

# Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



*"The voice and conscience of the Santa Monica Mountains since 1968"*

02-04-11

## NEWS WATCH

### Calabasas Voters Have A Right To Know...

## HE CAN RUN, BUT HE CAN'T HIDE HIS RECORD

As the voice of and long-time advocate for preservation in the Santa Monica Mountains, we continue to watch the Calabasas election with incredulity. Candidate Fred Gaines continues to keep voters in the dark about his track record of representing developers and suing on their behalf to skirt the law and negate our resource protections. Adding insult to injury is his attempt at selling himself on the most disingenuous of platforms – that of environmental attorney. As Federation delegates and members and the greater Santa Monica Mountain communities know only too well, this is simply ridiculous.

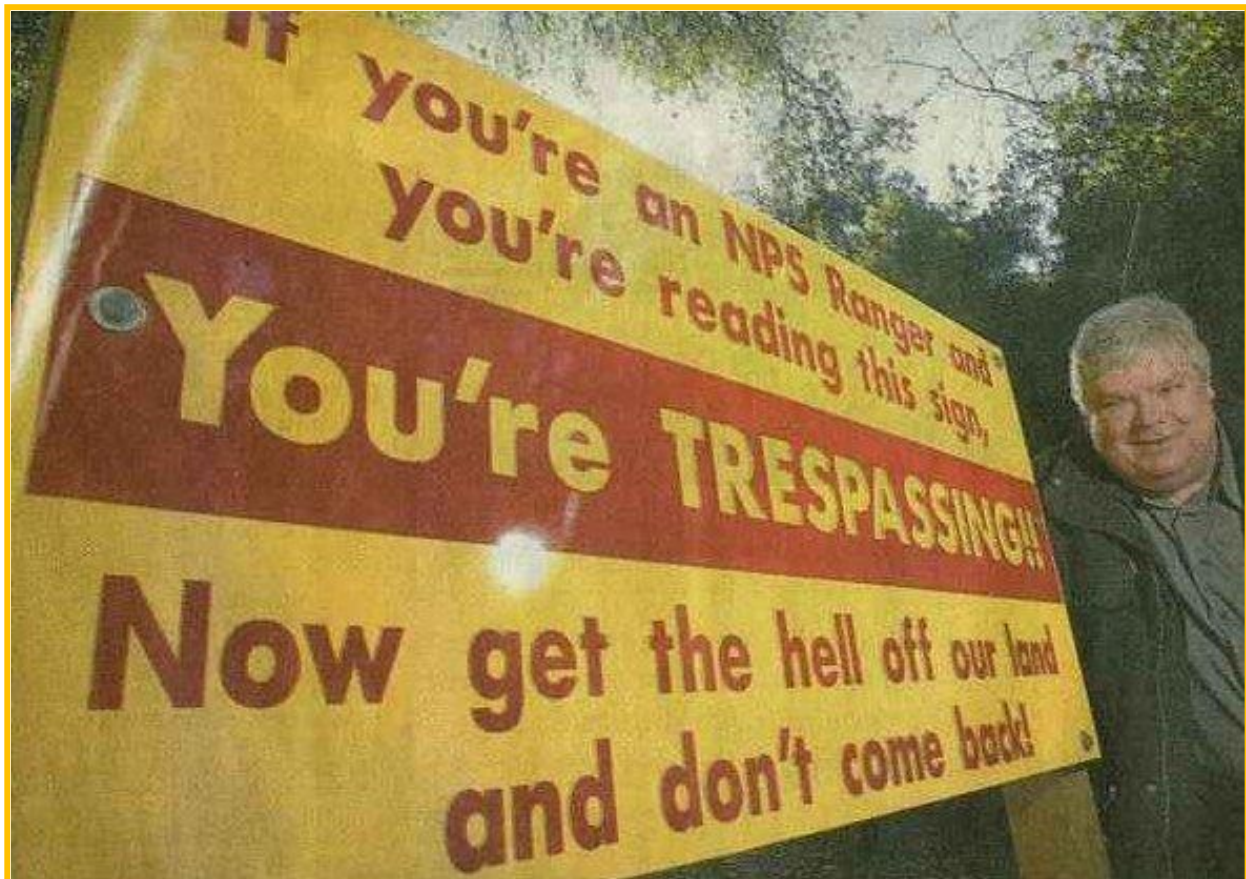
Fred Gaines obviously knows what Calabasas voters want to hear and is afraid that they will learn what he does for a living and find out the scars his clients have left on the environment. Do you think perhaps the unraveling of the City's hawk on his campaign logo represents what the outcome to the City and the mountains would be?

