

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-038

APPLICANTS: Lynn and Glenn Cardoso

AGENT: Charles Moore, Esq., Cox, Castle & Nicholson, LLP

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

PROJECT DESCRIPTION: Construct a 30,000 sq. ft. covered riding arena and a 6,070 sq. ft., one story, 20 ft. high above grade 16-horse barn, accessory horse facilities (pens, walkways, horse wash area), retaining wall in a riparian corridor, and approximately 13,000 cu. yds. of grading (6,500 cu. yds. cut and 6,500 cu. yds. fill), affecting a total of approximately 3 acres on a 40-acre parcel also containing a pre-Coastal Act single family residence, guest cottage, swimming pool, approximately 1,000 sq. ft. barn, an approximately 1,200 ft. long driveway, and artificial reservoir. Two large horse corrals, a residential apartment within the proposed 16-horse barn, and the residential conversion of two pre-Coastal Act accessory structures/outbuildings exist on site but are not part of this application.

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

IMPORTANT PROCEDURAL NOTE: The 180th day pursuant to the Permit Streamlining Act for Commission action on the subject application is March 19, 2001; therefore the Commission must vote on Coastal Development Permit Application No. 4-01-038 at the March, 2001 hearing, unless the applicants request an extension of time. The item cannot otherwise be postponed for later consideration.

STAFF RECOMMENDATION:

Staff recommends denial of the proposed application for the reasons explained on pages two through seven. The associated motion and resolution are located on page eight of this report.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan (LUP); Fuel Modification Plan Guidelines for Projects Located in Zone 4 or Very High Fire Hazard Severity Zones, adopted by Los Angeles County Fire Department, January 1998; Los Angeles County Environmental Review Board determination that of project is inconsistent with certified LUP policies, and associated minutes dated December 21, 1998; Coastal Development Permit Application No. 4-99-053 (Cardoso)—withdrawn; Draft Mitigation and Monitoring Plan for Cardoso Ranch, prepared by Glenn Lukos Associates, Inc., dated August 21, 2000; Draft Water Quality Management Plan for Cardoso Ranch, prepared by Glenn Lukos Associates, dated August 2000, Limited Geologic and Soils Engineering Investigation for barn, riding arena and accessory buildings, prepared by GeoConcepts, Inc., dated April 29, 1998.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends denial of the proposed application. The applicants originally submitted an application (Coastal Development Permit Application No. 4-99-053) for approval of the subject horse facilities on March 3, 1999. Several months later, while the application was under filing review by Commission staff, the applicants withdrew the application, stating through their agent that they had decided not to proceed with the proposed project. The applicants were notified by a letter dated July 21, 1999 that a refund of the associated filing fees was being processed.

Los Angeles County building department staff subsequently determined that unauthorized development had occurred on the subject site and Commission staff was notified. A site visit by a Commission regulatory and enforcement supervisor on November 29, 1999 confirmed that development of horse facilities similar to the project previously proposed had been constructed after the application was withdrawn. In addition, the enforcement supervisor determined that at least two new, large horse corrals had been constructed without the necessary permits, that the new barn appeared to include a residential apartment, and that at least two other existing outbuildings on site had been converted to residential use (in addition to the existing single family residence and detached guest cottage) without benefit of the necessary local or coastal development permits.

Subsequently, the applicants submitted the present application. The applicants have declined to amend the application to include the structures converted to residential use, the residential apartment incorporated into the new barn, or the two large corrals. Commission action on the proposed project will not resolve the additional violations which the Commission enforcement program staff continue to investigate.

The subject 40-acre parcel contains an existing 1920s-era single family residence, garage and guest cottage, a swimming pool, an approximately 1,000 sq. ft. barn, an

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artificial reservoir, several small, outlying structures that have been converted to residential use without permits, and an approximately 1,200 ft. long, unpaved driveway that crosses a blueline stream traversing the site via an "Arizona crossing" within the stream channel. Staff estimates that the pad area for the existing, pre-Coastal Act development on site exceeds 13,000 sq. ft.

The subject parcel is located in a designated Environmentally Sensitive Habitat Area/Wildlife Corridor, and drains into the immediately adjacent Arroyo Sequit Significant Watershed. The relatively pristine Arroyo Sequit is one of the most biologically significant watersheds in the Santa Monica Mountains. The Arroyo Sequit is one of only two streams in the Santa Monica Mountains that supports a population of native Steelhead trout (the other is Malibu Creek), a federally listed endangered species.

A blueline stream traverses the subject parcel, in addition to an unnamed stream and reservoir adjacent to the new barn. Both streams are tributary to the Arroyo Sequit. Thus, the subject parcel is physically a portion of the Arroyo Sequit watershed, and is part of a designated Wildlife Corridor adjoining the designated Arroyo Sequit ESHA, as shown on the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) sensitive resource maps. (Exhibit 3). The site is therefore subject to the guidelines of the Table 1 policies of the certified LUP, upon which the Commission has relied as guidance in applying the policies of the Coastal Act in past permit decisions regarding proposed development in the Santa Monica Mountains.

In addition to constructing the subject horse barn and riding arena without the necessary coastal development permit, the applicants have conducted grading and the construction of a retaining wall within the easterly bank of a stream corridor adjacent to the barn. As noted above, the stream is a tributary of the Arroyo Sequit. Stream bed and bank alteration is subject to the jurisdiction of the California Department of Fish and Game (CDFG). The applicants have declined requests by staff to produce evidence that the CDFG has approved the necessary Streambed Alteration Agreement for the work undertaken in the stream corridor.

Among other provisions, the Table 1 policies of the certified LUP limit development in wildlife corridors and significant watersheds to a total pad size of 10,000 sq. ft., and limit the total number of structures that may be authorized on a parcel to a single family residence, a garage, and one accessory structure. The existing pre-Coastal Act development on site exceeds all of these limits, both in size of pad/graded areas and in the number of structures on site. The proposed new development requires an additional graded pad estimated to be at least an additional 100,000 sq. ft., and includes a 36,000 sq. ft. development footprint (30,000 sq. ft. for a covered riding arena and over 6,000 sq. ft. for a 16-horse barn).

These calculations do not include the additional footprint represented by the barn's courtyard, walkways, driveway extensions, equipment parking areas (trucks, horse

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trailers, etc.), corrals and holding pens, horse wash area, etc. The two additional horse corrals and pre-Coastal Act accessory structures converted to residential use are not included in the estimated development footprint or pad sizes. (The applicants were requested to include these structures/uses, and the residential apartment constructed within the new barn, but declined through their agent to do so.)

The additional pad size required for the new horse facilities exceeds the 10,000 sq. ft. pad allowed under the Table 1 policies of the LUP for development in significant watersheds and wildlife corridors by more than ten times, (not counting the estimated 13,000 sq. ft. of existing pad ~~area already developed on site~~. In addition, the horse facilities require over 13,000 cu. yds. of total grading within, or draining to, riparian corridors that traverse the site.

Staff notes that the Los Angeles County Environmental Review Board (ERB) pointed out in its minutes of review of the subject project, dated December 21, 1998 (Exhibit 10), that the project is inconsistent with certified LUP policies specifically applicable to development within Wildlife Migration Movement Corridors (Table 1) and with other policies requiring the minimization of grading and other measures to avoid or reduce adverse impacts on sensitive coastal resources. In addition, the ERB made specific recommendations for the mitigation of project impacts should the project be approved. The Los Angeles County Department of Regional Planning approved the proposed project in concept despite the ERB's recommendations and conclusions, and without most of the ERB's recommended mitigation measures, without explanation.

The applicants state that the additional development will not adversely affect sensitive resources, citing the historic seasonal vegetation clearance that has taken place in the vicinity of the new horse facilities. The exact extent and degree of fuel modification that would eventually be required by the Fire Department is presently unknown. The applicants have declined to provide an ~~approved fuel modification plan~~. However, staff has substantial experience in the review of typical fuel modification plans, and has consulted the "Fuel Modification Plan Guidelines" published by the county of Los Angeles Fire Department. On this basis, it appears that there will be unavoidable fuel modification impacts associated with the proposed project.

The Fire Department requires varying degrees of vegetation clearance, selected species removal and/or prohibition against planting of certain species (typically the native shrubs most characteristic of coastal sage scrub and chaparral plant communities), thinning and irrigation, and thinning only, up to 200 feet from the outer perimeter of applicable structures. These requirements are sometimes modified slightly by the Fire Department to avoid affecting specific riparian species in select locations. However, even if the Fire Department tailors its standards to avoid modifying the riparian species within 200 feet of the applicable structures, the fuel modification requirements will still apply to the coastal sage scrub and chaparral species buffering the riparian corridor. The Fire Department does not typically exempt the shrub species, even in the vicinity of a stream, because the department has determined that the

shrubs contribute too much "flashy" (highly flammable) fuel load in their unmodified state. The subject site is considered by the Fire Department to be located in an area of extreme wildland fire hazard. Thus, with the possible exception of some riparian species (such as willows) growing within the streambanks on site, the Fire Department is likely to otherwise require the typical fuel modification measures within the remainder of the area located up to 200 feet outward from the perimeter of each structure.

The blueline stream north of the riding arena falls well within that 200-ft. standard, and thus the coastal sage scrub and chaparral species located adjacent to the stream corridor will be subject to fuel modification. A possible exception to the fuel modification requirements might be made by the Fire Department for the riding arena if the applicants forego their proposal to cover the arena or change the proposed canvas cover to a metal one, but absent an approved fuel modification plan confirming this, it is not possible to dismiss the potential impacts to the blueline stream habitat. In addition, even if the Fire Department exempts the structure now, the decision is not binding upon the Fire Department in the future.

If fuel modification is implemented within the 200-ft. radius surrounding the arena, adverse impacts will result from thinning and/or removal of the native chaparral and coastal sage scrub species that adjoin the riparian corridor and provide a buffer to the sensitive riparian habitat. Unmodified native shrub-dominated vegetation adjacent to riparian corridors in the Santa Monica Mountains provides an important ecosystem role: these vegetative buffers achieve the thick, resilient canopy, characteristically deep roots, and protective accumulation leaf and twig detritus that collectively provide a highly effective natural filtering and buffering function for the riparian corridor.

When such buffers are modified or removed, the protective functions they provide for the adjacent riparian corridor decreases, disturbance increases, erosion increases, sediment discharge into coastal waters increases, coastal water quality declines, and the habitat value for wildlife relying on the riparian corridor, and on the cover of the shrub-dominated habitat, is diminished. It is a generally accepted ecological concept that an environmentally sensitive habitat area may be preserved and protected to the extent that the protective natural buffer surrounding it remains intact.

Sediment discharge to coastal waters that may result from the loss of vegetative cover due to fuel modification is a particular concern on the subject site. As stated previously, the subject parcel is situated within the physical boundaries of the Arroyo Sequit watershed, and is traversed by two streams tributary to the Arroyo Sequit (one is designated as a blueline stream by the U.S. Geological Survey, and the other is located immediately adjacent to the new barn. Also noted previously is the relatively unique biological significance of the Arroyo Sequit as one of only two streams in the Santa Monica Mountains that supports a native Steelhead trout population. Maintenance of the water quality of the Arroyo Sequit is therefore critical to the survival of this federally listed endangered species.

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The location of the new barn, arena, horse wash rack, etc. close to these streams raises particular concern due to the potential discharge of animal wastes and increased runoff from impervious surfaces. For example, all runoff is shown on the applicants' rough grading plan as discharging to the stream corridor adjacent to the new barn. The applicants' draft water quality management plan references collection and disposal of manure to land in unspecified locations on site. The horse wash rack runoff, which could contain soap residues and possibly traces of pesticides and medications, is directed toward the downgradient stream (Exhibit 5d).

