


CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-159

APPLICANT: Cardoso Trust; Lynn and Glenn Cardoso, Trustees

AGENT: Norbert and Stephanie Dall, Dall & Associates;
Susan Hori, Attorney at Law

PROJECT LOCATION: 1501 Decker School Lane, unincorporated Malibu area
of Los Angeles County

PROJECT DESCRIPTION: Construct equine facilities including 6,170 sq. ft. barn for a maximum of 14 horses, 14,000 sq. ft. covered riding arena, day-use paddocks, corrals, and trails, appurtenant ranch structures, driveways, parking areas, and drainage structures; place 300-gallon on site gasoline storage container and emergency power generator; convert existing 936 sq. ft. barn to ranch office with attached one-bedroom employee apartment, and grade 11,200 cu. yds (5,740 cu. yds. cut, 5,520 cu. yds. fill; 220 cu. yds. export) of soil. Project includes applicant's offer to deed restrict approximately 37 acres of the 40.7-acre ranch as habitat and open space, to implement a Livestock Waste and Water Quality Management Plan and Restoration, Enhancement, and Monitoring Plan, to limit future additions to on site structures, and to additionally retire development rights on 80 contiguous acres of land off site, in Las Flores Canyon.

LOCAL APPROVALS RECEIVED: Los Angeles County Department of Regional Planning Approval-in-Concept, dated March 3, 1999.

SUBSTANTIVE FILE DOCUMENTS: See Attachment 1.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed application with special conditions. The applicant requests after-the-fact approval of new equine and ranch facility development on a 40.7-acre parcel with an existing pre-Coastal Act residence and ranch accessory structures, including guest house, ranch manager's residence,

and 936 sq. ft. barn. The site has a history of continuous agricultural use within the area proposed for additional equine facility development.

The site is located within a Wildlife Corridor designated on the Resource Maps of the certified Malibu/Santa Monica Mountains Land Use Plan (LUP), and borders the Arroyo Sequit Significant Watershed. While not located within the mapped boundary of the significant watershed delineated on the Resource Maps, the Cardoso Ranch is located within the watershed's physical boundaries. A blue line stream traverses the site and joins a second, springfed streamcourse (named the "Decker School Lane Drainage" by the applicant) on site. The confluence of the two streams is tributary to the East Fork of the Arroyo Sequit – one of only two streams in the Santa Monica Mountains that supports a population of native Steelhead trout (the other is Malibu Creek). Steelhead trout are a federally listed endangered species.

The Table 1 policies of the LUP provide guidance for managing the cumulative adverse impacts to coastal resources that may result from development within designated Wildlife Corridors. Generally, within Wildlife Corridors, the Table 1 policies limit development of parcels larger than 20 acres as follows:

... Grading and vegetation removal shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road, and brush clearance required by the Los Angeles County Fire Department...the standard for a graded pad shall be a maximum of 10,000 square feet.

A strict interpretation of this guidance indicates that the applicant's proposal is not consistent with the applicable requirements of the Table 1 standards for development. The applicant proposes, however, to implement maximum feasible direct, on site mitigation, including a substantive habitat restoration and enhancement proposal that will restore areas of the subject parcel that have been historically cleared for agricultural use, a comprehensive livestock waste and water treatment plan that includes measures to collect and filter all equine facility runoff, permanent conservation of habitat and open space on approximately 37 acres of the 40.7-acre parcel (subject to continued use of designated trails within the open space area), and the retirement of development rights on 80 acres of land off site, in Las Flores Canyon.

The applicant represents (and recommended condition compliance will document) that the Los Angeles County Fire Department has verified that the proposed project will not extend fuel modification beyond that presently required by the existing pre-Coastal Act development on site, and specifically that no fuel modification or brush clearance of any kind will be required by the Fire Department for the proposed riding arena. The arena is approximately 150 feet from the blue line stream, therefore this determination ensures that the Fire Department's 200-ft. fuel modification/brush clearance requirements (mandatory for defensible

structures or structures determined to be a source of ignition), will not be invoked, and thus avoids the potential adverse affects on the riparian corridor and water quality that may otherwise have resulted from the arena's location.

As noted, the applicant also proposes additional off site mitigation of the residual unmitigated cumulative impacts caused by the intensified development of equine facilities within a Wildlife Corridor. The applicant proposes permanent conservation of habitat and open space on eighty (80) contiguous acres of land within Las Flores Canyon, through recordation of deed restrictions that will permanently retire development rights on these lands. The Las Flores Canyon acreage, while owned by the Mountains Recreation and Conservation Authority (MRCA), have been previously approved by Commission staff for four (4) Transfer of Development Credits (TDCs). The MRCA owned the lands proposed for off site mitigation at the time the TDCs were evaluated and approved by Commission staff. The deed restrictions necessary to permanently protect this acreage have not been recorded, however. The applicant proposes to record deed restrictions that will ensure permanent preservation of the full 80 acres, which is part of a larger MRCA holding of significant wildlife corridor value in Las Flores Canyon.

Staff believes that the proposed project, including the off-site cumulative impact mitigation, considered as a package, will be consistent with the applicable policies of Chapter 3 of the Coastal Act, provided the special conditions set forth herein are fully implemented.

I. STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-01-159 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves the Coastal Development Permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the

provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Plans Conforming to Geotechnical Recommendations

PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-01-159, the applicant shall submit evidence to the Executive Director that as-built final project plans and designs for all development approved pursuant to this coastal development permit have been reviewed by the geotechnical consultant as conforming to all of the consultant's recommendations, including recommendations concerning foundations, grading, and drainage, set forth in the "Limited Geologic and Soils Investigation, Proposed Barn, Riding Arena, and Accessory Buildings, 1501 Decker School Lane, Malibu, California, (Project 1539)," prepared by GeoConcepts, Inc., dated April 29 1998. The geotechnical

consultant shall confirm in writing that the septic disposal system required for the old barn conversion to residential/office use is designed and located, considering the soils and topography of the site, to perform adequately without effluent transport into the Decker School Lane stream corridor located west of the old barn.

Evidence necessary to satisfy this special condition shall include the submittal of two (2) sets of final as-built plans and designs for all structures authorized by CDP No. 4-01-159, including the referenced septic disposal system and all applicable specifications and cross sections, stamped and signed as approved by the geotechnical and engineering consultants, as applicable in the judgement of the Executive Director.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultants shall require an amendment to the permit or a new Coastal Development Permit.

2. Wildfire Waiver of Liability

PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-01-159, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

3. Landscaping, Integrated Pest Management, & Monitoring Plan

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-01-159, the applicant shall submit two (2) sets of landscaping and erosion control plans, including final irrigation plans, prepared by a licensed landscape architect or qualified resource specialist, for review and approval by the Executive Director. The plans shall incorporate the following criteria:

A) Landscaping Plan

- 1) To minimize the need for irrigation, to screen and soften the visual impact of development, to conserve native plant habitat, and to minimize erosion, all landscaping on the subject site shall consist of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996, with the exception of limited non-native plantings authorized by the Executive Director

as set forth below, and shall be compatible with the character of the surrounding native environment. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. The plan shall provide for the removal of all non-native trees and vegetation, with the exception of specific non-native plantings authorized by the Executive Director as set forth in this subparagraph. The Landscaping Plan shall be subject to the review and approval of the Executive Director, who may authorize a limited amount of non-invasive ornamental, edible, and turf species in the immediate area of the main residence, including the mature eucalyptus trees designated in the final approved Habitat Restoration Plan (pursuant to Special Condition 4) as raptor nesting or roosting trees, and including the small existing kitchen garden, succulent garden, and orchard near the main residence. The location and extent of any non-native plantings so approved shall be shown on the to-scale landscape plan, and the species identified; and

- 2) All cut and fill slopes shall be stabilized with plantings of native plant species indigenous to the Santa Monica Mountains, compatible with the surrounding environment, including Riparian Woodland, Oak Woodland, Native Grassland, Wetland, and Chaparral Communities, using accepted planting procedures, and consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed and graded soils; and
- 3) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the approved Landscaping Plan and the other requirements set forth herein; and
- 4) The Permittee shall undertake development in accordance with the final approved Landscaping Plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required; and
- 5) The Permittee shall submit a final, to-scale long-term fuel modification plan approved by the Forestry Department of Los Angeles County for the proposed development pursuant to this special condition, that provides for the most minimal disturbance feasible to on site resources, including the restored areas subject to the Final Habitat Restoration Plan approved pursuant to Special Condition 4 herein. The plan shall specifically state that the covered riding arena does not require fuel modification/brush clearance and that the fuel modification for the new barn does not exceed the limits of the 200 ft. fuel modification radius otherwise required for the adjacent pre-Coastal Act barn (converted to residence pursuant to this coastal development permit). The fuel modification plan shall include details regarding the types, sizes, and location

of plant or tree materials to be thinned or removed, and how often thinning is to occur. The plan shall exclusively specify hand thinning or limited grazing by small livestock if authorized by the Executive Director pursuant to the Final Restoration Plan (Special Condition 4), and shall prohibit vegetation management by use of chemical applications for fuel modification purposes. Thinned biomass shall be reapplied as mulch in areas subject to such thinning. Plantings shall be selected from the most drought tolerant native plant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains, and shall be compatible with the surrounding environment and consistent with the final Habitat Restoration Plan approved by the Executive Director (Special Condition 4). The fuel management plan may include limited plantings of non-invasive, non-native fruit trees and ornamental plantings approved by the Executive Director pursuant to Subparagraph A(1) of this special condition; and

- 6) In addition to all other requirements set forth herein, all plantings, orchards, and landscaping on the subject site shall be installed and maintained in accordance with the following water quality oriented "good housekeeping practices":

(a) An Integrated Pest Management Program shall be designed and implemented for all of the proposed landscaping/planting on the project site. Where feasible and appropriate the alternatives to pesticides including, but not limited to the following shall be implemented:

- Introduction of natural predators such as ladybugs, lacewings, garter snakes and toads. Also, some bacteria, viruses and insect parasites may be preferable to pesticides.
- Weeding, hoeing and trapping manually.
- Use of non-toxic, bio-degradable alternative pest control products

(b) Where pesticides and/or herbicides are deemed necessary in conjunction with the IPM program, the following shall apply:

- All state and local pesticide handling, storage, and application guidelines, such as those regarding timing, amounts, method of application, storage and proper disposal, shall be strictly adhered to.
- Pesticides containing one or more of the constituents listed as parameters causing impairment of the receiving waters for the proposed development (Decker School Lane Drainage, reservoir, and on site blueline stream, and the Arroyo Sequit) on the California Water Quality Control Board 1998 303 (d) list should be avoided, where safer, less environmentally damaging alternative

products are available and feasible to use. Products to be avoided are those containing the following constituents:

- Chem A. (group of pesticides) – aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, hexachlorocyclohexane (including lindane), endosulfan, and toxaphene
- DDT.

- (b) The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

B. Monitoring

Five (5) years from the date of Commission action on Coastal Development Permit 4-01-159, the applicant shall submit for the review and approval of the Executive Director a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on site landscaping is in conformance with the landscape plan approved pursuant to, and the requirements of, this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to these permits, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed landscape architect or qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the requirements of this special condition.

4. Habitat Restoration, Enhancement and Monitoring Program

Prior to the issuance of the permit, the applicant shall submit for the review and approval of the Executive Director, a Final Habitat Restoration, Enhancement and Monitoring Plan incorporating the preliminary plan prepared by Kelley & Associates Environmental Sciences, Inc., dated June 22, 2001. The final plan shall include, but not be limited to the following:

a. Technical Specifications

The plan shall specify the time of year and methods to carry out various restoration and enhancement activities, and shall describe the supplemental irrigation and on-going non-native species abatement that will be necessary. The

plan shall also set forth specific performance standards to judge the success of the restoration and enhancement effort. The performance standards shall incorporate ground and canopy coverage and survival rates for oak woodland, riparian, riparian woodland, grassland, and chaparral communities in the Santa Monica Mountains, as applicable to the subject site. The revised final plan shall incorporate the entire blueline stream and Decker School Lane Drainage corridors. In addition, the revised final plan shall delete the continued use of the horse trail segment immediately northwest of the reservoir and provide for the restoration of that segment of the trail corridor, as shown in Exhibit 5, and the final plan shall additionally be revised to incorporate the disturbed areas surrounding the reservoir (also shown in Exhibit 5) and discontinuing equestrian use of the area surrounding the reservoir (this requirement does not change the footprint of the horse wash area). All other trails designated for retention shall be limited to a maximum of eight (8) feet in width and barriers to horse movement shall be erected in all existing areas adjacent to authorized trails to protect restoration areas from disturbance. In addition, the final plan shall be revised to incorporate into the blueline stream restoration area, all area within 50 feet of the top of each bank of the blueline stream, and shall include the area of the blueline stream from the eastern parcel boundary through the confluence of the blueline stream on site with the Decker School Lane Drainage as shown in Exhibit 5. The application of herbicides or other chemical management/control methods on site shall only be as specifically provided for in the final report approved by the Executive Director and pursuant to any applicable requirements of Special Condition 3 (landscape and integrated pest management).

b. Monitoring and Adaptive Management

The final plan approved by the Executive Director shall include a detailed monitoring and adaptive management program to ensure that the project complies with the detailed performance standards set forth in the final approved plan. Reporting requirements shall commence within the first year after Commission approval of CDP 4-01-159; however, the performance monitoring period shall be for a minimum of five (5) years after site plantings commence, and shall be undertaken by a qualified environmental resource specialist (hereinafter "monitor") approved by the Executive Director. The applicant shall submit, on an annual basis commencing with the date of Commission approval of CDP No. 4-01-159, a written report, prepared by the monitor, detailing the activities undertaken during the previous year, and measuring the success or failure of the restoration project in accordance with the approved performance standards. The report shall include further recommendations and requirements (adaptive management provisions) for additional restoration activities to ensure that the project meets the criteria and performance standards listed in the proposed restoration plan, and shall include additional monitoring provisions and timeline to ensure the success of the adaptive management activities (new plantings, etc.). These reports shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites. Adaptive

management measures that constitute new development not authorized in this coastal development permit shall require an amendment to CDP 4-01-159 or a new Coastal Development Permit.

At the end of the initial five year period (five years from the date of Commission approval of CDP 4-01-159), and at the end of the initial five year period after planting commences, if the two dates are different, final detailed reports shall be prepared by the monitor and submitted for the review and approval of the Executive Director. If either report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental program, prepared by the monitor, to compensate for those portions of the original program which were not successful. The revised, or supplemental restoration program shall be processed as an amendment to this Coastal Development Permit.

Before the end of the second year of the monitoring period following initial site plantings, all artificial inputs (e.g., water, fertilizer) shall be gradually removed except for the purposes of providing mid-course corrections or maintenance to ensure the long-term survival of the project site. If these inputs are required beyond the first two years after initial plantings, then the monitoring program shall be extended for an equal length of time so that the success and sustainability of the project sites is ensured. Restoration sites shall not be considered successful until they are able to survive without artificial inputs.

c. Eucalyptus and Olive Tree Control

The final approved plan shall provide for the removal of all eucalyptus trees on site except those specifically designated as raptor roosting or nesting trees, or the mature, specimen olive trees planted within the barn courtyard. The final plan shall require that eucalyptus and olive saplings be removed annually during the time that the mature eucalyptus or olive trees remain on site, notwithstanding any other applicable timelines in the final approved plan. No new eucalyptus or olive tree plantings on site shall be allowed.

5. Monitoring by Commission Staff

Commission staff shall be authorized to undertake site inspections as deemed necessary by the Executive Director for the purpose of monitoring compliance with all special conditions set forth herein upon providing reasonable notice to the permittee or subsequent property owner.

6. Drainage and Polluted Runoff Control Plan

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-01-159, the applicant shall submit for the review and approval of the Executive Director, two sets of final drainage and runoff control plans, including supporting

calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations, and by the consulting restoration ecologist to ensure that the drainage management conforms with the requirements of the restoration plan, and both sets of the final drainage and runoff plans shall be signed by each consultant as evidence of such approval. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs. Runoff shall be conveyed off site in a non-erosive manner.
- (b) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (c) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following:
 - (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and
 - (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if amendment(s) or new Coastal Development Permit(s) are required to authorize such work.

7. Final Animal Waste and Water Quality Management Plan

- A. In accordance with the applicant's proposal, the horse facilities on site shall be limited to the keeping of no more than 14 horses or ponies or similar livestock at any time. Additional horses or other livestock exceeding this limit shall not be maintained on site at any time.
- B. Prior to issuance of the Coastal Development Permit the applicant shall submit a final animal waste management plan and a final waste water treatment plan for the review and approval of the Executive Director.

- 1) The final animal waste management plan shall include management practices for the collection, storage, and disposal of stable wastes, including manure and bedding. All animal bedding and wastes shall be collected and disposed of off site in a manner and location prescribed in the approved final plan. In no case shall animal bedding or wastes be disposed to ground at any location on the subject site, whether or not such wastes are altered through composting or other means, and shall be collected and disposed of at an approved off site location to be specified in the final plan. Animal wastes and bedding shall not be applied to the enhancement and restoration areas designated pursuant to the final plan authorized by Special Condition 4.
 - 2) The final waste water treatment plan shall include evidence that the system is designed to a capacity sufficient to collect and treat site runoff, including runoff from all areas subject to the care and maintenance of livestock, in accordance with the standards set forth in Special Condition 6. The final plan shall also include protocols for system inspection and maintenance.
 - 3) The final waste water treatment plan shall include water quality sampling locations and sampling protocols to test the water upstream of the entry points of equine facility effluent and runoff directed into the system, and downstream of these inputs for the purpose
- C. Any additional or intensified use of the site for livestock care or maintenance purposes, whether recreational or commercial, shall require an amendment to Coastal Development Permit 4-01-159 or a new coastal development permit.
- D. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to Coastal Development Permit 4-01-159.

The proposed project shall be constructed and operated at all times in accordance with the final approved animal waste management plan and the final approved waste water treatment plan.

8. Lighting, Development, and Management Restrictions

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT No. 4-01-159, the applicant shall execute and record a deed restriction, in a form and

content acceptable to the Executive Director, which specifies that all outdoor night lighting in areas where such lighting is authorized on the subject site, shall be the minimum necessary, consistent with safety requirements, shall be of low intensity, at low height and shielded, and shall be downward directed to minimize the nighttime intrusion of the light within the Wildlife Corridor. Security lighting, if any, consistent with these standards, shall be controlled by motion detector. Only "footlamp" style, low intensity, downward directed lighting of the driveway crossing at the blueline stream shall be allowed. No night lighting whatsoever, whether permanent or temporary, including security lighting, shall be installed to light the interior or exterior area of or near the riding arena approved pursuant to this coastal development permit. No night lighting whatsoever, whether temporary or permanent, shall be placed in or directed toward the areas shown in "crosshatch" in Exhibit 8. This prohibition on lighting applies to all structures, including trails, livestock enclosures, and the horse wash area. No horses or other livestock shall be cared for or maintained in the outdoor pens or horse wash area after sundown. No outdoor decks or recreation areas shall be installed or maintained west of the historic barn converted to a residence for the horse facility manager/trainer, nor shall any outdoor lighting be directed from this structure toward the riparian/reservoir area west of the structure.

The document shall run with the land for the life of the structures approved in these permits, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interests being conveyed.

9. Future Development Deed Restriction

- A. This permit is only for the development described in Coastal Development Permit No. 4-01-159. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the parcel. Accordingly, any future improvements to the permitted structures or other development authorized by this coastal development permit, including all trails, bridges, roadways, parking areas, retaining walls, with the exception of fuel modification authorized pursuant to the approved fuel modification plan referenced in Special Condition 3 or the control of invasive, exotic vegetation or management of vegetation in accordance with the provisions of the landscape and integrated pest management plan approved pursuant to Special Condition 3 and the final restoration and enhancement plan approved pursuant to Special Condition 4, shall require an amendment to Coastal Development Permit No. 4-01-159 from the Coastal Commission or shall require additional Coastal Development Permit(s) from the Coastal Commission or from the applicable certified local government.
- B. In accordance with the applicant's proposal, no future additions to the existing guest unit, ranch manager's residence, or the historic barn converted to a

ranch employee's apartment, shall be authorized. These structures shall be permanently preserved within the existing developed footprints. Any expansion of the main residence shall only occur if authorized in an amendment or new coastal development permit and shall be limited to the existing pad area immediately adjacent to the existing single family residence and shall not encroach into the restoration and enhancement areas, or any sensitive resource area on site, or cause the further extension of fuel modification or brush clearance beyond the area otherwise required without the proposed expansion. Potential future expansion of the existing single family residence shall not in any case occur outside the existing developed pad area (such as existing patios and service areas such as the propane tank pad or graveled parking area adjacent to existing garage), and shall not encroach into habitat restoration areas or within 100 feet of the blueline stream. A full sized, to-scale plan showing these structures and the limited area for potential consideration of future footprint of potential expansion for the main residence if approved in an amendment or new coastal development permit, shall be recorded with this deed restriction.