Who is helping him pull the wool over the voters' eyes, and why? Even before the race officially started, the City Council crowned Gaines heir to the throne to keep voters from objectively evaluating the candidates. That support has become even more evident from certain Council members despite the facts about Gaines that have since been brought forth. As pressure to expose this factual information mounts, so do the efforts to keep that information from reaching the voters.

What do you think the repercussions are going to be when voters discover they are being hoodwinked?

**FRED GAINES VERSUS:  
THE NATIONAL PARK SERVICE  
THE COASTAL COMMISSION  
LOS ANGELES COUNTY  
THE PUBLIC**

This is a Fred Gaines client whose project on Castro Peak in the Santa Monica Mountains "pitted him against Los Angeles County, the National Park Service, the California Coastal Commission and two dozen neighbors, whom he [his client] dismisses as "hillbillies." (*Los Angeles Times Feb. 5, 2004*)



*"James A. Kay Jr., the target of a federal investigation over an illegally cleared road across neighboring national parkland, stands by his sign with a message for National Park Service rangers. He has also been cited by the county for violating building codes."*

*(Los Angeles Times, Feb. 5, 2004)*

Gaines pursued a nasty battle, with lingering effects, against the “good guys” — our state, county and national park officials — who were, “upholding the law insisting he [Gaines’ client] follow development rules that ensure public safety, protect habitat for wildlife and make sure neighboring development is compatible with park wild-land areas set aside for the public.” \*\*\*

Imagine what Gaines cost the taxpayers in this lengthy attack on agencies dedicated to protecting *our* — the public’s — best interests?

Here’s the story, which has been culled from several *Los Angeles Times* articles and a Coastal Commission Cease and Desist Order:

Gaines’ client, businessman James Kay, “has been cited by the County for violating building codes, drawn a cease-and-desist order from the Coastal Commission for blazing roads without permits and become the target of a federal investigation over an illegally cleared **road cut across neighboring national parkland.**” \*\*\*

Kay threatened to “pave a nearly mile-long stretch of the Backbone Trail, which runs through state and federal parkland along the spine of the Santa Monicas.” \*\*\*

“I intend to pave it like the Ventura Freeway expansion project,” \*\*\* Gaines’ client said.

In 2003, without applying for any of the required permits from the County or the Coastal Commission, \* \*\* Fred Gaines’ client graded over two miles of illegal roads up to 20’ wide through unspoiled environmentally sensitive habitat areas on Castro Peak, one of the highest ridgelines in the Santa Monica Mountains. \* \*\*

According to the Coastal Commission Cease and Desist Order, this “unpermitted development” included “ ... removal of major vegetation, disturbance of Environmentally Sensitive Habitat, including, but not limited to, removal of native chaparral and damage to native oak trees; grading and clearing of new roads and pads; unpermitted streambed alteration ... construction of unpermitted structures ... and unpermitted development on federally-owned National Park property ... “ \*\*

All this was done without any permits whatsoever and in violation of county grading ordinances and Sections 13253, 30240, 30231, 30251, and 30253 of the California Coastal Act of 1976 —\*\* - *and* this illegal grading went on for over a year before it was finally stopped.