The applicants submitted a draft mitigation proposal (~~but have not~~ amended the proposed project description to include the proposal) to removal a 0.08-acre area of giant cane (*Arundo donax*) from the creek adjacent to the new barn and directly south of the artificial ranch reservoir and to replant the cleared riparian area with southern willow scrub species. The brief supporting report submitted by the applicants, prepared by Glenn Lukos and Associates, dated August 2000 (Exhibit 7) states that such vegetation management would create a southern willow scrub wetland. However, the equine facility development immediately adjacent to the proposed restoration site (within five feet) and the drainage of the horse washing rack, barn, corrals, and arena into the same riparian area proposed for revegetation reduce the potential benefits of the proposal.

While it is generally beneficial to remove non-native, invasive species such as giant cane from coastal streams, and to replant locally native species such as willow, these actions will not provide sufficient mitigation to offset the extensive adverse impacts to coastal resources posed by the construction and operation of the proposed equine facilities. In addition, the barn is located so close to the proposed mitigation area (the retaining wall supporting the barn pad is actually located in the streambank) (Exhibits 4, 5d, 6b, 8a) that no buffer from adjacent development is possible. Thus, whatever new habitat could be created would be adversely affected not only by the chronic discharge of wastewater contaminants or sediment, but by the noise, light, and activity associated with the intensive proposed equine uses immediately adjacent to the potential willow plantings. Thus, even if the present proposal were successfully implemented, it would not mitigate the adverse effects on coastal resources—both short- and long-term in nature—of the construction of the new horse facilities, particularly in the proposed locations.

An additional potential complication of the proposed revegetation concept is that the proposed mitigation area is situated within the fuel modification zone associated with the adjacent barn. It is not clear what requirements the Fire Department would eventually impose for fire hazard management so close to the barn. The applicants have not submitted an approved fuel modification plan, so the specific relationship of the conceptual mitigation proposal to the eventual fuel modification plan that would be required for the proposed project cannot be evaluated at this time. Nevertheless, as noted above, the location of the barn and horse wash area immediately east of the revegetation area, and fuel modification of non-riparian vegetation west of the

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revegetation area would isolate the proposed willow plantings from any buffer of natural habitat that would otherwise surround the stream corridor, further diminishing the modest habitat value that might result from the successful implementation of the proposal.

The project as proposed is inconsistent with Coastal Act policies that limit the siting and scale of new development in sensitive habitat areas. The Coastal Act requires that such development minimize impacts on sensitive coastal resources, that associated vegetation modification or removal in riparian and other sensitive habitat areas be avoided, landform alteration minimized, and wildlife migration corridors protected. The proposed project is inconsistent with all applicable Coastal Act policies, and adversely affects coastal resources in ways that could have been minimized or avoided by feasible project alternatives.

The applicants could, for example, have asked the Coastal Commission to evaluate the intensity of development that might have resulted from the division of the subject 40-acre parcel into two 20-acre parcels, including the additional 10,000 sq. ft. graded pad, residence, garage, and one accessory structure that the such a division of land and subsequent development might have yielded. The Commission would then have retained the option of restricting future division of the parcel in exchange for increased intensity of development on the 40-acre parcel, and a comprehensive restoration program could have identified and implemented habitat enhancement opportunities on site to mitigate residual adverse impacts on coastal resources. This alternative would potentially have resulted in the favorable consideration of a more modestly scaled equine facility that could also be more appropriately located elsewhere within the 40-acre parcel. A sufficient setback from the stream corridors on site would also pull the associated fuel modification zones away from the riparian canopy and riparian buffer areas, thus avoiding the resultant adverse impacts of vegetation thinning or removal on the tributaries of the Arroyo Sequit.

Staff notes that the additional violations detected on site but not included in this application are the subjects of ongoing investigation by the Commission's enforcement unit. Commission action on this application does not resolve these outstanding violations.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Denial of the Proposed Project

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will 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 would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. Findings and Declarations

The Commission hereby finds and declares:

A. Background; Project Description

The applicants propose to construct a 30,000 sq. ft. covered riding arena and a 6,070 sq. ft., one story, 20 ft. high above grade 16-horse barn, (which includes a caretaker's residence that is not part of the present application), accessory horse facilities (pens, walkways, and a concrete horse wash area), a retaining wall in a riparian corridor, and approximately 13,000 cu. yds. of grading (6,500 cu. yds. cut and 6,500 cu. yds. fill); on a 40-acre parcel containing an existing, pre-Coastal Act single family residence, garage, guest cottage, swimming pool, 1,000 sq. ft. barn, 1,200 linear ft. driveway, and other development that has been undertaken without coastal development permits but which has not been incorporated into the present application, including at least two outlying pre-Coastal Act accessory structures that have been converted to residential use, and two large horse corrals adjacent to the riparian corridor on the western side of the subject parcel.

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The applicants 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 applicants withdrew the application. Notice was sent to the applicants 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 had been constructed.

The staff 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 new barn contained a residential apartment that had not been shown on the previous project plans. In addition, County staff reported to Commission staff, and staff confirmed, that at least two other small, pre-Coastal Act structures on site had been converted to residential use without benefit of the necessary local or coastal development permits.

Subsequently, the applicants submitted the present application. The applicants declined to amend the application to include the unauthorized residential structures, the apartment in the barn, or the additional corrals—none of which are shown on the proposed project plans. The Commission's enforcement unit continues to investigate the unauthorized development that is not part of the proposed project description, therefore the additional structures or changes of use for existing structures that are not specifically set forth in the project description herein are not subject to the Commission's consideration under Coastal Development Permit Application No. 4-01-138.

The subject 40-acre parcel contains an existing pre-Coastal Act single family residence, garage, guest cottage, a swimming pool, an approximately 1,000 sq. ft. barn, an artificial reservoir, a 1,200 ft. long driveway, and several small outlying structures. The site takes access off Decker Canyon Road via the private Decker School Road, by means of a locked gate. The site is not visible from public viewing areas.

As shown by the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) Environmentally Sensitive Resource Maps and the U.S. Geological Survey quadrangle maps, the subject parcel is located in a designated Environmentally Sensitive Habitat Area/Wildlife Corridor, within the physical boundaries of the Arroyo Sequit watershed, and immediately adjacent to the area designated on the LUP maps as the Arroyo Sequit Significant Watershed.

A blueline stream designated on the U.S. Geological Survey quadrangle maps traverses the parcel. A second, unnamed stream is located immediately adjacent to the new barn. Both streams are tributary to the Arroyo Sequit.

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The certified LUP contains policies upon which the Commission has relied for guidance in past permit decisions concerning proposed development in the Santa Monica Mountains. These policies include standards for the application of Coastal Act policies to proposed development in environmentally sensitive areas. Among other provisions, the policies contained in LUP Table 1 include those that are specifically applicable to development in Wildlife Corridors. These policies are generally the same as the Table 1 policies applicable to development in Significant Watersheds. The applicable Table 1 policies limit development on parcels located within Wildlife Corridors to a total pad size of 10,000 sq. ft., a single family residence, a garage, and one accessory structure. The existing development on site exceeds these limits substantially, as described further below.

The applicants state that the additional development will not adversely affect sensitive coastal resources, citing the historic seasonal vegetation clearance that has taken place in the vicinity of the new horse facilities. Fuel modification alone, however, will extend vegetation clearance and thinning requirements up to an additional 200 feet from any structure determined by the Los Angeles County Fire Department to require the maintenance of defensible space. The applicants have not submitted an approved fuel modification plan, though requested by staff to do so.

Nevertheless, if fuel modification is required consistent with the Fire Department's guidelines, the adjacent riparian areas will be affected, either directly, or indirectly through the thinning and removal of native coastal sage scrub and chaparral species in the riparian buffer areas adjacent to the streams. Both stream corridors on site are located within the 200-ft. fuel modification radius of the new horse facilities.

As noted in the staff summary, the Fire Department sometimes exempts specific riparian species from fuel modification requirements. However, the Fire Department generally will not protect the adjacent shrub species, which are highly flammable. As discussed in the summary above, loss of shrub-dominated vegetation adjacent to streams removes a buffer that protects streams from erosion, pollutant discharge, and the disturbance of adjacent activities.

The reduction or loss of buffer habitat therefore directly impacts the quality of coastal waters. As stated previously, the streams on site are tributary to the Arroyo Sequit. The Arroyo Sequit sustains a population of native Steelhead trout, a federally listed endangered species. Protection of the water quality of the streams on site directly affects the ability of the watershed to support Steelhead trout. Fuel modification that reduces the protective cover adjacent to stream corridors allows more sediment and pollutant flushing into the streams. Therefore, as discussed above, even though there is some uncertainty as to the extent and degree of required fuel modification pending Fire Department review and approval of a fuel modification plan, adverse impacts to sensitive coastal streams will likely result from the eventual fuel modification requirements associated with the proposed project.

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The applicants have submitted a mitigation proposal that suggests the removal of 0.08-acre of giant cane (*Arundo donax*) from the stream south of the artificial reservoir and adjacent to (west of) the new barn, combined with the planting of the same acreage with willows. The proposal is also discussed in the staff summary above and attached as Exhibits 7 & 8).

Removal of non-native invasive plant species and replacement with locally native plants is generally beneficial to coastal streams, if the necessary activities are undertaken appropriately. However, removal of the giant cane and from the stream adjacent to the barn and planting with willow species as proposed may not yield ecological benefits that would rise to a level that constitutes mitigation of the adverse impacts of the proposed project on sensitive coastal resources.

The new horse facilities are located immediately adjacent to one of the streams on site, and a retaining wall for the new barn pad is built right into the bank of the stream next to the barn. This is the same location proposed by the applicants for revegetation.

The streams on site will be affected by the discharge of contaminated runoff from the intensive use of adjacent areas for horse boarding and riding activities. The proposed revegetation site would be also be affected by the chronic disturbance caused by the operation of the adjacent horse facilities, and would lack any vegetative buffer due to its location less than five feet from the barn and within the fuel modification zone of the barn. Thus, the revegetation plan, if implemented, would not be expected to produce significant habitat value.

As discussed in more detail in the sections that follow, the proposed project is inconsistent with Coastal Act policies that limit the siting and scale of new development in sensitive habitat areas and require that development that is authorized minimize the disruption of habitat, avoid vegetation modification or removal in riparian and other sensitive habitat areas where possible, minimize landform alteration; prevent or minimize erosion, and protect the quality of coastal waters.

Alternatives to the applicants' proposed project exist which could be favorably considered by the Commission. There are other areas of relatively low topographic relief on site, further setback from riparian corridors, where a more modestly scaled horse facility could be located—particularly combined with appropriate mitigation for intensified development rights on the 40-acre parcel (see also discussion of alternatives in summary). A parcel of this size could potentially be divided into two twenty-acre parcels pursuant to the applicable densities set forth in the certified LUP, if consistent with all applicable Coastal Act policies. It is possible that through a combination of open space easements and deed restrictions, and a reduced development footprint more favorably located with regard to the riparian resources on site, that an alternative project could be redesigned for Commission consideration.

The additional unauthorized development detected on site and not included in this application is the subject of ongoing investigation by the Commission's enforcement unit and Commission action on this application does not resolve these outstanding violations.

B. 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 (ESHAs) be sited and designed to prevent impacts which would significantly ~~degrade these 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 30236.