- C. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-01-159, the applicant shall execute and record deed restrictions, in a form and content acceptable to the Executive Director, which reflect the above restrictions on development in the deed restrictions and shall include legal descriptions of the applicant's entire parcels. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. These deed restrictions shall not be removed or changed without a Commission approved amendment to the Coastal Development Permit(s).

10. Open Space Deed Restriction

- A. In order to implement the applicant's proposal to permanently preserve as open space a minimum of 37 acres of the subject 40.7-acre parcel, including all areas subject to habitat restoration and as shown generally in Exhibit 13, prior to the issuance of Coastal Development Permit 4-01-159, the applicant shall submit a surveyed legal description of the boundaries of such area, including the boundaries of the entire parcel, for attachment to this deed restriction. The applicant agrees that no development as defined in Section 30106 of the Coastal Act shall occur in the open space area other than: fuel modification required by the Los Angeles County Fire Department undertaken in accordance with the approved fuel modification plan provided for in Special Condition 3, habitat restoration undertaken in accordance with the final habitat restoration and enhancement plan, landscaping or integrated pest management activities pursuant to Special Condition 3, and the use of equestrian trails generally shown in Exhibit 4 (excluding the portion of the trail system deleted as shown in Exhibit 5), which shall be maintained at a

maximum width of eight (8) feet as required by the Final Restoration, Enhancement and Monitoring Plan required pursuant to Special Condition 4; or the routine repair and maintenance of existing utility lines that traverse the site.

- B. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-01-159, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development and granting an open space easement covering the area identified above, to the State of California, or a public agency or private association approved by the Executive Director. The document shall provide that the open space easement shall not be used or construed to allow anyone to interfere with any rights of public access acquired through use that may exist on the property. The document shall be recorded free of prior encumbrances except for tax liens, which the Executive Director determines may affect the interest being conveyed. The conservation easement shall run with the land, binding the applicant and the grantee, and all successors and assignees of the applicant and the grantee, and shall be irrevocable. The recorded document shall include legal descriptions of both the applicant's entire parcel(s) and the easement area and a graphic representation prepared by a licensed surveyor showing the area identified in the legal description of the easement area.

11. Conservation Easement

- A. The applicant has proposed to grant a conservation easement covering approximately 37 acres on the subject 40.7-acre parcel, as generally shown in Exhibit 12. In order to implement the applicant's proposal, the applicant agrees that no development, as defined in Section 30106 of the Coastal Act, shall occur in the conservation easement area designated on Exhibit 12, except for: fuel modification required by the Los Angeles County Fire Department undertaken in accordance with the approved fuel modification plan provided for in Special Condition 3, habitat restoration undertaken in accordance with the final habitat restoration and enhancement plan, landscaping or integrated pest management activities pursuant to Special Condition 3, and the use of equestrian trails shown in Exhibit 4 (except for the portion of the trail system deleted as shown in Exhibit 5), which shall be maintained at a maximum width of eight (8) feet as required by the Final Restoration, Enhancement and Monitoring Plan required pursuant to Special Condition 4; or the routine repair and maintenance of existing utility lines that traverse the site.
- B. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-01-159, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development and granting a conservation easement covering the area

identified above, to the Mountains Restoration Trust, or a public agency or private association approved by the Executive Director. The document shall provide that the conservation easement shall not be used or construed to allow anyone to interfere with any rights of public access acquired through use that may exist on the property. The document shall be recorded free of prior encumbrances except for tax liens, which the Executive Director determines may affect the interest being conveyed. The conservation easement shall run with the land, binding the applicant and the grantee, and all successors and assignees of the applicant and the grantee, and shall be irrevocable. The recorded document shall include legal descriptions of both the applicant's entire parcel(s) and the easement area and a graphic representation prepared by a licensed surveyor showing the area identified in the legal description of the easement area.

12. Off site Cumulative Impact Mitigation -- Deed Restriction

- A. Prior to the issuance of Coastal Development Permit 4-01-159, and in accordance with the applicant's proposal, the owner of Assessor Parcel Nos. 4448-25-900 and 4448-26-900, an 80-acre portion of which is also known as Parcels 5, 6, 7 and 8 of the Stuart Holding, has recorded a deed restriction providing that: a) no development shall occur on the affected 80 acres shown generally in Exhibit 9, except for vegetation removal that may be required for fire management or removal of non-native vegetation, and b) the lands comprising the subject 80 acres shall remain as open space. The subject lands comprising the 80 acres are more specifically described as:

A portion of Assessor's Parcel No. 4448-25-900 and all of Assessor's Parcel No. 4448-26-900 (Also known as Parcels 5, 6, 7 and 8 of the Stuart Holding). Legal description: The southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of Section 23, Township 1 South, Range 17 West, San Bernardino Meridian.

- B. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-01-159, the applicant shall provide evidence that the property owner has executed and recorded a document, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development covering the area identified above. The document shall provide that the deed restriction shall not be used or construed to allow anyone to interfere with any rights of public access acquired through use that may exist on the property. The document shall be recorded free of prior encumbrances except for tax liens which the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land, binding the property owner, and all successors and assignees of the property owner, and shall be irrevocable. The recorded document shall include legal descriptions of both the applicant's entire affected parcels, the subject 80

acres, and a graphic representation prepared by a licensed surveyor showing the area identified in the legal description of the deed restricted 80-acre area.

13. Revised Plans

PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-01-159, the applicant shall submit, for the review and approval of the Executive Director, revised plans incorporating the following:

- A. To-scale plans, including cross sections, prepared by a licensed Civil Engineer for a bridged crossing of the section of the applicant's driveway crossing the on site blueline stream. The bridge design shall be the least intrusive design feasible, avoiding or minimizing any impacts to wildlife movement and/or to habitat, and utilizing the minimal vertical clearance necessary to achieve safe crossing standards. The plans shall include a grading plan and an erosion control plan, and plans to remove the existing "Arizona Crossing" and associated culvertization of the blueline streambed. The plans shall include timing of construction to avoid stream corridor impacts, and measures to minimize potentially adverse impacts to the stream corridor, and to restore and enhance the natural contours and native vegetation characteristic of the riparian corridor and consistent with the final Restoration and Enhancement Plan required pursuant to Special Condition 4, and mitigation monitoring provisions for five (5) years following completion of bridge construction. The plan shall prohibit the storage or staging of construction materials or equipment within the stream corridor, and all mechanized equipment necessary for construction shall be operated from the existing driveway pad above the top-of-bank of the stream corridor. The plan shall provide for continuous monitoring of construction activities by a qualified biologist approved by the Executive Director. Construction of the bridge shall not occur between the rainy season defined as November 1 through March 31 annually, nor shall construction be implemented if there is water flowing in the streamcourse. As noted above, the plan shall be subject to the review and approval of the Executive Director, and shall provide that the Executive Director is notified a minimum of two (2) weeks before construction within the stream corridor commences and of the completion of construction within five (5) days of such completion.
- B. Evidence that the bridge design and specifications have been reviewed and approved by the Los Angeles County Fire Department, Division of Fire and Life Safety, as conforming to applicable regulations.
- C. Plans prepared by a licensed Civil Engineer or Registered Sanitarian for a new septic disposal system for the pre-Coastal Act barn the applicant proposes to convert to a ranch employee apartment and ranch operations office. The plans for the new septic system shall conform with the guidance

of the certified Malibu/Santa Monica Mountains Land Use Plan pursuant to applicable setbacks for septic disposal systems and leachfields from riparian corridors, and shall include alternative septic disposal technology and graywater systems integrated with the Final Water Quality Management Plan to the maximum extent feasible.

- D. Plans prepared by a licensed Civil Engineer qualified to evaluate the safe placement and applicable structural reinforcement measures or barriers necessary to ensure the stability of the gasoline storage tank and appurtenant structures, including berming capacity sufficient to contain a 300-gallon fuel spill.
- E. Evidence that the plans for the gasoline storage tank and containment area has been inspected and approved by the Los Angeles County Fire Department, Division of Fire and Life Safety, as conforming to applicable regulations, and that the as-built structures have been physically inspected by the Division of Fire and Life Safety and found to conform to all applicable regulations and safety standards.
- F. Removal of the trellised patios on the westerly side of the barn-to-office/apartment conversion and removal of any night lighting directed toward the westerly/riparian side of the structure.
- G. Deletion of the section of the proposed trail network as shown in Exhibit 5, including access point to that section from the reservoir/barn area.

14. County Planning Approval

PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-01-159, the applicant shall submit, for the review and approval of the Executive Director, evidence that the pre-Coastal Act barn proposed for conversion to a ranch employee apartment has received conceptual approval from the Los Angeles County Department of Regional Planning, and that the septic disposal system required pursuant to Special Condition 13 has been found adequate by the Los Angeles County Department of Environmental Health.

15. Other Required Approvals

PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 4-01-159, the applicant shall submit to the Executive Director a valid Streambed Alteration Agreement from the California Department of Fish & Game for the bridge construction in the blueline stream, and for other development authorized in CDP No. 4-01-159 for development, including restoration and enhancement activities, in or near the riparian corridors/drainages on the subject site. In addition, prior to commencement of construction of the bridge required pursuant to Special Condition 13, the applicant shall provide evidence to the Executive

Director's satisfaction that a valid U.S. Army Corps of Engineers permit has been obtained for such construction, or provide written evidence that Army Corps of Engineers approval is not required.

16. Fence/Barrier Restriction and Removal

- A. Prior to the issuance of Coastal Development Permit No. 4-01-159, the applicant shall submit for the review and approval of the Executive Director, a final fencing plan, including elevation views of fencing proposed to remain along the southern property boundary and either: a) evidence that such fencing is wildlife permeable and poses no hazard to wildlife, or b) plans to replace the fencing with fencing materials that achieve these standards. Further, except for wildlife-permeable fencing along the southern property boundary, the fencing plan shall not include any perimeter fencing and shall provide for the removal of existing perimeter fencing on the east, west and northerly boundaries of the subject parcel, and the relict fencing west of the reservoir, within sixty (60) days of issuance of the coastal development permit. The entrance gate and immediately adjacent security fencing at the property entrance shall be maintained. Associated landscaping, however, shall be subject to review and approval by the Executive Director pursuant to Special Condition 3.
- B. Future installation of fencing along the parcel perimeter shall be prohibited. Enclosure fencing, such as that required to prevent dogs from running free on site, is not permitted unless it has been approved pursuant to the requirements of Special Condition 9 (future development).
- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

17. Condition Compliance

Within 120 days of Commission approval of Coastal Development Permit No. 4-01-159, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of Coastal Development Permit Nos. 4-01-159. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

18. Implementation of Construction

- A) The applicant shall complete construction of the blueline stream bridge crossing required by Special Condition 13, upon final approval of the plans by the Executive Director or the Commission, prior to the onset of the 2002—2003 rainy season (November 1—March 31), or within such additional time as the Executive Director may grant for good cause.
- B) The applicant shall implement construction of the new septic disposal system for the barn conversion to residential use authorized by this permit within sixty (60) days of permit issuance, or within such additional time as the Executive Director may grant for good cause.
- C) The applicant shall implement the provisions of the approved final Animal Waste and Water Quality Management Plan prepared pursuant to Special Condition 7 and the provisions of the approved final Habitat Restoration, Enhancement and Monitoring Plan approved pursuant to Special Condition 4, immediately upon issuance of the Coastal Development Permit.

19. Removal of Excavated Material

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Background; Project Description

The proposed project is located at 1501 Decker School Lane, in the unincorporated Malibu area of Los Angeles County. Access to the site is via Decker School Lane from Decker Road. The subject site is a sparsely developed area of approximately 40 acre-parcels on two sides of the applicant's parcel, and somewhat smaller parcels to the south and east of the site. Large tracts of permanently protected National Park Service land border the site to the immediate north and northwest, as shown in Exhibit 11. The pattern of pre-Coastal Act agricultural activity (i.e. orchards, grazing, disking) within the area of the parcel that contains most of the proposed development has been documented in aerial photographs (however, horse trails developed on the western portion of the ranch are not shown in their present locations and extent on the aerial photographs,

including the aerial photographs of the Commission archives taken as recently as 1997).

The subject 40.7-acre parcel is located in a Wildlife Corridor designated on the Resource Maps of the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) and is located immediately adjacent to, and drains into, the Arroyo Sequit Significant Watershed. The relatively pristine Arroyo Sequit is one of the most biologically significant watersheds in the Santa Monica Mountains.

Two stream corridors traverse the subject site (one is an unnamed blueline stream, the other a drainage that appears to be partially springfed and replenishes an artificial reservoir with standing water year-round). The on site confluence of the two streams drains to the off site eastern fork of the Arroyo Sequit, which is one of only two streams in the Santa Monica Mountains known to support a population of native Steelhead trout (the other is Malibu Creek), a federally listed endangered species.

The applicant seeks after-the-fact approval of equine facility and ranch modernization and development, including construction of a 6,170 sq. ft. 14-stall barn (the applicant proposes to limit the keeping of horses to a maximum of 14 head), 14,000 sq. ft. covered, open-sided, unlighted riding arena, 1,351 sq. ft. of corrals, paddocks and pens (all for daytime horse use only), 378 sq. ft. horse wash area, appurtenant structures, vehicle and equipment parking, driveways, and graveled turnaround for hay and other delivery trucks totaling 6,670 sq. ft., conversion of a pre-Coastal Act barn into approximately 620 sq. ft. of ranch employee apartment and 310 sq. ft. of attached ranch office and bathroom, and two attached trellised patios occupying approximately 192 sq. ft., total, a 156 sq. ft. trellised patio adjacent to the guest unit (referred to as the "Cook's House"), a 40 sq. ft. trellised patio adjacent to the ranch manager's residence, a 120 sq. ft. emergency electric power generating facility with a 300-gallon gasoline storage tank, an electronic entry gate and support structures on private driveway not visible from public roadway, a 690 sq. ft. mechanical animal waste composter, and runoff cisterns and water containment basins totaling approximately 1,800 sq. ft. in size, and 11,260 cu. yds. of grading (5,740 cu. yds. of cut and 5,520 cu. yds. of fill, with 220 cu. yds. to be disposed off site unless authorized in the final habitat restoration and enhancement plan), a 900 sq. ft. screened vegetable nursery near the main residence (similar to a greenhouse structure), a wooden bridge crossing over unnamed stream corridor west of barn facilities, and a network of trails in final maximum width, where authorized of eight (8) feet.

The applicant also proposes to implement maximum feasible direct, on site mitigation, including a substantive habitat restoration and enhancement proposal that will restore areas of the subject parcel that have been historically cleared for agricultural use, a comprehensive livestock waste and water treatment plan that includes measures to collect and filter all equine facility runoff, permanent conservation of habitat and open space on approximately 37 acres of the 40.7-

acre parcel (subject to continued use of designated trails within the open space area), and the retirement of development rights on 80 acres of land off site, in Las Flores Canyon.

The subject 40.7-acre parcel contains an existing pre-Coastal single family residence and garage (3,079 sq. ft. total), 397 sq. ft. guest cottage, a swimming pool, an approximately 936 sq. ft. barn (the barn converted to ranch office/bathroom and one bedroom employee apartment), an artificial reservoir, a 1,200 ft. long driveway, and several small outlying structures, including a 1,152 sq. ft. ranch manager's residence with detached 400 sq. ft. garage. The site takes access off via Decker Canyon Road via the private Decker School Road, by means of a locked gate. The site is not visible from public trails or roadside viewing areas, but is located adjacent to relatively remote tracts of land controlled by the National Park Service.

The applicant acknowledges that alteration of the blueline stream and its banks, including placement of culverts, has occurred at the driveway crossing of the stream, without benefit of a coastal development permit. The applicant proposes to delay bridging the stream (which the policies of the certified LUP require for such stream crossings), and to thus delay restoring the affected portion of the stream corridor so that a "hydrologic study" of the blueline stream during the forthcoming rainy season can first be undertaken. The applicant believes a hydrologic study is necessary to design an adequate bridge. Therefore, the applicant has not included remediation of the unauthorized stream alterations and construction of a bridged crossing in the pending application. Sufficient design parameters appear to be available, however, to enable a qualified civil engineer to evaluate the site and design an adequate bridge for a simple private residential driveway crossing. Moreover, complete restoration of the blueline stream corridor would be inadequate without this component. In addition, the applicant will have the ability to implement its own hydrologic study during the forthcoming winter season, before bridge construction could commence. Construction within the streambed would be prohibited during the rainy season (November 1—March 31) by Special Condition 18, therefore the applicant could undertake the hydrologic study this winter and seek revisions to the bridge design (subject to approval of the Executive Director pursuant to Special Condition 13) if observed conditions warrant such revisions upon the recommendation of the consulting civil engineer and if the revisions are determined to be acceptable by the Executive Director, as a matter of condition compliance review.

Due to the site's location in a Wildlife Corridor designated on the Resource Maps of the certified LUP, development of the site is subject to the guidelines of the Table 1 policies contained in the LUP. The Commission has relied on the Table 1 policies as guidance in applying the policies of the Coastal Act in past permit decisions regarding proposed development in the Santa Monica Mountains. The applicable Table 1 policy, which applies to development on parcels larger than 20 acres in Wildlife Corridors states:

...Grading and vegetation removal shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road, and brush clearance required by the Los Angeles County Fire Department...the standard for a graded pad shall be a maximum of 10,000 square feet.

Approval of the proposed project (which exceeds the guidelines for development within a Wildlife Corridor established in Table 1 of the certified LUP), is only made possible by the degree of restoration and enhancement (combined with other mitigation measures) of the stream corridors and other habitat on site. Therefore, it is not possible to conclude that the proposed project will be consistent with the applicable policies of Chapter 3 of the Coastal Act if the unauthorized development within the blueline stream corridor is postponed for an amendment request subsequent to Commission consideration of pending Coastal Development Permit application No. 4-01-159. The remediation of the unpermitted development of the blueline stream corridor must be included in the final approved Habitat Restoration, Enhancement and Monitoring Plan or the cumulative, adverse impacts upon the wildlife corridor will not be sufficiently mitigated to achieve consistency of the proposed project with the requirements of the Coastal Act. Thus, the provision of plans to bridge the blueline stream (which is consistent with the guidance of the policies of the certified LUP) is an essential part of the necessary mitigation of impacts of the proposed development within the Wildlife Corridor.

A strict interpretation of the guidance of LUP Table 1 indicates that the structures and equine facilities proposed on site are not consistent with the applicable requirements of the Table 1 standards for development. The applicant proposes, however, to implement maximum feasible direct, on site mitigation, including a substantive habitat restoration and enhancement proposal that will restore areas of the subject parcel that have been historically cleared for agricultural use, a comprehensive livestock waste and water treatment plan that includes measures to collect and filter all equine facility runoff, permanent conservation of habitat and open space on approximately 37 acres of the 40.7-acre parcel (subject to continued use of designated trails within the open space area), and the retirement of development rights on 80 acres of land off site, in Las Flores Canyon.

The applicant originally submitted an application (Coastal Development Permit Application No. 4-99-053) for approval of the subject barn and horse arena on March 3, 1999. Several months later, while the proposal underwent filing review by Commission staff, the applicant withdrew the application. Notice was sent to the applicant on July 21, 1999 that the associated filing fees would be refunded.

Subsequently, Los Angeles County building department staff notified Commission staff that unauthorized development had occurred on the subject site. A site visit by a Commission regulatory and enforcement program supervisor on November

29, 1999 confirmed that the previously proposed stable and arena that were the subject of the withdrawn coastal development permit application had been constructed.

The enforcement program supervisor's site visit also revealed that at least two new, large horse corrals not shown on the previously submitted plans had been constructed, and that the old barn still standing adjacent to the new barn contained a residential apartment that had not included in the project plans.

Subsequently, the applicant sought after-the-fact approval for the subject development, now the subject of Coastal Development Permit Application No. 4-01-159.

B. Geology: Hazards

Section 30253 of the Coastal Act states in part that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

In addition, the Commission has relied on the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) as guidance in past permit decisions. Applicable policies of the LUP include:

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

P94 Cut and fill slopes should be stabilized with planting at the completion of final grading. In Environmentally Sensitive Habitat Areas and Significant

Watersheds, planting should be of native plant species using accepted planting procedures, consistent with fire safety requirements...

P147 Continue to evaluate all new development for impact on, and from, geologic hazard

P149 Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.