Coastal Commission staff described the area where Kay had done his unpermitted grading as “being in a highly scenic area” and “represent(ing) a substantial public investment in adjacent open space and recreational lands.” \*\* Los Angeles County’s

Local Coastal Plan identifies the Castro Peak area, where most of the grading took place, as a “significant ridgeline ... and one of the most visible landmarks in the Santa Monica Mountains ...” \*\* Some of this grading and unpermitted development took place on a linear half-mile of protected park land owned by the National Park Service.\* \*\*

Fred Gaines, acting as Kay’s attorney, and Gaines’ associate, development expediter Don Schmitz, claimed the grading was ordinary “routine maintenance” of “old roads” \* and “minor brush clearance” and was “**beneficial to wildlife,**” \*\* but the Coastal Commission staff demonstrated that the work Kay had done – with Fred Gaines’ apparent blessing — “goes well beyond normal repair and maintenance activities” \*\* and resulted in “broad and deep cuts in the steep mountainside.” \*\*

Coastal Commission staff carefully researched old maps and aerial photos and found that contrary to what Fred Gaines had claimed, “none of Kay’s new roads had existed before (Kay’s) work crews began to clear chaparral, trim oak trees, and grade road beds in 2001.” They continued to claim that all the grading was on pre-existing roads, but produced no evidence to support that claim.” \*\*

On October 24, 2003, the Executive Director of the Coastal Commission issued a Cease and Desist Order directing Kay to cease all unpermitted development. Instead, Fred Gaines, acting as Kay’s attorney, demanded that “ ... the (Coastal) Commission retract the Cease and Desist Order on the grounds that they (Kay and Schmitz) have not violated the Coastal Act.” \*\*

According to the *Los Angeles Times* on December 13, 2003, the Coastal Commission staff presented the aerial photos and other evidence of Kay’s illegal grading to the full Coastal Commission and the 12 Commissioners voted unanimously to issue a Cease and Desist Order forbidding Fred Gaines’ client from “grading roads, altering streambeds, and disturbing environmentally sensitive chaparral and oak woodlands.”

Instead of urging his client to obey the law and apply for the required permits before doing any further work, Fred Gaines continued to assert that no resource damage had been done, including no damage on the National Park property, in spite of clear evidence to the contrary. **He even went to the extent of claiming park rangers were harassing his client while in the course of doing their job of protecting open space and public parkland.**

According to the *Los Angeles Times*, “Kay’s neighbors say he is a bully.”

“It’s just plain meanness,” said Linda Palmer, a longtime leader of the Santa Monica

Mountains Trails Council. "He's not hurting the Park Service' as he intends, she said...." He's hurting people."\*\*\*

According to Nancy Goldstein, a lawyer who defended Kay's neighbors against a lawsuit he filed, "**Fred Gaines sued everyone on Castro Peak Motorway to gain access for his commercial client, James Kay. He gave them limited time to respond, ignored their responses and sued them anyway.**"

As a candidate for City Council, Fred Gaines is currently paying lip service to promises of "open space" and "environmental protection." But a very different Fred Gaines can be seen in his refusal to stop his client's egregious violations on National Park Service property and in his refusal to require him to take out the legally required County and Coastal Commission grading permits before moving earth.

Fred Gaines can't hide the fact that he has made a career out of representing developers who flout our environmental laws and then hire attorneys like him to help them find ways around those same laws, which are supposed to protect our quality of life and the environment in which we live.

\* Los Angeles Times, December 13, 2003 (see below)

\*\* Coastal Commission staff report and findings "Restoration Order and Cease and Desist Order, CCC-03-RO-009, CCC-03-CD-015." November 25, 2003.

\*\*\* Los Angeles Times, February 05, 2004

<http://articles.latimes.com/2004/feb/05/local/me-kay5>

*Article Excerpted from the Los Angeles Times:*

## **Property Owner Must Stop Building Roads in Hills**

*Coastal agency orders a Las Vegas man to restore land in the Malibu mountains where he built without permits.*

**December 13, 2003** | Kenneth R. Weiss | Times Staff Writer

SAN FRANCISCO — The California Coastal Commission on Friday ordered a Las Vegas businessman to halt building dirt roads without permits on his property and on adjacent national parkland in the mountains above Malibu, and told him to restore the newly cut slopes before winter rains erode the environmentally sensitive area.