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

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(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 proposed project is located in an area designated by the Malibu/Santa Monica Mountains Land Use Plan (LUP) as a Wildlife Corridor adjacent to the Arroyo Sequit. A blueline stream mapped by the U.S. Geological Survey and a secondary unnamed riparian corridor traverse the applicants' parcel and drain to the Arroyo Sequit.

The Research Analysis and Technical Appendices of the certified LUP describe areas within the Malibu Coastal Zone which contain environmentally sensitive habitat, and 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 supported by 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. These policies contain the same standards that apply to Significant Watersheds, with the exception of density policies, and the inclusion of a prohibition against boundary fencing.

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. Therefore, the LUP contains policies designated to protect sensitive coastal resources from the individual and cumulative adverse affects that may be posed by 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:

(For development in designated Wildlife Corridors) ...Standards shall be the same (except for densities) as for Significant Watershed parcels with the additional policy that fencing of entire parcels shall be prohibited in order to allow free passage of wildlife.

Approval of development shall be subject to review of the ERB.

As stated above, the Los Angeles County Department of Regional Planning approved the proposed project in concept without explanation, and despite findings by the Environmental Review Board (ERB) (Exhibit 10) that the proposed project is inconsistent with applicable LUP policies and would cause adverse impacts to the sensitive resources of a designated Wildlife Corridor.

Table 1 policies regarding development of existing parcels 20 acres and larger within Significant Watersheds, which also apply to Wildlife Corridors, are shown in italics below and evaluated in regular type.

Structures shall be clustered to minimize the effects on sensitive environmental resources.

The new barn and riding arena are distantly located from the primary existing development on site (single family residence and garage, detached guest cottage, swimming pool), contrary to the guidance of this policy. The barn and riding arena are located closer to the two riparian corridors than to the primary developed portion of the 40-acre parcel.

Structures shall be located as close to the periphery of the watershed as feasible, or in any other location in which it can be demonstrated that the effects of development will be less environmentally damaging.

Contrary to the requirements of this policy, the location of the barn and riding arena could hardly have been located in a more environmentally damaging area of the subject 40-acre parcel. The 16-horse barn, horse wash racks, corrals, and retaining wall are constructed virtually within the riparian corridor (and in the case of the retaining wall, within the streambank itself) running along the back of the barn and draining to the Arroyo Sequit.

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...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.

The subject parcel contains a pre-Coastal Act single family residence constructed during the 1920s, garage, detached guest cottage, swimming pool, 1,000 sq. ft. barn, and accessory outbuildings. The number of structures already placed on site prior to the present proposal exceeds the total allowed pursuant to Table 1. The applicants propose to add a 16-horse, 6,070 sq. ft. barn (which is large enough to accommodate more than 16 horses), a large covered riding ring (in addition to other horse corrals not identified in the application but verified on site). The County Environmental Review Board noted the inconsistency of the additional structures proposed in the subject application with the standards set forth in this policy. As noted, the policy specifically limits the approvable maximum pad size per parcel:

*...The standard for a graded pad shall be a maximum of 10,000 square feet.
(Table 1)*

With regard to the 10,000 sq. ft. pad limit, and as noted by the ERB, the pads associated with the existing residence, garage and guest cottage exceed the 10,000 sq. ft. limit (totaling at least 13,000 sq. ft., excluding the small accessory structures located elsewhere on site and any grading that may have been undertaken to construct the existing swimming pool, or unauthorized corrals, driveways, etc.). Thus, the additional proposed development of over 36,000 sq. ft. of horse facilities, including the 6,070 sq. ft. barn, and the 30,000 sq. ft. covered riding arena, clearly exceed the 10,000 sq. ft. limit of the Table 1 policies. The actual size of the pads constructed to support the riding arena and barn exceed the actual structural footprint, however. The applicants' grading plans indicate that a total pad area of over 100,000 sq. ft. is proposed for the new horse facilities. This area exceeds the maximum pad size for parcels within Wildlife Corridors by ten times.

In addition, the applicants state that 13,000 cu. yds. of grading, balanced between cut and fill, was required to prepare these pad areas. The grading was undertaken without an erosion control or landscape plan designed to minimize or avoid erosion or protect the long-term stability in the riparian corridor. These measures, however, would not have eliminated the sediment pollution and streambank instability generated by massive grading within and adjacent to a riparian corridor.

In addition, despite requests by Commission staff, the applicants have provided no evidence that a streambed alteration agreement was obtained from the California Department of Fish and Game (CDFG). All alterations of the beds or banks of streams in California are subject to review and authorization by the CDFG. Thus, it appears that

the grading and construction of the retaining wall along the bank of the streamcourse west of the new barn facility may have been undertaken in violation of the Fish and Game Code.

...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.

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

The proposed project includes a request for after-the-fact approval of approximately 13,000 cu. yds. of grading (6,500 cu. yds. of cut and 6,500 cu. yds. of fill) to construct the proposed stable and riding arena. The "daylite" lines of the cut pad for the arena are less than 150 feet from the centerline of a blueline stream designated by the U.S. Geological Survey. In addition, the grading plans for the stable/barn show that the outer limits of the earthwork are actually in the riparian drainage that traverses the area west of the barn. The stream feeds an artificial reservoir established on site and both streams drain directly into the Arroyo Sequit.

The subject grading has not been undertaken in accordance with stream protection and erosion control policies. Applicable measures typically imposed by the Commission in approving such a proposal would have included redesign of the proposed project and location to setback development further from the riparian corridor to reduce the direct impacts of development and the indirect impacts of associated fuel modification, and to reduce grading/landform alteration.

Other measures typically imposed by the Commission include the implementation of a landscape and erosion control plan and temporary erosion control measures, such as stockpiling graded spoils away from riparian areas and employing other sediment control measures (such as covering the graded materials, deploying geotextile coverings) that may be called for by local conditions, weather, etc. In addition, immediate replanting of disturbed areas with locally native plants would further reduce erosion from graded locations, and such timely replanting is typically required in landscape plans.

The construction of the barn relied upon the unauthorized placement of a retaining wall within the streambank adjacent to the barn site. Coastal Act Section 30236 limits the channelization or other substantial alteration of streams to specifically authorized categories of development. These include: (1) necessary water supply projects; (2) flood control projects where no other method for protecting existing structures in a floodplain is feasible and where such protection

necessary for public safety or to protect existing development, or (3) developments where such designed primarily to improve fish and wildlife habitat. The proposed project does not fall into any of the three authorized categories from stream channel alteration. Thus, the applicants' after-the-fact request for approval of such development is inconsistent with the requirements of Coastal Act Section 30236.

Other applicable LUP policies additionally include:

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.

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, or one-third the parcel depth, whichever is smaller (300 feet, in this case). The fork of the pre-existing driveway that enters the barn area is approximately 480 linear feet from the parcel entrance, exceeding the maximum 300-ft. driveway length limit set by the LUP for development in Significant Watersheds and Wildlife Corridor. The unpaved at-grade driveway drains directly to the riparian corridor located approximately 100 feet downgradient from the driveway base, to the west of the driveway and new barn. The driveway continues more than 700 feet further to the existing residence, by means of an "Arizona-crossing" of the blueline stream draining to the Arroyo Sequit from east to west across the parcel. The intensified use of the existing driveway for the large-scale equestrian facility will increase associated adverse impacts from non-point source pollution discharged from the driveway into the creeks.

The proposed horse facilities include a concrete-floored horse washing rack less than ten feet upgradient from the riparian corridor adjacent to the new barn. Soap, pesticides and medicinal residues from the wash rack area will be discharged with the wash rack

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

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effluent directly into the adjacent stream and ultimately into the Arroyo Sequit. In addition, the substantial animal wastes that would be produced by 16 or more horses in the barn, creekside corrals, and riding arena will all be discharged through runoff into the waters of the coastal streams on site. The applicants proposed plans show all drainage devices associated with the horse facilities draining into the stream corridor adjacent to the barn (Exhibits 4-6).

As stated previously, the runoff of non-point source pollutants into coastal streams is widely understood to be a significant source of water quality degradation. Such contamination is of ~~particular concern on the subject site because the~~ downstream Arroyo Sequit and its watershed harbor native Steelhead trout. The Arroyo Sequit and Malibu Creek are the only two streams in the Santa Monica Mountains known to contain Steelhead trout, a federally listed endangered species. Thus, pollution of the Arroyo Sequit degrades a critical coastal habitat.

In addition, the barn addition extends fuel modification 140 feet further to the north and west, through the riparian corridor, than would otherwise have been required only for the small existing barn south of the 16-stall barn. The existing smaller barn (1,000 sq. ft.) was constructed prior to the implementation of the Coastal Act.

P79 To maintain natural vegetation buffer areas that protect all sensitive riparian habitats as required by Section 30231 of the Coastal Act, all development other than driveways and walkways should be set back at least 50 feet from the outer limit of designated environmentally sensitive riparian vegetation.

As discussed above, the subject riding arena and associated 200-ft. fuel modification zone intersect the riparian vegetation of a designated blueline stream, which is categorized as an environmentally sensitive habitat area, and moreover drains into the Arroyo Sequit – one of the most sensitive of the ~~Malibu Coastal Zone~~ ESHAs. the Arroyo Sequit is one of only two streams in the Malibu area (the other is Malibu Creek) known to support native Steelhead trout, a federally listed endangered species.

The applicants' agent has suggested that the Los Angeles County Fire Department may not require fuel modification of the area surrounding the riding arena. The applicants have described the proposed covering of the arena (the cover had not been constructed at the time of site visits by Commission staff) variously as metal-roofed over an open-sided arena, tiled to match the barn, or canvas-covered. The applicants have not presented evidence that the fuel modification requirements ordinarily applied by the Fire Department would be waived for the riding arena.

As discussed previously, even if the fuel modification requirements were waived for the riding arena, and potentially for specific riparian species within the affected stream corridors, the new barn would nevertheless require fuel modification adjacent to the unnamed riparian corridor traversing the western side of the barn. The footprint of the new barn, including the retaining wall constructed within the streambanks, is located

less than ten feet from the centerline of the stream corridor. The corridor is highly modified immediately adjacent to the barn, including a concrete swale and an artificial reservoir constructed within the stream channel, but the stream drains downgradient into the confluence of the blueline stream traversing the site from the east, and ultimately feeds the Arroyo Sequit. The fuel modification for the new barn would extend 140 feet further downgradient along the stream channel than would otherwise be required only for the existing approximately 1,000 sq. ft. "barn" (presently in residential use) located south of and adjacent to the new barn.

P81 To control runoff into coastal waters, wetlands and riparian areas, as required by Section 30231 of the Coastal Act, the maximum rate of storm water runoff into such areas from new development should not exceed the peak level that existed prior to development.

The addition of approximately 36,000 sq. ft. of new, impervious surface coverage (not including the limits of the graded pad areas) to the area of the site that drains into the two riparian corridors converging on site and ultimately into the Arroyo Sequit, is inconsistent with the guidelines of Policy P81 and the applicable policies of the Coastal Act. The increased stormwater runoff exceeds that already created by the existing structures on site. The increased volume and velocity of storm water runoff into the surrounding landscape and riparian corridors that will result could feasibly be avoided by relocating a revised version of the proposed project to a location away from the riparian corridors and redesigning the project to achieve consistency with LUP guidelines and Coastal Act policies designed to protect sensitive resource.

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

The subject development includes approximately 13,000 cu. yds. of grading in an area that drains into a blueline stream tributary to the Arroyo Sequit. Alternative areas exist on site that, in combination with a revised project design would result in an environmentally superior proposal that could have been favorably considered. A reduced project footprint, appropriately sited, would have significantly reduced associated grading and mitigated potentially erosive runoff patterns. Alternatives exist that would allow the construction of a more modest horse facility designed to avoid or minimize adverse impacts on coastal resources.

