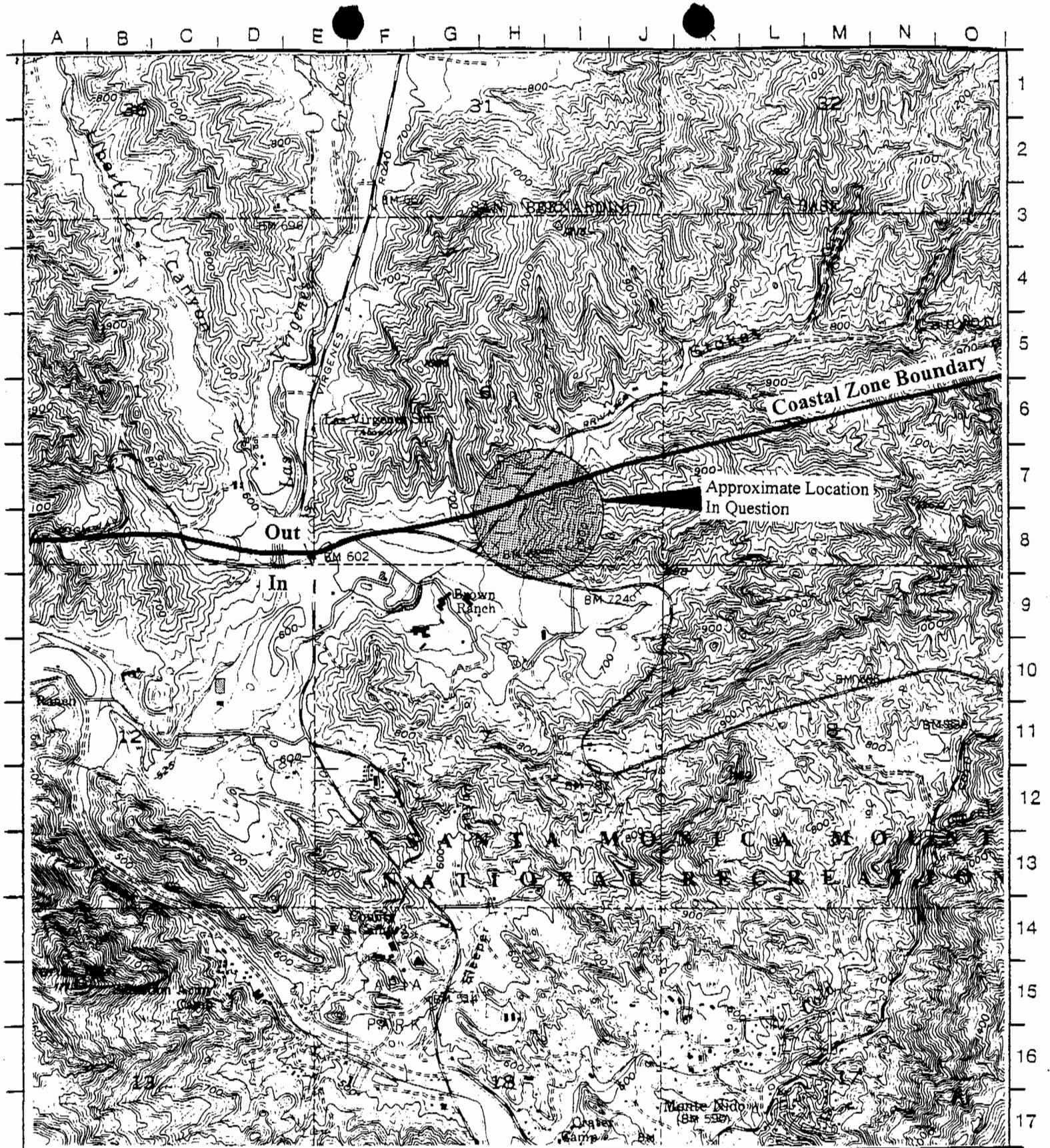
A handwritten signature in black ink, appearing to read "Darryl Rance".

Darryl Rance
Mapping/GIS Unit

Enclosures

cc: Jack Ainsworth, CCC-SCC

Exhibit 25
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)



BD#18-2000
 APN 4455-028-044



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



County of Los Angeles

Exhibit 25
 CCC-06-CD-14 & CCC-06-RO-07
 (Malibu Valley Farms, Inc.)

Exhibit 1

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

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4455 28
SCALE 1" = 400'

1998

1-800-345-7334



SCALE IN 1/10 OF AN INCH

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SERIES
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COOL
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FOR PREV. ASSM'T SEE
4455-28

T.I.S., R.I.T.W.
T.I.S., R.I.B.W.

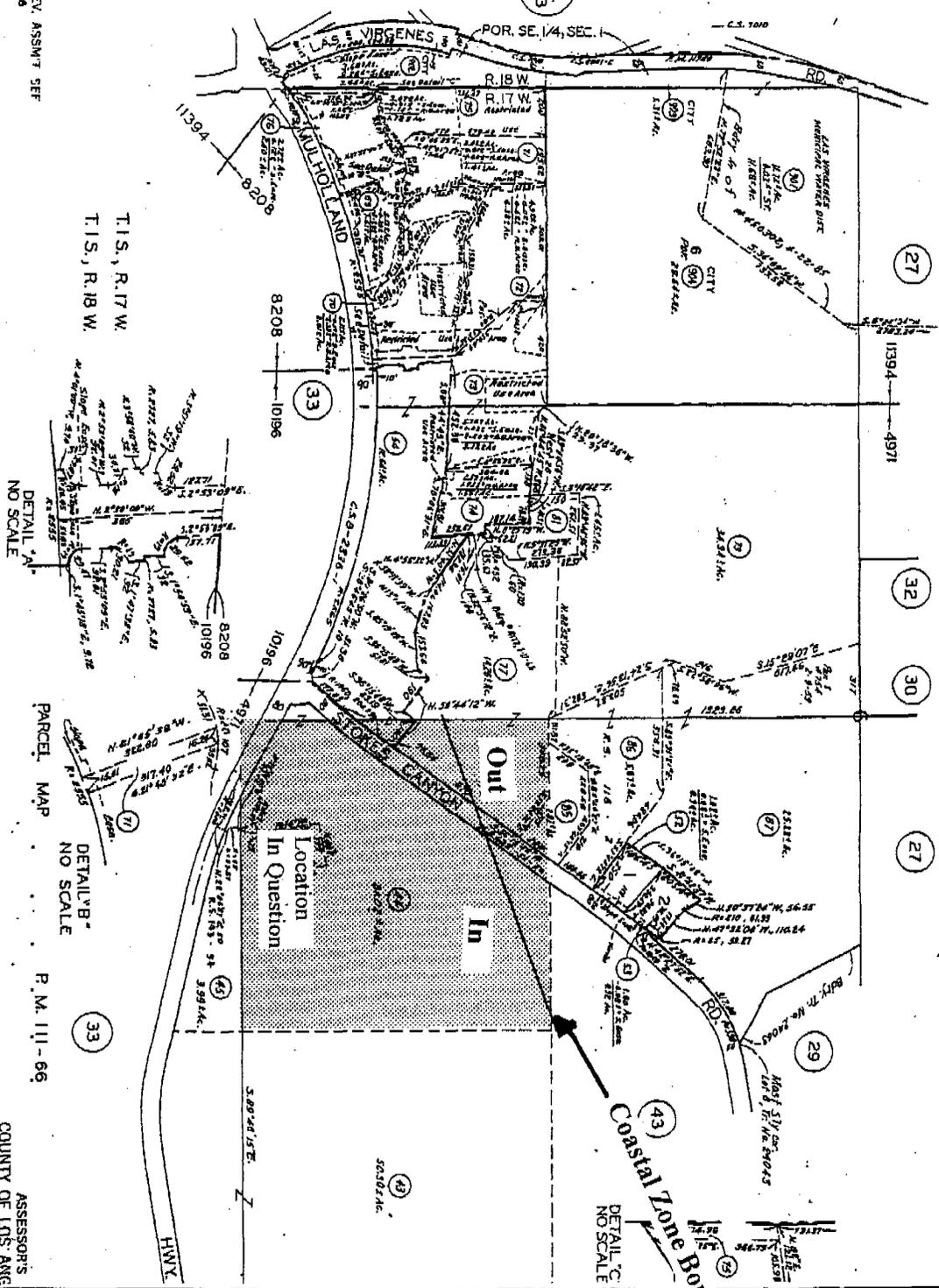
DETAIL 'A'
NO SCALE

PARCEL MAP

DETAIL 'B'
NO SCALE

R.M. III-66

ASSASSOR'S
COUNTY OF LOS ANG



BD#18-2000
APN 4455-028-044



Exhibit 25
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

County of Los Angeles

Exhibit 2

CALIFORNIA COASTAL COMMISSION

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



REGULAR & CERTIFIED MAIL Z 210 987 321

April 28, 2000

Brian Boudreau, Robert K. Levin, and
Malibu Valley Farms, Inc.
c/o Stanley Lamport
Cox, Castle & Nicholson LLP
2049 Century Park East, Suite 2800
Los Angeles, CA 90067

**SUBJECT: Your letter of April 10, 2000; Statement of Defense for Coastal Act Violation
File No. V-4 -00-001**

Dear Mr. Lamport:

Commission staff has reviewed the Statement of Defense letter that you submitted on April 10, 2000 and has found that it lacks compelling reasons for the Commission staff to postpone a restoration hearing for violation case V-4-00-001. As a result, Commission staff has decided to schedule a restoration hearing for V-4-00-001 to occur at the Commission's June public meeting¹. At least 10 days prior to the meeting you should receive a meeting notice and a copy of the Commission's staff report. If you have any questions regarding this letter or enforcement action procedures, please contact me at (415) 904-5294.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan E. Perez", with a long horizontal flourish extending to the right.

Jan E. Perez
Statewide Enforcement Program

cc: Nancy L. Cave, Manager, Statewide Enforcement Program
John Ainsworth, South Central Coast Permits and Enforcement Supervisor

¹ Between June 13-16, 2000, the Commission will meet at the Radisson Hotel in Santa Barbara; 1111 East Cabrillo Blvd., Santa Barbara, CA 93103 (805) 963-0744

Phillip R. Nicholson*
Lawrence Teplin
Ronald I. Silverman*
Mario Camara
George D. Calkins, II
John H. Kuhl
Arthur O. Spaulding, Jr.
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Judy Man-Ling Lam
Edward F. Quigley III
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Kevin J. Crabtree
Peter Y. Lee
Seth I. Weissman
Loryn Dunn Arkow
Jason A. Hobson
Steven M. Muldowney
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Paddy Sharifian
John M. Trot
Lawrence Venick
Joanna C. Huchting
Hans Lauterbach
Mitchell Poole
Carolyn Yashari Becher
Ceide Zapparoni
Kimberly Kesler Chytraus
Joel L. Rietz

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May 25, 2000

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OUR FILE NO:

32051

WRITER'S DIRECT DIAL NUMBER

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WRITER'S E-MAIL ADDRESS

sabraham@ccnlaw.com

RECEIVED
MAY 26 2000
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

*A Professional Corporation

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:

Thank you for taking the time to meet with Mr. Boudreau, Mr. Lamport, and me on May 12, 2000. This letter shall confirm the points we discussed.

We agreed that Malibu Valley Farms, Inc. will submit an application for a vested rights determination on or before June 12, 2000. Since our meeting you have provided us with an application form, which we are in the process of completing. You agreed that once we submit the vested rights determination application, you will take off calendar the enforcement proceeding that is currently on the Commission's June agenda.

We discussed the fact that your office may ask for additional information after the application is submitted and that the process would not delay removal of the enforcement proceeding from the Commission's agenda. Of course, we will attempt to respond to any additional requests in a timely manner. As we discussed since our meeting, we are working on providing as complete an application as possible given our current time frame.

As we discussed in the meeting, while our clients firmly believe they have a vested right to continue the activities on the site, their position is not borne out of disregard for the Commission's environmental concerns. We discussed at the meeting a number of mitigation

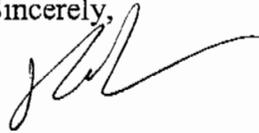
Exhibit 27
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Mr. Jack Ainsworth
May 25, 2000
Page 2

measures Malibu Valley Farms implemented on its own accord and its willingness to adopt other reasonably feasible measures your office might suggest.

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', with a long horizontal flourish extending to the right.

Stephen E. Abraham

SEA
SEABRAHA/32051/839679v1

Philip R. Nicholson*
 Lawrence Tepin
 Ronald I. Silverman*
 Marco Camara
 George D. Calicina, II
 John H. Kahl
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 Douglas F. Snyder
 Gary A. Chik
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 Stanley W. Lamport
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June 12, 2000

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OUR FILE NO:

32051

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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 28
 CCC-06-CD-14 & CCC-06-RO-07
 (Malibu Valley Farms, Inc.)

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,



Stephen E. Abraham

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

Exhibit 28
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

CALIFORNIA COASTAL COMMISSION

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



REGULAR AND CERTIFIED MAIL

Article No. Z 778 711 954

June 22, 2000

Brian Boudreau, Robert K. Levin, and
Malibu Valley Farms, Inc.
c/o Stanley Lamport
Cox, Castle & Nicholson LLP
2049 Century Park East, Suite 2800
Los Angeles, CA 90067

**SUBJECT: Waiver of Legal Argument Form for Brian Boudreau, Robert K. Levin, and
Malibu Valley Farms, Inc, V-4-00-001**

Dear Mr. Lamport:

Thank you for submitting to the Commission's South Central (Ventura) Office by June 12, 2000, your clients' claim of vested rights, in response to our request for administrative resolution of the above-cited violation of the Coastal Act. Accordingly we have taken our scheduled enforcement action off-calendar pending 1) review of your application for completeness by the Commission's South Central Coast District office, and 2) Commission action on your claim.

However, it is our understanding that this claim may take up to six months to process due to the possible need for additional information in support of your claim. In light of this time delay, the Commission staff must preserve the Commission's right to pursue in relation to this alleged Coastal Act violation the full panoply of enforcement remedies provided in Chapter 9 of the Coastal Act. Your clients have indicated they wish to seek administrative resolution of the violation in preference to judicial enforcement action. In order to accomplish this goal, it is necessary for your clients to sign and return the enclosed Waiver of Legal Argument (WOLA) form. It is my understanding that you have previously been given the WOLA by our South Central Coast District Office but have not yet submitted a signed WOLA.

A Waiver of Legal Argument is a tool used to suspend the formal litigation process relating to Coastal Act enforcement. The Waiver is an agreement that the alleged violators will not use the time spent seeking administrative resolution with the Commission as the basis for an argument that the Commission has lost its authority to pursue enforcement remedies provided by Chapter 9 of the Coastal Act. Once signed, the WOLA will allow for the necessary time to process your claim of vested rights. Absent such an agreement, Commission staff will be obligated to refer this matter to the Office of the Attorney General for the institution of enforcement litigation.

Exhibit 29
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Either party to the waiver can terminate the agreement upon a thirty-day written notice to the other party.

Please return the Waiver to me at the San Francisco Office no later than **July 21, 2000**. Please call me at (415) 904-5294 if you have any questions or concerns regarding the WOLA language or anything else included in this letter.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jan E. Perez". The signature is written in dark ink and includes a long horizontal flourish extending to the right.

Jan E. Perez
Statewide Enforcement Analyst

Enclosure

cc: Nancy Cave, Statewide Enforcement Program Supervisor
John Ainsworth, Supervisor, Permits and Enforcement - Ventura Office

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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REGULAR AND CERTIFIED MAIL

Article No. Z 778 712 007

August 1, 2000

Brian Boudreau, Robert K. Levin, and
Malibu Valley Farms, Inc.
c/o Stanley Lamport
Cox, Castle & Nicholson LLP
2049 Century Park East, Suite 2800
Los Angeles, CA 90067

SUBJECT: Revised Waiver of Legal Argument Form for Brian Boudreau, Robert K. Levin, and Malibu Valley Farms, Inc, V-4-00-001

Dear Mr. Lamport:

I have reviewed your revised version of the Waiver of Legal Argument (WOLA) form and incorporated many of your changes into Commission's initial version of the WOLA. Enclosed you will find a revised version of the WOLA for you and your clients' review and signature. Please return the signed Waiver to me at the San Francisco Office no later than **August 18, 2000**. If you have any questions or concerns regarding the WOLA language please call me at (415) 904-5294.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan E. Perez", with a long horizontal flourish extending to the right.