The decision came after attorneys for James A. Kay Jr. of Las Vegas made an unsuccessful effort to postpone any commission action by seeking a temporary restraining order in Los Angeles Superior Court.

The 12-member Coastal Commission voted unanimously to order Kay to cease and desist from grading roads, altering streambeds and disturbing environmentally sensitive chaparral and oak woodlands after viewing photographs depicting what commission enforcement officers characterized as more than two miles of new dirt roads.

Kay did not appear before the commission. But his representatives vigorously defended his actions, explaining that Kay broke no laws because his work crews simply cleared some brush and removed rocks from old farm roads that predate the Coastal Act, which gives the commission its jurisdiction. Kay's representatives denied that their client had cleared brush on land that is part of the adjacent Santa Monica Mountains National Recreation Area.

Kay's planning consultant Donald Schmitz and lawyer Fred Gaines said routine maintenance of existing roads on private property usually doesn't require permits, but added that their client has since requested permits anyway and has faced nothing but delays.

**Gaines suggested that his client's troubles are being orchestrated by the National Park Service**, which had an agreement to buy the land from its previous owner, Brian A. Sweeney, until Kay stepped in and bought it instead.

"The park service wants to buy this property and the commission is doing everything it can to assist the park service in obtaining the property," Gaines said. He noted that his client has no other way to gain access to the remote and rugged property without using the newly cleared dirt roads.

Both commission and National Park Service officials scoffed at the idea of any joint effort to gain control of Kay's land. "That was news to us that we are in collusion with the National Park Service," said Lisa Haage, the commission's chief of enforcement. **She said the commission is simply trying to protect a nearly pristine area and uphold state law.**

**More on... Fred Gaines Fought to Close Off BackboneTrail Segment at [www.listencalabasas.com](http://www.listencalabasas.com)**

This article in the LA Times identifies Fred Gaines as Mr. Kay's attorney:

<http://articles.latimes.com/2003/dec/13/local/me-kay13>

As does this report from the California Coastal Commission on the cease-and-desist order:

<http://www.coastal.ca.gov/legal/F12-12-2003.pdf>

This article from the Malibu Surfside News also identifies Mr. Gaines as the attorney for Mr. Kay:

<http://www.malibusurfsideneews.com/stories/200705/20070531003.html>

The LA Times presented an extensive article covering Mr. Kay's several lawsuits, including those with his Malibu neighbors, at <http://articles.latimes.com/2004/feb/05/local/me-kay5>

# GAINES SUES COASTAL COMMISSION AGAIN

*In 1972 the people of California voted overwhelmingly to protect our magnificent coastal areas from excessive development. In 1976 the Legislature passed the Coastal Act, which limits development in coastal areas – including much of the Santa Monica Mountains - and gives special protection to areas with sensitive scenic and biological resources.*

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Here's a look at another one of Gaine's latest lawsuits, filed on December 3, 2010. In *Malibu Colony Neighbors Alliance, et al vs. California Coastal Commission* (CPF-10-510909), his elite clients are trying to retain private access to the public parkland in Malibu Lagoon.

Some history: Many, but not all, of the residents in the Colony have gates that open onto the backside of Malibu Lagoon, **which is state park property**. Since at least 1983 they have built, stairways and pathways, planted vegetable gardens, trimmed trees to improve their views, dumped refuse and construction debris—**all on land that belongs to state taxpayers**. Some even had their plumbers direct their home's gray water into the Lagoon itself.

California State Parks, in its ongoing restoration of the Lagoon, is constructing a protective wall—one that resembles the vintage masonry wall at the nearby historic Adamson House—where the homeowner's fences and gates now stand.

The wall will not only grant privacy to Malibu Colony residents when public access is redirected at the Lagoon, it will also form a defense for the Colony homes against brushfires coming from the northeast.

While they don't necessarily object to the wall, the homeowners asked for private access to the Lagoon and beyond through their own, exclusively controlled, gates. The Coastal Commission denied their request, so Mr. Gaines sued on their behalf.