The proposed development is located in the Santa Monica Mountains, an area where a high risk of damage to property or loss of life arises due to natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

As described in detail in Section A above, the proposed project includes the construction of equine facilities and appurtenant structures, and the conversion of an older barn to a ranch office and employee apartment, and 11,260 cu. yds. of total grading (5,740 cu. yds. of cut and 5,520 cu. yds. of fill).

The applicant has submitted a geotechnical evaluation of the proposed development on the subject site. The report, which contains the consultants recommendations concerning foundations, grading, drainage, and construction considerations, is titled "Limited Geologic and Soils Investigation, Proposed Barn, Riding Arena, and Accessory Buildings, 1501 Decker School Lane, Malibu, California, (Project 1539)," prepared by GeoConcepts, Inc., and dated April 29, 1998. The applicant's geotechnical consultant states that

"...It is the finding of this corporation, based on surface data, that the proposed project will be safe from landslide, settlement, or slippage and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Los Angeles County Code are followed and maintained.

To ensure that the final project plans and designs fully incorporate the recommendations of the geotechnical consultant, Special Condition 1 requires that the consultant review the final plans, including the plans to convert the old barn into an apartment and ranch office, and the plans for updated septic disposal facilities associated with this conversion, to verify that the consultant's recommendations have been incorporated and that the final plans and designs do

not raise new geotechnical issues that have not been previously considered by the consultant.

The Commission also finds that minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment. Special Condition 3 (Landscaping) requires the applicant to submit a landscaping plan that relies primarily on plantings with native species, which have root systems and foliage to root ratios favorable to the control of erosion. The deeply rooted native plant species provide superior erosion control when compared to non-native, and frequently shallow-rooted species with high surface/foliage weight compared to their root structures. The non-native species often require significant artificial inputs of irrigation water, which can further destabilize fragile slopes and lead to gulying and eventual slope failure. Thus, reliance on a palette of locally native plants for landscape purposes will provide effective long-term erosion control measures and protect site stability.

The Landscape and Erosion Control Plan required pursuant to Special Condition 3 will further ensure that landscape planting selections, irrigation systems, construction timing (grading prohibited during the rainy season from October 31—April 1), and other applicable measures are undertaken in accordance with the geotechnical recommendations, thereby avoiding practices (such as over-irrigation on slopes) that could destabilize the streambanks and constructed slopes present on site.

In addition, and in accordance with the applicant's proposal, Special Condition 4 requires the implementation of a final approved Habitat Restoration, Enhancement, and Monitoring Plan. The Plan will rely primarily on locally native plant species and will ensure that the disturbed areas of the subject site are planted and maintained to control both short and long-term erosion.

Further erosion control measures are required by Special Condition 6 (Drainage and Polluted Runoff Control Plan), which requires the implementation of Best Management Practices (BMPs) to control the volume and velocity of site runoff caused by the increased impervious surfaces added by development of the subject site. By properly controlling runoff, the volume and velocity of runoff can be controlled and potential erosion thus prevented. Therefore, Special Condition 6 is necessary to ensure that the proposed development does not result in additional erosion, in accordance with the requirements of Coastal Act Section 30253. The applicant has also provided a draft Animal Waste and Water Quality Control Plan. The final plan, required by Special Condition 7, will provide further measures to restore natural streamcourses on site, and to effectively collect site runoff and limit erosion.

The Commission further notes that the amount of cut proposed by the applicant is larger than the amount of fill to be placed and will result in approximately 220 cu.

yds. of excess excavated material. Excavated materials that are placed in stockpiles are subject to increased erosion. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, Special Condition 19 requires the applicant to remove all excavated material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required, unless such location is on site in accordance with necessary restorative grading that may be authorized by the Executive Director in approving the Final Habitat Restoration, Enhancement and Monitoring Plan.

Although the applicant proposes to retire most additional future development rights (limited additions to the single family residence are the exception) on the subject site in consideration of the expanded development rights authorized by Commission approval of Coastal Development Permit 4-01-159, Special Condition 9 (Future Development Deed Restriction) is necessary. This condition requires that any future development that might otherwise be exempt from further review will require the applicant to submit a coastal development permit application. Remodeling and relocation of approved structures within the approved pad, or other changes that would otherwise be exempt from review will be evaluated by the Commission and/or staff for conformance with geologic stability requirements and erosion control considerations. These measures will ensure that site development is always considered in the context of geologic stability.

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wildfire. The typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney, in *Barbour, Terrestrial Vegetation of California*, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wildfires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated.

The applicant proposes to install a 300-gallon gasoline storage unit and an emergency backup power generator that would rely on the stored gasoline if necessary. Special Condition 13 (revised plans) requires that the plans and as-built facility on site be inspected and approved by the Los Angeles County Fire Department, Division of Fire and Life Safety, as conforming with all applicable fire safety regulations and standards administered by the department. This requirement will ensure that the proposed project does not improperly increase wildfire danger due to unauthorized or improperly stored flammable materials.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from the associated risks. As noted above, due to the special risks posed by development of the subject site, including geologic and wildfire hazards risks, Special Condition 2 (Wildfire Waiver of Liability) is necessary to ensure that the applicant is aware of, and accepts responsibility for, development of the subject site in an area that is particularly susceptible to wildfire hazards. Through acceptance of Special Condition 2 the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, and agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area subject to the stated risks.

For all of these reasons, the Commission finds that as conditioned by Special Conditions 1, 2, 3, 4, 6, 9, and 19, the proposed project is consistent with the applicable requirements of Coastal Act Section 30253.

C. Environmentally Sensitive Habitat Area and Sensitive Resources

Sections 30230, 30231, and 30240 of the Coastal Act require that development in and adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would significantly degrade those areas and that coastal waters and aquatic ecosystems be protected, through, among other means, controlling runoff (drainage management and erosion control, for example) and limiting the removal of natural vegetation that serves to buffer adverse impacts upon these resources.

Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means,

minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

As noted previously, the subject site is located within a Wildlife Corridor designated on the Resource Maps of the certified Malibu/Santa Monica Mountains Land Use Plan (LUP), and borders the Arroyo Sequit Significant Watershed. While not located within the mapped boundary of the significant watershed delineated on the Resource Maps, the Cardoso Ranch is located within the watershed's physical boundaries. A blueline stream identified by the U.S. geological survey traverses the site and joins a second, springfed streamcourse (named the "Decker School Lane Drainage" by the applicant) on site. The confluence of the two streams is tributary to the East Fork of the Arroyo Sequit – one of only two streams in the Santa Monica Mountains that supports a population of native Steelhead trout (the other is Malibu Creek). Steelhead trout are a federally listed endangered species.

The Research Analysis and Technical Appendices of the certified LUP describe areas within the Malibu Coastal Zone which contain environmentally sensitive habitat. The appendices contain the following description of the Arroyo Sequit:

Arroyo Sequit

Arroyo Sequit supports one of the most extensive and well-developed riparian and oak woodlands and associated stream habitats in the Malibu Coastal Zone. Pools, waterfalls, and a variety of riparian trees are present. This is one of the few streams in southern California that still sustains a native steelhead trout population. Dense bay thickets grow extensively along the East Fork.... Significant marine resources are present at the mouth of the canyon.

The LUP designates areas between several of the Significant Watersheds as Wildlife Corridors to ensure that wildlife populations which live in the relatively undisturbed habitat areas of the significant watersheds are able to freely pass

between the watersheds. Table 1 of the LUP contains policies specifically applicable to development in Wildlife Corridors, including the same standards that apply to Significant Watersheds, with the exception of density policies.

The LUP policies addressing protection of Significant Watersheds and Wildlife Corridors are among the strictest and most comprehensive set forth in the LUP. The Commission, in certifying the LUP, emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The LUP contains policies designated to protect the Watersheds, and ESHA's contained within, from both the individual and cumulative impacts of development:

Protection of Environmental Resources

P63: Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with the Table 1 and all other policies of this LCP.

Table 1 policies applicable to Significant Watersheds and Wildlife Corridors state in pertinent part:

...Allowable structures shall be located in proximity to existing roadways, services and other development to minimize the impact on the habitat.

...Grading and vegetation removal shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road and brush clearance required by the Los Angeles County Fire Department.

The subject parcel contains significant pre-Coastal Act development, including a substantial single family residence, garage, guest cottage, swimming pool, small barn, ranch manager's residence and garage, driveways, and accessory outbuildings. These structures alone exceed the number of structures allowed by Table 1. The applicants propose to add a 6,172 sq. ft. 14-horse barn, convert the old barn to an approximately 932 sq. ft. combined ranch office/bathroom and one-bedroom apartment, and a 14,000 sq. ft. open sided, covered riding ring (in addition to other horse enclosures such as paddocks and corrals, and a network of trails in the western portion of the ranch).

In addition, the guidance of the certified LUP states that within Wildlife Corridors,

...The standard for a graded pad shall be a maximum of 10,000 sq. ft. (Table 1)

With regard to the 10,000 sq. ft. pad limit, the pads associated with the existing residence, and other ranch structures significantly exceed the 10,000 sq. ft. limit. The applicant proposes approximately 35,000 sq. ft. of additional development

area that would potentially exclude wildlife. As noted in the staff summary, a strict interpretation of this guideline would therefore indicate that the number of accessory structures and the associated pad area of existing and proposed new development are not consistent with the Table 1 standards for development within a Wildlife Corridor. The applicant proposes, however, to restore (Special Condition 4 – Final Habitat Restoration, Enhancement, and Monitoring Plan) approximately seven acres of total disturbed area otherwise historically disked or grazed for agricultural use since the 1940s, to deed restrict as open space and for habitat conservation approximately 37 acres of the 40.7-acre site (see Exhibit 12), and to retire all development rights on 80 acres off site, in Las Flores Canyon, owned by the Mountains Recreation and Conservation Authority as part of a larger holding that has been permanently protected through deed restrictions with the exception of the subject 80 acres (See Exhibit 9). The 80 acres was previously qualified by the Commission staff for four (4) Transfer of Development Credits while owned by the MRCA.

Special Conditions, 10, 11 and 12 implement these on site and off site mitigation measures offered by the applicant as part of the proposed project description.

The Commission's staff ecologist, Dr. Jon Allen, has visited the subject site and reviewed the applicant's proposed draft Restoration, Enhancement and Monitoring Plan. Dr. Allen determined that the intensified development of the parcel through the construction of the 6,172 sq. ft. barn, with appurtenant structures, trails, parking areas, traffic, activity levels associated with the professional training and activities of the 14 dressage horses maintained by the applicant, noise, lighting, and other forms of associated disturbance will have a chronic, chilling effect on wildlife use of the corridor. Dr. Allen determined that these effects will persist despite the implementation of an extensive on site mitigation program. Dr. Allen determined that there will be residual, cumulative adverse impacts upon wildlife use of the corridor. These impacts will be mitigated by providing the additional protection of open space and habitat off site. The applicant proposes to retire development rights on 80 contiguous acres of open space within a wildlife corridor (albeit one that is not formally designated on the certified LUP maps). The applicant's consulting restoration ecologist has done an on site survey of the site's biota and apparent wildlife usage patterns. It is important to note, however, that the survey was done after the construction and operation of the intensive new equine facility development occurred. Thus, there no baseline was established by the applicant, and present wildlife use of the site already discounts the existing disturbance of the facility.

For these reasons, Dr. Allen has determined that the applicant's on site mitigation measures, while highly beneficial and offering considerable mitigation of the long-term chronic effects of past agricultural use of the site, do not fully mitigate the project's overall adverse impacts within the Wildlife Corridor. Therefore, the off site mitigation in Las Flores Canyon is necessary. Staff notes that the 80 acres proposed for off site mitigation through the implementation of Special Condition 12

were previously approved by Commission staff for four (4) Transfer of Development Credits while the lands were owned by the Mountains Recreation and Conservation Authority.

Table 1 also states that within Wildlife Corridors,

...New on site roads shall be limited to a maximum of 300 feet or one third of the parcel depth, whichever is smaller. (Table 1)

The existing unpaved driveway is approximately 1,200 ft. in length, from the parcel entrance to the existing single family residence. The subject barn and riding arena are situated along the existing driveway, approximately 480 feet from the parcel entrance, which is off Decker Canyon Road by way of Decker School Lane. Although a short side driveway is proposed to serve the after-the-fact barn and adjacent parking area, the primary driveway that exceeds the Table 1 limits is pre-Coastal Act in construction.

...Site grading shall be accomplished in accordance with the stream protection and erosion control policies. (Table 1)

The proposed project includes 11,200 cubic yards of total grading 11,200 cu. yds (5,740 cu. yds. cut, 5,520 cu. yds. fill; 220 cu. yds. export) of soil, mostly to construct the approximately 20,000 sq. ft. pad for the riding arena, and to install the 6,170 sq. ft. barn southwest of the riding arena. The daylight lines of the cut pad are less than 150 feet from the centerline of a blueline stream designated by the U.S. Geological Survey and the grading plans for the stable/barn show that the outer limits of the earthwork are immediately adjacent to the riparian drainage that traverses the area west of the barn. The stream feeds a large reservoir established on site, and from there flows into the confluence with the other (blueline) stream on site. The combined riparian corridors drain from their confluence on site into the off site East Fork of the Arroyo Sequit.

The applicant proposes to address the close proximity of the new barn, converted barn, corrals, and horse wash area to the unnamed riparian drainage west of these structures, and tributary to the reservoir and ultimately the Arroyo Sequit, and to address the grading of the pad for the riding arena, and placement of the covered, 14,000 sq. ft. arena near the blueline stream, through a comprehensive Livestock Waste and Water Quality Management Plan. The final approved plan will ensure that all effluent from the equine facilities on site are collected and filtered before introduction into any drainages on site, and will include water quality monitoring requirements to ensure the successful performance of the proposed systems.

The Livestock Waste Management Plan submitted in draft form by the applicant relies on composting animal wastes and soiled bedding and then disposing of the composted material to ground on site (in restoration areas and other on site locations). The Commission's staff ecologist, Jon Allen, Ph.D. has evaluated the

site, and the applicant's plans to manage wastes and to undertake a restoration and enhancement program on site. Dr. Allen specifically notes that discharge of composted materials to land on site should be discouraged due to the excessive nutrient loading that will result over time. The excess nutrients may leach into runoff and cause the deterioration of water quality and the resultant decline of aquatic habitat values, and may also contribute to the conversion of native chaparral species which do not require or necessarily even tolerate excessive inputs of either fertilizer or irrigation.

Thus, one of Dr. Allen's recommendations is that the composted wastes be collected and disposed of off site. Special Condition 7 incorporates this requirement. In addition, Special Condition 6 (Drainage and Polluted Runoff Control Plan) ensures that drainage is collected and managed in a non-erosive fashion that filters urbanized runoff and limits sediment pollution of coastal waters. Fully implemented, therefore, Special Conditions 6 and 7 will help to ensure that the proposed project is consistent with Coastal Act Sections 30230 and 30231.

The applicant represents, and Special Condition 13 requires evidence to demonstrate, that the Los Angeles County Fire Department has approved a final fuel modification plan that verifies that no fuel modification (or brush clearance) will be required for the riding arena—thus there will be no associated affect on the blueline stream corridor less than 150 feet north of the arena—and that the new barn, old barn conversion, and other components of the applicant's proposal will not require any additional fuel modification or brush clearance beyond the extent of brush clearance that may otherwise be required for the existing pre-Coastal Act structures.

Additional guidance provided by the applicable policies of the certified LUP includes:

P67 Any project or use which cannot mitigate significant adverse impacts as defined in the California Environmental Quality Act on sensitive resources (as defined in Figure 6)¹ shall be denied.

P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.

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.

¹ "Figure 6" is the certified Sensitive Environmental Resources Map of the LUP.

P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

The existing single family residence is located at the end of a driveway extending over 1,200 linear feet from the parcel boundary. The LUP limit for such driveways is a maximum of 300 linear feet. The existing driveway is pre-Coastal and terminates at the northerly reach of the 40.7-acre parcel at the applicant's residence. The additional equine facilities proposed by the applicant branch off of, and are located adjacent to, the existing driveway. No new, significant stretches of driveway, or branches of the driveway, area required to serve the proposed development. However, the applicant has placed structures within the blueline stream corridor to support the "Arizona Crossing" of the driveway at this location. Culverts and bank stabilization measures have been implemented. The bridging of blueline streams has long been required by the Commission and is specified in the guidance provided by the certified LUP:

Policy P78 states:

Stream road crossings shall be undertaken by the least environmentally damaging feasible method. Road crossings of streams should be accomplished by bridging, unless other methods are determined by the ERB to be less damaging.

Because the development within the blueline stream was undertaken without the benefit of a coastal development permit or County permits, the Environmental Review Board (ERB) did not evaluate the subject Arizona Crossing. Nevertheless, it is clear from staff site visits that bridging of the crossing for purposes of a private driveway is feasible. The applicant has not included a proposal to bridge the blueline stream crossing, and while including the unauthorized stream improvements in the development assessments provided with the application, proposes to subsequently present an amendment request for future consideration after conducting a "hydrologic study" of the blueline stream this winter. As noted in the backgrounds section (Section A), Special Condition 13 (Revised Plans) requires the applicant to submit engineered designs for a bridged crossing of the blueline stream prior to issuance of the coastal development permit. This requirement will ensure that the mitigation of unauthorized impacts to the blueline stream is provided to achieve consistency of the proposed project with the applicable policies of the Coastal Act. Without including this mitigation as a condition of approval, it would otherwise not be possible to determine that the proposed project can be approved.

Moreover, because construction within the streamcourse could not be undertaken until April 1 at the earliest, the applicant still has the opportunity to undertake the hydrologic study of the blueline stream that the applicant believes is necessary to design the bridge, and if the data so obtained indicates that changes are necessary

to the bridge plans provided to satisfy compliance with Special Condition 13, these changes can be evaluated, and authorized by the Executive Director as a matter of condition compliance. Therefore, the applicant's objections to designing a bridged blueline stream crossing in this application are fully addressed, and the impacts of constructing the bridge and restoring the affected area of the stream can be mitigated within the Final Habitat Restoration, Enhancement, and Monitoring Plan required pursuant to Special Condition 4.

As stated previously, the applicant has submitted a draft Habitat Restoration, Enhancement, and Monitoring Plan prepared by David E. Kelley, Kelley & Associates Environmental Sciences, Inc., dated June 22, 2001. The plan, if revised as required pursuant to Special Condition 4, and fully implemented, will provide the restoration or enhancement of almost 7 acres of the overall site, in areas that have either been chronically disturbed by past agricultural practices (disking, orchard production, or grazing, according to the applicant and shown in historic aerial photographs), or have been subject to trail cutting and use, and manure disposal within the trail corridors on the western ranch area, undertaken without the benefit of a coastal development permit.

According to the applicant's agents, the applicant's practice of disposing of stable wastes and manure directly to land in the western portion of the ranch has been suspended during the staff review of the pending coastal development permit application.

The applicant's restoration proposal includes a map (see Exhibit 13) that illustrates the extent of existing trails that will be restored, and those that are proposed to remain as authorized development under Coastal Development Permit 4-01-159. Exhibit 5 identifies a portion of the proposed trail corridor that is not authorized and must be included in the Final Habitat Restoration, Enhancement, and Monitoring Program. This trail portion takeoff is immediately west of the new barn and adjacent to the reservoir, and furthers the disruption of the sensitive resources in the restoration area. The remaining authorized trail corridor is extensive and the changes shown in Exhibit 5 are relatively minor in light of the overall trail network.

In addition, and in accordance with the recommendations of the applicant's water quality and waste management consultant (Psomas), and in accordance with the recommendations of the Commission's staff ecologist, Jon Allen, Ph.D., the remaining authorized trails, which exceed 20 feet in width in many areas, shall be restored to a maximum width of eight (8) feet.

In addition, Dr. Allen, as stated previously, recommends that all animal and stable waste disposal to land, whether composted or not, be discontinued on site. Dr. Allen indicates that the placement of these wastes on site would contribute excess nutrients that would either interfere with the dynamics of the native chaparral habitat (which does not tolerate artificial inputs of fertilizer and irrigation water, or may convert to a different species assemblage if subjected to these inputs over the long

term—which could favor dominance by coyote bush, for example, at the expense of other sage scrub and chaparral species). Therefore, Special Condition 7 requires that the final approved plan for Animal Waste and Water Quality Management provide for collection and off site disposal of all animal wastes and soiled stable bedding, to ensure that the remaining habitat on site is preserved, and thereby contributing to the mitigation of the adverse impacts of the intensified equine and ranch facility development on the Wildlife Corridor value of the subject site. This is particularly important in light of the volume of animal waste projected for the 14-horse facility: over 150 tons of horse manure annually, not including soiled straw bedding or shavings, according to the draft Animal Waste and Water Quality Management Plan.