Jan E. Perez
Statewide Enforcement Analyst

Enclosure

Exhibit 30
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

cc: Nancy Cave, Statewide Enforcement Program Supervisor
John Ainsworth, Supervisor, Permits and Enforcement - Ventura Office

Page 1 of 1

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-2801
(805) 641-0142



August 18, 2000

Exhibit 31
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Stephen E. Abraham
Cox, Castle & Nicholson, LLP
2049 Century Park East
Twenty-Eighth Floor
Los Angeles, CA 90067-3284

Page 1 of 2

Re: Malibu Valley, Inc. Claim of Vested Rights Application

Dear Mr. Abraham:

We request the following information to complete the Malibu Valley, Inc. ("Malibu Valley") Claim of Vested Rights application:

1. As requested in Question #3 of the Claim of Vested Rights application form:
 - (a) list each structure on the Malibu Valley site for which Malibu Valley claims a vested right and identify the size and location of the structure (the size and location can be identified by referring to the name or label used to identify the structure on Sheet #2 of Tab C submitted with Malibu Valley's Claim of Vested Rights application form); and
 - (b) identify specifically each use of the site for which Malibu Valley claims a vested right, and for each use indicate the location on the site where the use is conducted.
2. The response to Question #8 of the Claim of Vested Rights application form states that "Malibu Valley is engaging in agricultural and ranching activities that have been conducted on the land for more than 70 years." This response appears to assert that the structures on the site for which Malibu Valley claims a vested right were all completed prior to 1930 and the uses of the site for which it claims a vested right all began prior to 1930. If this is not correct, please notify us and state the date on which each structure for which a vested right is claimed was completed and the date on which each use of the site for which a vested right is claimed began.
3. For each structure on the site or use of the site for which Malibu Valley claims a vested right, if available, provide copies of any contemporaneous documents indicating when the structure was constructed or when the use of the site began.
4. No answer was provided to Question #11 of the Claim for Vested Rights application form. We interpret this to indicate that Malibu Valley has no

knowledge of the total cost of the development for which Malibu Valley claims a vested right. If this is not correct, please inform us and provide the total cost of the development for which a vested right is claimed.

Please contact me if you have any questions regarding this matter.

Sincerely,



John Ainsworth
Regulatory Supervisor

CALIFORNIA COASTAL COMMISSION

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

Brian Boudreau, Robert K. Levin, and Malibu Valley Farms, Inc.WAIVER OF LEGAL ARGUMENT

Coastal Commission staff has informed Brian Boudreau, Robert K. Levin, and Malibu Valley Farms, Inc. (collectively, "Malibu Valley") that on January 22, 1999, Coastal Commission staff determined that unpermitted development was being maintained at 2200 Stokes Canyon Road, Calabasas, CA 91302, Los Angeles County, APN 4455-028-044. Coastal Commission staff has informed Malibu Valley that the unpermitted development consists of the construction over time, of an equestrian facility including, but not limited to: numerous horse stalls, a barn, two riding arenas, five corral areas, numerous small storage sheds, several horse washing areas with outlets into Stokes Canyon Creek, and a road through Stokes Canyon Creek.

Coastal Commission staff notified Brian Boudreau of the Coastal Act violation status of violation case V-4-00-001 involving this development activity by correspondence dated January 22, 1999. Malibu Valley has informed Coastal Commission staff that it denies that there are any alleged Coastal Act violations on the property in question. Coastal Commission staff has informed Malibu Valley that they would prefer to resolve this matter administratively, but may choose to pursue resolution through a court of law should the parties fail to achieve an administrative resolution.

Malibu Valley has stated that it does not want the Commission to institute an enforcement action to resolve this alleged Coastal Act violation while it applies for and awaits the outcome of a vested rights determination. Accordingly, Malibu Valley hereby agrees to not rely on the period of time from June 12, 2000 (the date Malibu Valley submitted its vested rights determination application) to the Termination Date of this agreement, as set forth below ("Tolled Period") as a legal defense in any litigation concerning violation case number V-4-00-001. The Tolled Period shall not be considered in any determination of the timeliness of commencement of any court action with respect to violation case no. V-4-00-001, including but not limited to, the following defenses: (1) any applicable statute of limitation; (2) laches; and/or (3) estoppel.

In exchange for this agreement, Malibu Valley understands that the Coastal Commission staff will not submit this Coastal Act violation file to the Office of the Attorney General for legal action, before the Termination Date of this Agreement. The Termination Date of this agreement shall be either: (1) the date Malibu Valley receives written notice of final Coastal Commission disposition of its application for vested rights determination, or (2) the 30th day following either a) the date Malibu Valley withdraws its vested rights determination application or b) the date Malibu Valley receives written notice of Coastal Commission staff's intent to terminate this agreement, whichever comes first. The addresses for purposes of providing the foregoing notices are as follows:

Boudreau - V-4-00-001

page 2 of 2

Exhibit 32
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

August 21, 2000

For the Coastal Commission:

Jan E. Perez
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

For Brian Boudreau, Robert Levin, and Malibu Valley Farms, Inc.:

Stanley Lamport
Cox, Castle & Nicholson LLP
2049 Century Park East, 28th Floor
Los Angeles, CA 90067

Brian Boudreau
Malibu Valley Farms, Inc.
26885 Mulholland Highway
Calabasas, CA 91302

Nothing contained in this agreement shall be deemed to constitute evidence or an admission of liability with respect to violation case no. V-4-00-001 or any other cause of action or defense. Neither the execution of this agreement nor anything contained in it shall be deemed to constitute evidence or an admission of liability or the existence of any facts on which liability or defenses could be based. This agreement shall not be evidence with respect to any claim other than specifically related to the timeliness of commencement of any court action with respect to violation case no. V-4-00-001.

Malibu Valley or Authorized Representative

Signature

8-24-00

Date

Jan E. Perez
California Coastal Commission

Signature

30 AUG 00

Date

Exhibit 32
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

CALIFORNIA COASTAL COMMISSION

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



October 6, 2000

Stephen E. Abraham
Cox, Castle & Nicholson, LLP
2049 Century Park East
Twenty-Eighth Floor
Los Angeles, CA 90067-3284

Re: Malibu Valley, Inc. Claim of Vested Rights Application

Dear Mr. Abraham:

We sent you a letter dated August 18, 2000 (copy attached), requesting that Malibu Valley, Inc. ("Malibu Valley") submit certain information to the Coastal Commission to complete its Claim of Vested Rights application. As of this date, we have not received a response. If Malibu Valley plans to submit any of the information requested in our August 18 letter, please submit it within 30 days of the date of this letter.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Ainsworth", followed by a horizontal line.

John Ainsworth
Regulatory Supervisor

Enclosure

Exhibit 33
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

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November 3, 2000

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OUR FILE NO:

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(310) 284-2275

WRITER'S E-MAIL ADDRESS

slamport@ccnlaw.com

VIA FACSIMILE & U.S. MAIL

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

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

Dear Mr. Ainsworth:

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

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

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

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

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Exhibit 34
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Mr. Jack Ainsworth
November 3, 2000
Page 2

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

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

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

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

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

Sincerely,



Stanley W. Lamport

SWL:rs1
32051/866935v1
cc: California Coastal Commission, North Coast Area

Exhibit 34
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 2 of 2

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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January 24, 2001

By Telecopy and Mail (310) 277-7889

Mr. Stanley W. Lamport
Mr. Stephen E. Abraham
Cox, Castle & Nicholson, LLP
2049 Century Park East, 28th Floor
Los Angeles, CA 90067-3284

Re: Coastal File No. V-4-00-001; Malibu Valley, Inc. Claim of Vested Rights

Dear Gentlemen:

The Claim of Vested Rights submitted by Malibu Valley, Inc. has been assigned No. 4-00-279-VRC. The matter is scheduled for a hearing before the Coastal Commission at its meeting on February 13-16, 2001, in San Luis Obispo. The meeting is at Embassy Suites Hotel, 333 Madonna Road, San Luis Obispo. We will send you a copy of the Staff Report and a notice indicating the exact day on which the matter will be heard.

Please provide this information to your client, Brian Boudreau.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan E. Perez", with a long horizontal line extending to the right.

JAN E. PEREZ
Statewide Enforcement Analyst

cc: John Ainsworth, Ventura

Exhibit 35
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

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February 6, 2001

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John F. Nicholson
Charles E. Noneman
Marlene D. Goodfried
Jeffrey D. Masters
Robert D. Infelise
Tamar C. Stein
Douglas P. Snyder
Cary A. Click
Lewis C. Feldman
Mark F. McClanahan
John A. Kincannon
Stanley W. Lampert
Randall W. Black
Perry D. Modugno
Jesse R. Bressi
Gregory J. Karna
D. Scott Turner
Sandra C. Stewart
Matthew A. Wyman
Randy P. Ozlik
Kenneth Williams
Laurel R. Ballard
Amy H. Wells
Scott D. Brooks
Cary P. Downer
Valerie L. Flores
Preston W. Brooks
Paul J. Titcher
Robert J. Sykes
Alfred F. DeLeo
Stathi C. Mastrogiannis

Camella Kuo Schuh
Charles J. Moore
Robert P. Dory
Stuart I. Block
Scott L. Grossfeld
Robert M. Haight, Jr.
James M. A. Murphy
Jonathan Sears
Timothy M. Truax
Adam B. Weissburg
Jeffrey A. Cagliardi
Herbert J. Klein
Erzelle M. Braaf
Richard J. Kaiser
Anne-Marie Reader
Perry S. Hughes
Judy Man-Ling Lam
Edward F. Quigley, III
Daniel J. Villalpando
Christopher R. Chelosten
Kevin J. Crabtree
Peter Y. Lee
Seth I. Weisman
Lorin Dunn Arkow
Jason A. Hodson
Steven A. Muldowney
Hillary P. Prokop
Stephen B. Abraham
James R. McCoy, Jr.
Dan N. Morris
Tuan A. Pham
John M. Trotter
Joanna C. Huchling
Hans Lauterbach
Mitchell Poole
Carolyn Yashari Becker
Kimberly Kester Chynoweth
Cara L. Leonard
Stephen M. Murphy
Julie E. Macedo
Sasky Tia

*A Professional Corporation

George M. Cost
(Retired)

Richard N. Castle
(1972-1992)

Senior Counsel

Edward C. Dygert
David S. Rosenberg
Susan S. Davis
Samuel H. Weinbaum
Bruce J. Graham
Matthew P. Scheberger
Sherry M. DuPont

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Facsimile (949) 476-0256

San Francisco Office

505 Montgomery Street
Suite 1550
San Francisco, California 94111-3885
Telephone (415) 296-9966
Facsimile (415) 397-1095

OUR FILE NO:
32051

WRITER'S DIRECT DIAL NUMBER
(310) 284-2252
WRITER'S E-MAIL ADDRESS
sabraham@ccnlaw.com

VIA FACSIMILE AND US MAIL

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

Mr. Chris Darnell
Statewide Enforcement Program
California Coastal Commission
45 Fremont Street, Suite 200
San Francisco, California 94105-2219

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

Gentlemen:

We have received the staff report in the above-entitled matter. We are preparing our response to that report. However, we wish to clarify an initial point that was not brought to our attention earlier regarding who is bringing the application.

In response to the staff comments as to the entity on whose behalf the vested rights determination application was submitted, be advised that this application is being brought on behalf of Robert K. Levin and Malibu Valley Farms, Inc., rather than Malibu Valley, Inc. This is consistent with all of our prior communications with staff regarding this application.

Exhibit 36
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Mr. Jack Ainsworth
Mr. Chris Darnell
February 6, 2001
Page 2

To the extent there is any question as to the parties bringing the application, this shall serve as formal notice of amendment of that application that is submitted on behalf of Robert K. Levin and Malibu Valley Farms, Inc.

Sincerely,



Stephen E. Abraham

SEA
SEABRAHA/32051/880609v1

Exhibit 36
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Oct-29-06 01:07pm From:

T-262 P.002/003 F-533

Phillip R. Nicholson*
 Lawrence J. Kaplan
 Ronald I. Silverman*
 Marie Camara
 George D. Cookins, II
 John H. Kuhl
 Arthur O. Spaulding, Jr.
 Jeffrey Laporta
 John S. Miller, Jr.
 Kenneth B. Oley
 Ira J. Waldman
 John P. Nicholson
 Charles E. Monemius
 Marlene D. Goddard
 Jeffrey D. Minton
 Robert D. Jankins
 Turner C. Stein
 Douglas P. Snyder
 Gary A. Glick
 Lewis G. Feldman
 Mark P. McClanahan
 John A. Kinnannon
 Stanley W. Lumpert
 Randall W. Hixson
 Perry D. Macciaro
 Jess R. Breda
 Gregory J. Kays
 D. Scott Turner
 Sandra C. Stewart
 Mathew A. Wymann
 Randy P. Orlik
 Kenneth Williams
 Bruce R. Ballard
 Amy H. Wells
 Scott D. Brooks
 Gary P. Downs
 Valerie L. Flores
 Preston W. Brooks
 Paul J. Trachler
 Robert J. Sykes
 Alfred F. DeLeon
 Stashi G. Marcolopulos

Camilla Kuo Schuk
 Clirica J. Meete
 Robert P. Doty
 Stuart I. Black
 Scott L. Grassfield
 Robert M. Haight, Jr.
 James M. A. Murphy
 Timothy M. Truax
 Adam B. Weisburg
 Jonathan Seitz
 Harold J. Klein
 Beacie M. Braef
 Jeffrey A. Capilardi
 Richard J. Kaiser
 Anna-Marie Koster
 Perry S. Hughes
 Judy Mae-Ling Lam
 Richard P. Oulgey III
 Donald J. Villalpando
 Christopher R. Cheteden
 Kevin J. Crabtree
 Peter Y. Lee
 Seth I. Weiseman
 Loren Dale Arkow
 Jason A. Hebbson
 Steven M. Muldowney
 Hillary P. Prokop
 Stephen E. Abraham
 James R. McCoy Jr.
 Tara N. Morris
 Tuan A. Pham
 John M. Tran
 Joanne C. Hufting
 Hans Lovestock
 Matthew Poole
 Carolyn Yashari Becher
 Kimberly Kessler Chyrcus
 Carl L. Leonard
 Stephen N. Murphy
 Stephanie C. Tydalka
 Julie E. Macode
 Sethy Via

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. Cizik
(1932-1992)

Senior Counsel

Edward C. Dygert
 David B. Kinsler
 Susan S. Davis
 Samuel H. Weisbord
 Bruce J. Graham
 Matthew P. Seiberger
 Sherry M. Qu Papp

Orange County Office

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 Irvine, California 92612-2035
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 Facsimile (949) 276-0226

San Francisco Office

341 Montgomery Street
 Suite 1610
 San Francisco, California 94111-3785
 Telephone (415) 296-9066
 Facsimile (415) 297-1095

OUR FILE NO:

32051
 WRITER'S DIRECT DIAL NUMBER
 (310) 284-2275
 WRITER'S E-MAIL ADDRESS
stampart@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 37
 CCC-06-CD-14 & CCC-06-RO-07
 (Malibu Valley Farms, Inc.)

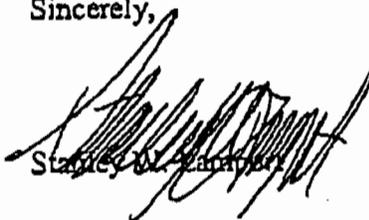
Oct-29-06 - 01:07pm From-
F8D-15-01 11:33am FROM: [REDACTED]

T-262 P.003/003 F-533

Sandra Goldberg, Esq.
February 15, 2001
Page 2

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

Sincerely,



Stanley W. [unreadable]

SWL:rsf
32051/882921v1

John Ainsworth

From: Don Schmitz [REDACTED]
Sent: Thursday, November 15, 2001 11:25 AM
To: 'John Ainsworth'
Cc: Bruce Malinowski; Ed D'Andrea; Larry Miner; Osvaldo Dreckmann; Raphael; Stacey Kuennen; Stephanie Dreckmann; Steve Montoya; Teresa Ruffoni; Thomas Rainey; Tracy Taylor
Subject: RE: Malibu Valley Inc. Vested Rights Claim

I will talk to him today and get back to you shortly.

Hope you're doing well.

Don

-----Original Message-----

From: John Ainsworth [REDACTED]
Sent: Thursday, November 15, 2001 10:44 AM
To: 'DonS [REDACTED]'
Subject: Malibu Valley Inc. Vested Rights Claim

Don, given we were unable to reach an agreement on a conceptual site plan/permit application for an equestrian facility at the Malibu Valley Farms site we intend on scheduling the Claim of Vested Rights application for the next local hearing which would be in January at the Westin Hotel -LAX. Please let me know if your client wishes to pursue further negotiations with regard to a conceptual site plan or move forward with the Vested Rights Claim. The last time we talked about this you indicated that your client wanted to move forward with the Claim of Vested Rights application. Please confirm that your client wishes to move forward with the Claim of Vested Rights. Thanks, Jack

Exhibit 38
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 1

John Ainsworth

From: Don Schmit [REDACTED]
Sent: Wednesday, March 13, 2002 11:13 AM
To: Jack Ainsworth [REDACTED]
Cc: Bruce Malinowski; Ed D'Andrea; Kathryn Leitner; Mark Meyer; Osvaldo Dreckmann; Robert Martinez; Shannon Binger; Stacey Kuennen; Stephanie Dreckmann; Steve Montoya; Teresa Ruffoni; Thomas Rainey; Tracy Taylor; slamport@ccnlaw.com [REDACTED]
Subject: Malibu Valley Farms

Good morning Jack;

I just spoke with my client, and the application packet for the equestrian center, including plans, is almost completed.

We anticipate submittal of the packet to your office toward the end of next week.

Call if you have any questions or comments.