In addition, some of the grading was undertaken directly within the banks of a stream corridor, for a purpose not authorized under Coastal Act Section 30236 and without evidence of a Streambed Alteration Agreement approved by the California Department of Fish and Game.

P96 Degradation of water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as

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chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

As noted, the applicants propose an intensive use of the site for equine boarding and recreational activities. The applicants state that the new barn alone is designed to stable up to 16 horses; however, at 6,000 sq. ft., the barn—together with the unauthorized corrals, pens, and open space grazing, could accommodate a significantly greater number of horses. The applicants have also constructed large corrals on site without benefit of coastal development permits. The animal occupants of these structures, which the applicants suggest will number at least 16 horses, will generate a significant amount of waste. In addition, effluent from the horse washing station located next to the creek that runs behind the new barn and all runoff collected from the other horse facilities, will be discharged into the creek. The applicants geotechnical and grading plans all show the drainage structures collecting runoff from the barn and arena outletting into the stream corridor located west of the new barn. As stated previously, this stream joins the blueline stream that traverses the site and the two waterways drain into the Arroyo Sequit downgradient of the subject parcel.

In addition to the potential discharge of pollutants from the intensive use of the site adjacent to the stream for horse boarding and recreational activities, the stream has been adversely affected by uncontrolled sediment discharge during construction that was not subject to erosion control measures. The applicants did not implement a landscape plan to restore native vegetation, and only belatedly offered the riparian mitigation measures set forth in the "Draft Conceptual Mitigation Plan for the Cardoso Ranch" prepared by Glenn Lukos Associates, dated August 2000. The plan only proposes removal of *Arundo donax* in the stream corridor next to the barn and the planting of willows in place of the *Arundo*. These measures cannot be expected to restore a functional wetland, which would be subject to infiltration of pollutants from the adjacent development, would have no buffer, and would be subject to constant interference from the activities and lighting of the stable complex. (See Exhibits 7 and 8).

The applicants have additionally submitted a "Water Quality Management Plan" dated August 2000, prepared by Glenn Lukos Associates. The plan calls for measures, such as "Facilities Design" to "site barns, corrals, and other high-use areas on the property that drains away from the nearest creek or stream." The Commission finds that the proposed facilities are not designed or sited to drain away from the nearest creek. The plan states that manure storage facilities should be protected from rainfall and surface runoff. The applicants have not shown the location or design of any such facilities for manure disposal on the project plans, but regardless, the urine collection in the arena, barn, and corrals would be expected to saturate these areas and produce contaminated runoff during times of high rainfall. All of these facilities drain toward either the blueline stream traversing the site from the easterly direction, or the unnamed streamcourse immediately adjacent to the barn, which conjoins the blueline stream downgradient, and ultimately drain collectively to the Arroyo Sequit.

The applicants' "rough grading plan" dated 3-25-98, with revisions dated 2-10-99 and 5-05-98 show that a concrete swale would be installed around the perimeter of the riding arena to collect drainage from the arena and discharge it downgradient, via a rip-rap energy dissipater, into the streamcourse adjacent to the proposed barn. No provisions are shown for collector tiles or other features beneath the arena, and no filtration or wastewater treatment facilities are proposed by the applicants. Drainage from the impervious surfaces of the barn structure are shown being collected and discharged through a connection to an existing concrete swale adjacent to the barn (this is the same area proposed by the applicants for the willow wetland restoration/mitigation proposal described previously). Thus, the collected drainage from the arena will adversely impact the water quality in the nearby creeks.

Moreover, rather than contract to have all horse manure stored in above-ground disposal containers that would be collected and disposed offsite, the "best management practices" (BMPs) prepared by Lukos Associates propose to use a Millcreek Compact Spreader to spread soiled bedding and manure onsite "in an environmentally sensitive manner." The subject proposal does not indicate which areas of the site would be used for this purpose or specifically, what measures or actions would constitute disposal of manure in an "environmentally sensitive manner." Such disposal of animal wastes to land on site would constitute additional development for which a coastal development permit is required.

As stated above, Coastal Act Sections 30230, 30231, 30236 and 30240 address the location and construction of development in environmentally sensitive habitat areas and where such development will potentially affect coastal waters. The applicants seek after-the-fact approval for a highly intensive horse facility development that fails to address the protection of sensitive coastal resources, including coastal waters in a watershed that is of highly significant biotic value, in accordance with the standards set forth in the applicable policies of the Coastal Act. Therefore, for all of the reasons set forth above, the Commission finds that the proposed project is not consistent with the policies set forth in Coastal Act Sections 30230, 30231, 30236 and 30240.

C. Geology; Landform Alteration

Section 30253 of the Coastal Act states in pertinent part:

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.

Section 30251 of the Coastal Act states in pertinent part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

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...

The subject site is a 40-acre parcel located off Decker Road and accessed via the private Decker School Lane. Topographically, the subject parcel is situated on the west flank of a northeast trending ridge within the northwest portion of the Santa Monica Mountains. The property consists of gentle to moderately steep ascending and descending slopes.

As stated previously, the applicants seek after-the-fact approval for the construction of a 30,000 sq. ft. covered riding arena and a 6,070 sq. ft., one story, 20 ft. high above grade 16-horse barn, accessory horse facilities (pens, walkways, horse wash area), retaining wall in a riparian corridor, and approximately 13,000 cu. yds. of grading (6,500 cu. yds. cut and 6,500 cu. yds. fill), affecting a total of approximately 3 acres on a 40-acre parcel. Pre-Coastal Act development on site includes a single family residence,

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garage, detached guest cottage, swimming pool, an approximately 1,000 sq. ft. barn, an approximately 1,200 ft. long driveway, and an artificial reservoir. Two large horse corrals, a residential apartment within the proposed 16-horse barn, and the residential conversion of two pre-Coastal Act accessory structures/outbuildings exist on site but are not part of this application.

The total grading proposed by the applicants will affect a pad construction area of more than 100,000 square feet, all in close proximity to, and/or draining to, a blueline stream and an unnamed tributary to the downgradient Arroyo Sequit. Some of the grading, and the construction of a retaining wall, have been undertaken within the bank of an on site stream. The proposed development is situated within the physical boundaries of the Arroyo Sequit Significant Watershed, though not within the mapped boundaries of the LUP-designated Significant Watershed. The subject site is immediately adjacent to the mapped Arroyo Sequit Significant Watershed and located within a designated Wildlife Corridor, mapped as such in the certified LUP (Exhibit3).

The applicants have submitted a Limited Geologic and Soils Engineering Investigation prepared by GeoConcepts, Inc., dated April 29, 1998. The report finds the proposed site suitable for the proposed development from a geotechnical perspective, but notes that the toe of the proposed fill slope for the barn building pad will be setback only five feet from the drainage "trough" (which is the stream adjacent to the barn that the applicants propose to restore to a southern willow scrub wetland). In addition, the geologic cross sections mapped on the "rough grading plan" dated 3-25-98 in the pocket part map of the geology report shows the construction of subdrains, riprap, and other drainage features and retaining walls within the footprint of the stream corridor immediately west of the proposed barn. All drainage collected from the arena, horse wash area, and barn facilities are shown to drain into the adjacent streamcourse.

The applicants have not submitted a fuel modification plan approved by the Los Angeles County Fire Department. The Fire Department considers this area of the Santa Monica Mountains to be one of extreme fire hazard, however, and with limited exceptions requires fuel modification for a radius of 200 feet from the outer perimeter of defensible structures. Thus, the applicants' proposed project will result in additional vegetation alteration in an area already subject to seasonal vegetation clearance (though not to the extent that will be required for fuel modification), though the exact extent and degree of such modification has not yet been determined by the Fire Department. Vegetation thinning and removal that may be required to comply with Fire Department requirements may expose fragile slopes, reduce the erosion control capacity of mature native plant canopy, and lead to increased runoff during high precipitation events.

The new barn will result in fuel modification of mature coastal sage scrub and chaparral vegetation and possibly of riparian canopy of the blueline stream that traverses the parcel in an east/west orientation and drains to the Arroyo Sequit. Loss of vegetative cover that protects the stream from sediment pollution caused by erosion will increase the sediment discharge to coastal waters. The Arroyo Sequit is documented to contain

native Steelhead trout populations (the only other stream in the Santa Monica Mountains known to do so is Malibu Creek). Sediment pollution and nutrient flushes from uncontrolled erosion reduce the dissolved oxygen and increase the turbidity of coastal waters. These effects can reduce the ability of coastal waterways to provide the necessary habitat to support health populations of Steelhead trout. Therefore, fuel modification impacts associated with the proposed project have the potential to directly and indirectly degrade the habitat of a federally listed endangered species.

The applicants have not submitted a landscape plan or replanted the area with native plants that would otherwise help to control the erosion from the substantial landform alteration undertaken by the applicants.

In addition, the applicants have planted, or allowed to escape from previous plantings, a number of invasive, non-native species, including olive trees used as landscape elements around the barn. While these may provide attractive aesthetic characteristics in an artificially landscaped area, the trees have been planted less than thirty feet from the riparian corridor and may eventually spread beyond the intended landscape area, further degrading the riparian habitat by replacing native species and thereby contributing to overall erosion from the loss of deeply rooted, locally native plant species that better hold the soils in place.

The applicants have constructed a retaining wall within the streambank adjacent to the barn on the edge of a 2:1 fill slope. A site visit by Commission staff indicated that the retaining wall was partially supported by bales of hay and situated directly within the streambank. The applicants have not submitted engineered plans for the retaining wall. As noted previously, development within the bed or bank of a stream requires authorization by the California Department of Fish and Game, via an approved Streambed Alteration Agreement. The applicants have declined to provide evidence that they have obtained such an agreement.

The short term effect of unauthorized, uncontrolled construction of such development within the streamcourse is to discharge sediments into the waters flowing to the downgradient Arroyo Sequit and to potentially undermine the stream corridor stability. The long term effect of such development may be to erode the streambanks, alter the course of the streamflow and the hydrology of the site (including sheetflow runoff patterns), and to focalize discharge from the adjacent impervious surfaces, thereby increasing the volume and velocity of runoff directed into the stream and potentially increasing bank erosion and resultant sediment pollution downstream. The resultant increase in erosion and the associated adverse effects on coastal water quality are inconsistent with the requirements of Coastal Act Section 30253, and with policies protective of coastal waters and discussed in the previous section.

In addition, Coastal Act Section 30251 requires that permitted development be sited and designed to, among other things, minimize the alteration of natural land forms. The applicants' after-the-fact application for approval of 13,000 cu. yds. of grading and the

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disturbance of over 100,000 sq. ft. of sloping topography for the construction of the subject proposal does not minimize the alteration of the natural landforms on site. Redesigned and relocated alternatives of a more modest scale exist that would significantly reduce the amount of landform alteration required for the proposed project. Therefore, the proposed project is inconsistent with the requirements set forth in Coastal Act Section 30251.

For all of the reasons set forth above, the Commission finds that the proposed project is not consistent with the applicable requirements of Coastal Act Sections 30253 or 30251.

D. Local Coastal Program

Section 30604 of the Coastal Act states that:

- 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 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 not be in conformity with the provisions of Chapter 3 of the Coastal Act. The proposed development would result in adverse impacts to coastal resources, inconsistent with the policies contained in Chapter 3. Furthermore, feasible alternatives exist which the applicants have not evaluated or proposed.

Therefore, the Commission finds that approval of the proposed project would prejudice the County's ability to prepare a Local Coastal Program which is consistent with the policies of Chapter 3 of the Coastal Act.