In addition, Dr. Allen notes that manure disposal on site has been established in the literature as an attractant to cowbirds, which are predators of native songbirds. Thus manure disposal to ground on site has the potential to adversely affect the fauna of the Wildlife Corridor within which the subject site is located, as well as the flora. This emphasizes the necessity of off site manure disposal, as required by Special Condition 7.

In addition to the provisions of Special Condition 7 discussed above, Special Condition 6 requires the applicant to provide a Drainage and Polluted Runoff Control Plan, which, in conjunction with the Animal Waste and Water Quality Management Plan, will ensure that all site runoff is collected and discharged in a non-erosive manner, and treated or filtered to prevent contaminants from ranch facility runoff from entering the streamcourses on site, and ultimately, the Arroyo Sequit.

The applicant proposes the placement of a 300 gallon gasoline storage containment and an emergency backup generator that would operate off of this fuel supply if necessary. Special Condition 13, revised plans, requires the applicant to ensure that the facility is contained within a bermed area sufficient to collect a minimum of 300 gallons of spilled fuel. This containment provision will ensure that the maximum potential spill of gasoline would be prevented from reaching the Decker School Lane Drainage and ultimately the Arroyo Sequit, thereby ensuring that coastal waters are protected from a potentially toxic contaminant that could result in fish kills.

The conversion of the aging, historic barn into a ranch employee one bedroom apartment with bath and a separate but attached ranch office with bathroom raises the concern that the septic disposal system serving this structure may not be adequate to properly manage the volume of effluent that may be generated by the combined use of the facilities, including the use of the ranch office bathroom by employees, trainers, visitors, etc. The applicant has provided a letter from Pacific Coast Civil, Inc., stating the following:

"...Subject: Cardoso Ranch – Request for Information Regarding Septic System Sizing Criteria...Dear Glenn: Thank you for the opportunity to assist you in this matter. Based on your request for information regarding the sizing criteria for your septic system, we have reviewed the Uniform Plumbing Code, the nationally recognized source for standards of this type. Appendix K of the UPC is very specific in regard to residential systems, in that the capacity of a septic tank serving a dwelling is defined by the number of bedrooms in the dwelling. Using Table K-2 for single or two bedroom dwelling, the minimum septic tank capacity is prescribed as 750 gallons.the minimum leach field calculates to be 300 square feet..." Signed Richard E. Doss, PE, President. (dated June 26, 2001)

In addition, the applicant has provided a letter dated July 9, 2001, which apparently was written after reviewing the letter by Mr. Doss, above. The July 9 letter was prepared by T.A. Staben, Inc., General Engineering Contractor and states:

"... Re: Old Barn Septic Tank...Dear Mr. Cardoso, We have reviewed the Uniform Plumbing Code requirements for the old barn septic system as defined by Pacific Coast Civil Engineers' letter dated July 6, 2001. The old barn is served by an existing septic system and upon field inspection, we have confirmed that the capacity of the system meets and exceeds the Uniform Plumbing Code requirements. No adverse downstream impacts from the septic system have been observed and the system appears to be functioning properly. The system should not affect adjacent properties, the nearest of which is upslope and over 370 feet to the South. Sincerely, Tom Staben, T.A. Staben, Inc., President"

The information set forth in these letters does not provide an adequate septic analysis of the proposed barn conversion. There is no evidence of the system's age or condition (it is possible that the system is twenty to thirty years old, or even more), nor is it clear whether there has been any confirmation of the adequacy and performance of the leach field, the suitability of receiving soils to handle the effluent loading from the leachfield without effluent transport into the adjacent stream corridor, or an accurate assessment of the location of the septic tank and leachfield in relation to the adjacent Decker School Lane stream corridor and the proposed riparian habitat restoration of the corridor (Special Condition 4). The applicant has not submitted the results of testing to confirm the adequacy of the septic tank or leachfield. The septic system location, shown in Exhibit 14 page 4, appears to be located less than sixty (60) linear feet from the Decker School Lane Drainage (assuming a map scale of 1 inch to 40 feet).

The applicable standard for leachfield setbacks to protect riparian streamcourses is set forth as follows in the certified LUP, which the Commission relies upon for guidance:

P80: The following setback requirements shall be applied to new septic systems: (a) at least 50 feet from the outer edge of the existing riparian or oak canopy for leachfields, and (b) at least 100 feet from the outer edge of the existing riparian or oak canopy for seepage pits. A larger setback shall be required if necessary to prevent lateral seepage from the disposal beds into stream waters.

An evaluation of the draft Habitat Restoration, Enhancement and Monitoring program appears to indicate that the existing septic system leachfield either encroaches into the riparian vegetation presently on site, or the riparian vegetation that will be restored in the subject area, based on the 50-ft setback standard from the outer edge of riparian canopy. Special Condition 13 requires revised plans to include construction of a new septic disposal system (including leachfield) utilizing alternative septic disposal technology and/or graywater systems if feasible, and Special Condition 1 requires the geotechnical consultant to evaluate the septic disposal system in light of the soil and other applicable site conditions. These measures are designed to ensure that septic effluent does not reach the Decker School Lane Drainage, reservoir, and ultimately the Arroyo Sequit, which is one of only two streams in the Santa Monica Mountains that supports a native Steelhead trout population. Steelhead are a federally endangered species, and Commission staff ecologist Dr. Jon Allen points out that any potential source of contaminated discharge on the subject site should be carefully evaluated to ensure that no such discharge occurs. In addition, Special Condition 14 requires the applicant to obtain approval from the Los Angeles County Department of Environmental Health for the new septic disposal system for the old barn conversion. Environmental Health Department approval will help to ensure that the septic disposal system exceeds the standards of the Uniform Plumbing Code for a professional office and bathroom combined with a one bedroom apartment and bathroom and relying on a single septic disposal system.

The new barn proposed for after-the-fact approval, many of the corrals, the horse wash area, and the old barn proposed for residential/office conversion, are all located in close proximity (less than 100 feet) to the adjacent Decker School Lane Drainage, and are not consolidated with the existing single family residence are of the site that could be expected to be lighted at night. The scattering of the development features on site, and the proximity of the intensified equine and residential development to the Decker School Lane Drainage streamcorridor and the reservoir fed by it, has greatly intensified the impacts of development of the subject site on the Wildlife Corridor that the site is located within. The streamcourses and reservoir provide the most active corridors for wildlife movement and use. Thus intensified development near these areas of the site has a disproportionately larger effect on wildlife movement and use patterns. A source of perennial surface water, such as the reservoir, is a strong attractant to wildlife.

Night lighting in relatively natural areas, particularly Wildlife Corridors, is known to produce adverse impacts on wildlife use of such corridors. Light intrusion can

disrupt avian nesting and roosting patterns, the feeding and movement patterns of nocturnal animal species, and may deter timid species from the use of the corridor. The potential for disruption by night lighting is further amplified by accompanying disturbance caused by the presence of humans in the same area. The applicant seeks after-the-fact approval to convert a small, historic 932 sq. ft. barn into a residential apartment (about 620 sq. ft.) and attached, but without any internal openings, ranch office with bathroom (about 310 sq. ft.). Both areas have trellised patios on the streamcourse (generally to the west) side of the building. Nighttime use of these patios would result in nighttime disturbance immediately adjacent to the stream corridor and reservoir, that cannot be mitigated. Therefore Special Condition 13 requires that these patios be completely removed in revised plans.

In addition, Special Condition 8 (Lighting, Development, and Management Restrictions) requires the recordation of a deed restriction severely limiting the intrusion of night lighting, or nighttime disturbance (through outdoor confinement of horses at night, or lighting of the arena for nighttime riding activities, for example) within the Wildlife Corridor, and minimizing the use of outdoor lighting only to those locations where it is essential. Exhibits 7 and 8 illustrate areas restricted from outdoor lighting, including most of the acreage proposed by the applicant for permanent deed restriction for preservation of open space and habitat area (approximately 37 acres of the 40.7-acre site). While the impacts on the Wildlife Corridor caused by the applicant's significantly intensified use of the site for the barn, apartment, arena, etc., cannot be fully mitigated by the restriction on outdoor horse boarding at night, or lighting on the arena/trails, etc., these measures will significantly increase the remaining use of the Wildlife Corridor at night, which is the prime time for wildlife use of the site, according to Dr. Allen.

In addition, the guidance of the policies of the certified LUP applicable to development in a Wildlife Corridor restricts the use of perimeter fencing on properties so located. The LUP states:

...The fencing of entire parcels shall be prohibited in order to allow free passage of wildlife.

In past Commission actions, the Commission has generally restricted the use of perimeter fencing on parcels situated within designated Wildlife Corridors, and required that any approved fencing on such sites be permeable, but not hazardous to, wildlife. The applicant proposes to remove significant portions of the existing fencing on site and to retain the southerly property boundary fencing. Special Condition 16 does not require that the southerly fencing be removed, but that it be evaluated to ensure compatibility with wildlife movement and safety, and that the balance of the perimeter fencing, where present elsewhere on site, be removed.

In addition, Special Condition 9 (Future Development) requires that future development that might otherwise be exempt from the requirement of seeking a coastal development permit be subject to review by Commission staff and the

Commission, as necessary. Implementation of Special Condition 9 will ensure that the applicant and successor interests must seek approval for future fencing on site, in addition to approval for any other development that may be proposed in the future. The resultant application process review will ensure that potential impacts to wildlife relying on the Wildlife Corridor resources, and the specific habitat areas on site, are considered before future development of the subject site is authorized.

For all of the reasons set forth above, the Commission finds that as conditioned, the proposed project will be consistent with the applicable sections of the Coastal Act.

D. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation; increase of impervious surfaces; increase of runoff, erosion, and sedimentation; and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Furthermore, the Commission also recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

The proposed development will result in an increase in impervious surfaces, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Furthermore, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to

species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, drainage and water pollution control measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site is returned to the soil, overall runoff volume is reduced. Slow surface flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load is greatly reduced.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The project is conditioned, under Special Condition 6 (Drainage and Polluted Runoff Control Plan), to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion, sedimentation, and polluted runoff are minimized to reduce potential impacts to coastal streams. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted

runoff control system to ensure that it continues to function as intended throughout the life of the development.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition Six (6), and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

In addition, due to the intensive livestock usage proposed in close proximity to riparian corridors on site that are tributary to the Arroyo Sequit, the applicant proposes to implement Livestock Waste and Water Quality Management Plan that will supplement and complement the plan required by Special Condition 6. The final, approved version of the draft plan, required by Special Condition 7 will require that livestock waste be exported from the site, however, rather than disposed to land on site, in accordance with the recommendation of the Commission's staff ecologist, as discussed in more detail in previous sections.

As described above, the proposed project includes the construction of a multi-structure ranch modernization and equine facility intensified new development. The proposal also includes the conversion of an old barn into an apartment and ranch office/bathroom (separate but attached units). The structure is apparently served by an existing septic system reported to be approximately 750 gallons in total capacity. Special Condition 13 (Revised Plans) and Special Condition 14 (County Approval) will ensure that the septic system is updated if necessary to serve this development, in accordance with applicable codes and regulations. The Commission has found in past permit actions that conformance with the provisions of the plumbing, health, and safety codes is protective of resources and serves to minimize any potential for wastewater discharge that could adversely impact coastal waters.

For all of these reasons, therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. Violations

As stated previously, a substantial amount of development has occurred on the subject site without the benefit of a coastal development permit; the unauthorized development includes virtually everything set forth in the project description or supplements to the project description.

Through the current coastal development permit application, however, the current owner is proposing to restore areas where previous pre-Coastal Act development was undertaken, to implement a Habitat Restoration, Enhancement, and Monitoring Plan, and an Animal Waste and Water Quality Management Plan, to deed restrict as open space and habitat conservation approximately 37 acres of the 40.7-acre parcel, and to retire development rights on 80 acres of land in Las Flores Canyon owned by the Mountains Recreation and Conservation Authority (MRCA) within a larger MRCA holding in Las Flores Canyon (the acreage was previously qualified by Commission staff for four (4) Transfer of Development Credits).

If all of the Special Conditions are fully implemented, the violation will be remedied and the matter resolved. However, timely compliance with the Special Conditions is essential to achieve this outcome.

Therefore, to ensure that the violation aspect of this application is resolved in a timely manner, and to thereby limit and remediate the adverse effects on coastal resources that have occurred, and continue, Special Condition 17 (Condition Compliance) requires the applicant to satisfy all conditions which are prerequisites to the issuance of these permits within 120 days of Commission action on Coastal Development Permit Application No. 4-01-159.

Although construction has taken place prior to submission of these permit applications, consideration of the applications by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of these permits does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal development permit. If the Commission does not approve Coastal Development Permit 4-01-159, or if the applicant elects not to exercise the permit, or to comply fully with all conditions of approval of the subject permit, should the permit be approved, the matter will be the subject of continuing investigation, and potential action, by the Commission's enforcement unit.

F. Local Coastal Program

Section 30604 of the Coastal Act states in pertinent part:

- a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.



ACTIVE RANCH

EXHIBIT 1
CARDOSO RANCH
CDP 4-01-159

CARDOSO RANCH

3774
3773
5'
3772
3771
(POINT DUME)
2252 III SE
3770
3769
2'30"
3768
MIL
ONICA 24 MI.
ENTER) 40 M.

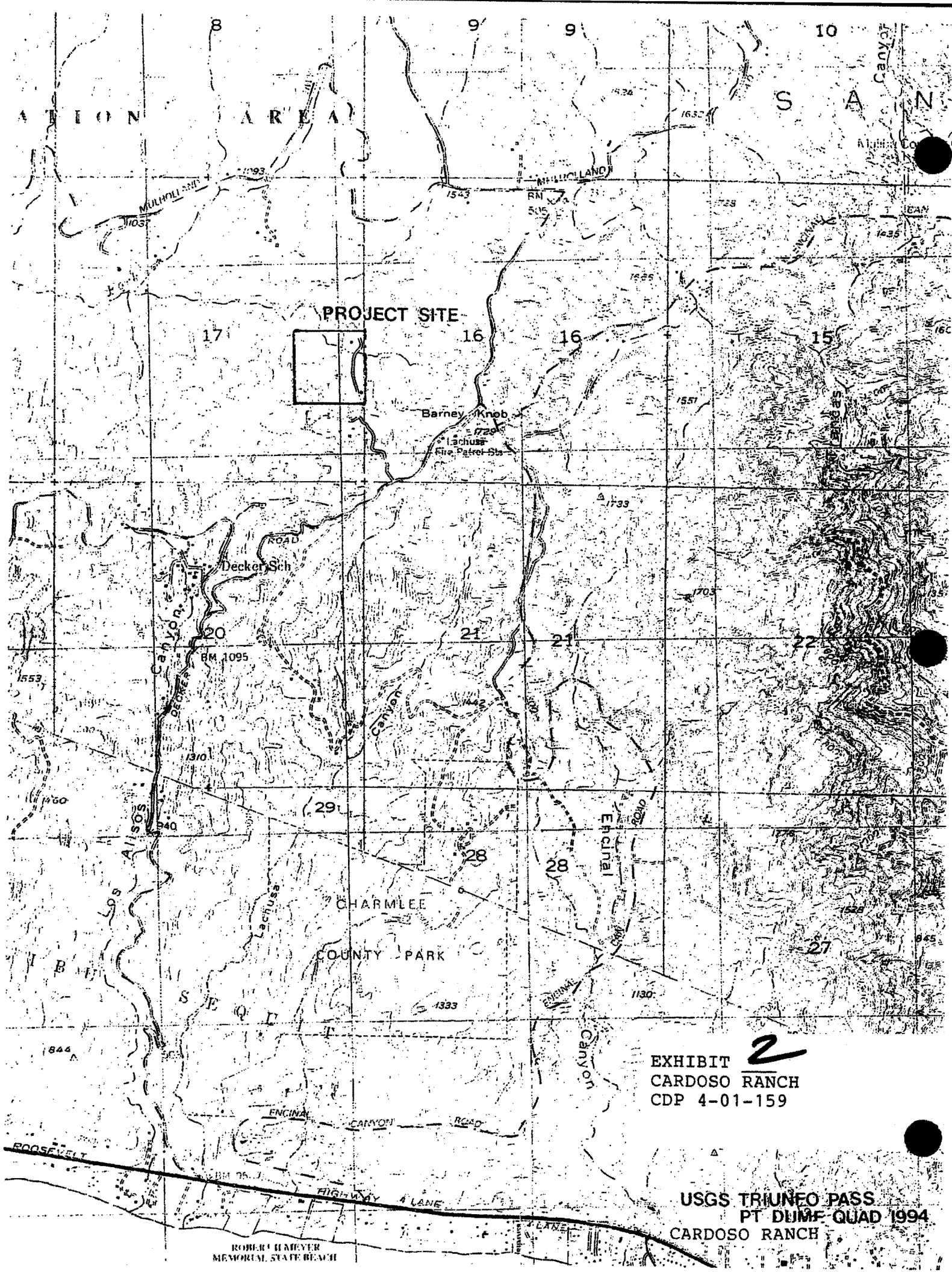


EXHIBIT **2**
CARDOSO RANCH
CDP 4-01-159

USGS TRIUNFO PASS
PT DUME QUAD 1994
CARDOSO RANCH

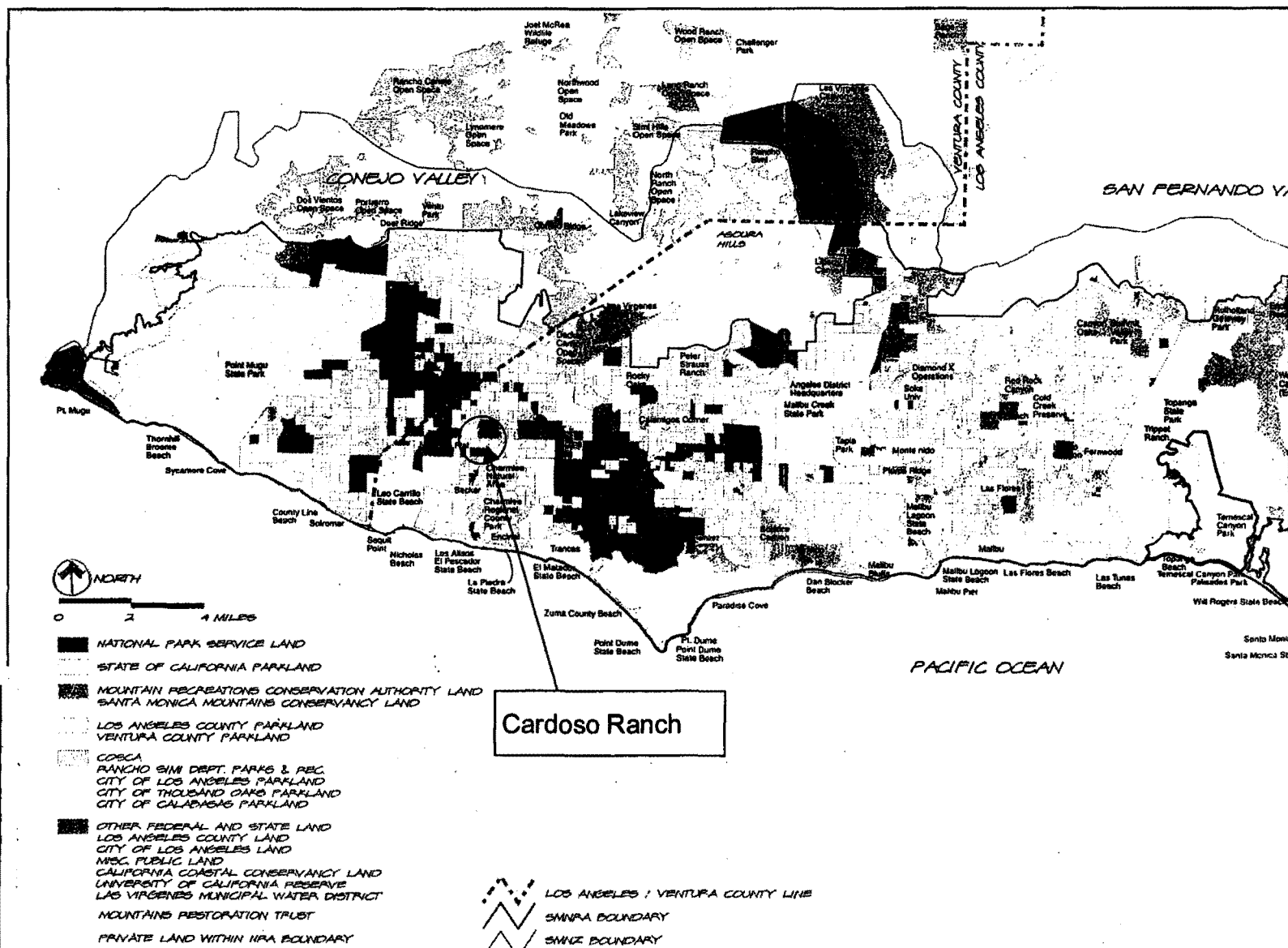


Figure 1. Current parkland ownership in the SMM National Recreation Area from NPS EIS (General Ref. 4). Note very narrow remaining East-West corridors connecting larger protected areas.