They want to continue to have their own private access to the park. If everyone who lived next door to a state park had private access like Gaines' clients, our parks would lose acres to habitat degradation and erosion. Thus, it is another assault on the integrity of our parks.

Gaines fights and sues for private citizens against the public's best interest and around laws and protections instituted to protect our resources.

His actions are contrary to the very essence of the office of City Councilmember and contrary to the greater good of the citizens of Calabasas. His record is of representing clients who fight to overcome the enforcement of codes and laws to the detriment of all citizens. Now voters are being asked to believe the flip flop and entrust him to enforce the very laws he's been suing to circumvent?

No, of course not, that's why he's trying to keep his record off the record.

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## **Excerpts From Previous *Newswatch* Issues**

Fred Gaines - a candidate for Calabasas City Council has *elected* to build a reputation for representing land developers before the County, the Coastal Commission, the City of Los Angeles and, ultimately, the Court of Appeal.

Many of the development proposals that Gaines has been hired to defend are already in violation of the planning laws of their community and some are among the most controversial developments proposed in recent years.

Others are efforts to circumvent zoning laws and environmental protections with such claims as, "invalidate the Ordinance", "the new Ordinance inapplicable."<sup>i</sup> Additionally, applications have been made to the Coastal Commission for example with staff recommended denials because the proposed project (in this case on the Henry Ridge Motorway) is, "new development within an environmentally sensitive habitat area (ESHA) in non-compliance with the resource protection policies of the Coastal Act...increasing the density and intensity of use on the site."<sup>ii</sup>

As an organization that has spent 43 years protecting the Santa Monica Mountains, we know full well what Fred Gaines' track record is on behalf of his developer clients. The Federation recognizes the negative and cumulative impact his efforts of repeatedly challenging and thwarting the laws that protect the environment have had on our mountains and magnificent wild places.

We ask: Why does Mr. Gaines *choose* to fight for the short-term profit needs and greed of his developer clients over the citizens' long term needs for open space, a quality environment and the preservation of our wild and scenic resources for the future?

It's not about an isolated incident but a chosen path....



# GAINES LOSES LAWSUIT TO DEVELOP CALABASAS PEAK MOTORWAY SIGNIFICANT RIDGELINE

Calabasas, you can thank the County of Los Angeles for protecting the significant and stunning ridgeline that looms distinctively over your city. It's not just any ridgeline; it's the iconic crest of the Santa Monica Mountains west of Old Topanga known as the Calabasas Peak Motorway. Calabasas Peak is one of the Sierra Club's famous "100 Peaks" beloved by mountaineers.

But if it were up to attorney Fred Gaines, who represented three developers—Sound Garden, LLC, Brown Derby, LLC, and Capital State, LLC—who planned to develop that ridgeline, there would already be mega-Mc Mansions lining the crest and ruining Calabasas residents' view of this scenic mountain resource.

Mr. Gaines didn't just advocate for the above-mentioned clients, he sued the County of Los Angeles *to get around* the County's Grading and Significant Ridgeline Ordinance. Aided by well known pro-development facilitator Don Schmitz, the group also tried to activate expired site plans for the mountaintop. Together they worked at circumventing the County's zoning codes and resource protections, contrary to the law and to the public's best interests.

The County's Grading and Significant Ridgeline Ordinance, adopted in December 2004, dictates that any new construction needs to be 50 lateral feet and 50 vertical feet below a designated "significant ridgeline" and that any grading exceeding 5,000 cubic yards of total cut plus fill requires a conditional use permit. (The City of Calabasas has since adopted the same significant ridgeline setback restrictions in its Development Code.)

In his lawsuit against the County, Gaines tried to prove that his clients' parcels were, *"exempt from the Ordinance regulations..."*

The County wasn't allowing his clients to proceed, Gaines alleged in court documents, *"in order to preserve the Parcels, which are surrounded by public parkland and hiking trails as open space for public use."*

Wow. That's an eye opener. Are we to believe that in *Gaines speak*, lawful enforcement of the significant ridgeline ordinance and other planning policies and conditions are actually a ploy to steal his clients' land? That's equivalent to a speeding motorist accusing the police of stopping him to confiscate his car!