Don

Exhibit 39
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 1

5/20/2002

John Ainsworth

From: Don Schmitz [REDACTED]
Sent: Monday, April 29, 2002 10:50 AM
To: 'John Ainsworth'
Cc: Bruce Malinowski; Ed D'Andrea; Kathryn Leitner; Mark Meyer; Osvaldo Dreckmann; Robert Martinez; Shannon Binger; Stacey Kuennen; Stephanie Dreckmann; Steve Montoya; Teresa Ruffoni; Thomas Rainey; Tracy Taylor; slamport@ccnlaw.com [REDACTED]
Subject: RE: Malibu Valley Farms Permit Application

Jack;

We expect to get the packet this week; I will call up the client and inquire on the status.

Hope you had a great weekend Jack.

Don

-----Original Message-----

From: John Ainsworth [REDACTED]
Sent: Monday, April 29, 2002 9:33 AM
To: 'DonS [REDACTED]'
Subject: Malibu Valley Farms Permit Application
Importance: High

Don, when can we expect to receive the Malibu Valley Farms permit application? Our legal staff is asking about this matter and I need to get back to them ASAP. Thanks, Jack

Exhibit 40
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 1

CALIFORNIA COASTAL COMMISSION

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



DATE: June 28, 2002

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

RE: **Application No. 4-02-131**

Dear permit applicant:

Your Coastal Commission application is incomplete and cannot be filed or processed until the following items have been received. These items must be received in our office by September 28, 2002.

SEE ATTACHED PINK SHEETS

If you have any questions regarding your application, please contact me at the address and phone number listed above.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Rodriguez".

JULIE REVELES
Office Technician

cc: Cox, Castle & Nicholson, Attn: Stanley Lamport, Beth Palmer
Schmitz & Associates, Attn: Don Schmitz
Diamond West Engineering, Inc., Attn: Imad Aboujawdah

Exhibit 41
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)



February 7, 2003

Via Federal Express

Kara Kemmler
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

RECEIVED
FEB 10 2003

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

RE: Coastal Development Permit Application No. 4-02-131 (Malibu Valley Farms, Inc.)—2200 Stokes Canyon Road, Calabasas

Dear Ms. Kemmler:

We are writing to provide you with an update on our efforts to address each of the items Coastal Staff has identified as necessary for the above-referenced application to be complete.

22. On Monday, January 27, 2003, the County Environmental Review Board (ERB) considered the above-referenced project. Based on the Board's favorable comments we expect to receive Los Angeles County Approval in Concept shortly.
24. We maintain that Fish & Game approval is not required and intend to demonstrate that there is no fuel modification in the riparian areas.
25. On January 3, 2003, we received County Fire Department approval of our fuel modification plans. Please find enclosed a copy of this approved plan.
26. On June 5, 2002, we received County Fire Department approval for our proposed access. Please find enclosed a copy of this approved plan.

Coastal Staff has also requested a biological survey for the subject site and an analysis of potential impacts on sensitive species. We have retained a qualified biologist who is preparing this survey and report. We will also be submitting to you the required alternative analysis for the relocation of structures proposed to be located within suggested setbacks from riparian areas.

Thank you for your consideration and assistance. Please feel free to contact us should you have any questions or comments.

Exhibit 42
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 2

Sincerely,
SCHMITZ & ASSOCIATES

Donna Shen
Donna Shen
Senior Planner

I will be meeting with my client this evening and will inform him accordingly.

Don

Sharon, please put the deadline into the calendar.

-----Original Message-----

From: Kara Kemmler [redacted]
Sent: Tuesday, December 16, 2003 11:23 AM
To: Don Schmitz
Cc: John Ainsworth
Subject: RE: CDP app. no. 4-02-131 (Malibu Valley Farms)

Don,

It has been a couple more months since the last status update on this project, and we are still waiting for a substantial amount of additional information including items that were mentioned in your latest transmittal letter (rec'd Feb. 2003) but never received and an update on the local approval since your last e-mail (see below). We have had this file in our office for a year and a half with the latest submittal being over 10 months ago. There are still a number of items yet to be submitted from the original pink sheets. Please be advised that if we do not receive these items by February 2, 2004, the application will be returned to the applicant. Sincerely, Kara Kemmler Coastal Planner California Coastal Commission 89 S. California Street, Ste. 200 Ventura, CA 93001 805.585.1800

-----Original Message-----

From: Don Schmitz [redacted]
Sent: Monday, October 06, 2003 1:38 PM
To: Kara Kemmler
Cc: Thomas Rainey; Stephanie Dreckmann; Sharon Martin; slamport@coxcastle.com; jainsworth@coastal.ca.gov
Subject: RE: CDP app. no. 4-02-131 (Malibu Valley Farms)

Hi Kara;

We continue to be stymied by the County, who is trying to throw the whole thing into a CUP for boarding horse; this is despite the fact that we aren't boarding any horses.

Stan and I will be meeting with the County in the next week or so to see if we can break this loose. If you want to intercede, we would welcome you calling John Gutwein and Rudy Silvas to let them know this needs to move along.

Thanks

Don

-----Original Message-----

From: Kara Kemmler [redacted]
Sent: Friday, October 03, 2003 2:39 PM
To: Don Schmitz
Subject: CDP app. no. 4-02-131 (Malibu Valley Farms)

Hi Don,

We are wondering what the status is on this application? When are you planning to submit the remaining requested materials from the pink sheets? It has been a while since you last wrote and we need to get this moving very soon if we are going to keep the application in the office..... Please advise as soon as you can. Thanks!

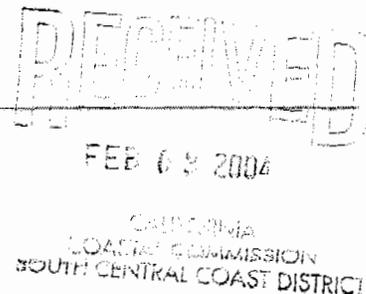
Kara Kemmler

Exhibit 43
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

2/2/2004

Page 1 of 2

Thomas Rainey



From: Thomas Rainey
Sent: Monday, February 02, 2004 5:35 PM
To: Kara Kemmler ([REDACTED])
Cc: Don Schmitz; Richard Walker; John Ainsworth
Subject: FW: CDP app. no. 4-02-131 (Malibu Valley Farms)

Kara;

Richard Claghorn called me this afternoon and confirmed that the AIC and stamped plans will be ready for collection tomorrow morning. We shall obtain the materials and submit them to your office first thing tomorrow morning.

Thanks,
 Thomas

-----Original Message-----

From: Thomas Rainey
Sent: Friday, January 30, 2004 11:33 AM
To: Kara Kemmler ([REDACTED])
Cc: Don Schmitz; Richard Walker; Stephanie Dreckmann; John Ainsworth ; Stanley Lamport
 [REDACTED]
Subject: RE: CDP app. no. 4-02-131 (Malibu Valley Farms)

Kara;

Please be advised that Stanley Lamport had a productive meeting yesterday at LA Co. DRP with Regional Planning Assistant Richard Claghorn regarding the pending local approval. Mr. Claghorn confirmed that a CUP is not required and he is now prepared to grant the plot plan approval in concept. He advised Mr. Lamport that he will obtain LA Co. Senior Biologist Daryl Koutnik's final clearance by end of day, Monday, 2/2/04, upon Dr. Koutnik's return to his office. As such, we should have this important item obtained by late Monday afternoon, but submittal to your office before 5:00 pm that day may not be possible. We will of course obtain the materials from DRP as soon as they become available and submit them to your office on Monday if time permits. If not, we shall submit first thing Tuesday morning.

We respectfully request that this application remains active as we continue to make progress in obtaining the outstanding items you have requested.

Thank you once again for your time and consideration.

Sincerely,

Thomas Rainey
 Schmitz & Associates, Inc.
 310-589-0773

-----Original Message-----

From: Don Schmitz
Sent: Tuesday, December 16, 2003 2:06 PM
To: 'Kara Kemmler'
Cc: John Ainsworth; Sharon Martin; Stephanie Dreckmann; Thomas Rainey; Richard Walker; Slamport@Coxcastle. Com (slamport@coxcastle.com)
Subject: RE: CDP app. no. 4-02-131 (Malibu Valley Farms)

Thank you for the courtesy notice Kara.

Exhibit 43
 CCC-06-CD-14 & CCC-06-RO-07
 (Malibu Valley Farms, Inc.)

2/2/2004

Page 2 of 2



RECEIVED
OCT 26 2004

COX CASTLE NICHOLSON
SOUTH CENTRAL COAST DISTRICT

Cox, Castle & Nicholson LLP
2049 Century Park East, 28th Floor
Los Angeles, California 90067-3284
P 310.277.4222 F 310.277.7889

Beth R. Palmer
310.284.2206
bpalmer@coxcastle.com

File No. 32050

October 25, 2004

VIA OVERNIGHT COURIER

Mr. John Ainsworth
California Coastal Commission
South Central Coast
89 South California Street
Suite 200
Ventura, CA 93001-2801

Re: **Project Location:** NE Corner of Mulholland Highway and Stokes Canyon Rd.
Your File No.: 4-02-131

Dear Mr. Ainsworth:

Our office is working with Malibu Valley Farms, Inc. to complete the above-referenced application for a coastal development permit. Below is a list of the items we understand still need to be submitted, and the status of each.

1. A filing fee in the amount of \$6,000.00. Malibu Valley Farms is having this check prepared and it will be submitted with the remaining documentation.
2. County Environmental Review Board Approval. A copy of the approval is enclosed. not enc'd already have ✓
3. Fish and Game Approval. This project is not within the jurisdiction of the California Department of Fish and Game. A letter stating such has been requested from the department and will be submitted upon receipt.
4. Fire Department Approved Fuel Modification Plans. A copy of the approved plan is enclosed. ✓
5. Preliminary Fire Department Approval for driveways, access roads and turn-around areas. A copy of the approved plan is enclosed. ✓
6. Preliminary approval from the Regional Water Quality Control Board. An application has been submitted to the Regional Water Quality Control Board; a copy of such application is enclosed. A copy of the approval will be submitted upon receipt. ?

Exhibit 44
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Mr. Jack Ainsworth
October 25, 2004
Page 2

7. A biological survey prepared by a qualified biologist. Mr. Frank Hovore is preparing this survey, which should be completed by November 15, 2004. A copy of his report will be submitted upon receipt.

8. An analysis of the potential impacts on the sensitive habitat or species onsite. This analysis will be included in Mr. Hovore's report.

9. A vegetation survey with fuel modification requirements. This information will be included in Mr. Hovore's report.

10. Alternatives analysis for the relocation of structures. This information will be provided to your office no later than November 1, 2004.

11. Clarification whether any alteration or restoration of the stream is proposed. No alteration or restoration of the stream is proposed at this time.

12. Site plan with flood hazard area. This plan will be provided to your office no later than November 1, 2004.

Our office is working with Mr. Hovore and the Department of Fish and Game to obtain the outstanding items to complete the application. We hope to have these to your office no later than November 15, 2004.

Our letter faxed to you yesterday indicated that the setback plans and flood hazard plans would be included in this submittal. After reviewing these plans, some changes were made and legends included which will help understanding the information. They are being revised now and I will have to them to your office no later than November 1, 2004. I apologize for any inconvenience this change in schedule may have caused.

Thank you for your assistance with this matter and please call me with any questions.

Sincerely,



Beth R. Palmer

cc: Mr. Christopher Darnell
32050\1110150v2

Exhibit 44
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)



February 3, 2004

Via Hand Delivery

RECEIVED

FEB 03 2004

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Kara Kemmler
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

**RE: CDP Application No. 4-02-131 (Malibu Valley Farms, Inc.)
LA County Approval in Concept, February 2, 2004**

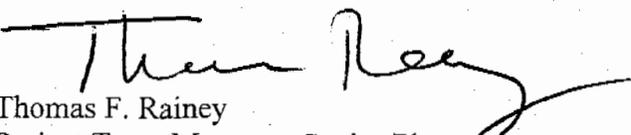
Dear Ms. Kemmler:

In follow up to my e-mail correspondence of January 30, 2004 and February 2, 2004 (copy attached), enclosed with this correspondence you will find two (2) full size sets of the project plans stamped with Los Angeles County Department of Regional Planning (DRP) Approval in Concept (AIC) for Plot Plan No. 48295. As you may know, the Los Angeles County Environmental Review Board (ERB) completed its review of this project on January 27, 2003, but the AIC was withheld by DRP for over a year while DRP staff deliberated on the Conditional Use Permit (CUP) requirements. It has now been confirmed by the DRP and ERB that a CUP is not required and the AIC has been granted for this project accordingly.

In light of this important development, we respectfully request that the above-referenced CDP application remain active and that additional time be provided for the applicant to address any additional outstanding items that you may need in order to file this application and place this project before the Commissioners for their consideration. Please do not return the application to the applicant at this time.

Thank you for your time and attention to this matter. Please feel free to contact us should you have any questions or comments.

Sincerely,
SCHMITZ & ASSOCIATES, Inc.


Thomas F. Rainey
Project Team Manager, Senior Planner

Cc: John Ainsworth, Supervisor of Planning and Regulation
Malibu Valley Farms, Inc.
Stanley Lamport, Esq.

Exhibit 45
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 1



Cox, Castle & Nicholson LLP
2049 Century Park East, 28th Floor
Los Angeles, California 90067-3284
P 310.277.4222 F 310.277.7889

Beth R. Palmer
310.284.2206
bpalmer@coxcastle.com

File No. 32050

November 2, 2004

VIA OVERNIGHT COURIER

Mr. Jack Ainsworth
California Coastal Commission
South Central Coast
89 South California Street
Suite 200
Ventura, CA 93001-2801

Exhibit 46
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 2

Re: **Project Location:** NE Corner of Mulholland Highway and Stokes Canyon Rd.
Your File No.: 4-02-131

Dear Mr. Ainsworth:

Our office is working with Malibu Valley Farms, Inc. to complete the above-referenced application for a coastal development permit. Below is a list of the items we understand still need to be submitted, and the status of each.

1. A filing fee in the amount of \$6,000.00. This check is enclosed.
2. County Environmental Review Board Approval. A copy of the approval was sent to your office on October 26, 2004.
3. Fish and Game Approval. This project is not within the jurisdiction of the California Department of Fish and Game. A letter stating such has been requested from the department and will be submitted upon receipt.
4. Fire Department Approved Fuel Modification Plans. A copy of the approved plan was sent to your office on October 26, 2004.
5. Preliminary Fire Department Approval for driveways, access roads and turn-around areas. A copy of the approved plan was sent to your office on October 26, 2004.
6. Preliminary approval from the Regional Water Quality Control Board. An application has been submitted to the Regional Water Quality Control Board; a copy of such application is enclosed. A copy of the approval will be submitted upon receipt.
7. A biological survey prepared by a qualified biologist. Mr. Frank Hovore prepared this survey. A copy of his report is enclosed.

Mr. Jack Ainsworth
November 2, 2004
Page 2

8. An analysis of the potential impacts on the sensitive habitat or species onsite. This analysis is included in Mr. Hovore's report.

9. A vegetation survey with fuel modification requirements. This information is included in Mr. Hovore's report.

10. Alternatives analysis for the relocation of structures. A copy of this analysis is being prepared and will be forwarded as soon as it has been completed.

11. Clarification whether any alteration or restoration of the stream is proposed. No alteration or restoration of the stream is proposed at this time.

12. Site plan with flood hazard area. A copy of this plan is being prepared and will be forwarded as soon as it has been completed.

Our office is working with our engineers and the Department of Fish and Game to obtain the outstanding items to complete the application. We hope to have these to your office no later than November 15, 2004.

Thank you for your continued assistance with this matter and please call me with any questions.

Sincerely,



Beth R. Palmer

BRP:rsf
Enclosures
cc: Mr. Christopher Darnell (without enclosures)
32050\1111420v1

Exhibit 46
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

CALIFORNIA COASTAL COMMISSION

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



November 3, 2004

Malibu Valley Farms, Inc.
C/o Beth Palmer
Cox, Castle & Nicholson LLP
2049 Century Park East, 28th Floor
Los Angeles, CA 90067-3284

Re: *Coastal Development Permit Application No. 4-02-131*

Dear Ms. Palmer,

Thank you for your submittal of October 26, 2004, containing additional materials for the above-referenced permit application, including a copy of the preliminary fire access and fuel modification plans approved in concept by the Los Angeles County Fire Department. We look forward to receiving the additional items listed in your letter of October 25, 2004, which you estimated would be submitted by November 15, 2004. In addition, please submit the following items:

- **Regional Water Quality Control Board (RWQCB) Application**
Please submit a copy of your application for RWQCB preliminary approval. Your letter of October 25, 2004 indicated that the application was enclosed; however, we did not find the application in the submittal package.
- **Cost Valuation**
Please submit a cost valuation for the proposed project, prepared by Los Angeles County or by the project contractor. This item was requested in our incomplete letter of June 28, 2002, and has not yet been received.

Thank you for facilitating Commission review of this project. Should you have any questions regarding this letter or your application, please contact me at (805) 585-1800. I look forward to receiving the requested materials and moving your application forward at your earliest convenience.