VEGETATION RESTORATION ZONES
CARDOSO RANCH • LOS ANGELES COUNTY, CALIFORNIA

LEGEND

- Blue ■ Drainage Corridor
- Green ■ Grasslands/Open Oak Woodland
- Red ■ Trails, Roadways, and Chaparral



EXHIBIT NO. 4
APPLICATION NO.
4-01-159
Cardoso
Proposed Trails

VEGETATION RESTORATION ZONES
CARDOSO RANCH • LOS ANGELES COUNTY, CALIFORNIA

Woodland
Chaparral

blue line stream
canon to be restored
50 feet from top of each
bank through
confluence with
DSL drainage

Discontinue & restore
trail segment (circled)

Reservoir & banks
(circled) shall be
incorporated into
restoration plan

South Property Line

EXHIBIT NO. 5

APPLICATION NO.
4-01-159

Cardoso

Revised Habitat Restoration Plan

SITE PLAN INDEX¹

(Note: The descriptions of pre-Coastal Act structures are indicated below in plain type and new structures, limited grading, and habitat restoration are shown in *italics*. On the two site plan sheets, pre-existing structure numbers are shown in plain type within a circle and new structures and uses are shown in bold. All existing and proposed structural development is located within the historic (pre-1972 and pre-1944) "active ranch area" on the easterly 10 acres of Cardoso Ranch.)

<u>STRUCTURE NUMBER</u>	<u>DESCRIPTION</u>
--------------------------------	---------------------------

SITE PLAN SHEET 1

- | | |
|--------|---|
| 1. | Ranch gate (<i>new pilasters</i>) |
| 2. | Old barn (<i>remodeled with 450 SF employee apt.</i>) |
| 2a. | <i>Trellis-covered patio</i> (adjacent to old barn) |
| 2b-c. | Driveway to old barn and new barn |
| 3a-b. | <i>New barn</i> (including horse stalls, grooming, tack rms.) |
| 3c-d. | <i>Paddocks</i> (adjacent to new barn) |
| 3e-f. | <i>Equipment/vehicle parking, hay storage</i> |
| 4. | <i>Horsewash</i> |
| 5a-b. | Interior ranch road |
| 6. | DSL drainage crossing (<i>non-cresote wooden bridge</i>) |
| 7. | <i>Small, partly covered, open metal slat corral</i> |
| 8a-b. | <i>South and north wooden open slat corrals</i> |
| 9. | Ranch reservoir basin, weir, concrete edge, outflows |
| 9a. | Ranch reservoir inflow area (<i>to be restored</i>) |
| 10. | Ranch reservoir man-made peak flow bypass channel |
| 11. | <i>Shed</i> (former reservoir pumphouse) |
| 12. | <i>Shed</i> (former south water tank) |
| 13a-b. | <i>BMP water quality basins</i> |
| 13c. | <i>Operational-structural water quality BMP's</i> |
| 14. | Mid-ranch road turnaround (<i>improved</i>) |
| 24. | Ranch wellhouse/storage (former garage) |
| 25. | North water tank (<i>restored</i>) |
| 26. | Ranch homestead house (ranch manager's residence) |
| 26a. | <i>Covered entry to ranch manager's house</i> |
| 27. | <i>Covered regulation dressage arena</i> |
| 27a. | <i>Arena exercise track and driveway</i> |
| 28. | Fencing along the ranch's north and west PL's |
| 28a. | Wing fence adjacent to ranch entry gate (<i>replaced</i>) |
| 29. | <i>Master utility panel, electric backup generator</i> |
| 30. | Western Ranch trails and old roads |
| 31. | <i>Balanced on-site cut and fill grading for barn and arena</i> |

¹ The Site Plan Index was prepared by Dall & Associates, based on the Cardoso Ranch Site Plan by VTM, Inc. Sheet 1 (July 2, 2001) contains the southerly half of the Cardoso Ranch and Sheet 2 (July 2, 2001) contains the northerly half. The original site plan sheets are at a scale of 1 inch equals 100 feet contour intervals. The 8 1/2 by 11 inch reductions (no scale) were produced from the sheets.

EXHIBIT NO. 6a
APPLICATION NO. 4-01-159
Cardoso
Site Plan Index

SITE PLAN INDEX, cont'd.

STRUCTURE NUMBER DESCRIPTION

SITE PLAN SHEET 1. continued

- | | |
|--------|---|
| 32. | <i>Mechanical composter</i> |
| 33. | <i>Habitat Restoration Areas</i> |
| 34. | <i>Old Road 1/ crossing DSL drainage restoration area</i> |
| 35. | <i>Restoration of DSL discharge pipe pool at south PL</i> |
| 35a. | <i>DSL drainage pipe channel erosion control</i> |
| 36. | <i>Shed (original homestead house wellhouse)</i> |
| 37a-b. | <i>BMP arena and barn rain runoff cisterns</i> |

SITE PLAN SHEET 2

- | | |
|--------|---|
| 13c. | <i>Operational-structural water quality BMP's</i> |
| 15. | <i>Culverted ranch road embankment at the blue line stream</i> |
| 15a. | <i>Embankment stacked rock stabilization (enhancement)</i> |
| 16. | <i>North fruit orchard restoration fence</i> |
| 17. | <i>Main ranch house, garage, patios, landscaped areas</i> |
| 17a. | <i>Gravelled circular east driveway to main ranch house</i> |
| 18. | <i>Pool, deck, and fence</i> |
| 19. | <i>Solar hot water collectors, pipes</i> |
| 20. | <i>Relocated screened vegetable nursery</i> |
| 21. | <i>Former cook's house (397 SF guesthouse)</i> |
| 21a-b. | <i>Cook's house garden wall, patio with trellis</i> |
| 21c. | <i>Gravelled cook's house driveway</i> |
| 22. | <i>RV parking area</i> |
| 23. | <i>Minor expansion of driveway to main house garage, parking</i> |
| 28. | <i>Removal of ranch perimeter fencing along the west/north PL's</i> |
| 33. | <i>Habitat Restoration Areas</i> |
| 39. | <i>Vegetated BMP drainage swale to blue line stream</i> |

EXHIBIT NO.	6a
APPLICATION NO.	4-01-159
Cardoso	
Site Plan Index	

N

Scale 1" = 40'

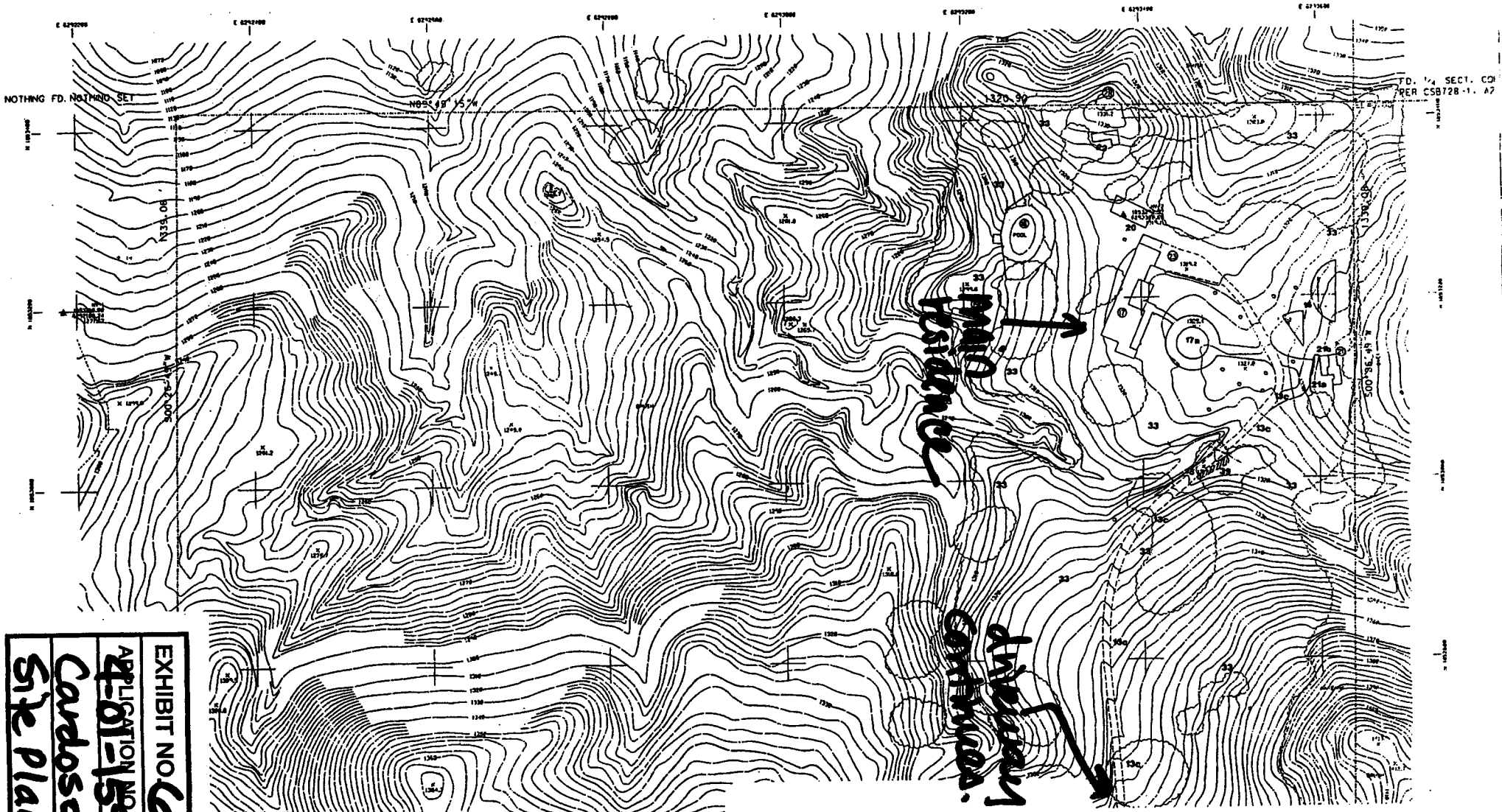


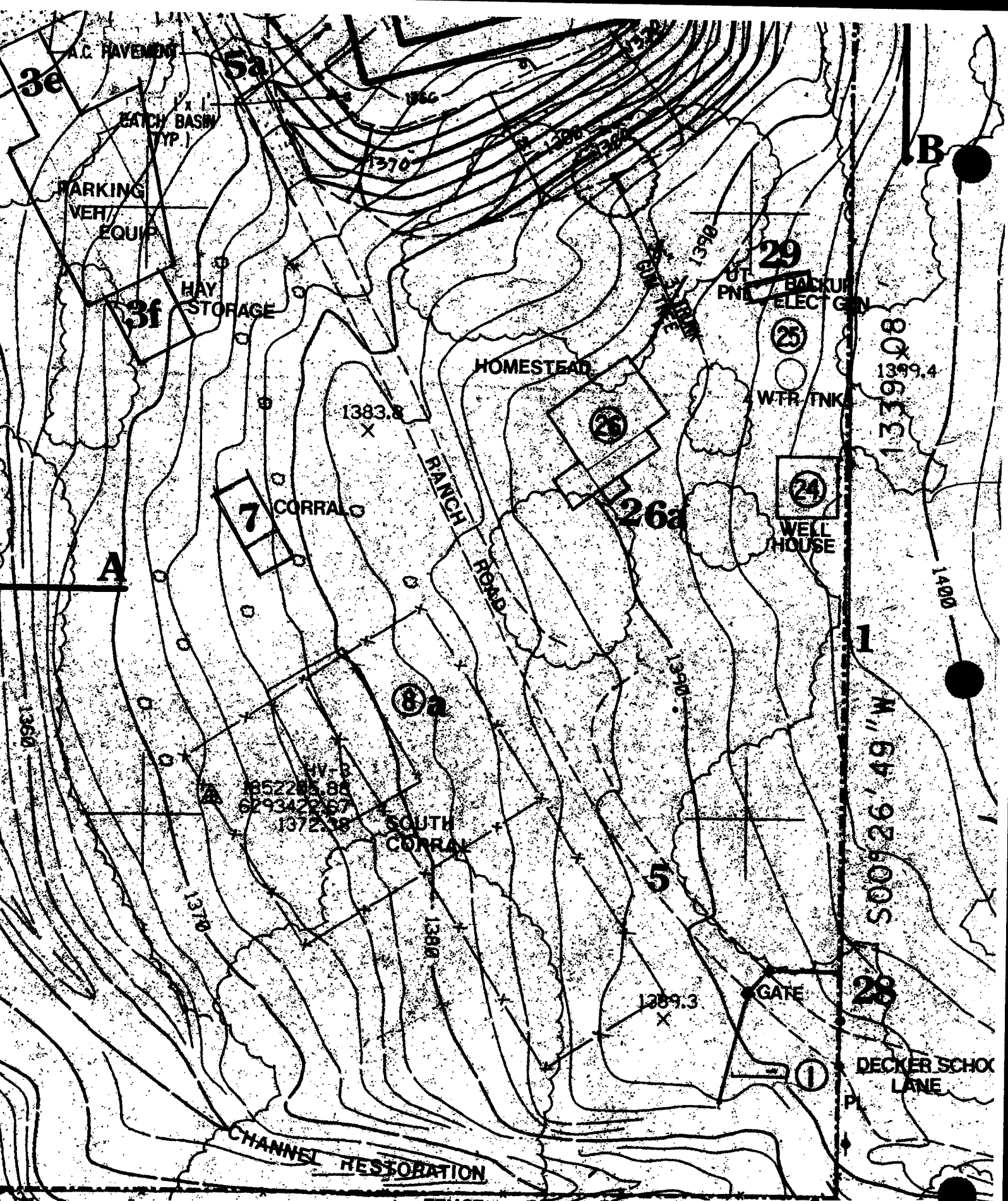
EXHIBIT NO. 60
APPLICATION NO. 4-01-159
Cardoso
Site Plan

LEGAL DESCRIPTION
THE NORTHEAST 1/4, OF THE SOUTHEAST 1/4, OF SECTION 17,
TOWNSHIP 1 SOUTH, RANGE 19 WEST, SAN BERNARDINO MERIDIAN,
IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

NOTES
1. THIS TOPOGRAPHY IS BASED ON AERIAL PHOTOS. DASHED CONTOURS INDICATE
AREAS OF DENSE VEGETATION WHICH OBSCURES THE GROUND AND SHOULD BE
USED WITH CAUTION.
2. IF ACTING WALLS OR SMALL STRUCTURES ARE TO BE DESIGNED FROM
CONTOURS SHOWN ON THIS MAP, GROUND ELEVATIONS AT CRITICAL POINTS
CONTROLLING DESIGN SHOULD BE VERIFIED BY DIRECT LOCATION AND LEVELS
PRIOR TO FINAL DESIGN ADOPTION.

EXHIBIT
CARDOSO RANCH
CDP 4-01-159

REVISIONS	PREPARED FOR: CARDOSO RANCH 1501 DECKER SCHOOL LANE, MALIBU, CA 90265	PREPARED BY: STN. WEST, INC. 8048 VAN NUYS BLVD., SUITE 100 VAN NUYS, CA 91411-2943 (818) 706-0666	SCALE: 1" = 40'
DESIGNED AND DRAWN BY:			DATE: 5-09-01



SCALE: 1"=40' (approx.)
 Prepared by: Dall & Assoc.
 May 12, 2001 on VTN base
 map, May 9, 2001

EXHIBIT **6a**
 Sheet 1
 SITE PLAN-CARDOSO RANCH
 CDP No. 4-01-038

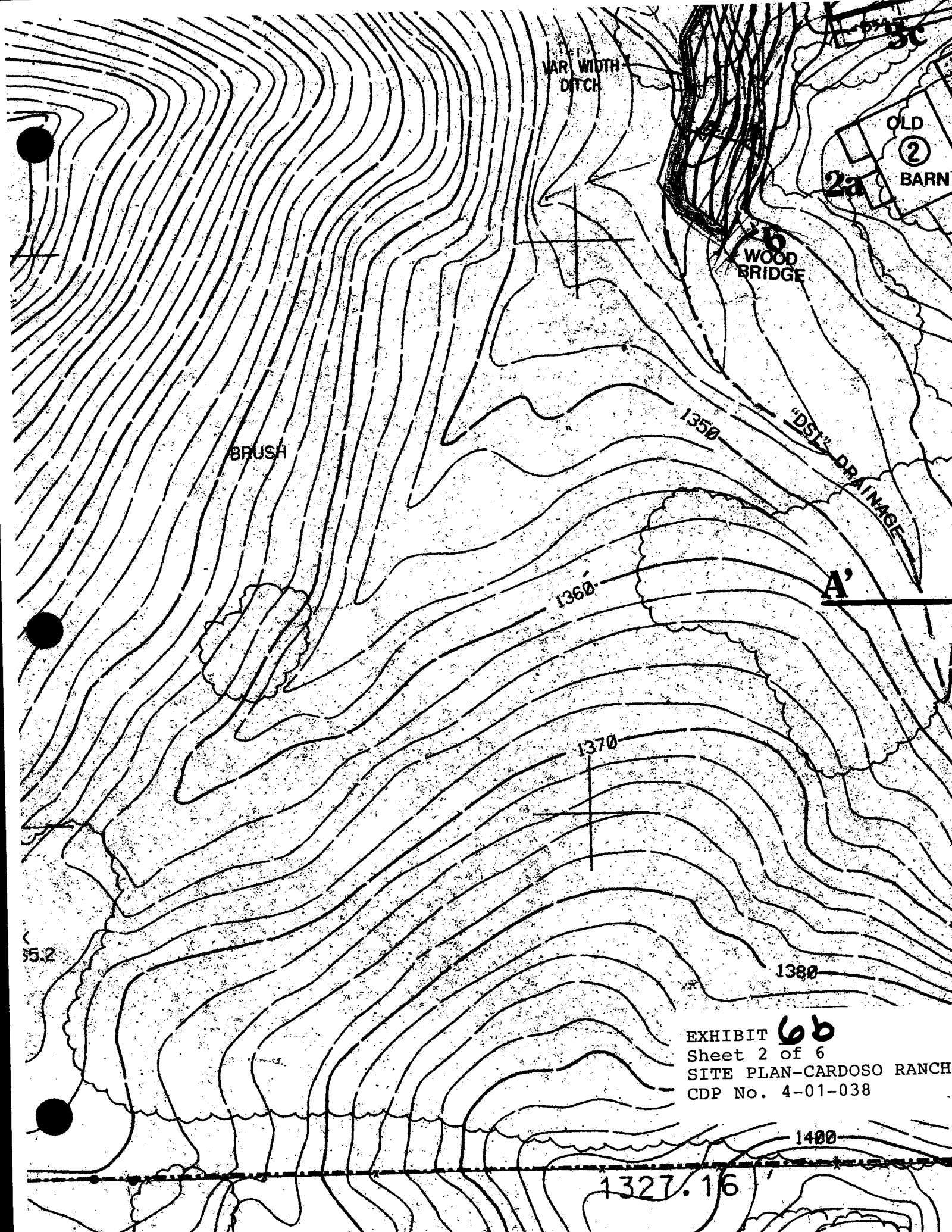


EXHIBIT **6b**
Sheet 2 of 6
SITE PLAN-CARDOSO RANCH
CDP No. 4-01-038

1327.16

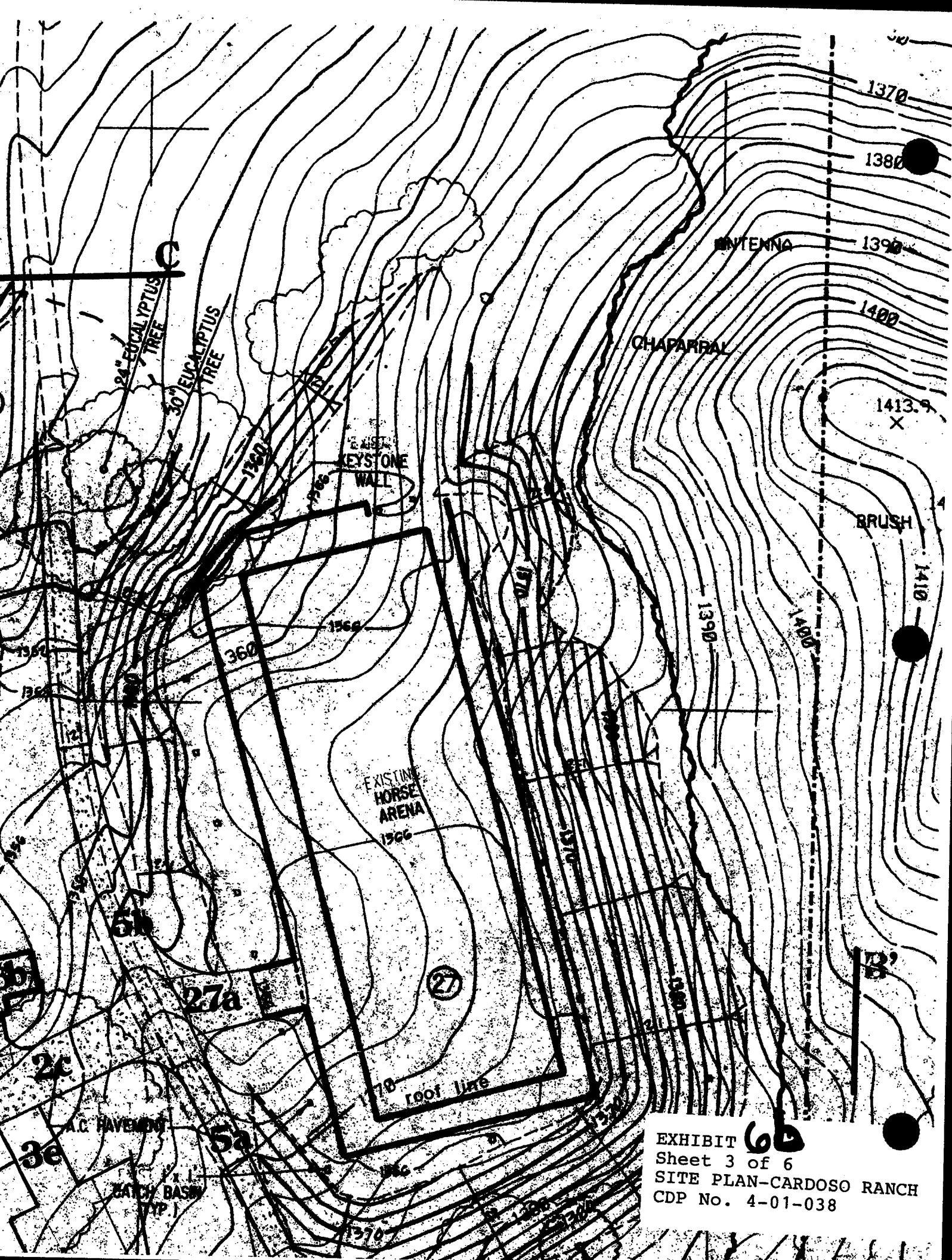


EXHIBIT **6b**
Sheet 3 of 6
SITE PLAN-CARDOSO RANCH
CDP No. 4-01-038

1320

1330

1340

1350

1360

1370

8b

NORTH CORRAL

C'