Do Calabasas residents agree with Gaines and want to help increase profit for developers by helping them circumvent environmental protection laws such as the Significant Ridgeline Ordinance? Do they think that the preservation and public use of open space are bad things? Calabasas is known as the “Gateway to the Santa Monica Mountains National Recreation Area,” so are Gaines’ actions on behalf of developers outside of the city irrelevant? **No!** We know they are relevant because: The Calabasas General Plan defines what makes Calabasas a special place—along with its goals and vision for the future:

“Calabasas is located in a beautiful natural setting that the community **intends** to protect for the enjoyment of future generations.”

“Maintenance of a high quality of life is dependent upon a high quality environment.”

“The natural environment is the key to Calabasas’ desirability and a critical community asset.”

“Highest priority is placed on protection and stewardship of designated open space and acquisition.”

“Minimize the environmental impacts of development – **including impacts to landscape and viewsheds.**”

“Calabasas’ view of environmental issues **is broad...and extends geographically, and is reflected in the community’s participation in regional planning and visioning programs!**”

Shouldn’t Gaines and his clients take responsibility for the real estate investments they make and follow the same laws that everyone else has to abide by – even if that means they make less money? (We wonder how many tax dollars Gaines has cost county and state taxpayers by challenging planning and land-use laws?)

In his petition for writ of mandate and complaint in the Calabasas Motorway case, Gaines alleged that the City of Calabasas, in cahoots with the County, had delayed the approval of a permit for geological testing—a process that typically takes a few weeks—for two months. “*Clearly the County, in concert with the City of Calabasas and the County Board of Supervisors, was engaging in stall tactics,*” it reads.

Gaines even cites Maureen Tamuri, the Community Development Director for Calabasas, who reflected in an e-mail, “I can assure you all that we too are concerned...” [about the tactics to skirt ridgeline protections and others].

Gaines attempted to gain easements for his clients’ access to their property through **Conservancy parkland!** And through the City of Calabasas —**through Mountain Park Estates**—which is gated—and a portion of the **Calabasas Highlands**, which, among other impacts, would have wreaked havoc on the substandard streets in that antiquated subdivision.

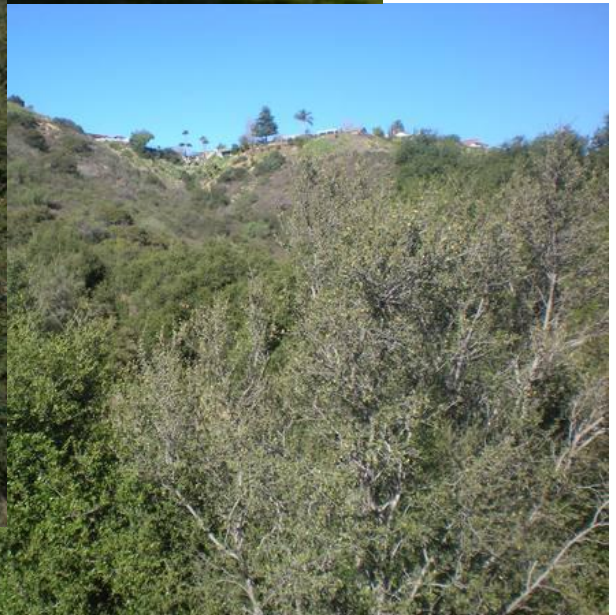
Do you think Fred Gaines, now a candidate for City Council, will do an about-face and start instituting protections for environmental or scenic resources if he is elected given that he doesn't think his clients must abide by laws that are already in place—as he did in the Calabasas Peak Motorway case? Calabasas residents know the Santa Monica Mountains don't stop and start in Calabasas.

Fred Gaines has built a reputation defending developers as clients and arguing on their behalf. He can pick and choose his clients, and he has done exactly that. No one compelled him to do so. He makes choices, and he lives what he believes.