Sincerely,

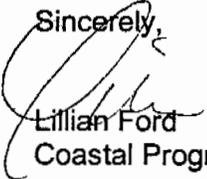

Lillian Ford
Coastal Program Analyst

Exhibit 47
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)



Cox, Castle & Nicholson LLP
2049 Century Park East, 28th Floor
Los Angeles, California 90067-3284
P 310.277.4222 F 310.277.7889

Beth R. Palmer
310.284.2206
bpalmer@coxcastle.com

File No. 32050

November 29, 2004

VIA OVERNIGHT COURIER

Mr. Jack Ainsworth
California Coastal Commission
South Central Coast
89 South California Street
Suite 200
Ventura, CA 93001-2801



Re: **Project Location:** NE Corner of Mulholland Highway and Stokes Canyon Rd.
Your File No.: 4-02-131

Dear Mr. Ainsworth:

Our office is working with Malibu Valley Farms, Inc. to complete the above-referenced application for a coastal development permit. Below is a list of the items we understand still need to be submitted, and the status of each.

1. A filing fee in the amount of \$6,000.00. This fee was sent to your office on November 2, 2004.
2. County Environmental Review Board Approval. A copy of the approval was sent to your office on October 26, 2004.
3. Fish and Game Approval. This project is not within the jurisdiction of the California Department of Fish and Game. A letter stating such has been requested from the department and will be submitted upon receipt. **A copy of the application to the Department of Fish and Game for such letter of non-jurisdiction is enclosed.**
4. Fire Department Approved Fuel Modification Plans. A copy of the approved plan was sent to your office on October 26, 2004.
5. Preliminary Fire Department Approval for driveways, access roads and turn-around areas. A copy of the approved plan was sent to your office on October 26, 2004.
6. Preliminary approval from the Regional Water Quality Control Board. An application has been submitted to the Regional Water Quality Control Board; a copy of such application was sent to your office on November 2, 2004. Another copy is enclosed per the request of Ms. Lillian Ford. A copy of the approval will be submitted upon receipt.

Exhibit 48
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Mr. Jack Ainsworth
November 29, 2004
Page 2

7. A biological survey prepared by a qualified biologist. Mr. Frank Hovore prepared this survey. A copy of his report was sent to your office on November 2, 2004.

8. An analysis of the potential impacts on the sensitive habitat or species onsite. This analysis is included in Mr. Hovore's report.

9. A vegetation survey with fuel modification requirements. This information is included in Mr. Hovore's report.

10. Alternatives analysis for the relocation of structures. **A copy of this analysis is enclosed.**

11. Clarification whether any alteration or restoration of the stream is proposed. No alteration or restoration of the stream is proposed at this time.

12. Site plan with flood hazard area. **A copy of this plan is enclosed.**

13. **Cost Valuation. Ms. Lillian Ford requested submission of a cost valuation for the proposed project. This valuation was included in our initial application, which generated a fee of \$6000.00 for the CDP. The estimated cost of development (not including cost of land) is \$500,000 new/ \$500,000 existing.**

I believe this completes our application. I will forward the letters from the Regional Water Quality Control Board and the California Department of Fish and Game to you when I receive same.

Thank you for your continued assistance with this matter and please call me with any questions.

Sincerely,



Beth R. Palmer

cc: Mr. Christopher Darnell (without enclosures)
Ms. Lillian Ford (with enclosures)

BRP:rsf
Enclosures

32050\1112245v1

Exhibit 48
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

CALIFORNIA COASTAL COMMISSION

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



November 30, 2004

Malibu Valley Farms, Inc.
c/o Beth Palmer
Cox, Castle & Nicholson LLP
2049 Century Park East, 28th Floor
Los Angeles, CA 90067-3284

Re: *Coastal Development Permit Application No. 4-02-131*

Dear Ms. Palmer,

Thank you for your submittal of November 3, 2004, containing additional materials for the above-referenced permit application, including the required filing fee, a copy of your application for Regional Water Quality Control Board (RWQCB) approval, and a biological resource analysis. We look forward to receiving the additional items listed in your letter of October 25, 2004, which you estimated would be submitted by November 15, 2004. In addition, please submit the following items:

- **Biological Resource Photographs and Maps**
Please submit photographs and maps illustrating the stream corridor (with delineation of flow line, stream edge, top of bank...), riparian vegetation and any other sensitive resources. This information was requested in our incomplete letter of June 28, 2002, but was not included in the submitted biological resource analysis as indicated in your letter.
- **Vegetation Survey with Fuel Modification Requirements.**
Please submit a vegetation survey, in plan form, with fuel modification and brush clearance radii overlain. The survey must encompass all areas, both onsite and offsite, subject to fuel modification or brush clearance as a result of the proposed development. The plan must also identify all habitat and vegetation types found within the subject areas. This item was requested in our incomplete letter of June 28, 2002, but was not included in the submitted biological resource analysis as indicated in your letter.

Thank you for facilitating Commission review of this project. Should you have any questions regarding this letter or your application, please contact me at (805) 585-1800. I look forward to receiving the requested materials and moving your application forward at your earliest convenience.

Sincerely,

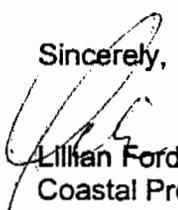

Lillian Ford
Coastal Program Analyst

Exhibit 49
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

CALIFORNIA COASTAL COMMISSION

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



December 23, 2004

Malibu Valley Farms, Inc.
c/o Beth Palmer
Cox, Castle & Nicholson LLP
2049 Century Park East, 28th Floor
Los Angeles, CA 90067-3284

Re: *Coastal Development Permit Application No. 4-02-131*

Dear Ms. Palmer,

Thank you for your submittal of November 29, 2004, containing additional materials for the above-referenced permit application, including a copy of the Notification of Lake or Streambed Alteration you sent to the Department of Fish and Game (DFG), an additional copy of your application for Regional Water Quality Control Board (RWQCB) approval, a site plan depicting flood hazard areas, and a site plan depicting 50 foot and 100 foot setbacks from the on-site stream. We look forward to receiving the requested response letters from the DFG and RWQCB, which you stated would be forwarded to us upon their receipt. In addition, please submit the following items:

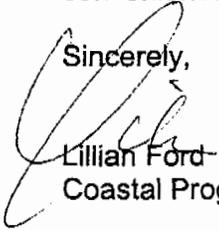
- **Biological Resource Photographs and Maps**
Please submit photographs and maps illustrating the stream corridor (with delineation of flow line, stream edge, top of bank...), riparian vegetation and any other sensitive resources. This information was requested in our incomplete letter of June 28, 2002, and again in our letter of November 30, 2004, but was not included in the submitted biological resource analysis as indicated in your letter.
- **Vegetation Survey with Fuel Modification Requirements.**
Please submit a vegetation survey, in plan form, with fuel modification and brush clearance radii overlain. The survey must encompass all areas, both onsite and offsite, subject to fuel modification or brush clearance as a result of the proposed development. The plan must also identify all habitat and vegetation types found within the subject areas. This item was requested in our incomplete letter of June 28, 2002, and again in our letter of November 30, 2004, but was not included in the submitted biological resource analysis as indicated in your letter.
- **Alternatives Analysis.**
Please submit an alternatives analysis for the relocation of proposed structures located within the suggested setbacks from the stream. The submitted plan shows the location of the 50 foot and 100 foot setbacks, but does not include siting alternatives for the proposed structures located within those setbacks.

Once we receive and review all of the requested items, we can file your project and schedule it for Commission hearing.

Exhibit 50
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Thank you for facilitating Commission review of this project. Should you have any questions regarding this letter or your application, please contact me at (805) 585-1800. I look forward to receiving the requested materials and moving your application forward at your earliest convenience.

Sincerely,



Lillian Ford
Coastal Program Analyst

June 24, 2005

RECEIVED

JUN 28 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Ms. Lillian Ford
California Coastal Commission
89 South California Street, Suite 200
Ventura, California 93001

Re: Coastal Development Permit Application No. 4-02-131

Dear Ms. Ford:

Enclosed is a copy of the permit issued from the Department of Fish and Game for the above-referenced application. We are still compiling the other documentation requested to complete our file.

Please feel free to contact me with any questions.

Thank you for your assistance with this application.

Sincerely,


Beth Palmer.

Encl.

Exhibit 51
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 3



DEPARTMENT OF FISH AND GAME

1508 North Harding Avenue
Pasadena, CA 91104
(626) 797-3170

RECEIVED
MAR 10 2005



BY:.....

March 15, 2005

Ms. Beth Palmer
Diamond West Engineering
26800 Agoura Road, Suite 100
Carlsbad, CA 91301



Re: Lake or Streambed Alteration Notification
Notification No: 1600-2004-0539-R5
Project: Arizona Crossing
Water: Stokes Canyon Drainage
County: Los Angeles

Dear Ms. Palmer:

The Department of Fish and Game (Department) received your Notification and deemed it complete on 1/14/05.

The purpose of this letter is to inform you that the Department failed to meet our deadline for the project you described in the above-referenced notification. As a result, and as explained in greater detail below, you do not need a Lake or Streambed Alteration Agreement from the Department of Fish and Game to complete the project you described in your notification.

Under the Fish and Game Code section 1602, (a) (4) (D) the Department had a total of 60 days to act on your notification by submitting to you project conditions the Department believes are necessary to protect existing fish and wildlife resources. This means that from the date of this letter, by law you may go forward with your project without an Agreement from the Department.

If you decide to complete the project as described in your notification, please keep a copy of this letter and the Notification available at the project site. The project described in the Notification includes not only the project impacts, but also includes all of your proposed minimization and mitigation measures.

Exhibit 51
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

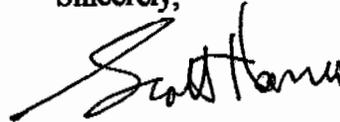
March 15, 2005

Page 2

Your project must terminate no later than 5 years from the date of this letter. Your project is described as the installment of Turf Reinforcement Mats to facilitate equestrian crossings across an existing unvegetated, soft bottomed Arizona crossing of Stokes Canyon Creek. The project is located at Malibu Valley Farms, Inc., 2200 Stokes Canyon Road in Calabasas, Los Angeles County. If the project changes so that it differs from the one described in the original notification, you will need to submit a new notification to the Department for that project.

If you have any questions regarding this matter, please contact Scott Harris, Associate Wildlife Biologist at the above address or telephone number.

Sincerely,



Scott Harris
Associate Wildlife Biologist

Exhibit 51
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 3 of 3

September 13, 2005

RECEIVED
SEP 14 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Ms. Lillian Ford
California Coastal Commission
89 South California Street, Suite 200
Ventura, California 93001

Re: Coastal Development Permit Application No. 4-02-131

Dear Ms. Ford:

As you know, the following two items are needed to complete the above-referenced application:

- 1) Biological Resource Photographs and Maps; and
- 2) Vegetation Survey with Fuel Modification Requirements.

I wanted to let you know that we have contracted with Sapphos Environmental Inc. to prepare these items. Their estimated date of completion is October 28, 2005. I will forward these items to you as soon as I receive them.

Thank you for your assistance with this application.

Sincerely,

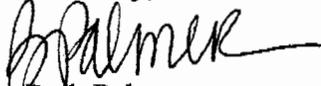

Beth Palmer

Exhibit 52
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 1

CALIFORNIA COASTAL COMMISSION

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



February 22, 2006

Beth Palmer
Malibu Valley Farms
26885 Mulholland Highway
Calabasas, CA 91302

VIA FAX: (818) 880-5414 and Regular Mail

Subject: Coastal Development Permit Application No. 4-02-131

Dear Ms. Palmer:

This letter is in regard to the remaining items needed to complete the above-referenced permit application file. As noted in your letter of September 13, 2005, the following items are still outstanding:

- 1) Biological Resource Photographs and Maps; and
- 2) Vegetation Survey with Fuel Modification Requirements

According to your letter, you had contracted with Sapphos Environmental Inc. to prepare the required items, and their estimated date of completion was October 28, 2005.

As of this date, we have yet to receive the requested materials. Furthermore, we have received no response to voice mail messages sent to you on November 28, 2005, December 28, 2005, and February 3, 2006, inquiring about the status of these remaining items. Please send the outstanding items, to my attention, by **March 15, 2006** if you would like this information to be considered by the Commission when they hear your coastal development permit application. While we would prefer to have the above mentioned information, please be advised that we intend to file the permit application and schedule the proposed project for the May 2006 Commission hearing.

If you have any questions about the outstanding materials, this letter, or your permit application, please feel free to call me at (805) 585-1800.

Sincerely,

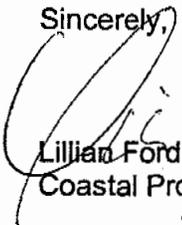

Lillian Ford
Coastal Program Analyst

Exhibit 53
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

February 28, 2006

RECEIVED
MAR 01 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

VIA OVERNIGHT MAIL

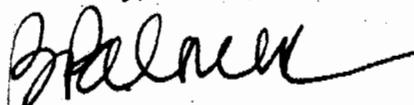
Ms. Lillian Ford
California Coastal Commission
89 South California Street
Suite 200
Ventura, California 93001

Re: Coastal Development Permit Application No. 4-02-131

Dear Ms. Ford:

Per your request, enclosed is a copy of the report prepared by Sapphos Environmental, Inc. for inclusion with the above-referenced application. If there is any other documentation you require, please do not hesitate to ask.

Sincerely,



Beth Palmer
General Counsel

Encl.

Exhibit 54
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 1

MALIBU VALLEY FARMS

April 28, 2006

VIA FACSMILE

Ms. Lillian Ford
California Coastal Commission
89 South California Street
Suite 200
Ventura, California 93001

Exhibit 55
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 2

Re: Coastal Development Permit Application No. 4-02-131

Dear Ms. Ford:

I was looking on the Coastal Commission website this afternoon and happened to see that our Permit Application 4-02-131 is scheduled for hearing on May 11, 2006. I have not received a notice stating our application was complete, a Staff Report on the project, or notice that we were scheduled for a hearing so I was quite surprised to find out that we are on the agenda in less than two weeks.

On February 22, 2006, you sent me a letter stating that our application was not complete and requested further information. In this same letter, you stated that you intended to file the application for the May hearing, but we never received notification that the application was complete or scheduled for hearing. I am therefore writing to ask for a continuance on the hearing date.

There are several reasons to grant the continuance. At our site visit with yourself, Steve Hudson and Dr. Dixon last August we all discussed sitting down together to come to a solution that works for all parties. This was not going to happen until our application was complete, and because I never received notice that the application was complete, I did not set up these meetings. We would like to continue our hearing date until the next hearing scheduled for our region so that we can sit down with staff and discuss the project.

Additionally, both the property owner and I will be unable to attend the hearing on May 11, 2006. The property owner will be out of the state and I am having shoulder surgery on May 4, 2006, which will have me out of work for at least one week. Neither the property owner nor I, as his representative, can prepare for or attend the hearing as scheduled.

Malibu Valley Farms, Inc.

26885 Mulholland Highway, Calabasas, CA 91302

(818) 880-5119 • Fax (818) 880-5414 • e-mail mvfi@malibuvally.com

Ms. Lillian Ford
April 28, 2006
Page 2



MALIBU VALLEY FARMS

The property owner genuinely wants to work with staff and the Coastal Commission to come to a solution on the project that works for everyone. We would greatly appreciate a continuance to allow for all of us to sit down and meet. We are only asking to be continued to the next hearing date in our area and do want this application to move forward as much as the Coastal Commission does. I hope you can accommodate our request.

Thank you in advance for your consideration of this matter and I will follow up with you on Monday, May 1, 2006 to discuss this further. Also, please send a copy of the Staff Report on our application to our office via fax at (818) 880-5414.

Sincerely,

A handwritten signature in black ink, appearing to read 'Beth Palmer', with a long horizontal flourish extending to the right.

Beth Palmer

Exhibit 55
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

MALIBU VALLEY FARMS

May 2, 2006

VIA FACSIMILE

Ms. Lillian Ford
California Coastal Commission
89 South California Street
Suite 200
Ventura, California 93001

Re: Coastal Development Permit Application No. 4-02-131

Dear Lillian:

Thank you for your call this morning informing me that our application has been removed from the May 11th agenda. I will call you next week when I am back in the office from surgery to schedule a meeting with you to review the project. I understand we are working toward a July hearing date.

Thank you again for all of your assistance with our application and I will talk to you next week.

Sincerely,


Beth Palmer

Exhibit 56
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 1

CALIFORNIA COASTAL COMMISSION

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



DATE : June 16, 2006

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

RE: **Application No. 4-02-131**

Dear Applicant,

Your Coastal Commission application was filed March 6, 2006, and has been scheduled for the July, 2006, Commission hearing. This scheduling information is being provided for your convenience. Written notification of final scheduling of the hearing, along with a copy of the staff report, will be mailed to you approximately 10 days prior to the hearing.

If you have any questions regarding your application, please contact **Lillian Ford** at the address and phone number listed above.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Rodriguez".

Barbara Rodriguez
Office Assistant

Exhibit 57
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

RECEIVED
JUL 11 2006

July 7, 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Ms. Lillian Ford
California Coastal Commission
89 South California Street
Suite 200
Ventura, California 93001

Re: Coastal Development Permit Application No. 4-02-131

Dear Lillian:

Enclosed is the original Agreement for Extension of Time for Decision on Coastal Development Permit Number 4-02-131 that was executed and sent to your office by facsimile on June 20, 2006.

Thank you for all of your assistance with this project. Please feel free to call me with any questions.