13

2' HIGH
RATTLE WALL

CLUSTER OF 3-16' DIA
EUCALYPTUS TREE

KEYSTONE
WALL

HORSE
WASH

4

SHED

12

11

WEIR

9

BASIN

1330.9

1333.1

alterable
to
base
channel
if feasible

KEYSTONE
WALL

BYPASS
CHANNEL

3d

3a

BARN

3

STABLE

CONC.

3c

2

2a

VAR. WIDTH
DITCH

EXHIBIT **6b**
Sheet 4 of 6
SITE PLAN-CARDOSO RANCH
CDP No. 4-01-038

FD. 1/4 SEC
PER CSB728-

N 1853400

N 1853200

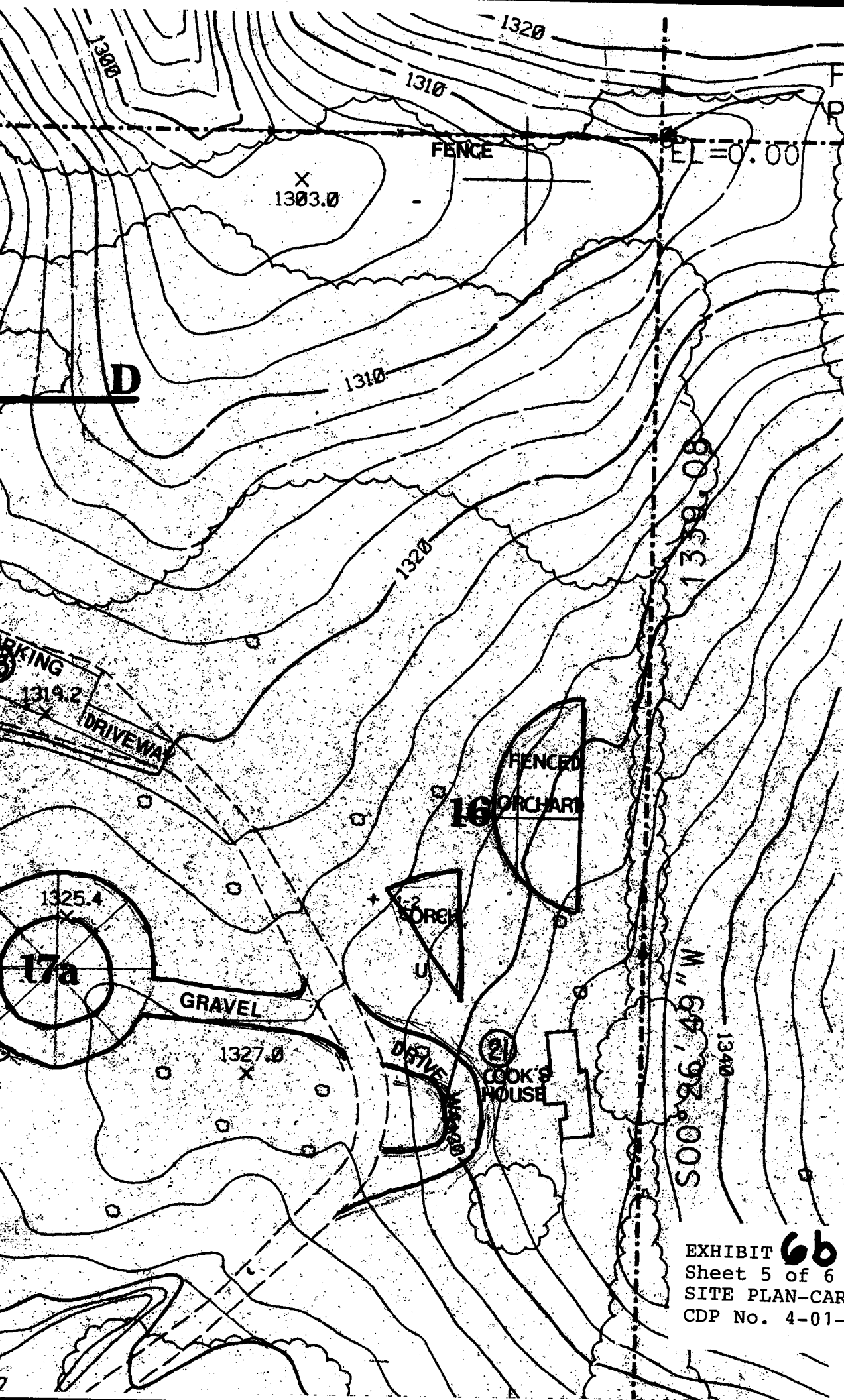


EXHIBIT **6b**
Sheet 5 of 6
SITE PLAN-CARDOSO RANCH
CDP No. 4-01-038

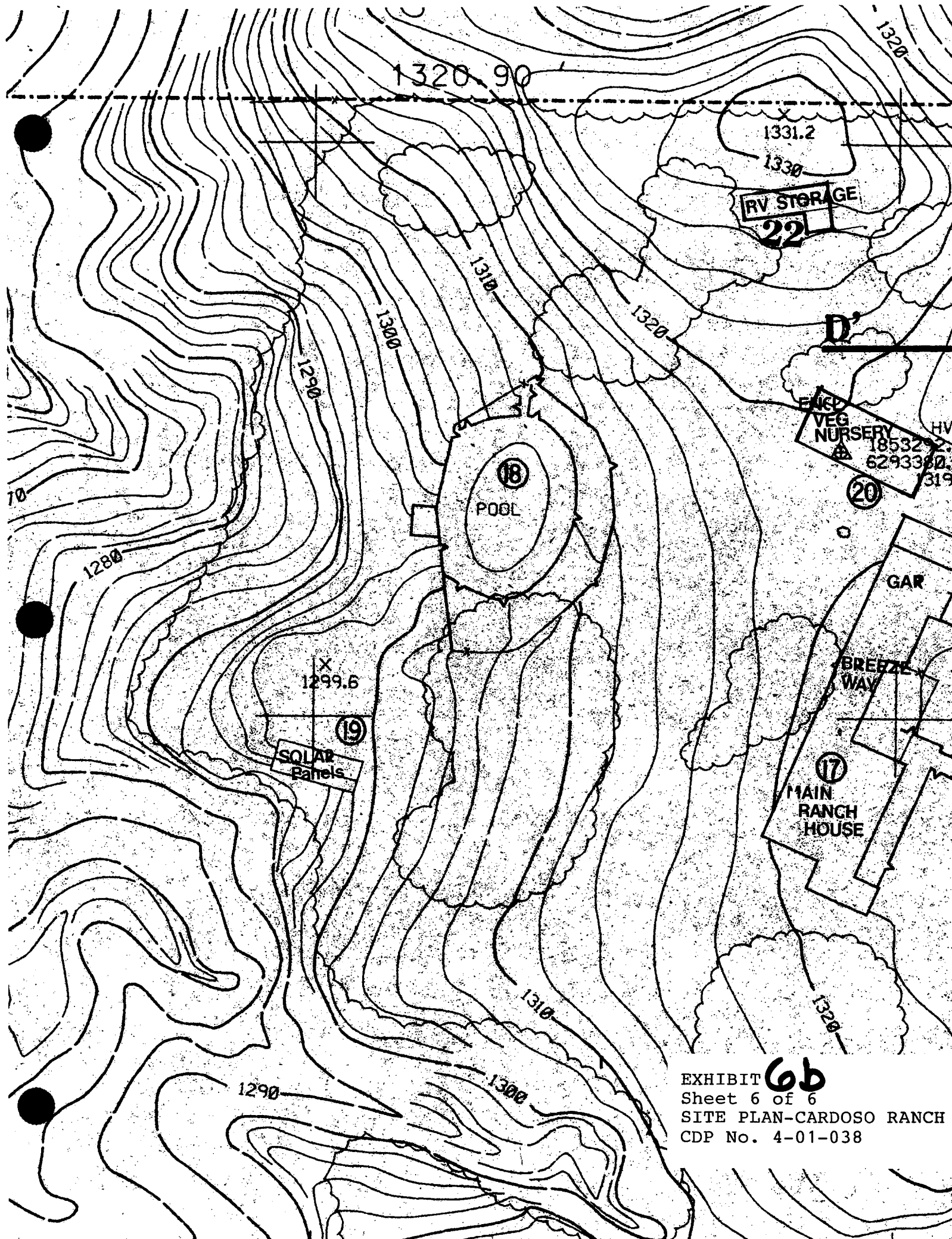
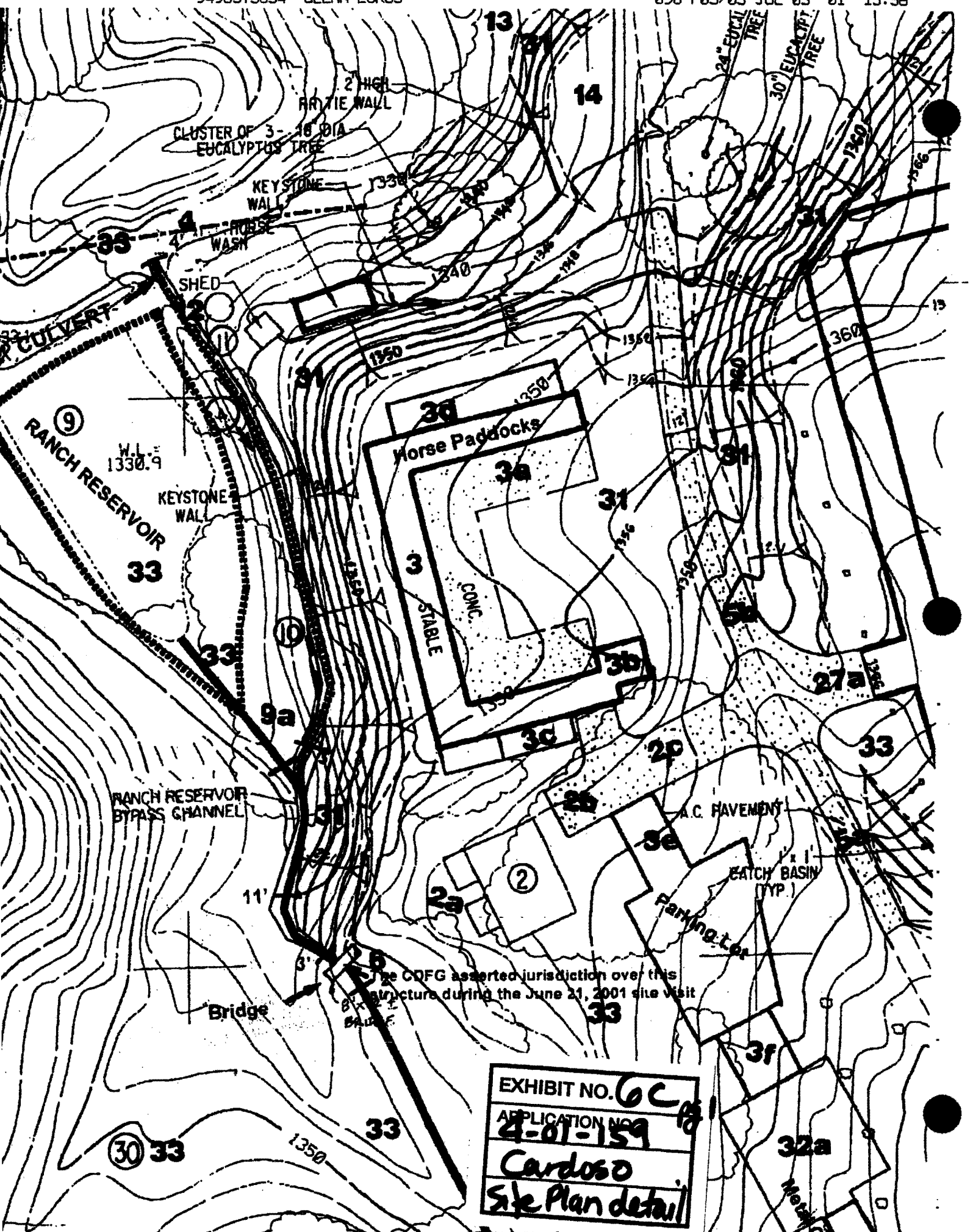
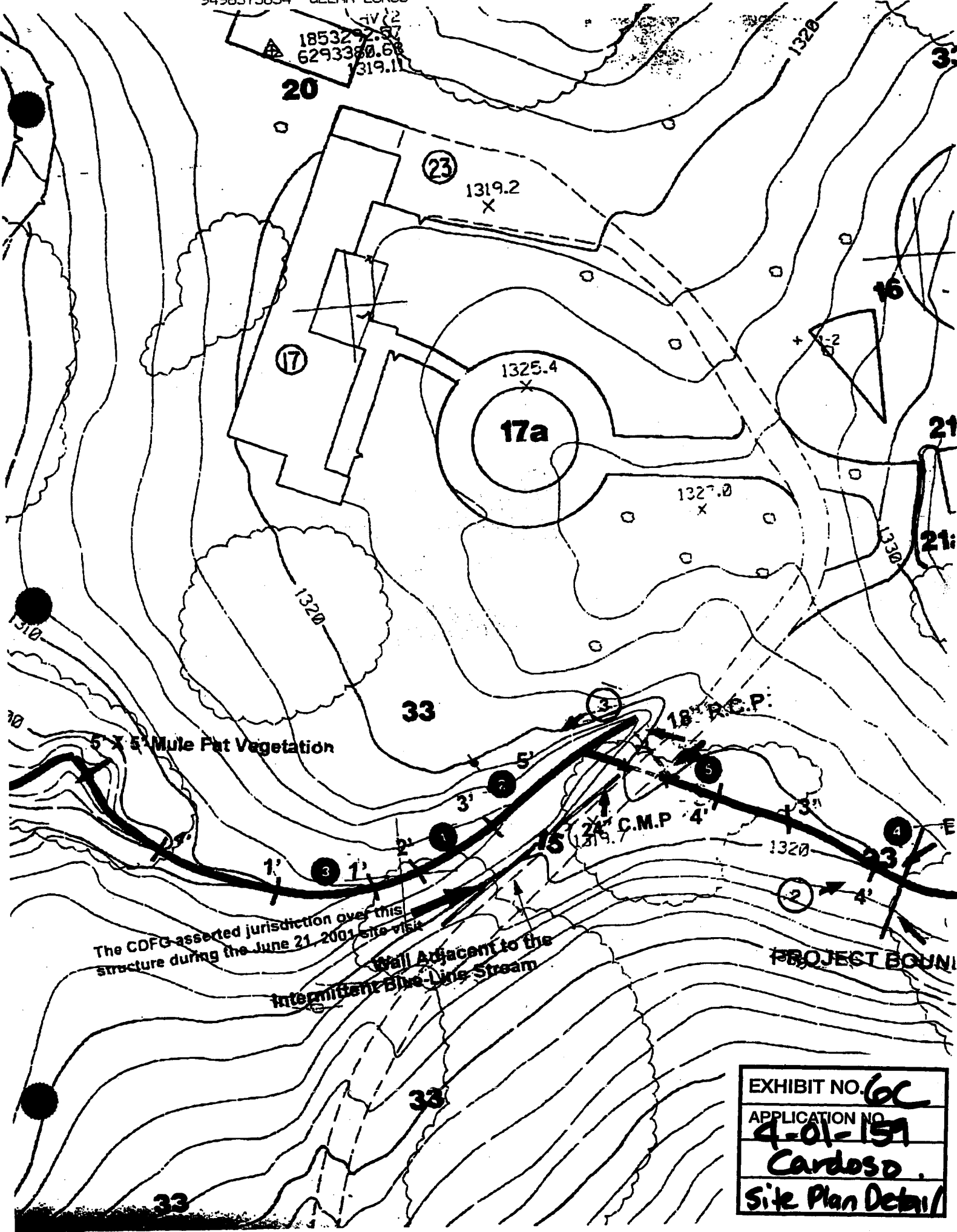


EXHIBIT **6b**
Sheet 6 of 6
SITE PLAN-CARDOSO RANCH
CDP No. 4-01-038





The CDFG asserted jurisdiction over this structure during the June 21, 2001 site visit

Wall Adjacent to the Intermittent Blue Line Stream

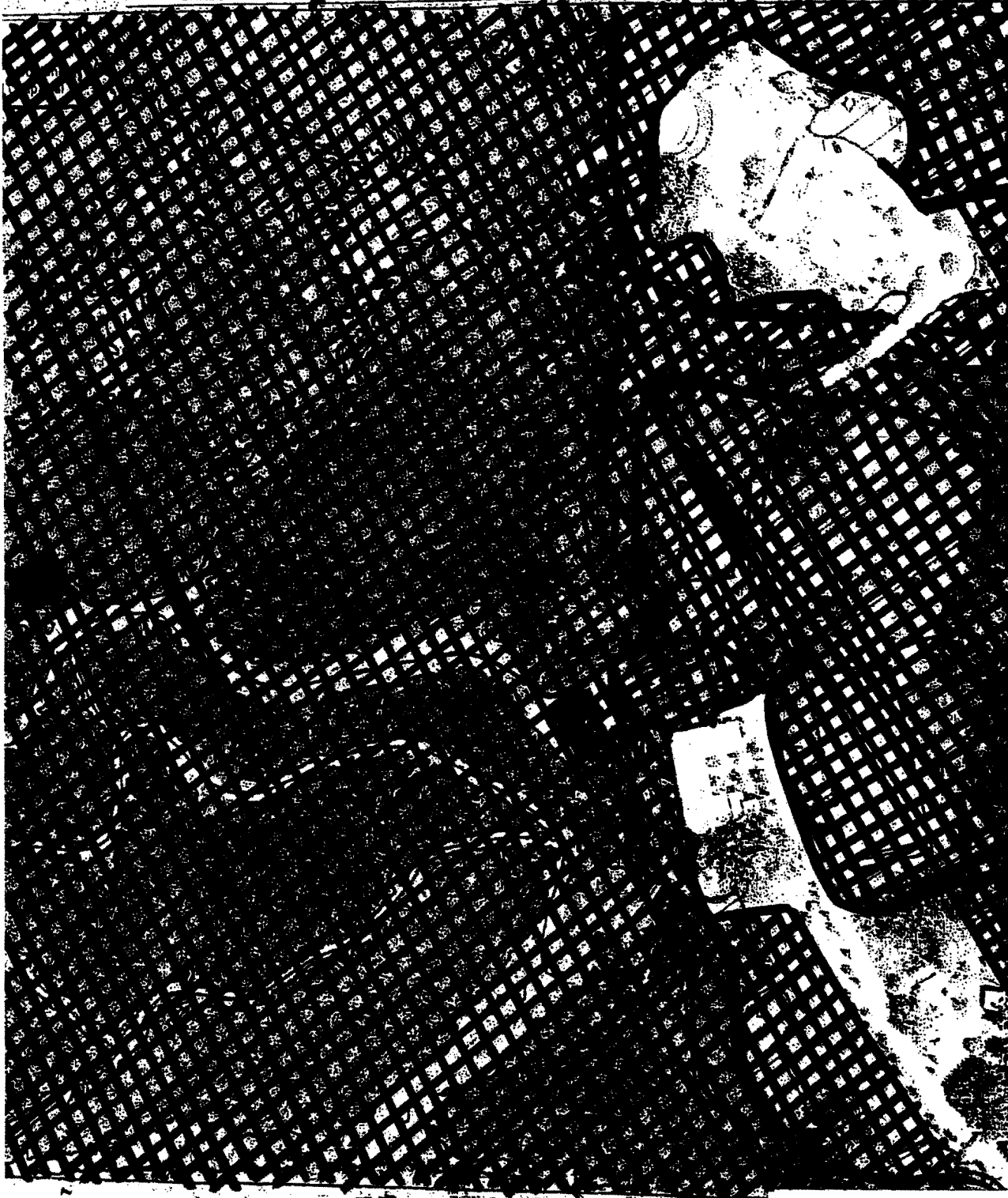
PROJECT BOUNDARY

EXHIBIT NO. 6C
APPLICATION NO. 4-01-151
Cardoso
Site Plan Detail



← indicates no lighting
pursuant to
Special Condition 8

VEGETATION RESTORATION ZONES
CARDOSO RANCH • LOS ANGELES COUNTY, CALIFORNIA



South Property Line

EXHIBIT NO. 8

APPLICATION NO.