E. Violation

Unpermitted development has taken place on the subject site without the required coastal development permits, including the construction of a 30,000 sq. ft. covered riding arena and a 6,070 sq. ft., one story, 20 ft. high above grade 16-horse barn, accessory horse facilities (pens, walkways, horse wash area), retaining wall in a riparian corridor, and approximately 13,000 cu. yds. of grading (6,500 cu. yds. cut and 6,500 cu. yds. fill) to construct an approximately 100,000 sq. ft. total pad area for the equine facilities. In addition, the 16-horse barn contains a residential unit, at least two pre-

Coastal Act structures on site (other than the existing single family residence and detached guest cottage) have been converted to residential use, and at least two large fenced horse corrals have been constructed without coastal development permits. As stated in previous sections, the applicants have not included all of the unauthorized development listed above in coastal development permit application 4-01-038; therefore some of the listed development remains the subject of ongoing investigation by the Commission's enforcement unit.

Consideration of the application by the Commission has been based solely upon Chapter 3 policies of the Coastal Act. ~~Review of the permit application~~ 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 site without a coastal permit.

The Commission intends that all unpermitted development on the subject site shall be resolved through a coastal development permit, a coastal development permit for removal of the as-built structures and restoration of all previously disturbed areas of the site, or through an enforcement action if deemed necessary.

F. California Environmental Quality Act (CEQA)

Section 13096(a) of the Commission's administrative regulations requires Commission action on 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 which the activity may have on the environment.

The proposed project would result in significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. There are feasible alternatives discussed in previous sections that include re-siting a scaled down version of the proposed project further away from riparian corridors on site, and/or proposing a subdivision of the 40-acre parcel. Thus, alternatives exist and/or mitigation measures that would substantially lessen any significant adverse effects which the proposed project would have on the environment. Therefore, the proposed project is determined to be inconsistent with CEQA and the policies of the Coastal Act.

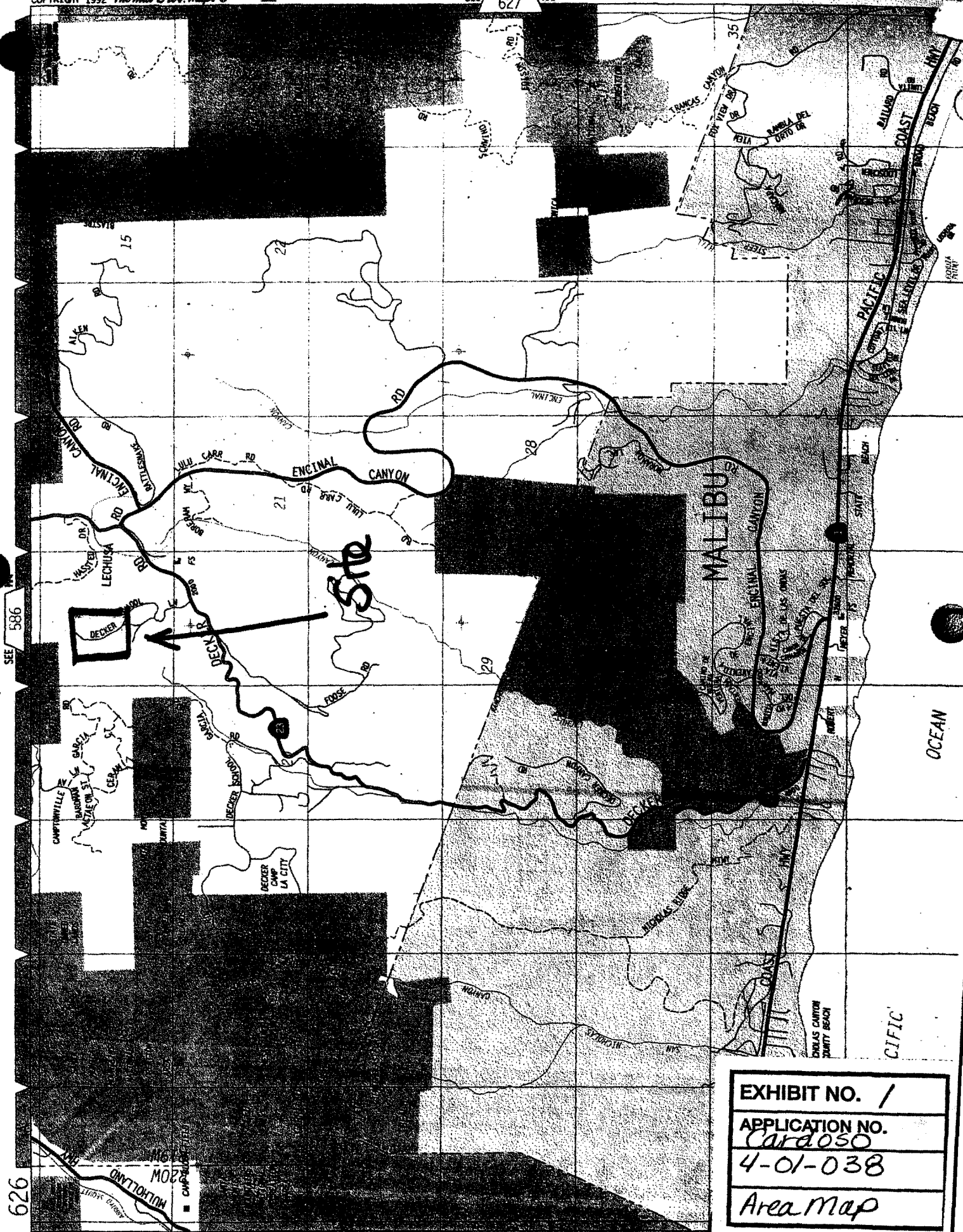
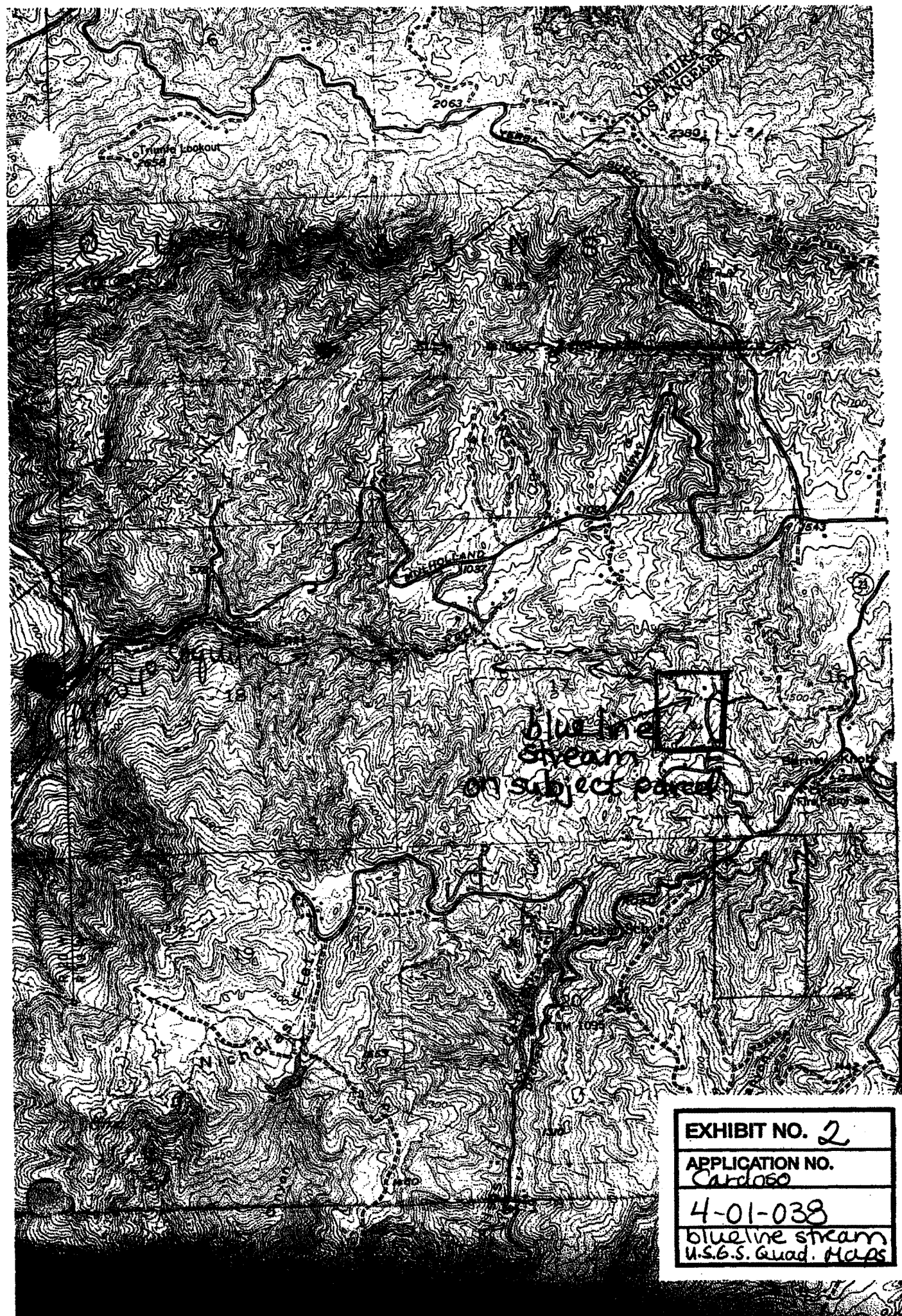