Fortunately, Fred Gaines lost his lawsuit against the County—it was dismissed with prejudice!—and Calabasas residents, at least for the moment, were spared the impact of McMansion-ization of their very significant ridgeline.

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*These are pictures of the 58 acres of open space and golf course located in Tujunga - Verdugo Hills – that attorney Fred Gaines representing developer, Snowball West Investments, LLP is trying to develop into a dense 229 unit housing tract. (See story below).*



## A FOX IN THE HEN HOUSE?

Calabasas City Council candidate, Fred Gaines, often portrays himself as a steward of the environment. Nothing could be further from the truth. Fred Gaines has a long history of representing developers and controversial projects that have had devastating environmental impacts. Case in point is Mr. Gaines' current efforts to transform 58 acres of beautiful open space and a golf course into a dense housing tract. Located in Tujunga, adjacent to the 210 freeway, the project is within the National Park Service's potential "Rim of the Valley Corridor." Gaines is representing the developer, Snowball West Investments, LLP.

The proposed project is a massive 229-unit housing development with parallel rows of four- and five-bedroom homes. **Gaines contends they [his clients] have a right to build 229 houses on the site and—pending something unforeseen—they plan to do exactly that.** (Visit [www.savethegolfcourse.org](http://www.savethegolfcourse.org) for more comprehensive information and details.)

Gaines and his client are overwhelmingly and fervently opposed by powerful environmental groups, the surrounding community and local politicians.

Los Angeles Councilmember Paul Krekorian said in a recent statement: "I fully support the efforts of Volunteers Organized in Conserving the Environment (VOICE) and the more than two dozen organizations that fight to preserve the Verdugo Hills Golf Course, an important and popular **oasis of open space** and recreational activity in our community. From the 5,000 active and involved VOICE members, to the hundreds of others in the community groups from Sunland-Tujunga to Studio City, **I am proud to stand with such forceful advocates for open-land preservation and believers in positive environmental policy.** Their efforts to save the golf course reflect a community-wide desire to maintain an open and very beautiful area for people to enjoy in an increasingly developed urban region. I will continue the fight ....to preserve this much needed green space in our community."

When you visit the website you will see that much of what Gaines is saying and doing for this developer-client is identical to the shenanigans we often see from him, including his attempts to out-manuever environmental and zoning laws. For example, Gaines said Snowball West is seeking a *lot line adjustment* that would separate the property into two parts: the hillside areas and the flatter portions of the property. Community members have questioned whether the lot line adjustment is intended to avoid the slope density ordinance instituted by the City of Los Angeles?

At a recent presentation that Gaines gave on behalf of his client, members of the public made a point of saying that the event was, designed to put a human face on Snowball West Investments, LLP, in order to mute future community opposition....and despite Snowball West's stated willingness to engage the community, their ultimate goal is to develop the property and secure what they call "a reasonable return" on their investment, even if that requires destroying the golf course.

As stated in the Draft Environmental Impact Report, the project would result in:

- significant unavoidable environmental impacts to: scenic vistas, scenic resources, existing visual character, and protected oak and sycamore trees - to name just a few.
- **the removal of 11 sycamores and 85 coast live oaks (and encroachments on 31 more).**
- greatly diminished open space scenic resource with clearing of 14 acres of pristine native habitat, chaparral etc.



The introduction of the urban development proposed by Mr. Gaines' client and the loss of this major open-space resource will compromise the rural character of nearby La Tuna Canyon. La Tuna Canyon retains its rural ambiance because of open space that has already been dedicated in the area.

We strongly recommend you visit these websites and blogs to read about this for yourself and to see Gaines in action. You will discover what this community and these environmental groups are up against in their efforts to preserve this open space and to prevent Mr. Gaines and his client from developing it.

[www.savethegolfcourse.org](http://www.savethegolfcourse.org); [www.fight2savevhgc.wordpress.com](http://www.fight2savevhgc.wordpress.com)

As you can see, what Mr. Gaines does for a living is not opinion; it is fact. He has a track record of looking for ways around environmental protections to benefit his clients and a history of looking for loopholes to circumvent zoning or laws instituted to protect resources.