Sincerely,



Beth Palmer
General Counsel

Encl.

Exhibit 58
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 2

**AGREEMENT FOR EXTENSION OF TIME
FOR DECISION ON COASTAL DEVELOPMENT PERMIT**

Pursuant to Government Code Section 65957, the applicant and Coastal Commission staff hereby irrevocably agree that: 1) the time limits for a decision on permit application # 4-02-131 established by Government Code Section 65952 shall be extended by 90 days (extension request ordinarily to be 90 days, and in no event more than 90 days for a total period for Commission action not to exceed 270 days); and 2) the effective date of this extension is **September 2, 2006**.

Accordingly, the deadline for Commission decision on this permit application is extended from **September 2, 2006 to December 1, 2006**.

6/20/06
Date

BETH PALMER, GENERAL
 Applicant or Authorized Representative (Print) COUNSEL
(check one)

[Signature]
Applicant or Authorized Representative (Signature)

7/11/06
Date

LILLIAN FORD
CCC Staff Name (Print)

[Signature]
CCC Staff Name (Signature)

Exhibit 58
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

RECEIVED
JUL 11 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

01/21/2006 10:25:01 FAX 010 444-1000
MALIBU VALLEY FARMS
July 27, 2006

VIA FACSIMILE AND REGULAR MAIL

Ms. Lillian Ford
California Coastal Commission
89 South California Street, Suite 200
Ventura, California 93001

Re: Coastal Development Permit Application No. 4-02-121

Dear Lillian:

Please withdraw the above-referenced application from the hearing on August 9, 2006. We will be proceeding with a vesting application instead.

Thank you for your assistance with this project and please feel free to call me with any questions.

Sincerely,



Beth Palmer
General Counsel

Exhibit 59
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 1 of 1

RECEIVED

OCT 26 2006

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

[Insert Date] / 10.23.06

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

I am writing this letter to show my support for Malibu Valley Farms and request that the Coastal Commission allow this farm and all of its improvements to remain. Malibu Valley Farms has been a part of our community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local corrals and children to host events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in our area that provides so much to our community and without it we will feel a huge loss if this farm no longer exists.

Please do not take this farm away from our community. Please show the residents that you support equestrian uses and activities by allowing this farm to remain because without it, the equestrian community will lose a valuable asset and suffer for it.

Thank you for your consideration.

Sincerely,
[Sign your name]

Paul Boudreau
81 Edgar Court
Newbury Park, CA
91320

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

RECEIVED
OCT 26 2006

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

10/23/06
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

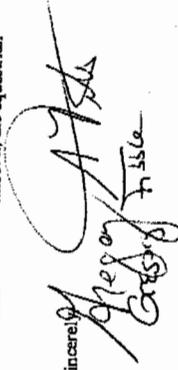
To Whom It May Concern:

I am writing this letter to show my support for Malibu Valley Farms and request that the Coastal Commission allow this farm and all of its improvements to remain. Malibu Valley Farms has been a part of our community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local corrals and children to host events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in our area that provides so much to our community and without it we will feel a huge loss if this farm no longer exists.

Please do not take this farm away from our community. Please show the residents that you support equestrian uses and activities by allowing this farm to remain because without it, the equestrian community will lose a valuable asset and suffer for it.

Thank you for your consideration.

Sincerely,



cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Mark & Jane Miller

320 E. Cartisle Rd, Thousand Oaks, CA 91361

RECEIVED
OCT 26 2006

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 23, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

I am writing this letter to show my support for Malibu Valley Farms and request that the Coastal Commission allow this farm and all of its improvements to remain. Malibu Valley Farms has been a part of our community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local corrals and children to host events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in our area that provides so much to our community and without it we will feel a huge loss if this farm no longer exists.

Please do not take this farm away from our community. Please show the residents that you support equestrian uses and activities by allowing this farm to remain because without it, the equestrian community will lose a valuable asset and suffer for it.

Thank you for your consideration.

Sincerely,



Mark R. Miller

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

RECEIVED
OCT 26 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 22, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

I am writing this letter to show my support for Malibu Valley Farms and request that the Coastal Commission allow this farm and all of its improvements to remain. Malibu Valley Farms has been a part of our community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local corrals and children to host events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in our area that provides so much to our community and without it we will feel a huge loss if this farm no longer exists.

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Thank you for your consideration.

Sincerely,



cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

RECEIVED
OCT 26 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Darlene Boyd Goodman
1238 Bouquet Circle
Thousand Oaks, CA 91362
(805) 496-7120

October 23, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

I am writing this letter to show my support for Malibu Valley Farms and request that the Coastal Commission allow this farm and all of its improvements to remain. Malibu Valley Farms has been a part of our community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local corrals and children to host events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in our area that provides so much to our community and without it we will feel a huge loss if this farm no longer exists.

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Thank you for your consideration.

Sincerely,



cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

RECEIVED
OCT 26 2006

October 23, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

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Thank you for your consideration.

Sincerely,


Kristopher Kori
2970 Diana Court
Newbury Park, CA 91320

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

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OCT 26 2006

10/23/06

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

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Thank you for your consideration.

Sincerely,



cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

RECEIVED
OCT 26 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 23, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-091

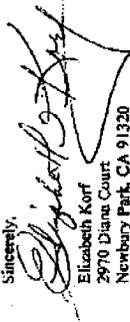
To Whom It May Concern:

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Thank you for your consideration.

Sincerely,


Elizabeth Korf
2970 Diana Court
Newbury Park, CA 91320

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

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OCT 26 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 23, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

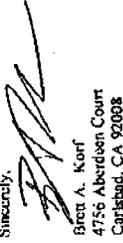
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Thank you for your consideration.

Sincerely,


Brett A. Korf
4756 Aberdeen Court
Carlsbad, CA 92008

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

RECEIVED
OCT 26 2006
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Susan D. Swenson
27035 Old Chimney Road
Malibu, California 90265

October 22, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

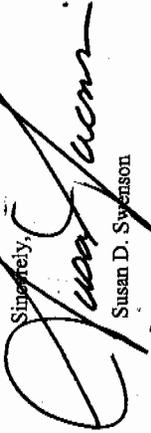
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Thank you for your consideration.

Sincerely,



Susan D. Swenson

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 6 of 20

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OCT 26 2006
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Art & Robin Schneider
23680 Summit Drive
Calabasas, CA 91302

10/23/06

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

I am writing this letter to show my support for Malibu Valley Farms and request that the Coastal Commission allow this farm and all of its improvements to remain. Malibu Valley Farms has been a part of our community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in our area that provides so much to our community and without it we will feel a huge loss if this farm no longer exists.

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Thank you for your consideration.

Art & Robin Schneider

cc:

RECEIVED
PONY CROSS FARM
Mrs. Stephanie Abronson
543 Cold Canyon Road
Monte Nido, CA 91302-2206
Phone (818) 222-PONY • Email: stephanie@abronson.com • www.abronson.com/ponycross

OCT 20 2006

CALIF.
COASTAL COMMISSION

RECEIVED
OCT 23 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

18 October 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

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Thank you for your consideration.

Sincerely,



c: Malibu Valley Farms, 26685 Mulholland Highway, Calabasas, CA 91302

RECEIVED
OCT 26 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

[Insert Date] / 10-23-06
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

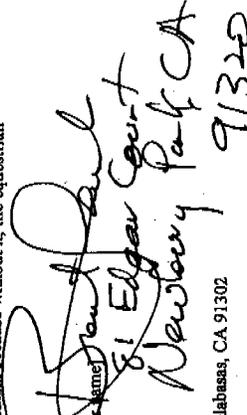
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Thank you for your consideration.

Sincerely,
[Sign your name]



c: Malibu Valley Farms, 26685 Mulholland Highway, Calabasas, CA 91302

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)



ROBERT M. MILLER, D.V.M.
 320 E. Carlisle Road
 Thousand Oaks, CA 91361
 (805) 495-7764

RECEIVED
 OCT 25 2006

South Central
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

October 23, 2006

California Coastal Commission
 89 S. California St., Suite 200
 Ventura, CA 93001-2801

To Whom It May Concern:

Please allow Malibu Valley Farms and its improvements to remain. It is not only an exemplary breeding farm, but is also a great asset to the community, hosting all sorts of outdoor activities at no charge to the public. I was their veterinarian before I retired and can assure you of their excellent management. The farm has an international reputation and has served as an equine evacuation site during fires.

There is a legacy of horsemanship in this region that is threatened by increasing urbanization. I have been to Western Europe thirty-two times, primarily as a teacher and lecturer, visiting every single country in that region.

Open land, agrarian, and a natural environment is scarce in Europe and as a result they treasure it and manage it far more effectively than we do.

The United States, and especially the Western states, have had centuries of under-population and enormous land resources. Those days are fast disappearing. Tract housing gobbles up our most precious resource, the agricultural land that feeds us and nourishes us.

The Europeans cherish and preserve every possible bit of open space and farmland. They understand the value of outdoor recreation, such as horseback riding to an urban populace, and encourage and foster equine facilities.

In tiny, industrialized, over-populated nations like Switzerland, you will find stables, riding trails, and there are even pack outfitters in the Alps. They do not let short term profits or selfish interest groups threaten such traditions. As our nation's population

Exhibit 60
 CCC-06-CD-14 & CCC-06-RO-07
 (Malibu Valley Farms, Inc.)

explodes and Southern California becomes one vast megalopolis, we can learn a lot from Western Europe. Let not greed and shortsightedness prevail.

Very truly yours,

Robert M. Miller, D V M

cc: Malibu Farms
 28885 Mulholland Hwy.
 Calabasas, CA 91302

Ruth Gerson
 Box 787
 Agoura, CA 91301

RMM/dmw

Mr. Andrea Leguia
25638 Lonea Way
Calabasas, CA 91302

October 22, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RECEIVED
OCT 25 2006

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

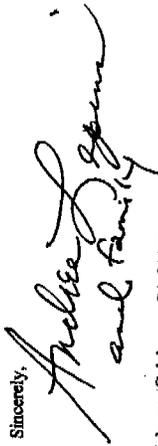
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Please do not take this farm away from our community. Please show the residents that you support equestrian uses and activities by allowing this farm to remain because without it, the equestrian community will lose a valuable asset and suffer for it.

Thank you for your consideration.

Sincerely,



cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

RECEIVED
OCT 23 2006

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 17, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

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I am baffled as to why the Coastal Commission continues to try to remove equestrian facilities such as Malibu Valley Farms from the Santa Monica Mountain area. This is an area where for many years, we have maintained horses and other animals, have worked to maintain the trails used for horseback riding, as well as cycling and hiking and Malibu Valley Farms has been a strong participant in this community!

Do not take this farm away from our community. Please show the residents that you support equestrian uses and activities by allowing this farm to remain because without it, the equestrian community will lose a valuable asset and suffer for it.

Thank you for your consideration.

Sincerely,



Melissa Austin
2600 Ladybird Dr.
Calabasas, CA 91302

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

RECEIVED
OCT 25 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 23, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

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Thank you for your consideration.

Sincerely,



Barry Barnholtz

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 10 of 20

RECEIVED
OCT 25 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 23, 2006
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

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Thank you for your consideration.

Sincerely,



Denise Gylden

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

Jeffrey Davidson
5807 Topanga Canyon Blvd., J-103
Woodland Hills, CA 91367

RECEIVED
OCT 27 2006

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 23, 2006

California Coastal Commission
89 South California St., #200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File # V-4-00-001

To Whom It May Concern:

There are many people in this geographic area who are not rich enough to own private horse property. Facilities like Malibu Valley Farms Equestrian Center are an integral and vital part of our being able to continue having our horses and children use a facility like this.

I, along with many others, am asking for your support for Malibu Valley Farms and request that the Commission continue to allow this farm and all of its improvements to remain in place. Malibu Valley Farms has been in the community for a quarter of a century and has been open to us all for a decade. It is a dearly loved and very useful place.

Unfortunately, southern California is subject to fires and floods. During these harrowing times, the Malibu Valley Farms is used as an evacuation center - they have never charged anyone and have never turned away a horse in a time of need.

It may be difficult for people who are not 'horse people' to realize how many of us there are. We struggle to maintain our love of horses and way of life, in spite of high property prices and access to horse facilities. Malibu Valley Farms is vital to us all.

PLEASE do not take this farm away from the community.
PLEASE show us all that equestrian uses and activities are important to this area.

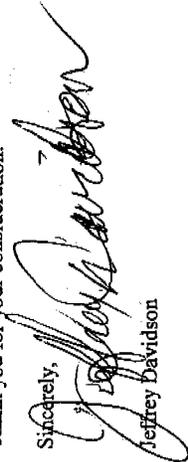
If not here - where?

Malibu Valley Farms should be honored!!

Penalizing Malibu Valley Farms, penalizes all of us that love equestrian activities.

Thank you for your consideration.

Sincerely,



Jeffrey Davidson

U U OCT 25 2006

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Oct. 23 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

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Thank you for your consideration.

Sincerely,



Debby Miller

Exhibit 60

CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 11 of 20

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OCT 27 2006

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 25, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

I am writing this letter to show my support for Malibu Valley Farms and request that the Coastal Commission allow this farm and all of its improvements to remain. Malibu Valley Farms has been a part of our community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local corrals and children to host events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in our area that provides so much to our community and without it we will feel a huge loss if this farm no longer exists.

Please do not take this farm away from our community. Please show the residents that you support equestrian uses and activities by allowing this farm to remain because without it, the equestrian community will lose a valuable asset and suffer for it.

Thank you for your consideration.

Sincerely,



Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 12 of 20

RECEIVED
OCT 27 2006

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 24, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

I am writing this letter to show my support for Malibu Valley Farms and request that the Coastal Commission allow this farm and all of its improvements to remain. Malibu Valley Farms has been a part of our community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local corrals and children to host events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in our area that provides so much to our community and without it we will feel a huge loss if this farm no longer exists.

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Thank you for your consideration.

Sincerely,
Victoria Cadipos



cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

RECEIVED
OCT 27 2006

Malibu Valley
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 25, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

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Thank you for your consideration.

Sincerely,

Stephanie Waller

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

RECEIVED
OCT 27 2006

Malibu Valley
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 25, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

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Thank you for your consideration.

Sincerely,

Stephanie Waller

RECEIVED
OCT 27 2006

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 25, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

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Thank you for your consideration.

Very truly yours,

Joan Conly
Joan Conly

JC:s

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 14 of 20

RECEIVED
OCT 27 2006

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 22, 2006
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center

File Number: V-4-00-001

To Whom It May Concern:

I am writing this letter to show my support for Malibu Valley Farms and request that the Coastal Commission allow this farm and all of its improvements to remain. Malibu Valley Farms has been a part of our community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local corrals and children to host events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in our area that provides so much to our community and without it we will feel a huge loss if this farm no longer exists.

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Thank you for your consideration.

Sincerely,

Dalynn Zampino

Dalynn Zampino

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

RECEIVED
OCT 27 2006

QUASIA, JACQUES
SOUTH CENTRAL COAST DISTRICT

October 25, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom it May Concern:

I am writing this letter to show my support for Malibu Valley Farms and request that the Coastal Commission allow this farm and all of its improvements to remain. Malibu Valley Farms has been a part of our community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local corrals and children to host events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in our area that provides so much to our community and without it we will feel a huge loss if this farm no longer exists.

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Thank you for your consideration.

Sincerely,
Sharon Ryerson

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

RECEIVED
OCT 27 2006

QUASIA, JACQUES
SOUTH CENTRAL COAST DISTRICT

October 24, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom it May Concern:

I am writing this letter to show my support for Malibu Valley Farms and request that the Coastal Commission allow this farm and all of its improvements to remain. Malibu Valley Farms has been a part of our community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local corrals and children to host events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in our area that provides so much to our community and without it we will feel a huge loss if this farm no longer exists.

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Thank you for your consideration.

Sincerely,

Christine V. Froehlich
18401 Burbank Blvd # 107
Tarzana, CA 91356

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

*Calabasas/Malibu needs to stay
an equestrian community.
Keep horses in OUR
Communities!*

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

OCT 20 2006
RECEIVED

California Coastal Commission
87 South California Street, Suite 300
Ventura, CA 93001-2801

NOV 27 2006

CALIFORNIA
COASTAL COMMISSION
SOUTHERN COAST DISTRICT

RE: Malibu Valley Farms Equestrian Center
File Number V-400-001 (V-4-00-001)

To Whom it may concern:

I am writing this letter to show my support for Malibu Valley Farms and request that the Coastal Commission allow this farm and all of its improvements to remain. Last September, 2005, I was fortunate at 2 A.M. to evacuate my 2 horses and 1 mini donkey to Mr. Boudreau's farm, due to the fires. I live in Agoura Hills down the street from the Pony Club and I waited for most of the horses to evacuate and because I waited too long I lost my spot of where I thought I would always go if there was a fire. Myself and a few other neighbors where in the same position, but around 2 A.M., we were evacuated to Malibu Valley Farms, with much sign of relief.

-2-

They made sure my horses and mini donkey had shelter, food and water for the 5 days that they were there, at no charge to me. The property was very well kept up and they also cleaned up after my horses. I have 3 children and a couple of dogs and it was such a relief to know my horses and donkey were safe and well taken care of during the fires, and I know my neighbors were just as pleased and thankful as well.