EXHIBIT NO. /
APPLICATION NO. Carasoso
4-01-038
Area Map



blue line
stream
on subject parcel

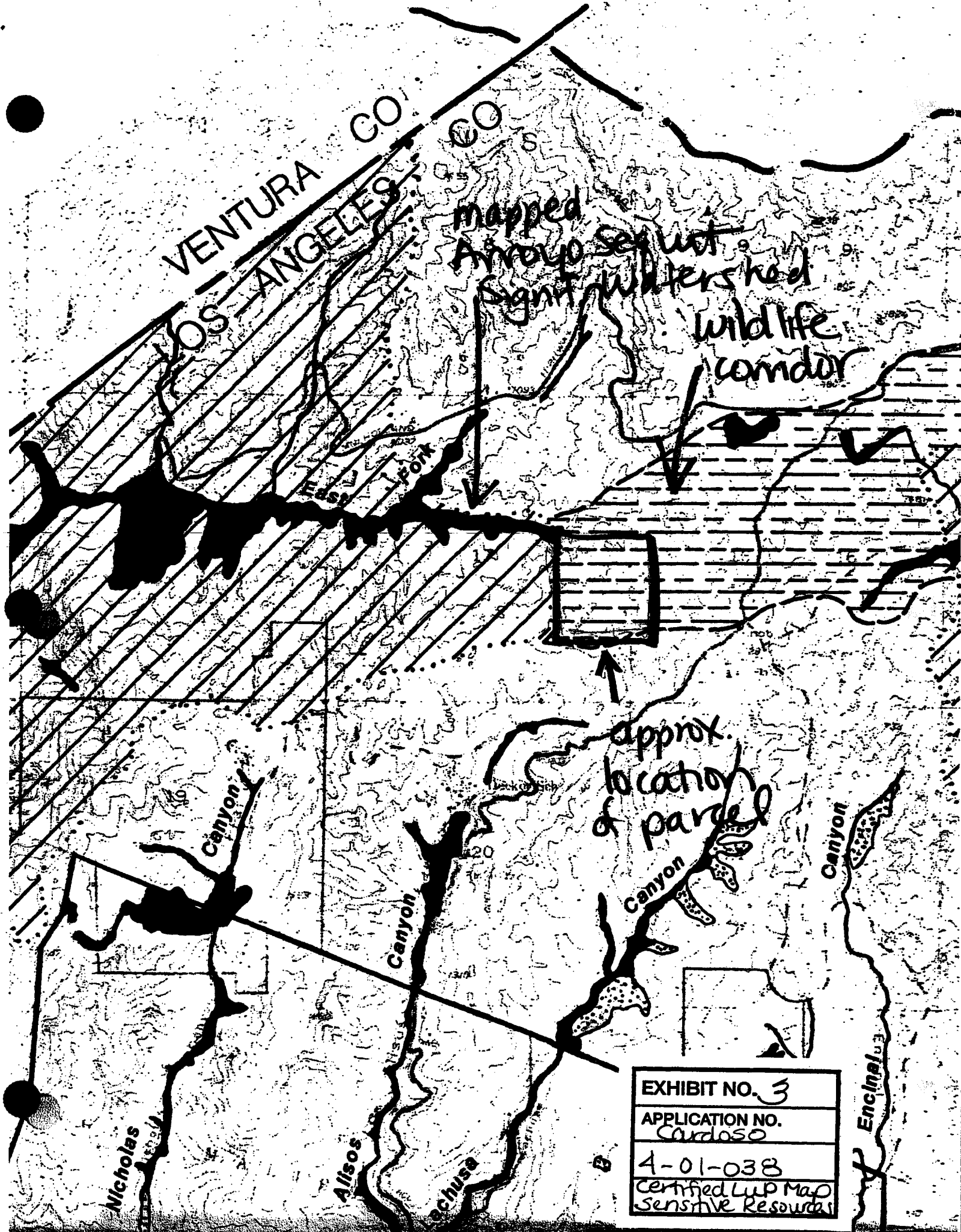
EXHIBIT NO. 2
APPLICATION NO. Cardoso
4-01-038
blue line stream U.S.G.S. Quad. Maps

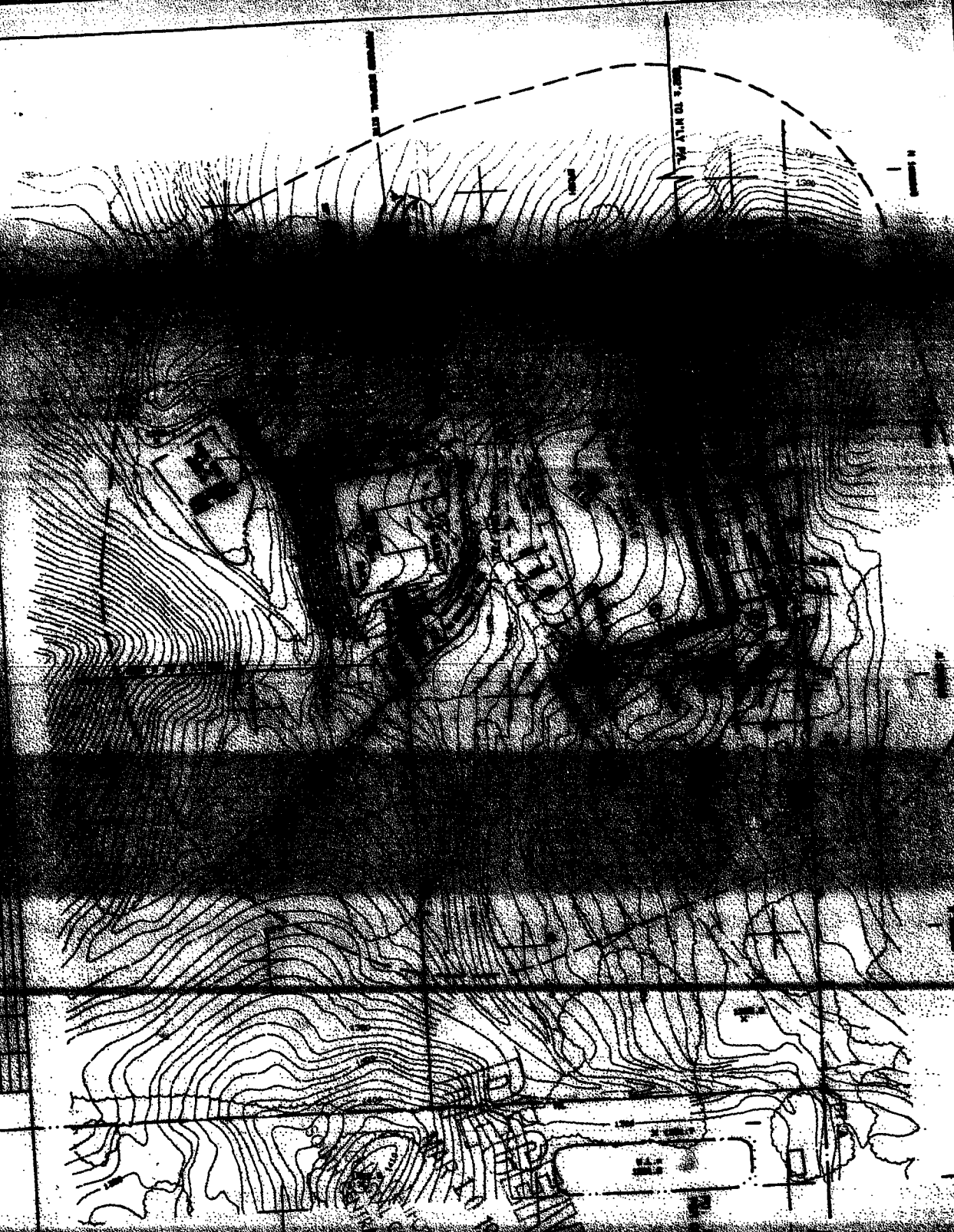
VENTURA CO
LOS ANGELES CO

mapped
Arrow segment
right watershed
wild life
corridor

approx.
location
of parcel

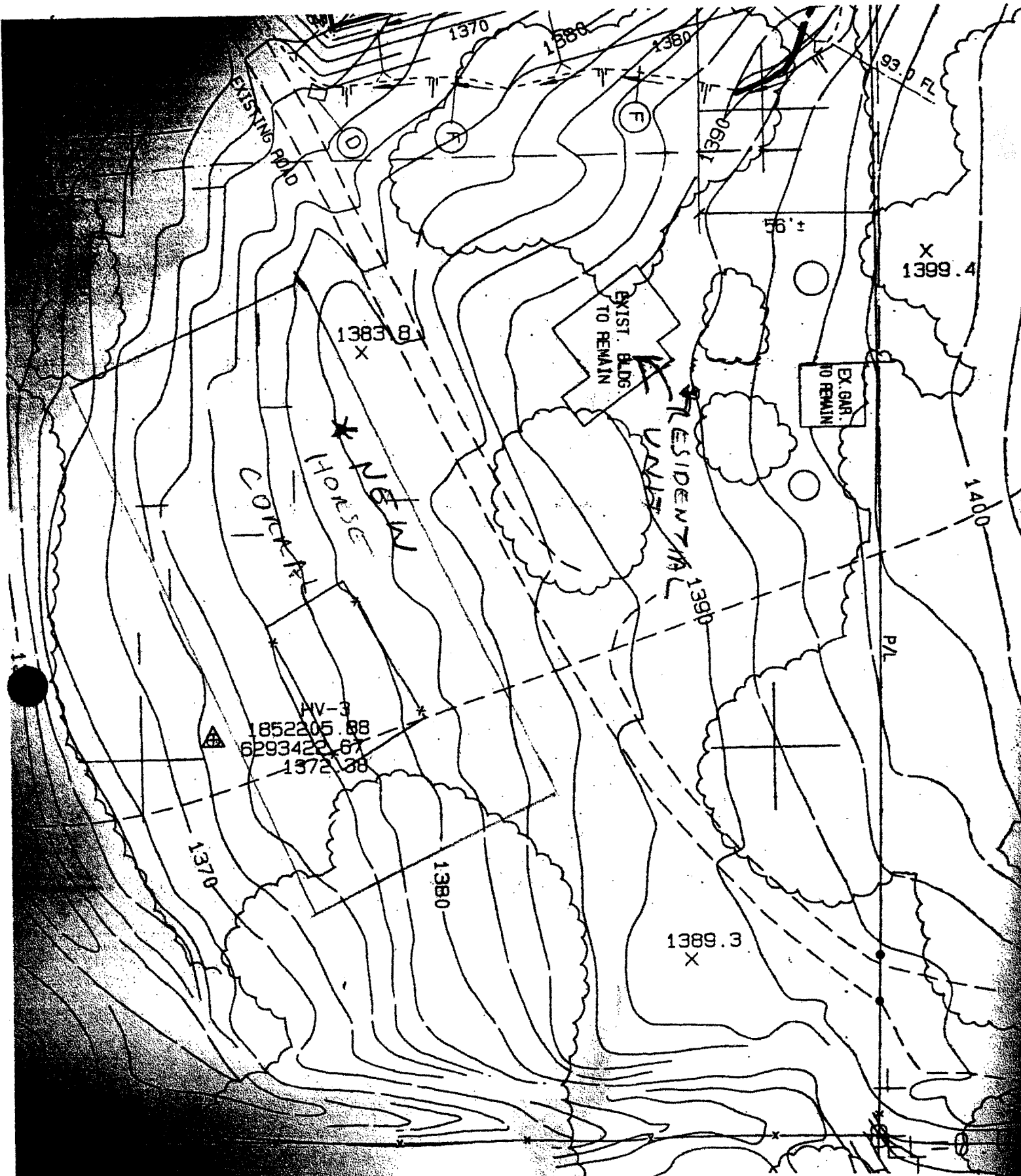
EXHIBIT NO. 3
APPLICATION NO. Cardoso
4-01-038
Certified LUP Map Sensitive Resources