Do you really think he is going to give up his lucrative client list of developers with deep pockets? Think again. More to come.....

The following is excerpted from [www.fight2savevhgc.wordpress.com](http://www.fight2savevhgc.wordpress.com)

## **Calabasas, You Have A Problem**

Posted on January 9, 2011 by STA



Fred Gaines, the attorney that represents Snowball West Investments in their vehemently opposed efforts to transform the [Verdugo Hills Golf Course](#) into housing, [has announced his candidacy](#) for the Calabasas City Council. He may present himself as an environmental advocate in Calabasas, but he's trying to wreak environmental havoc in Sunland-Tujunga. [Don't buy his lies](#) Calabasas, he's a fox and a developer's best friend trying to get into your hen house.

## **HAVE CHICAGO-STYLE POLITICS COME TO CALABASAS?**

Without considering the effects of their actions on the City as a whole or on their constituents, the members of the Calabasas City Council unanimously endorsed the election of infamous developers' lawyer Fred Gaines to the Council. They also recruited, and then unanimously endorsed Planning Commissioner Martha Fritz to fill the second vacancy on the Council. The vacancies were created by the last-minute withdrawal of Barry Groveman and Dennis Washburn from the race.

In fact, all five council members were in such a rush to endorse that they did so *before* the filing deadline for the March 8 election. Since City Hall is a "no-smoking" facility, we can't accuse the Council of hatching this scheme in a smoke-filled room, but their premature, united action was certainly in the best tradition of Chicago-style politics.

It is one thing for individual Council members to endorse the candidate of their choice, but for *all* members to act in unison and endorse the same two candidates when there were several other well-qualified candidates available smacks of an attempt to rig the election. Why did the Council "jump the gun" and make its unanimous endorsement before most citizens were even aware that there was an election coming up? Why

weren't the Council members willing to give the voters time to judge for themselves after hearing from all the candidates? It is this premature, united action by the Council that is an affront to the intelligence of their constituents and leaves the Council's motives—and judgment—open to question. Many other observers see the hand of Mayor Barry Groveman in this unusual and suspect move.

The Council's endorsement of developers' attorney Fred Gaines is a matter of special concern. It is common knowledge that Gaines makes his livelihood by representing developers before the County, the Coastal Commission and ultimately the Court of Appeal. Further, most of the development proposals that Gaines has been hired to defend were already in violation of the zoning plans of their community and are among the most controversial developments proposed in recent years. These include such projects as Fantasy Island in Triunfo Canyon; Malibu Valley Farms, across the street from King Gillette Ranch; and James Kay's illegal development on Castro Peak. With Gaines' help, Kay, a Las Vegas radio-tower tycoon, fought the National Park Service and the Coastal Commission in an effort to build his hobby ranch and to block public access to a popular hiking and equestrian trail. The *Los Angeles Times* reported Kay's threat to pave nearly a mile of the Backbone Trail, which runs through state and federal parkland: "I intend to pave it like the Ventura Freeway expansion project," he said."

So why is it a problem if a City Council member represents developers for a living? Because the quality of life in Calabasas and the rest of Las Virgenes depends on good planning and controlled, well considered growth, which in turn depends on citizen control of planning and zoning. That's what differentiates us from highly urbanized Valley areas like Canoga Park and Reseda, places that were built out by politicians who were influenced more by the short-term profit needs of their developer clients than by their citizens' long-term needs for open space and a quality environment.

Many of us moved here to escape the traffic, crowded schools, unsightly signage and poorly planned development of the San Fernando Valley, yet Calabasas Council members have decided to throw their support behind a developer's attorney with a track record of representing and supporting some of the worst developers in the area.

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<sup>i</sup> Case No. BS113291

<sup>ii</sup> Application No. 4-07-145 After-the-fact approval to subdivide in ESHA Henry Ridge Motorway, Santa Monica Mountains.