4-01-159

Cardoso

Night Lighting Restrictions

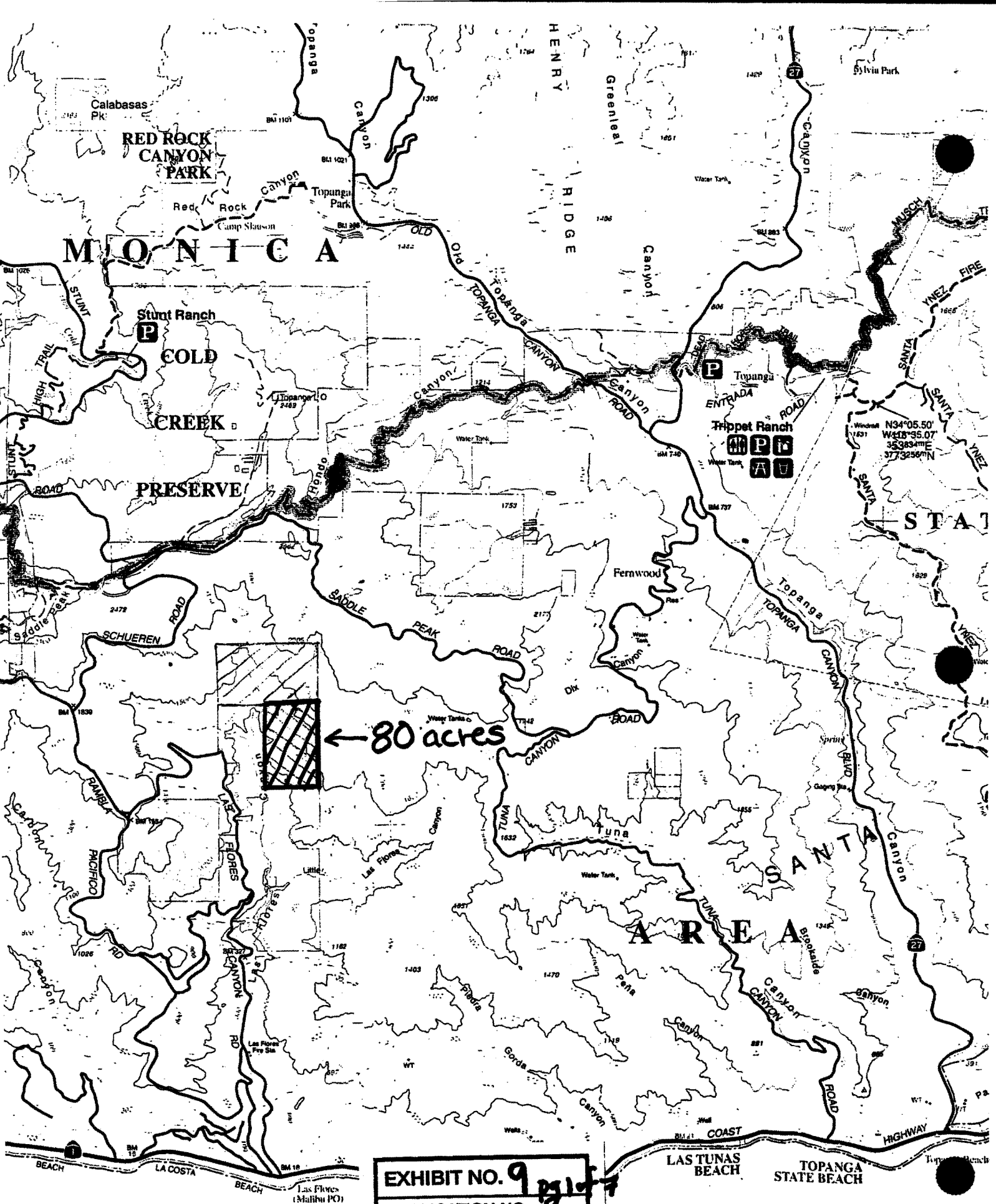
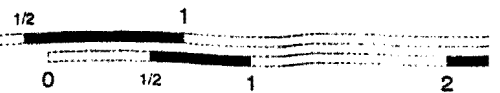


EXHIBIT NO. 9
 APPLICATION NO. 9-01-159
 Cardoso
 Offsite Mitigation

Approximate Scale 1:37,000



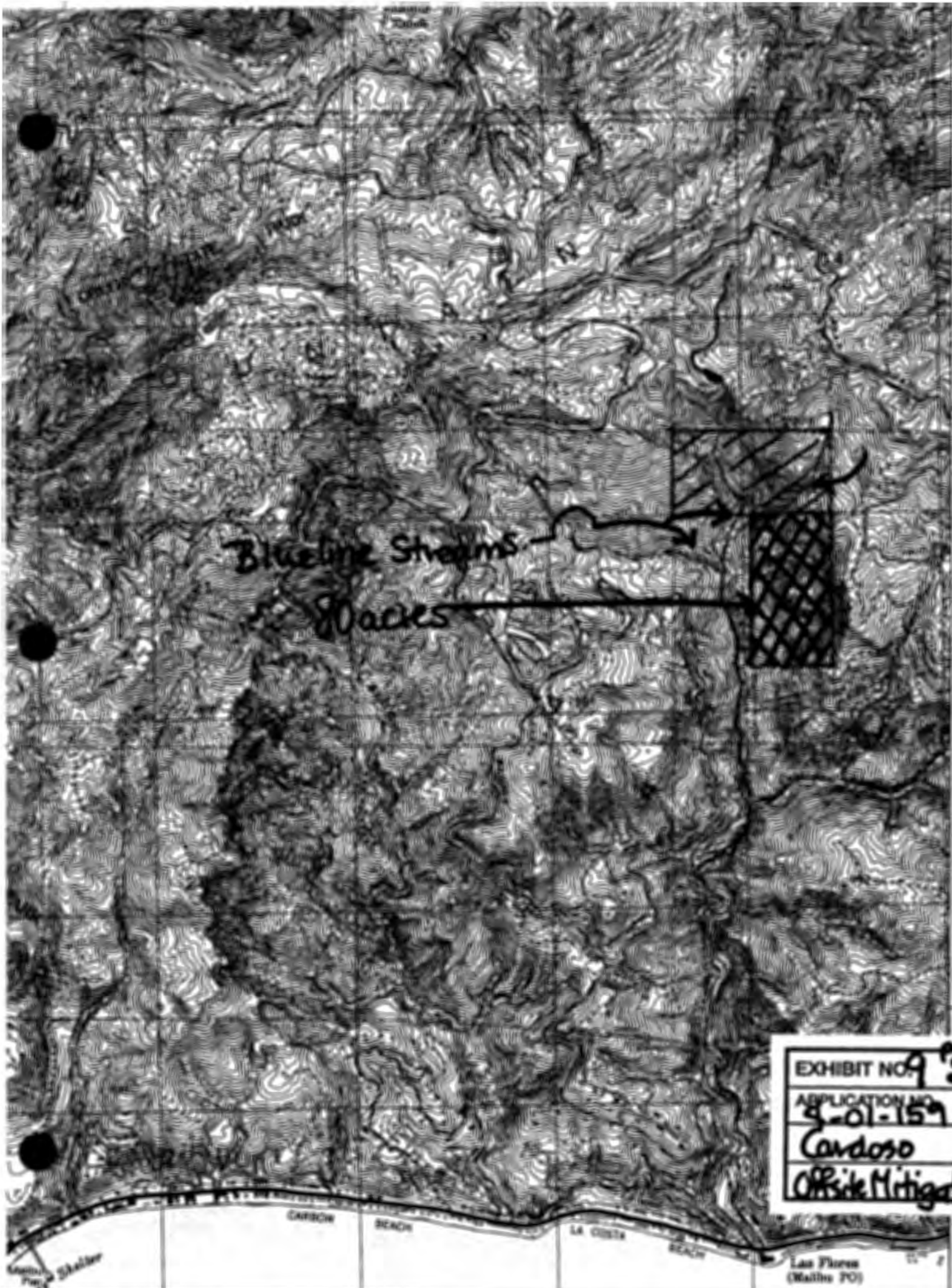


EXHIBIT NO. 9 3 7
APPLICATION NO. 8-01-159
Cardoso
Offsite Mitigation

Betty Wiechec
4039 Liberty Canyon
Agoura Hills, CA 91301
(818) 889-2130 fax: (818) 889-3358

August 20, 2001

To: Chuck Damm
From: Betty Wiechec
Re: TDCs for Cardoso mitigation

I'm writing to follow up today's phone conversation regarding the use of MRCA's Stuart property as mitigation for the Cordosa violation.

Four fully approved TDCs remain unrecorded on the 160-acre Stuart property. The Stuart holding was donated to the Mountains Recreation and Conservation Authority; no public funds were used to purchase it.

MRCA is not a state agency, therefore these are not state lands.

Ownership by MRCA does not necessarily constitute permanent land protection. In the past, MRCA has considered selling off some of its holdings to raise funds for critical acquisitions (SOKA). And, MRCA has let holdings that it owned in fee revert to prior owners when it chose not to pay off outstanding deeds of trust.

MRCA is a joint powers authority of the Santa Monica Mountains Conservancy and an open space district in Ventura County. The Conservancy is able to dispose of its land if necessary. Section 33202 of the Public Resources Code provides:

Notwithstanding other provisions of law, the Director of General Services, when so requested by the Conservancy and when the Conservancy finds it necessary to meet the provisions of this division, shall, without delay, lease, rent, sell, transfer, or exchange any land or interest therein acquired pursuant to this division.

Half of the Stuart property has already been deed-restricted through the recent recordation of four TDCs. Permanently deed-restricting the remaining 80 acres makes good public policy sense.

As far as I know (and I supervised the Las Flores Heights restoration plan and land acquisition which date back to 1982), the Stuart property has never been developed. It was never divided and shows no signs of human disturbance. The land is dense chaparral that provides watershed protection for Las Flores Creek, a natural stream.

EXHIBIT NO. 9
APPLICATION NO. 4-01-159
Cardoso
Offsite Mitigation

Chuck Damm
August 20, 2001
Page two

Las Flores Creek, a blue-line stream, crosses the property, giving Stuart ESHA designation. Stuart is also contiguous to the Mountains Conservancy's holdings in Las Flores Heights, the result of a restoration program carried out by the Mountains Restoration Trust and the State Coastal Conservancy. That project created a mitigation bank of TDCs on 90 acres, acquired for both its resource value and ability to generate development credits.

Over time I have created nearly 60 TDCs on Mountains Conservancy and MRCA holdings. Recognizing that these are publicly owned lands, Commission staff required that the potential sending sites had to have been acquired by the public after 1979 when the official lot count determined the number of vacant lots in the Malibu Coastal Zone. Lots included in that count as private have been determined as appropriate participants in the TDC program. (see attached memo dated October 3, 1995).

The TDCs that have been approved on the Stuart parcel have met the full criteria to generate TDCs and at 20 acres per TDC, represent resource protection at its most stringent.

EXHIBIT NO.	937
APPLICATION NO.	4-01-159
Cardoso	
Offsite Mitigati	

Betty Wiechec
4039 Liberry Canyon
Agoura Hills, CA 91301
(818) 889-2130 fax: (818) 889-3358

August 23, 2001

To: Melanie Hale
From: Betty Wiechec
Re: Cardosa mitigation

I was able to reach Paul Edelman at the Mountains Conservancy late yesterday after we had spoken. I didn't know Las Flores was this critical as a wildlife corridor! Maps are being mailed under separate cover.

Description of 80 acres of Stuart property to be deed-restricted in favor of Cardosa Ranch:

APNs: a portion of 4448-25-900 and all of 4448-26-900

Legal description: The southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of Section 23, Township 1 South, Range 17 West, San Bernardino Meridian...

Wildlife corridor and other resource issues: The Stuart holding is located in upper Las Flores Canyon, a largely undeveloped watershed. It is contiguous to the Mountains Conservancy's Las Flores Heights (90 acres) and lies close to LA County Fire Department's Camp 8.

Previously documented in Terry Lelberstein's study of habitat linkages, Stuart is part of an east-west habitat continuum linking Malibu Creek and Topanga State Parks. According to Paul Edelman (Chief, Natural Resources and Planning for both, MRCA and Santa Monica Mountains Conservancy): **"The Stuart holding is a critical link within the (north/south) Las Flores Canyon wildlife corridor."**

"Stuart provides the only connection eastward to Lower Topanga." (source: Paul Edelman) The California Department of State Parks is presently acquiring 1600 acres in Lower Topanga Canyon for \$48 million, including relocation costs. It is in the public's interest to permanently protect the only wildlife corridor connecting it to the west. The Mountains Restoration Trust has optioned 416 acres in lower Tuna Canyon, which is contiguous to lower Topanga. Together they will protect more than 2000 acres.

EXHIBIT NO. 9
APPLICATION NO. 4-01-159
Cardosa
Off Site Mitigation

Page two

Wildlife follow streambeds whenever possible. With its headwaters located just inside the Cold Creek Preserve, Las Flores Creek provides an essential connection to Cold Creek Preserve to the north and lower Topanga to the east. From the Cold Creek Preserve, animals are free to travel east through Hondo Canyon to National Park Service's Hernandez Bowl and the State's Topanga Park. To the west, they can migrate through Stunt Ranch (University of California Natural Reserves System) and Malibu Creek State Park. This area represents the largest protected holdings in the Santa Monica Mountains and provides the critical mass of wildlife protection. Las Flores and especially, the Stuart holding, provides an essential linkage to and from the coast to the inland park system.

Las Flores Creek flows the length of the entire Stuart holding and is designated as an ESHA. Stuart is less than a half mile from the headwaters. A small pond is located just above the Stuart holding, which should be a prime attraction for wildlife. There are no signs of human disturbance either in the creekbed or on the Stuart holding. Densely vegetated with chaparral, Stuart provides watershed protection to both the major confluence as well as Little Las Flores Creek, designated a Significant Watershed in the Malibu LUP.

Las Flores Canyon is highly vulnerable to wildfire. It is essential to provide large mammals an escape route when fire threatens. Fires that burn through the Cold Creek area in Calabasas or in Topanga typically burn through Las Flores to the coast. The north/south alignment of the canyon coupled with the direction of the Santa Ana winds create a "fire funnel." Las Flores Canyon has burned more often than other natural areas in the Santa Monica Mountains. Burned out remnants of homes in Las Flores Heights testify to destructive force of fire in this canyon. (Further to the south, Madelyn Glickfeld lost her home in the most recent fire.) As a public policy matter, it makes sense to retire development potential in Las Flores whenever feasible.

Is Stuart developable? Yes.

The Stuart parcel was one large 160-acre holding when it was donated to the Mountains Recreation and Conservation Authority. Stuart is contiguous to privately owned lots that range in size from 3 - 10 acres. The nearby Las Flores Heights subdivision contains lots as small as one acre on steep hillsides. Las Flores Heights was the site of a publicly funded restoration program. This antiquated small lot subdivision was selected for its resource value, topography and presence of "paper streets", which, if developed would seriously compromise the watershed.

Stuart enjoys legal, mapped access from Las Flores Heights Road, a "paper street" that has never been constructed. The road continues to the east and provides access to undisturbed land in the Topanga watershed.

EXHIBIT NO. 9 8:

APPLICATION NO. 4-01-159

Cardoso

Offsite Mitigation

Page three

Despite its location in eastern Malibu less than two miles from Pacific Coast Highway, Las Flores seems remote and rural, two attributes that attract people who want to live close in, but feel they live in nature. It has zoning for one house for every 20 acres. Given the high costs of developing the Stuart property, it is likely it would have been divided into several large ranches, each one of which would exploit blue water and expansive inland views. It is likely these would be proposed as equestrian estates, similar to the Cardoso Ranch.

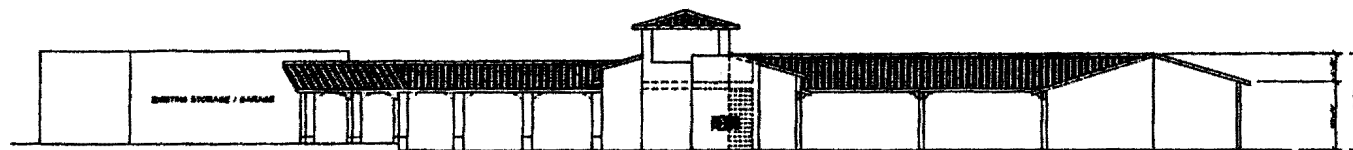
Build-out of the Stuart parcel would have required bridging Las Flores Creek, probably one bridge for each homesite. Because it is steep, any grading for roadways and development would have impacted the watershed by silting the creek and removing vegetation on steep slopes.

EXHIBIT NO. 9
APPLICATION NO. 4-01-154
Cardoso
Offsite Mitigation

EXHIBIT NO. 1081
 APPLICATION NO. 4-01-154
 Cardoso
 New Barn Elev.