1-100 1/4" = 1" (VERTICAL SCALE)
1-100 1/4" = 1" (HORIZONTAL SCALE)
CONSTRUCTION NOT RECOMMENDED

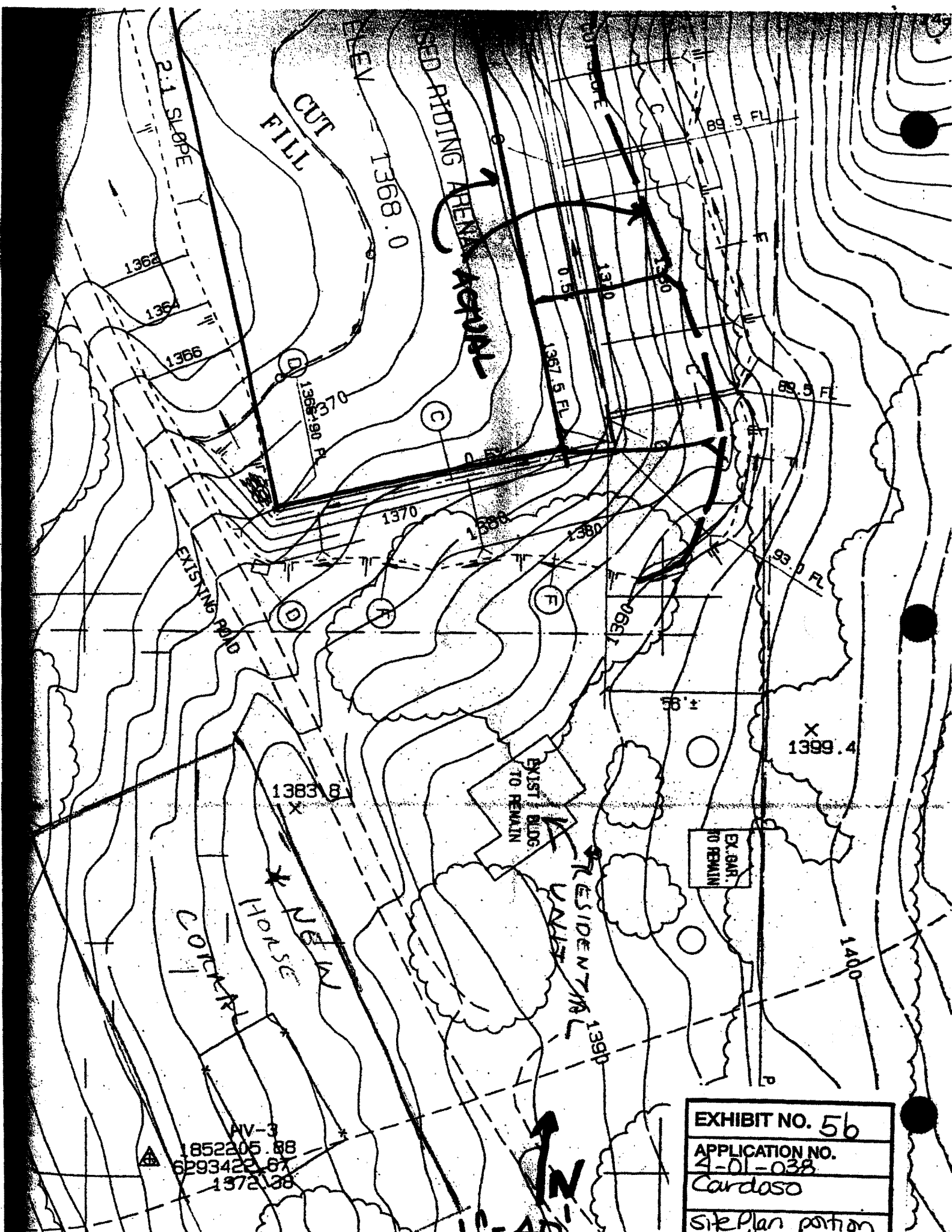
EXHIBIT NO. 4
APPLICATION NO.
4-01-038
Cardoso
Portion of Site Plan
Showing Aerial Barn



1380 X 1381.7



EXHIBIT NO. 5a
APPLICATION NO. Cardoso
4-01-038
Site Plan portion at entrance to parcel



AV-3
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 6293429.67
 1372138

EXHIBIT NO. 5b
APPLICATION NO. 4-01-038
Cardoso
Site Plan portion continued

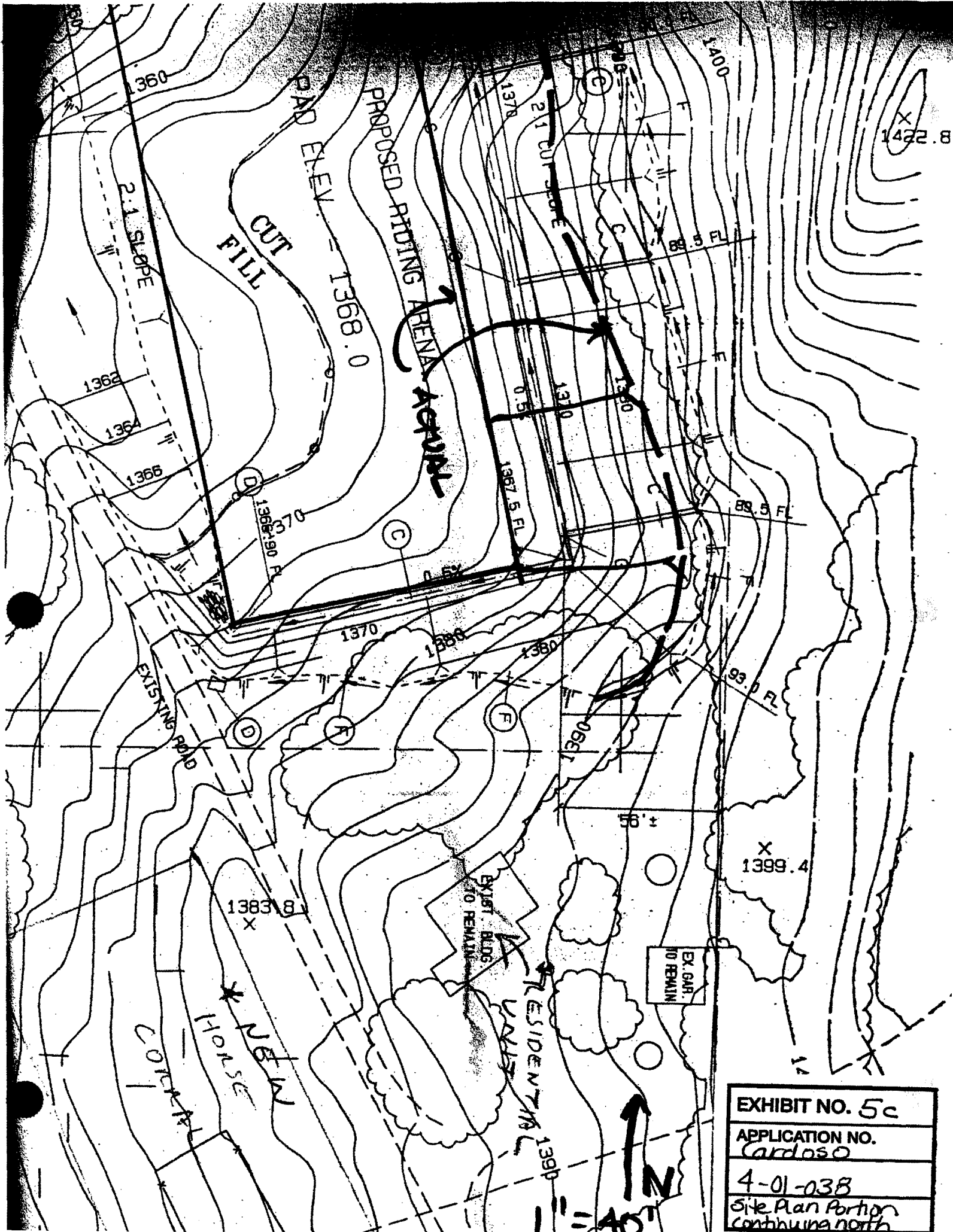
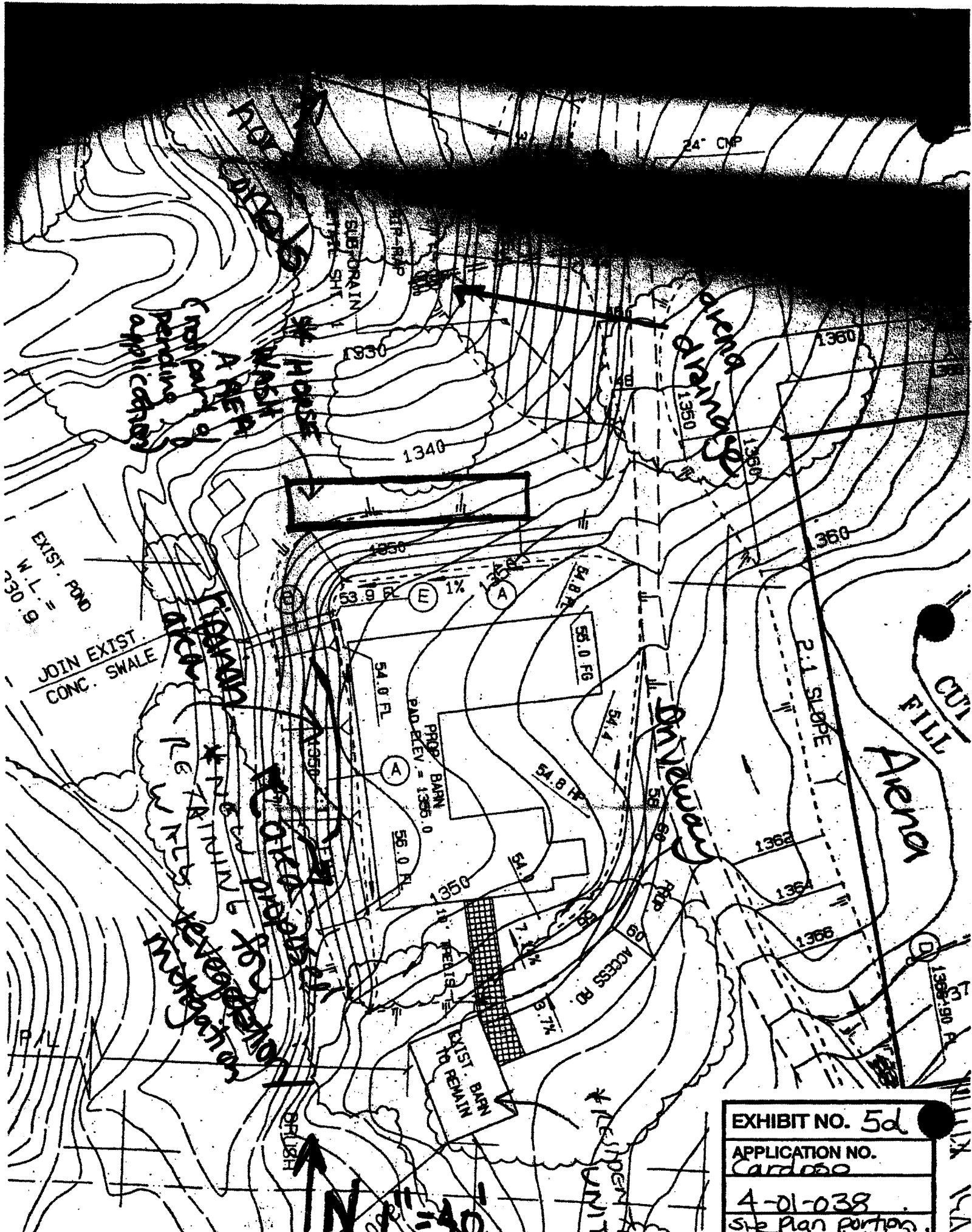


EXHIBIT NO. 5c
APPLICATION NO. Cardoso
4-01-038
Site Plan Portion continuing north



(not part of pending application)

EXIST. POND
W.L. = 9.030.9

JOIN EXIST. CONC. SWALE

TRAVELER'S REST
NO PROPOSED CHANGES

EXHIBIT NO. 5d
APPLICATION NO. Cardoso
4-01-038
Site Plan portion continuing North/West