Please do not take this farm away from our Community. The Equestrian Community needs this type of facility, its clean, caring, close and quiet, just what an animal deserves in stressful times or good times. I know I would not have had the good feeling evacuation experience had I had been evacuated to Pierce College.

Thank you for your consideration,

Sincerely,

Kathryn Collins
Kathy Collins

CC: Malibu Valley Farms, 20885 Mulholland Hwy, Calabasas, CA, 91302

RECEIVED
OCT 31 2006

October 25, 2006

Virginia Nichols
Region VII President
California State Horsemen's Association
408 E. DeAnza Heights Drive
San Dimas, CA 91773

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

I am writing this letter to show my support for Malibu Valley Farms and request that the Coastal Commission allow this farm and all of its improvements to remain. Malibu Valley Farms has been a part of our community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local corrals and children to host events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in our area that provides so much to our community and without it we will feel a huge loss if this farm no longer exists.

Please do not take this farm away from our community. Please show the residents that you support equestrian uses and activities by allowing this farm to remain because without it, the equestrian community will lose a valuable asset and suffer for it.

Thank you for your consideration.

Sincerely,

Virginia Nichols

Virginia Nichols
California State Horsemen's Association

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

THURLEY LOU PINGATORE
2100 STUNT ROAD
CALABASAS, CA 91302
818-876-0035

October 24, 2006

California Coastal Commission

89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center

File Number: V-4-00-001

To Whom It May Concern:

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Thank you for your consideration.

Sincerely,

Thurley Lou Pingatore

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

RECEIVED
OCT 31 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 17 of 20

RECEIVED
OCT 31 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

ASHLEE MAYFIELD
2100 STUNT ROAD
CALABASAS, CA 91302
818-876-0035

October 24, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center

File Number: V-4-00-001

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Thank you for your consideration.

Sincerely,

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

RECEIVED
OCT 31 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

CHRISTIAN WHITTAKER
2100 STUNT ROAD
CALABASAS, CA 91302
818-876-0035

October 24, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center

File Number: V-4-00-001

To Whom It May Concern:

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Thank you for your consideration.

Sincerely,

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

Page 18 of 20

RECEIVED
OCT 31 2006
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Tracy Williams

3312 Peppermint Street
Newbury Park, CA 91320

October 25, 2006

California Coastal Commission

89 South California Street, Suite 200

Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center

File Number: V-4-00-001

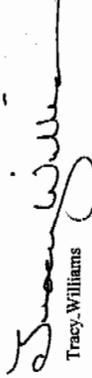
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Thank you for your consideration.

Sincerely,


Tracy Williams

cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

Page 19 of 20

URSULA WHITTAKER
2100 STUNT ROAD
CALABASAS, CA 91302
818-876-0035

October 24, 2006

California Coastal Commission

89 South California Street, Suite 200

Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center

File Number: V-4-00-001

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Thank you for your consideration.

Sincerely,



cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

RECEIVED
OCT 31 2006
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

RECEIVED
OCT 31 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

bau10

Oct. 25, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

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I am not local to the farm, nevertheless, I think it would be a real shame to lose this equestrian asset. I take my horses all over to ride, and this farm is the only one of its kind in the area, so please, do not destroy it !!

Thank you for your consideration.
Sincerely,

Tawna Born
11536 Darling Road, Agua Dulce, CA 91390
cc: Malibu Valley Farms, 26885 Mulholland Highway, Calabasas, CA 91302

Exhibit 60
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

RECEIVED
OCT 31 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 31, 2006

VIA FAX: (805) 641-1732

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

To Whom It May Concern:

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Thank you for your consideration.

Sincerely,



Eva Sweeney

cc: Malibu Valley Farms (via fax: (818) 880-5414)

bau10,LLC
sustainable design
4051 Glencoe Avenue, #12
Marina Del Rey, CA 90292
phone: 310 822 5500
fax: 310 822 5538
email: email@bau10.com

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE MAILING ADDRESS:
710 E STREET • SUITE 200 P. O. BOX 4908
EUREKA, CA 95501-1865 EUREKA, CA 95502-4908
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

**MEMORANDUM**

FROM: John D. Dixon, Ph.D.
Ecologist

TO: Aaron McLendon

SUBJECT: Malibu Valley Farms

DATE: November 2, 2006

I visited the subject property on August 22, 2005. Stokes Creek currently flows roughly southeast along the base of the hillside to the east of Stokes Creek Road, veers west near the southern boundary of the property, and then continues south adjacent to Stokes Creek Road, passes under Mulholland Highway and eventually flows into Malibu Creek State Park. Buildings, horse pens, and other infrastructure are located both north and south of the creek and there is trail through the creek from the training and boarding area to the hillside and pasture area to the east. Riparian vegetation is better developed toward the southern end of the property than farther north.

Stream courses and their adjacent riparian corridors provide many especially valuable ecosystem functions. They attract many native wildlife species because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats. During the long dry summers in this Mediterranean climate, riparian habitats are an essential refuge and oasis for much of the areas' wildlife. Riparian corridors also provide critical connecting links between all the habitats in the Santa Monica Mountains. Streams connect all of the biological communities from the highest elevation chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the way. The health of the streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure. For all these reasons, the Commission has found that streams and their associated riparian habitats meet the definition of Environmentally Sensitive Habitat Areas (ESHA) under the Coastal Act. Even though degraded by adjacent land uses, Stokes Creek and its riparian areas should be considered ESHA and provided with adequate protective set backs or buffers. The existing riparian corridor is relatively narrow and was probably reduced by historical human activities. The existing habitat should be delineated by the outer edge of riparian vegetation that is currently present including those mature trees that appear somewhat isolated because all of the understory vegetation has been removed.

Exhibit 61
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)

CALIFORNIA COASTAL COMMISSION

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



Filed: 11/06/00
Staff: LF-V
Staff Report: 11/02/06
Hearing Date: 11/15/06
Commission Action:

W 15a

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

Exhibit #62
CCC-06-CD-14 & CCC-06-RO-07
(Malibu Valley Farms, Inc.)
80 Page

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 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 nonforming 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.

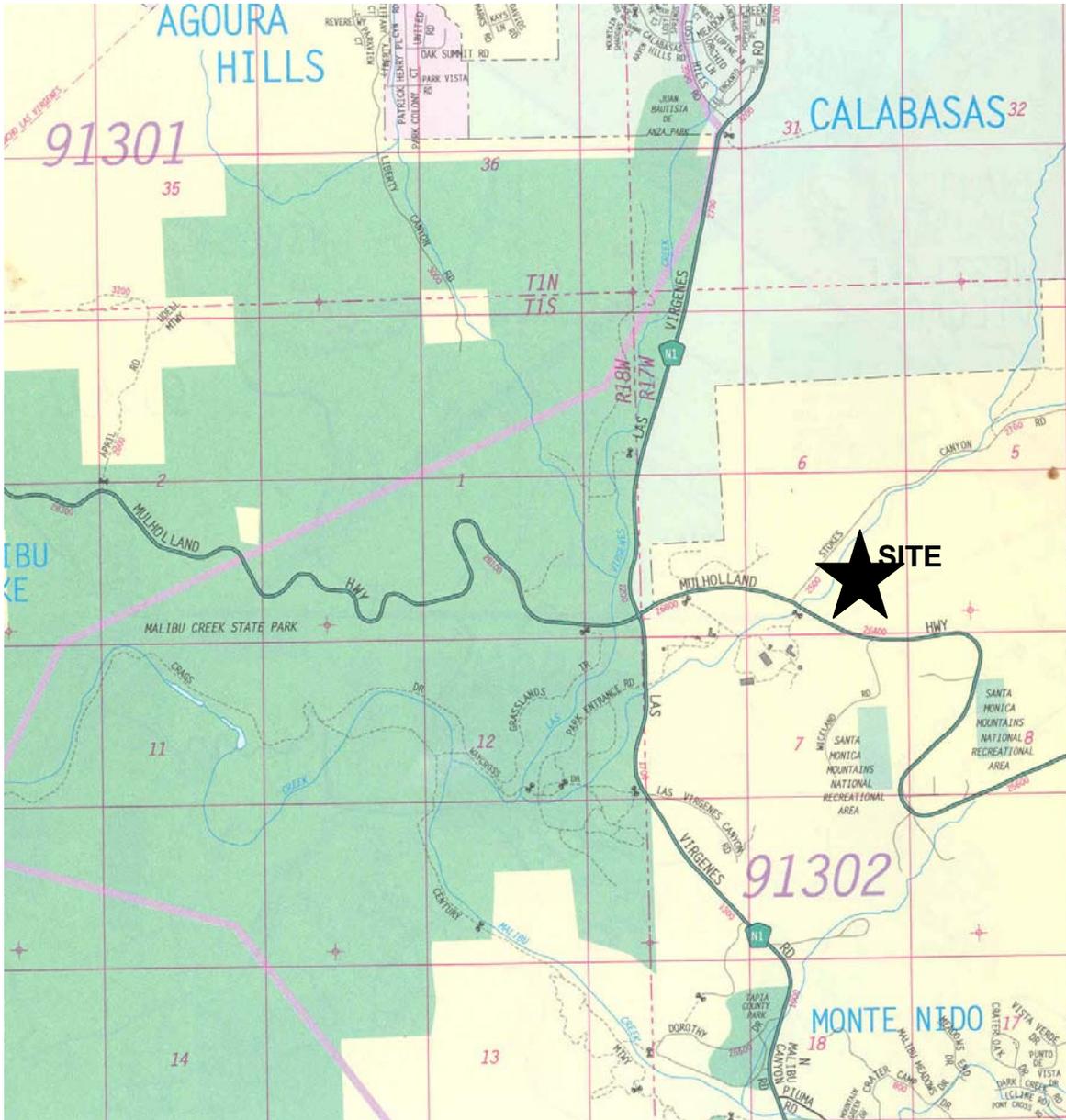


Exhibit 1
4-00-279-VRC
Vicinity Map

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. Ghick
Lora Lee Moore
Lewis G. Feldman
Mark P. McClanathan
John A. Kucanomon
Stanley W. Lamport
Randall W. Black
Perry D. Mocciano
Jess R. Bressi
Gregory J. Karm
D. Scott Turner
Sandra C. Stewart
Mathew A. Wyman
Randy P. Orlif
Kenneth Williams
Laurel R. Ballard
Amy H. Wells
Scott D. Brooks
Gary P. Deown
Valerie L. Flores
Preston W. Brooks
Paul J. Titcher
Robert J. Sykes

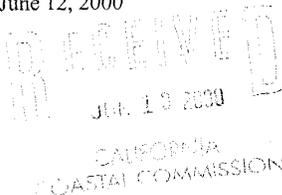
Alfred F. DeLeo
Stathi G. Maropoulos
Camelia Kuo Schuk
Charles J. Moore
Robert P. Doty
Stuart I. Block
Herbert J. Klein
Estelle M. Braaf
Adam B. Weisburg
Jeffrey A. Gagliardi
Jonathan Sears
Scott L. Grossfeld
Robert M. Haigh, Jr.
Richard J. Katsir
Anne-Marie Reader
Perry S. Hughes
Veronica P. Davies
Judy Man-Ling Lam
Edward F. Quigley III
Daniel J. Villalpando
Christopher R. Cheloden
Kevin J. Crabtree
Peter Y. Lee
Seth I. Weissman
Loryn Dawn Arkow
Jason A. Hobson
Steven M. Muldowney
Perris S. Victor
Stephen E. Abraham
Tara N. Morris
Tuan A. Pham
Paddy Sharifian
John M. Trutt
Lawrence Venick
Joanna C. Huchting
Hans Lauterbach
Michelle Poole
Carolyn Yashari Becher
Cecile Zapparoni
Kimberly Kester Chytraus
Joel L. Rietz

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

*A Professional Corporation

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,



Stephen E. Abraham

SEA
SEABRA11A/32051/844267v1
Enclosures (Faxed w/out Exhibits)
Cc: California Coastal Commission, North Coast Area

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

Siyan Soudraan 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.

Siyan Soudraan
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

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

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

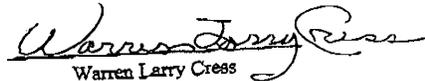
7
8 2. My house was close to the property owned by the Claretian Missions that is now
9 operated by Malibu Valley. That property was used for agriculture, growing oat hay and raising
10 livestock. The Missionaries had horses on the property. Also, a man named Luigi grazed and herded
11 his sheep on the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

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

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

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

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

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27 
Warren Larry Cress

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DECLARATION OF VIRGIL CURE

I, Virgil Cure, declare as follows:

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

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

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

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

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

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

8

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

11

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

16

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

20

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

23

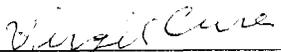
24

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Virgil Cure

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.

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DECLARATION OF LUIGI VISO

I, Luigi Viso, declare as follows:

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

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

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

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

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

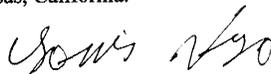
6. Each day, I turned the sheep out over the hills on the property. The sheep would graze in the areas where crops had been growing. They were watered in the creek running through the property. Each evening, the sheep would return to the flat area of the property. This was the best place to keep the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

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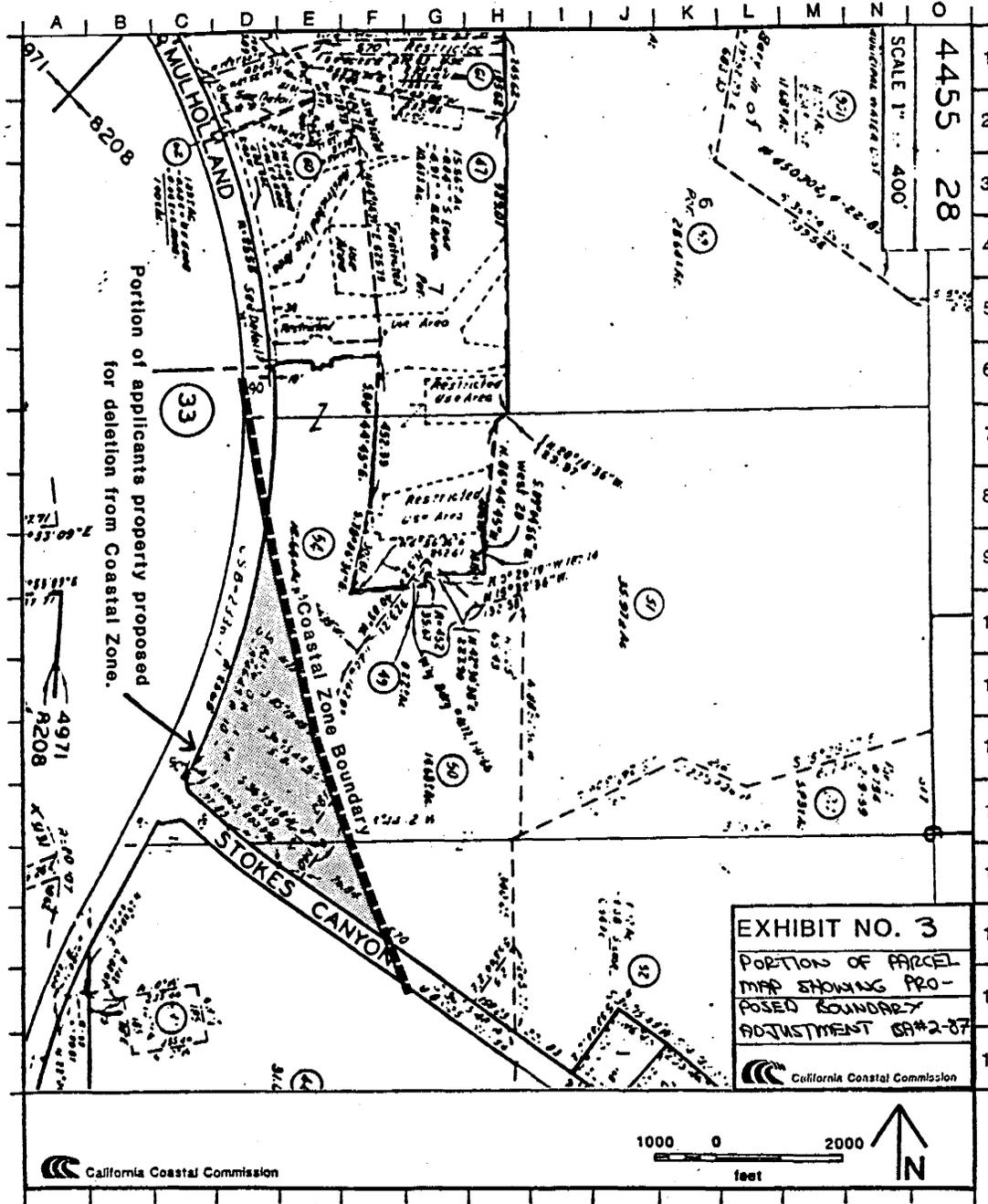
7. I also used this flat area to hold and shear the sheep. It was a perfect location for my holding pens and a stocking area. There was a horse barn nearby.

