



Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



February 2009, MEETING (www.lvhf.org)

Thursday, 19 February 2009, 7:30 – 10:00 P.M.

The Place – Diamond X – Take Las Virgenes to Mulholland; turn left on Mulholland. For the next 3/4 mile, the King Gillette Ranch will be on your right. After you’ve passed Stokes Canyon Road, in about 3/4 mile, you will see a sign on your right with “Diamond X” and the National Park Service logo on it. A short distance past the sign a narrow road goes south at a right angle. This is Wickland Road, and, at this point you are entering the King Gillette Ranch. Follow Wickland about 300 yards until the road forks; take the left-hand fork; keep bearing left to lighted house. Park; get out of your car; go into the lighted part of the house.

**Call to Order
Roll Call
Agenda Changes/ Approval**

**Conversation with Mary Sue Maurer (beginning at 7.45pm)
Conversation with Dale Reicheneder (beginning at 8.30pm)
Conversation with Bob Sibilia (beginning at 9.15pm)**

Old Business/ Reports

**Correspondence/Announcements, Approval of Meeting Minutes
Officer’s Reports, Delegates Reports
Banquet Report**

New Business

CONVERSATIONS WITH THE CANDIDATES

In January candidates **Jonathon Wolfson** and **James Bozajian** came to our meeting to answer questions about City business and their candidacy from the delegates. This month **Mary Sue Maurer**, **Dale Reicheneder** and **Bob Sibilila** are joining us.

These conversations will be limited to a half hour so we can complete other items on the agenda. We will begin with **Mary Sue Maurer** at 7.45 followed by **Dale Reicheneder** at 8.30 and **Bob Sibilila** at 9.15. Due to the full agenda we will not be discussing other business unless the conversations end much earlier than they did last month.

The election will be held on Tuesday, March 3rd. Registered voters may request absentee ballots from now until February 24th. For more information, call the City Clerk at 224-1661.

STEVE HESS

In late January Steve Hess, former Federation President and current MRT Board Member, became seriously ill with acute pancreatitis. He was first admitted to Los Robles Hospital in Thousand Oaks and has since been transferred to the UCLA Medical Center in Westwood. Steve is making good but slow progress in his recovery and while he cannot accept visitors just yet, Patty would be happy to share a note or a card with him during her visits. Send your thoughts, cards, and prayers to:

Steve Hess
28907 Wagon Road
Agoura, CA 91301

COASTAL COMMISSION APPROVAL OF MALIBU VALLEY FARMS OVERTURNED BY COURT

The long saga of Malibu Valley Farms took another twist when a Los Angeles County Superior Court Judge overturned the Coastal Development Permit granted in July of 2007 to allow an existing equestrian facility to continue operations despite its being closer than the required setback from a blue line stream.

A little-known environmental group, known by the acronym of "**CLEAN**", filed suit to overturn the approval, claiming that the Coastal Commission had "abused its discretion" and failed to base its decision and subsequent findings on "substantial evidence". On January 23 Judge **James C. Chalfant** of the **Los Angeles County Superior Court** overturned the Coastal Commission's 2007 approval of Malibu Valley Farms' buildings, storage facilities, manure storage areas, corrals, and 25,000 sq ft riding ring, much of it within the flood plain and/or the required 100' setback from the riparian "Environmentally Sensitive Habitat Area" of Stokes Creek.

To overturn a Coastal Commission permit approval, it is not only necessary for the appellants to demonstrate that false information was given to the Commission, but they must also show that that false information “impacted prejudicially on the commissioners’ vote.” CLEAN was successful in demonstrating this “prejudicial impact” to the Court on the following grounds.

The Revised Findings for Malibu Valley Farms consistently reference the approval by the Los Angeles County **Environmental Review Board (ERB)** of the Malibu Valley Farms development as a basis for the Coastal Commission’s decision not to apply the requirement for a 100’ setback from Stokes Creek and its riparian corridor. The ERB made no such evaluation.

(The Environmental Review Board is a County advisory committee made up of “experts in resource management” that is supposed to review all projects in sensitive areas of the Coastal Zone and make recommendations to the County and the Coastal Commission.)

In January 2003, the ERB was asked to review a proposal to remove some of the illegal buildings along Stokes Creek. The ERB approved the removal of the illegal buildings, but it was **never** consulted about the proposed new construction for Malibu Valley Farms that was finally approved in July 2007.

At the July 2007, hearing Mr. Boudreau’s attorney, Fred Gaines and his expediter, Don Schmitz, told the Coastal Commission that the ERB had reviewed Malibu Valley Farms’ new development and approved exempting it from the 100’ riparian setback requirement. This statement found its way into the findings adopted by the Coastal Commission last summer to give legal justification to explain why the Commission had overridden a staff recommendation of denial and approved Malibu Valley Farms.

Fred Gaines and Don Schmitz also told the Commission that Supervisor Zev Yaroslavsky was in favor of Malibu Valley Farms. Zev denied this in a letter to the Coastal Commission and while this did not affect the validity of the approval, the statement about the ERB did because it eliminated the justification for exempting Malibu Valley Farms from the required 100’ riparian setback leaving that finding not supported by “substantial evidence”.

Judge Chalfant concluded, “...*The Commission’s findings must be supported by substantial evidence. The findings rely on ERB approval of the 2003 project, and that is not substantial evidence on which the Commission can base an approval of the existing equestrian facility without a 100 foot setback.*”

“The Commission must consider whether to approve the project’s existing facilities without a 100-foot setback through evidence besides the more limited ERB approval.”

Judge Chalfant states in conclusion, *“To the extent that the Commission relies upon the ERB approval as justification for not imposing 100 foot setback for water quality, it may not do so for the existing facility.”*

“The Commission’s revised findings rely on the ERB’s 2003 approval of a project for the construction and removal of structures at Malibu Valley Farms. That approval did not include environmental approval for the existing equestrian facility.”

“The Commission’s findings are not supported insofar as they rely on the (2003) approval, including the findings for the 100 foot setback and water quality. The petition for writ of mandate is granted. A writ will issue directing the Commission to set aside its revised findings, reconsider those findings and/or its approval of the project without relying on the ERB’s (2003) approval for the existing facility, and conduct such further proceedings, including a new hearing, as it deems necessary.”

It certainly is likely that Judge Chalfant’s decision will be appealed.

It should be noted that the Federation has never objected to putting an equestrian facility in an environmentally acceptable location on the Malibu Valley Farms property. The objection has been to the placement of this facility, which was established without permits or proper environmental review, within the 100’ riparian setback from Stokes Creek, creating the potential for a public health hazard and setting a precedent for other encroachments on our streams and woodlands.

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The Federation congratulates, CPHA President, **Gary Klein**, named Calabasas Citizen of the Year by Mayor Mary Sue Maurer at the City’s recent 11th Annual Mayor’s State of the City Address held on Wednesday, January 21, 2009 at Founders Hall.