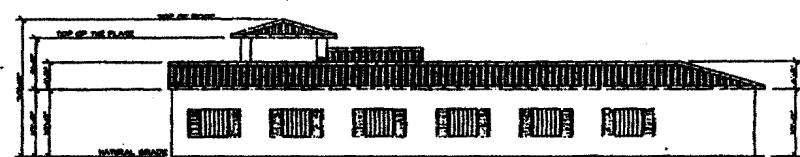
WEST ELEVATION
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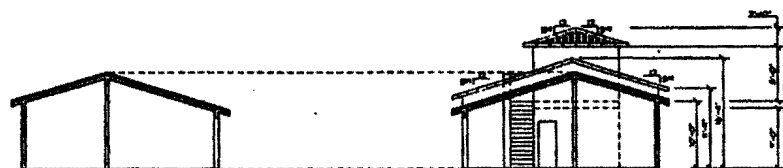
EAST ELEVATION
 1/8" = 1'-0"



SOUTH ELEVATION
 1/8" = 1'-0"



NORTH ELEVATION
 1/8" = 1'-0"



SECTION "A-A"
 1/8" = 1'-0"



SECTION "Y-Y"
 1/8" = 1'-0"



SECTION "B-B"
 1/8" = 1'-0"

PROJECT: HIDDEN SPRING RANCH
 9400 CHERRY ROAD, LONE
 PALM, CALIFORNIA

EAST, WEST, SOUTH, NORTH ELEVATIONS
 AND SECTION A-A / B-B / Y-Y

TITLE
 DATE
 SCALE
 1/8" = 1'-0"
 DRAWN
 JOB
 SHEET
 A-4

NOTE: "Hidden Valley Ranch" and "Hidden Spring Ranch" were names given to Cardoso Ranch during early project design by Lynn Cardoso, Trustee

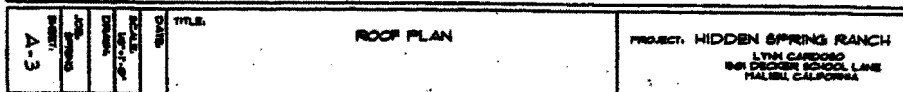


EXHIBIT NO. 10
APPLICATION NO. 4-01-159
CARDOSO
New Bern Roof Plan

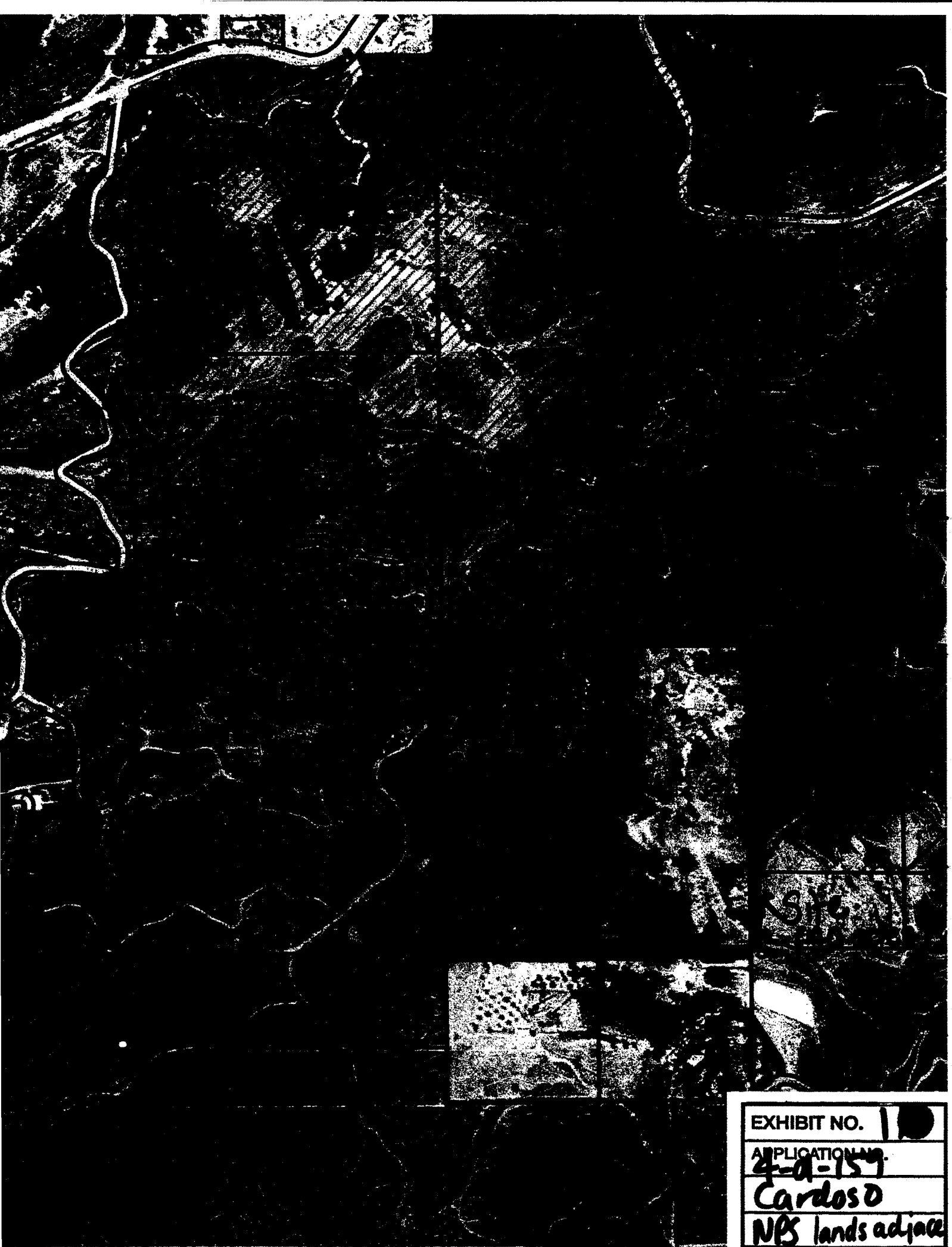


EXHIBIT NO. 10

APPLICATION NO. 4-a-159

Cardoso

NPS lands adja

VEGETATION RESTORATION ZONES
CARDOSO RANCH - LOS ANGELES COUNTY, CALIFORNIA

Open space
pertaining
to parcel boundary

South Property Line

EXHIBIT NO. 12

APPLICATION NO.

4-01-159

Cardoso

Open Space / Conservation Deed Restriction Areas

VEGETATION RESTORATION ZONES
CARDOSO RANCH • LOS ANGELES COUNTY, CALIFORNIA

LEGEND

- Blue = Drainage Corridor
- Green = Grasslands/Open Oak Woodland
- Red = Trails, Roadways, and Chaparral

FIGURE 2.

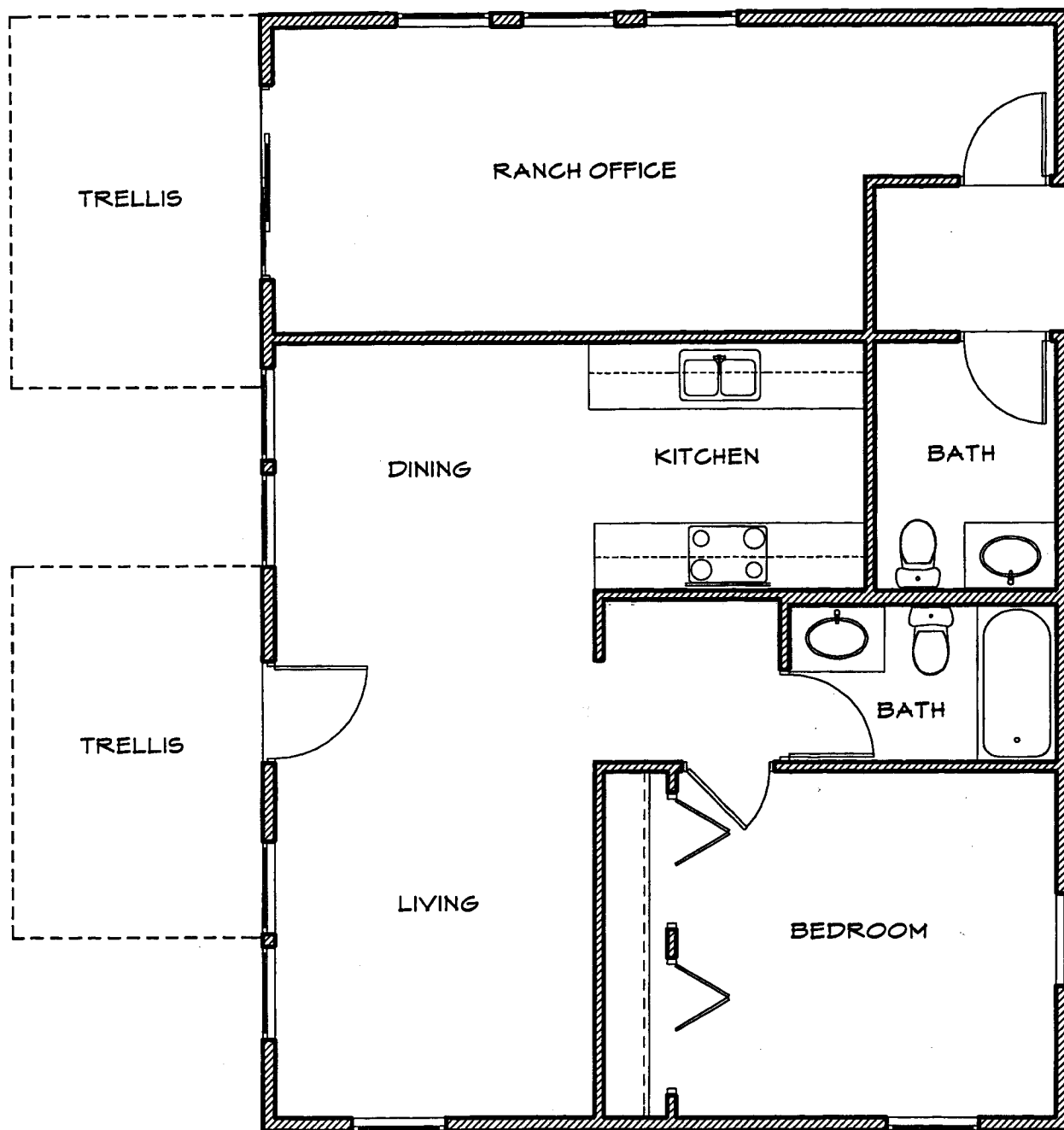
Base: May 3, 2001 aerial
Scale: 100'

KAES, Inc.

EXHIBIT NO. 13

APPLICATION NO.
4-01-159

Cardoso
Draft Restoration Plan
Map



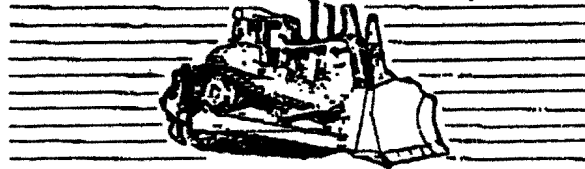
RANCH EMPLOYEE LIVING QUARTERS
and RANCH OFFICE (STRUCTURE 2)
936 S.F. (EXCLUDING TRELLIS COVERED PATIOS)

CARDOSO RANCH
1501 DECKER ST
MALIBU, CA 90265



EXHIBIT NO. 14	pg 1 of 4
APPLICATION NO.	4-01-159
Cardoso	
Barn Conversion	

3/16"-1'-0"

T.A. STABEN, Inc.**General Engineering Contractor**
Lic. No. 820478

EROSION CONTROL
STRUCTURAL WALLS
AREA DRAINS
STREET FINALS
SLOPE REPAIR

IMPORT-EXPORT
ROUGH & FINE GRADING
V DITCHES
LAND CLEARING
SANDBAGGING

July 9, 2001

Mr. Glenn W. Cardoso, Trustee
The Cardoso Ranch
1501 Decker School Lane
Malibu, CA. 90265

Re: Old Barn Septic Tank

Dear Mr. Cardoso,

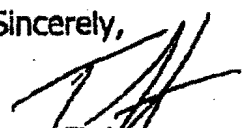
We have reviewed the Uniform Plumbing Code requirements for the old barn septic system as defined by Pacific Coast Civil Engineers' letter dated July 6, 2001.

The old barn is served by an existing septic system and upon field inspection, we have confirmed that the capacity of the system meets and exceeds the Uniform Plumbing Code requirements.

No adverse downstream impacts from the septic system have been observed and the system appears to be functioning properly.

The system should not affect adjacent properties, the nearest of which is upslope and over 370 feet to the South.

Sincerely,


Tom Staben
T.A. Staben, Inc.
President
License #620478 A

RECEIVED

JUL 10 2001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 14
APPLICATION NO. 4-01-155
Cardoso
Septic inspection



PACIFIC COAST CIVIL, INC.

30141 AGOURA ROAD, SUITE 200

AGOURA HILLS, CA 91301

PHONE: (818) 865-4168

FAX: (818) 865-4198

email: doss@pacificcoastcivil.com

June 26, 2001

Mr. Glenn Cardoso
1501 Decker School Lane
Malibu, CA 90265

RECEIVED

JUL 1 0 2001 PCC W.O. 222

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

SUBJECT: Cardoso Ranch- Request for Information Regarding Septic System Sizing Criteria

Dear Glenn:

Thank you for the opportunity to assist you in this matter. Based on your request for information regarding the sizing criteria for your septic system, we have reviewed the Uniform Plumbing Code, the nationally recognized source for standards of this type. Appendix K of the UPC is very specific in regard to residential systems, in that the capacity of a septic tank serving a dwelling is defined by the number of bedrooms in the dwelling. Using Table K-2, for a single or two bedroom dwelling, the minimum septic tank capacity is prescribed as 750 gallons. The size of the required leach field is also defined in Appendix K, in this case using Table K-4. Assuming a sandy loam soil, the required leaching area is 40 square feet per 100 gallons of tank capacity. For the 750 gallon tank, the minimum leach field calculates to be 300 square feet.

If you have any questions regarding this review, do not hesitate to contact me.

Sincerely,

Richard E. Doss, PE
President

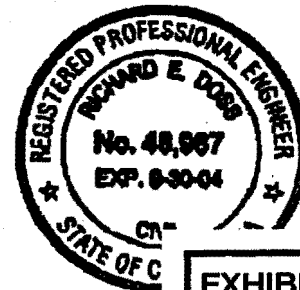


EXHIBIT NO. 14 pg 3 of 4
APPLICATION NO. 4-01-159
Cardoso
Septic Review

4472 13
 CASE 1" = 400'

1988

RECEIVED
 JUL 1 0 2001

CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

8634 - 8632

CODE
 8634
 8632
 FOR PARTY ASSM'T. SEE:
 4472-12

T1S, R19W

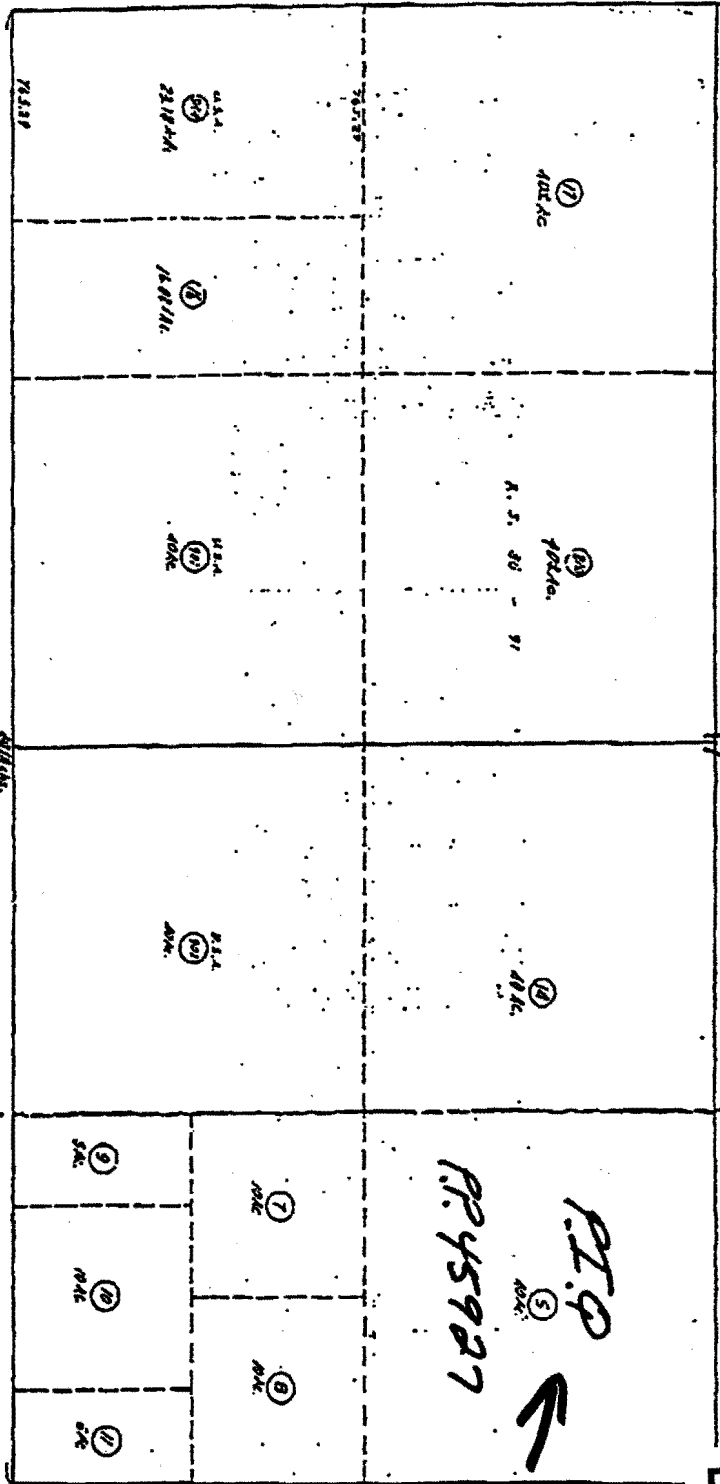


EXHIBIT NO. 15 pg
 APPLICATION NO. 4-01-154
 Cardoso
 Parcel Map

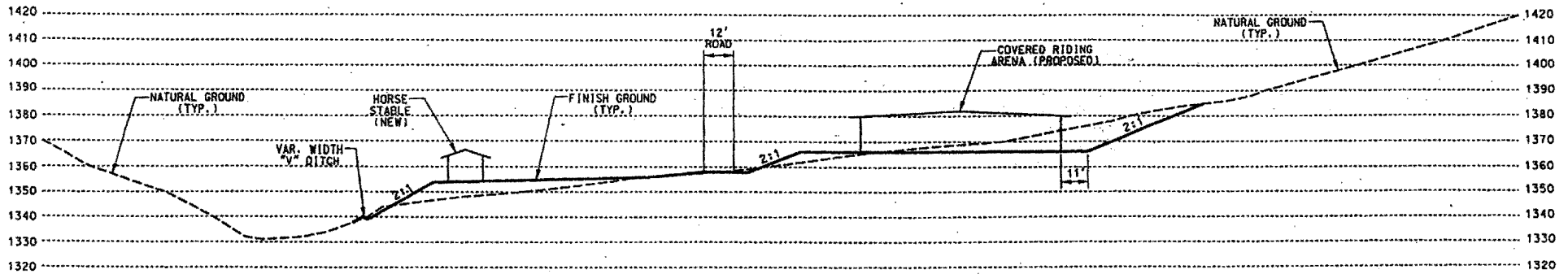
2

EXHIBIT NO. 16

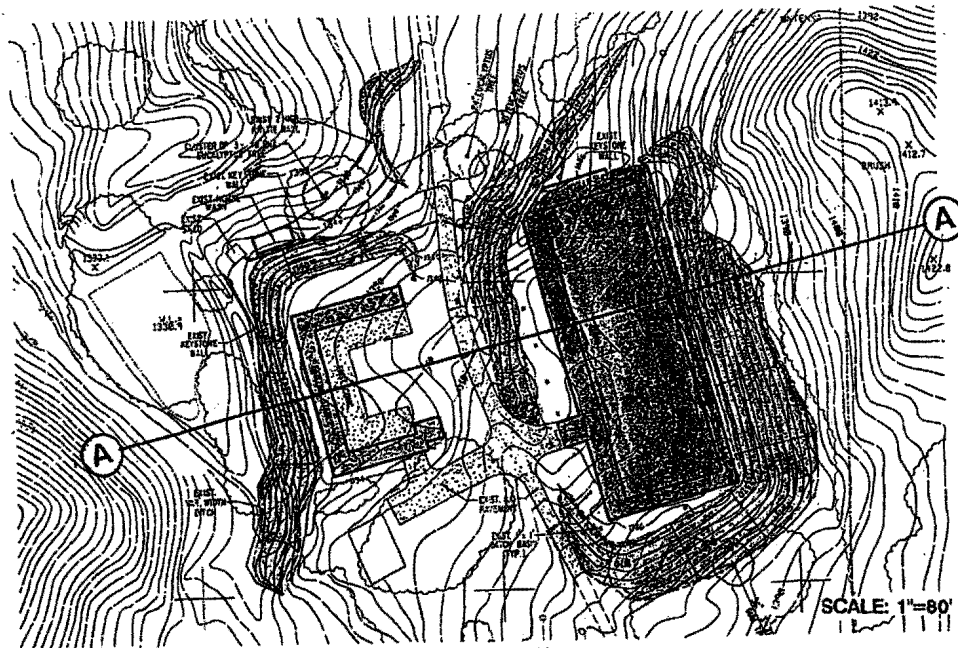
APPLICATION NO.
4-81-159

Cardoso

Grading Cross



SECTION A - A
SCALE : HORIZ. & VERT. : 1" = 40'



CARDOSO RANCH
SECTION A - A

CARDOSO RANCH