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

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



Luigi Viso



County of Los Angeles

Exhibit 1
4-00-279-VRC
Vicinity Map

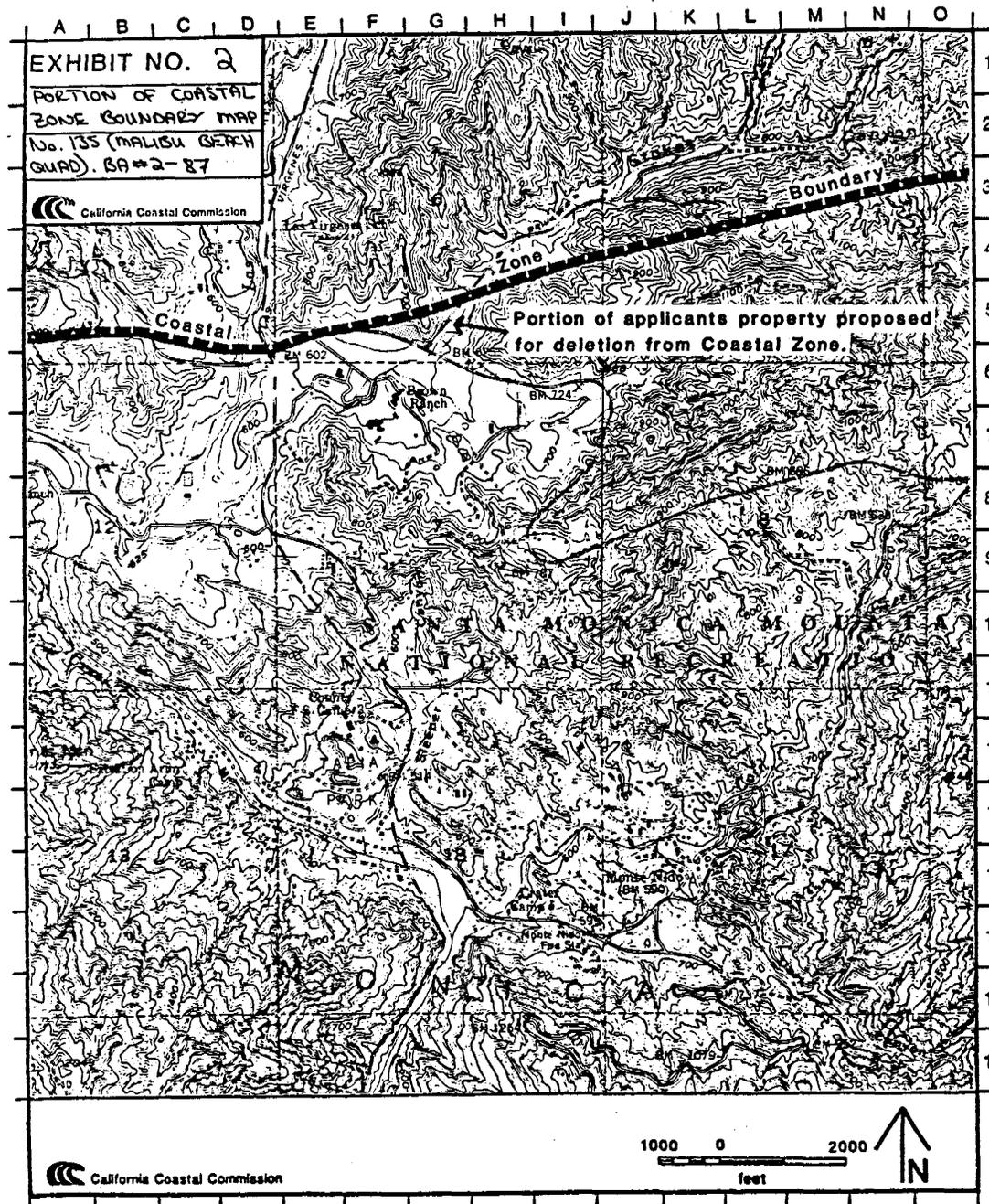


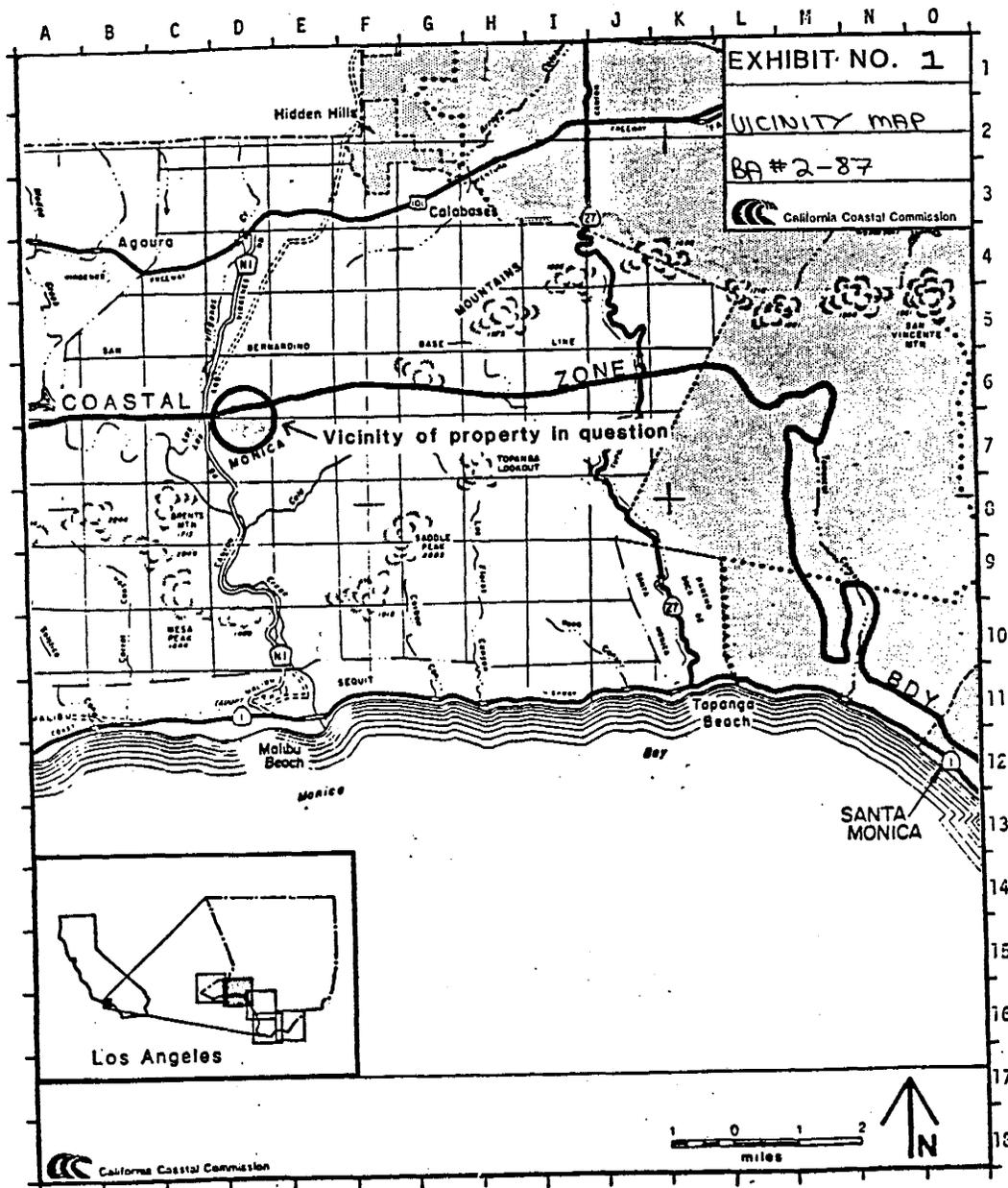
EXHIBIT NO. 2
PORTION OF COASTAL
ZONE BOUNDARY MAP
No. 135 (MALIBU BEACH
QUAD). BA#2-87
California Coastal Commission

Portion of applicants property proposed
for deletion from Coastal Zone.

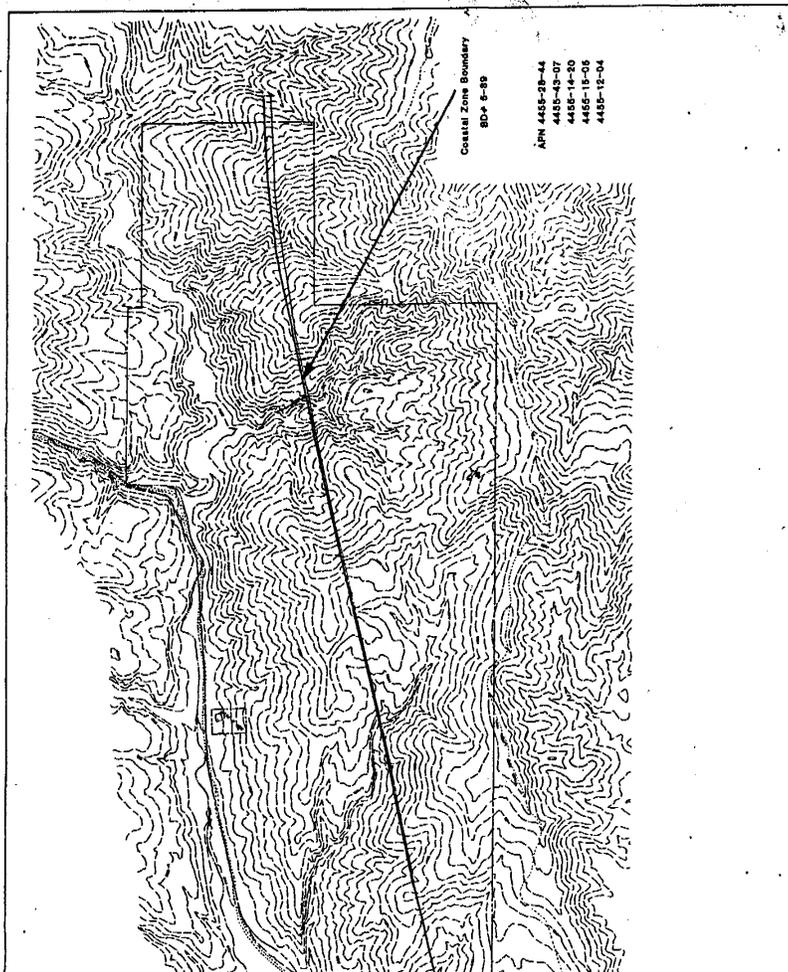
California Coastal Commission

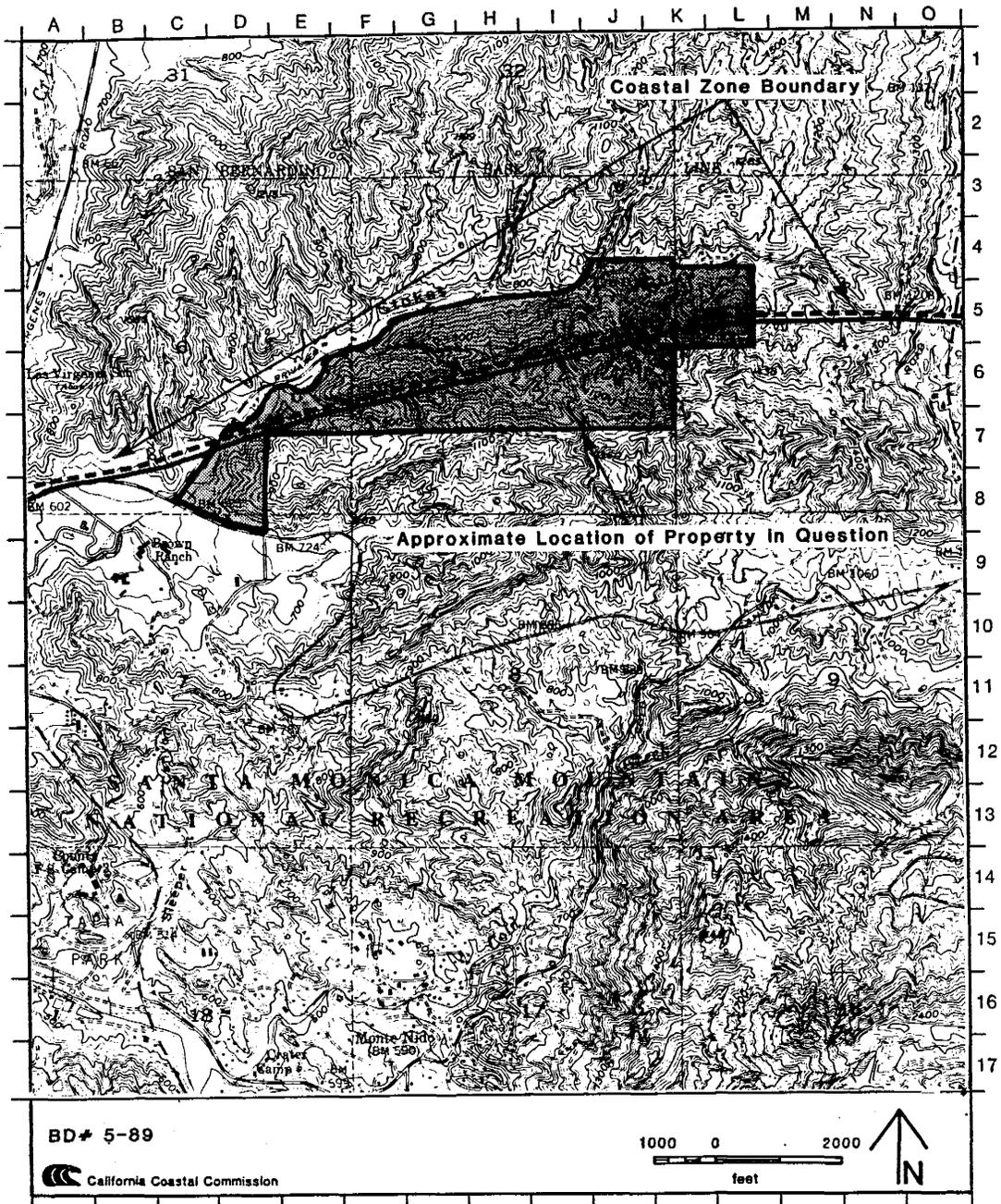


County of Los Angeles



County of Los Angeles





County of Los Angeles

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".

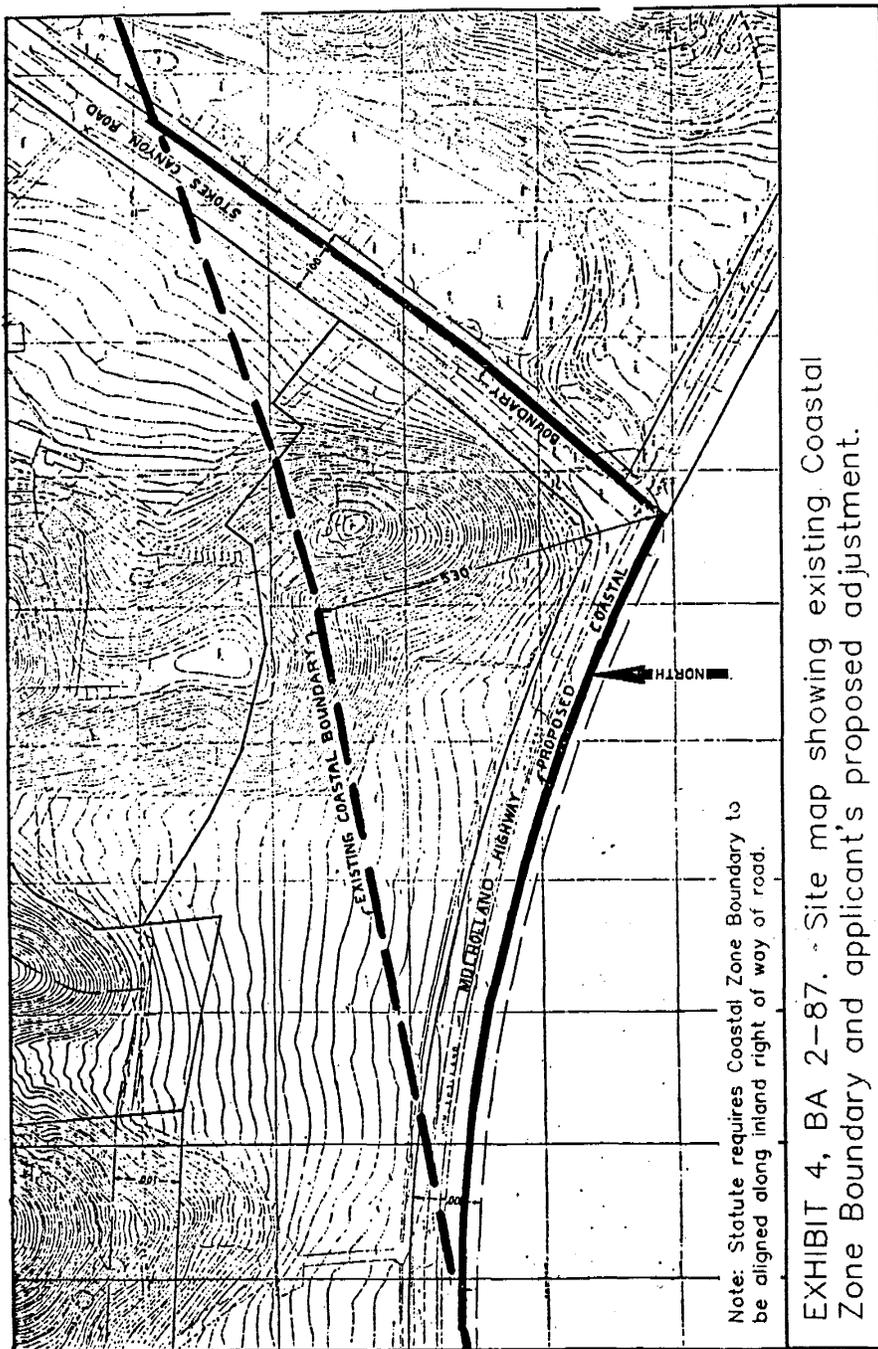
JONATHAN VAN COOPS
Mapping Program Manager

JVC:ns

cc: C. Damm, CCC-LA

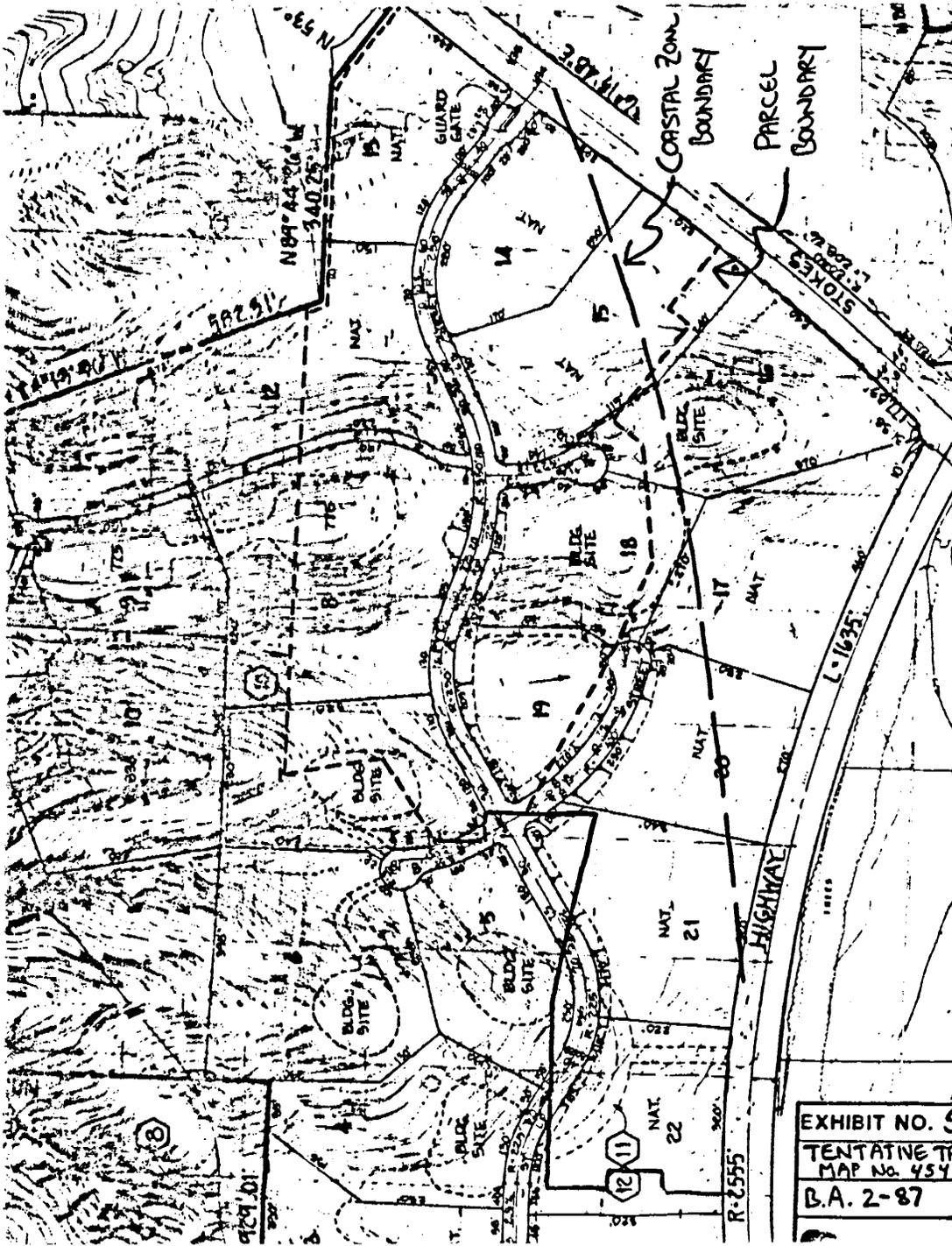
Enclosures

2242N



Note: Statute requires Coastal Zone Boundary to be aligned along inland right of way of road.

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



1/06/99 11:49 FAX

002

Robert K. Levin

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

January 6, 1999

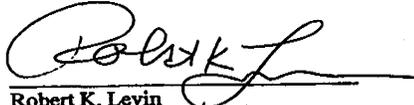
Building and Safety
L.A. County Department of Public Works
5661 Las Virgenes Road
Calabasas, California 91302

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

1/06/99 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

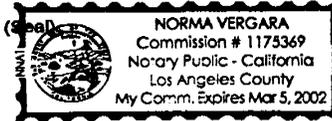


State of California)
County of Los Angeles) SS.

On 1/8, 1999, before me, Norma Vergara, Notary Public,
personally appeared Brian Boudreau, personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person whose name is subscribed to the within instrument and
acknowledged to me that he executed the same in his authorized capacity, and that by his signature on
the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Norma Vergara



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

DATE: 12/18/98
TIME: 09:12:53
ROUTE TO: BS0910

DPR4051
PAGE 1
REQUESTED BY: XXXXXXXX

FEE RECEIPT

RECEIPT NUMBER: BS09100012620

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

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

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

WORK DESCRIPTION: BARN-2464 SQ FT

FEE ITEM	FEE DESCRIPTION	STATISTICAL CODE	CALCULATION FACTOR	UNIT OF MEASURE	EXTENDED AMOUNT
AA	BLDG PERMIT ISSUANCE	A018303			\$18.90
AE	STRONG MOTION OTHER	A018303	34780.00	VALUATN	\$7.30
D1	PLANCHECK 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
CASHIER: SH

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

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

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

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

DPR4051
PAGE 1
REQUESTED BY: XXXXXXXX

MISCELLANEOUS FEE RECEIPT

RECEIPT NUMBER: BS09100012616

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

PAYMENT ACCEPTED FOR: 2200 STOKS CANYON

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

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

TOTAL FEES PAID: \$215.90

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

OFFICE: BS 0910 DRAWER: 03
ASHIER: LA

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

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

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,

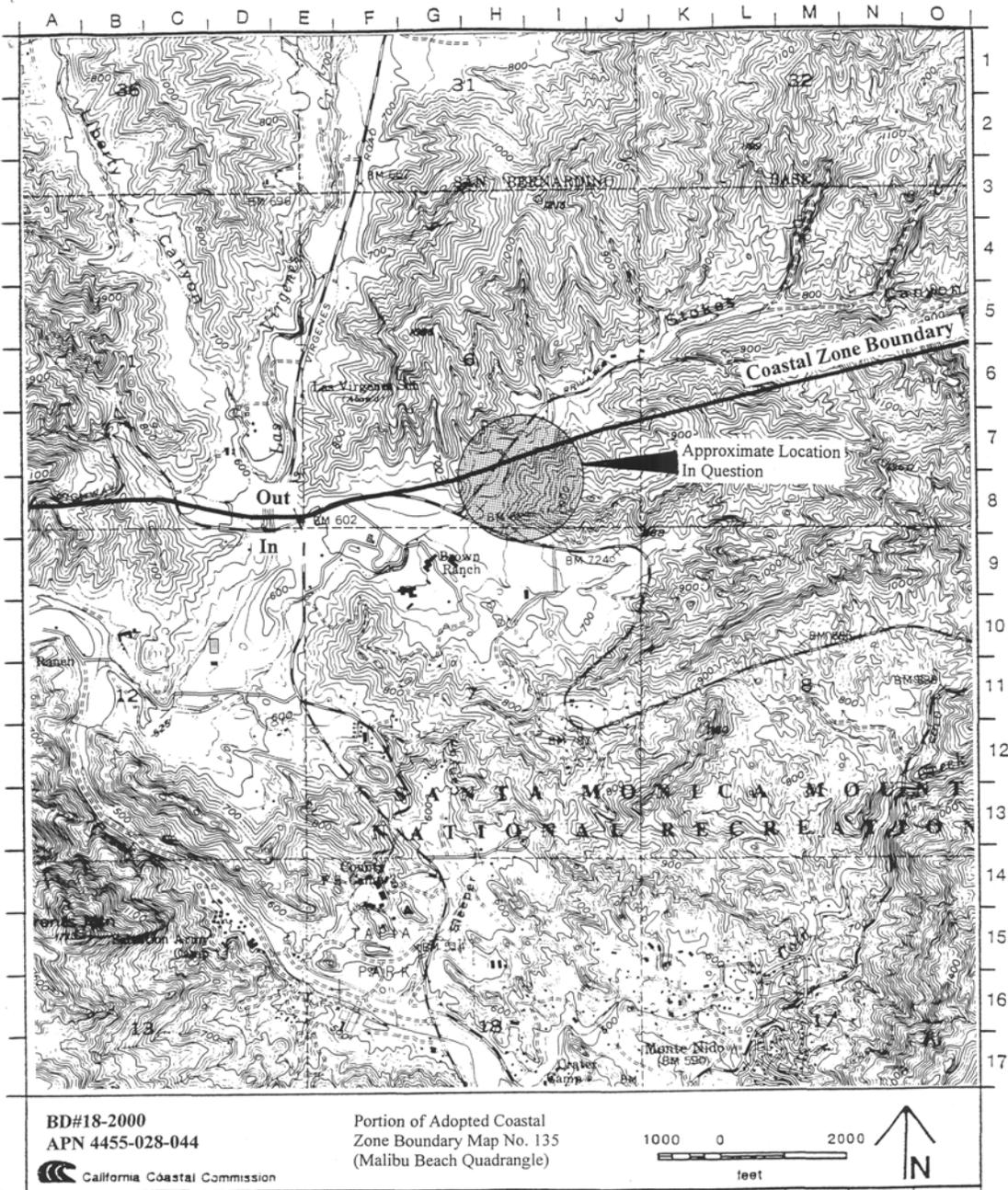
A handwritten signature in dark ink, appearing to read "Darryl Rance".

Darryl Rance
Mapping/GIS Unit

Enclosures

cc: Jack Ainsworth, CCC-SCC

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



BD#18-2000
APN 4455-028-044



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



County of Los Angeles

Exhibit 1

7-98-125-y

MALIBU VALLEY FARMS, INC.

November 19, 1998

RECEIVED
NOV 20 1998

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

VIA FEDERAL EXPRESS

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

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

Dear Mr. Ainsworth:

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

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

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

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

CALIFORNIA COASTAL COMMISSION

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



EXEMPTION LETTER

4-98-125-X

DATE: December 7, 1998
NAME: Brian Boudreau
LOCATION: 2200 Stokes Canyon Road, Calabasas, Los Angeles County

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

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

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

(OVER)

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).
- 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



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 VIO.

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

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

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 Lavetta
John S. Miller, Jr.
Kenneth B. Bily
Lisa J. Waldman
John F. Nicholson
Charles E. Nomenjil
Marlene D. Goodfried
Jeffrey D. Murray
Robert D. Infelise
Tamar C. Siem
Douglas P. Snyder
Gary A. Glick
Lewis G. Feldman
Mark P. McClintock
John A. Kincaannon
Stanley W. Lemport
Randall W. Gluck
Perry D. Maccatro
Joseph R. Brees
Gregory J. Karpis
D. Scott Tisher
Sandra C. Stewart
Mathew A. Wynman
Bobby P. Orlin
Kenneth Williams
Laurel R. Ballard
Amy H. Wells
Scott D. Brooks
Gary P. Downz
Valerie L. Flores
Preston W. Brooks
Paul J. Tischer
Robert J. Sykes
Alfred E. DeLeon
Stash G. Marcolungo

* 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. Dygett
David S. Resenberg
Susan S. Davis
Samuel H. Westbard
Bruce J. Graham
Marlene H. Seiberger
Sherry M. Du Pont

Orange County Office

19800 MacArthur Boulevard
Suite 600
Irvine, California 92612-3216
(949) 478-2111 • (310) 284-2187
Facsimile (949) 476-0236

San Francisco Office

543 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
stampert@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

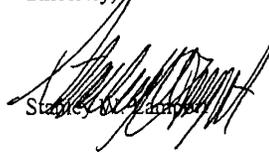
310-277-7889

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

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 Lamport 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

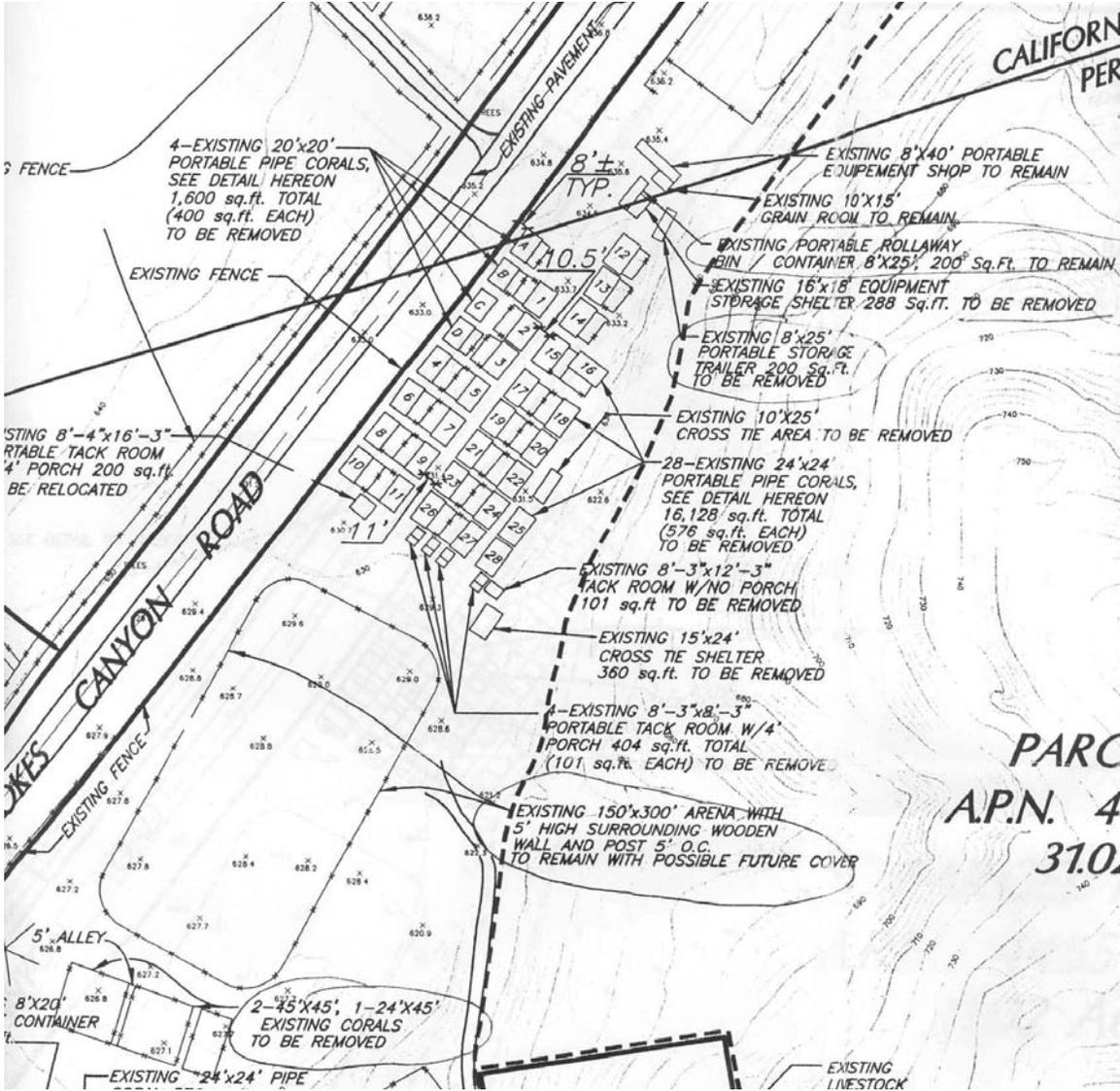


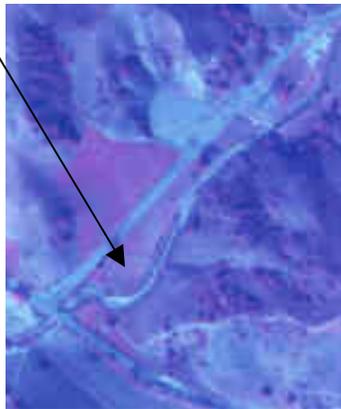
Exhibit 6
CDPA No. 4-02-131
Site Detail - North (Existing)

SITE



1952

SITE



January 24, 1977

SITE



2004

Exhibit 10
4-00-279-VRC
Aerial Photographs