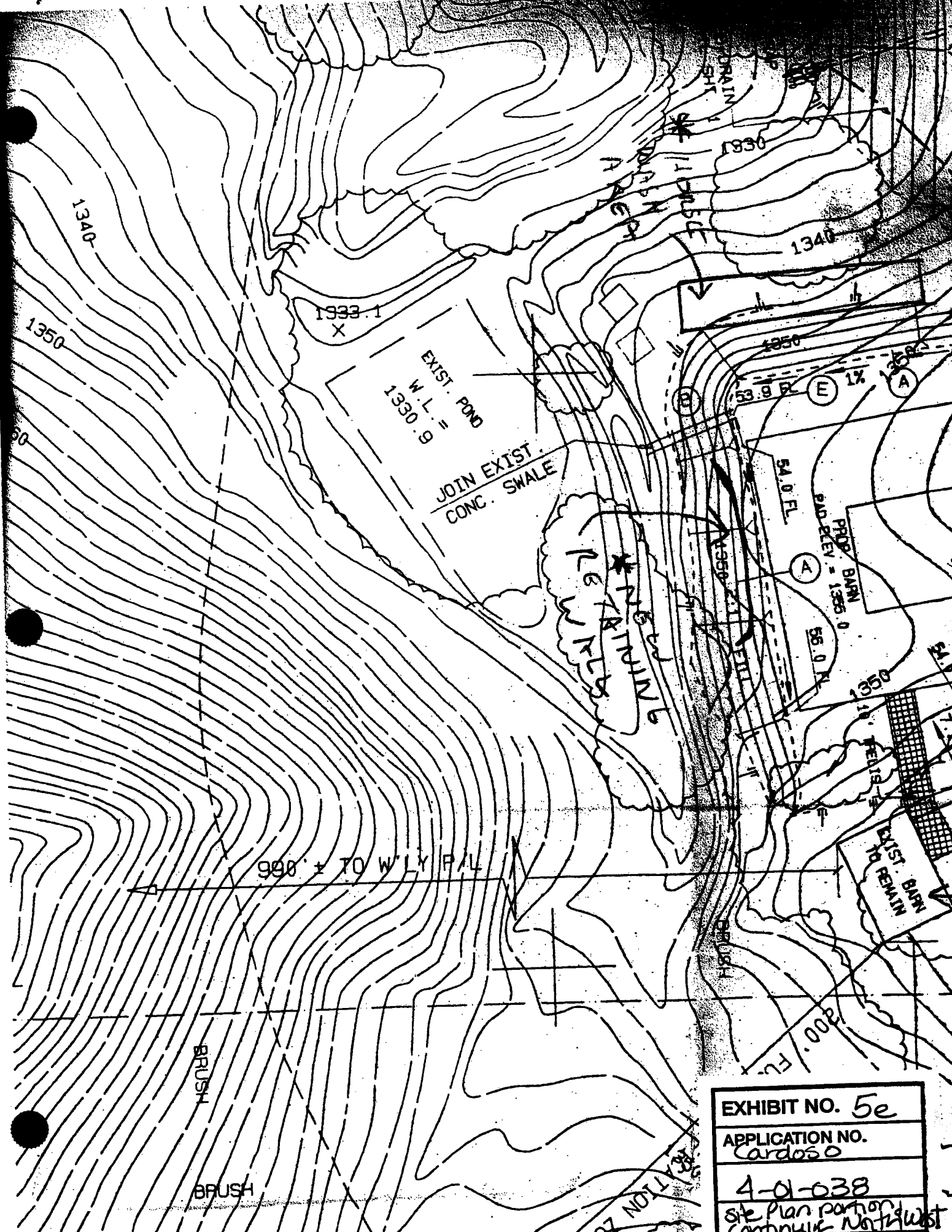
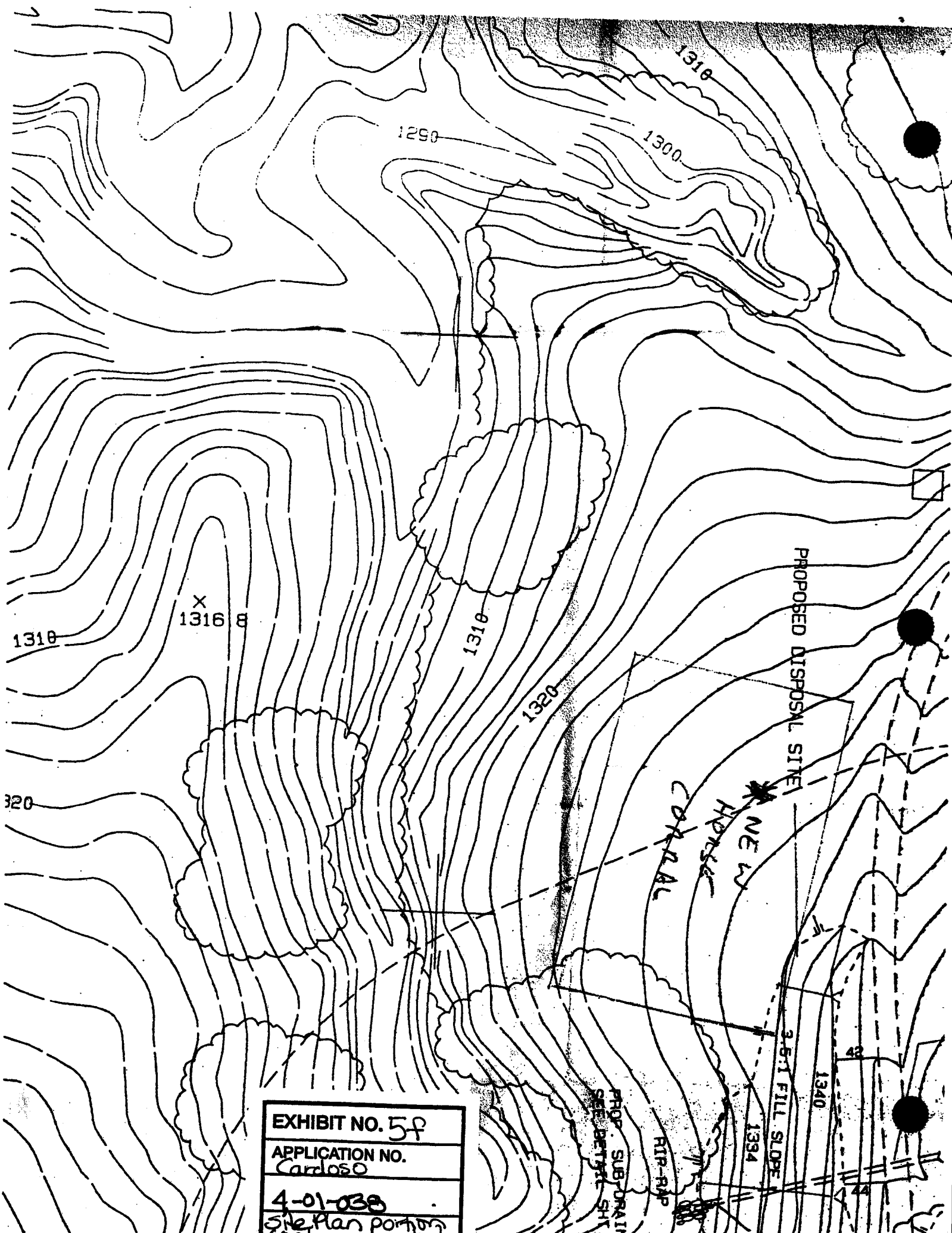


EXHIBIT NO. 5e
APPLICATION NO. Cardoso
4-01-038
Site Plan portion Community Northwest



X
1316 B

PROPOSED DISPOSAL SITE

CORRAL
HORSE
NEW

3.5:1 FILL SLOPE

EXHIBIT NO. 5f
APPLICATION NO.
Cardoso
4-01-038
Site Plan portion
Continue to NW

PROP. SUB DRAIN
SEE BETHEL SH1

RIP-RAP

1340

1334

43

1290

1300

1310

1310

1310

1320

1320

HV-2
:853292.67
5293380.68
1319.11

1319.2
X

Swimming Pool
(off sheet)

Main Residence

1325.4
X

MAIN RESIDENCE

1327.0
X

RESIDENTIAL UNIT 1330

Driveway

1319.7
X

1320

N 113°40'

EXHIBIT NO. 5g
APPLICATION NO. Cardoso
4-01-038
Site Plan - to Unit Showing Residence



Drainage swales needed to riparian corridor

Avenue

PAD ELEV. = 1368.0

2:1 SLOPE

2:1 CUT SLOPE

0.5%

EXHIBIT NO.	60
APPLICATION NO.	Cardoso
	4-01-038
	Grading Plan

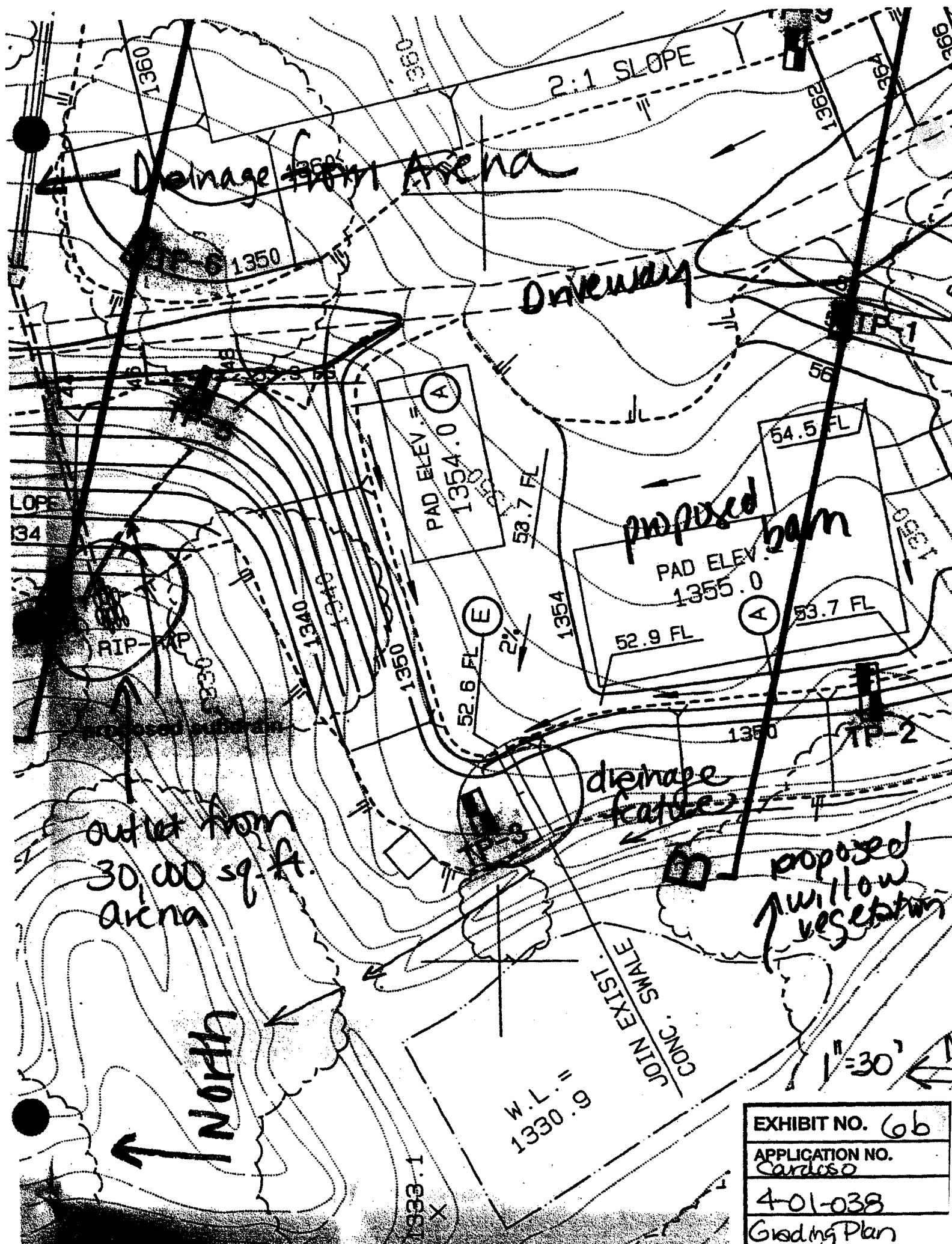


EXHIBIT NO. 66
APPLICATION NO. Cardoso
4-01-038
Grading Plan

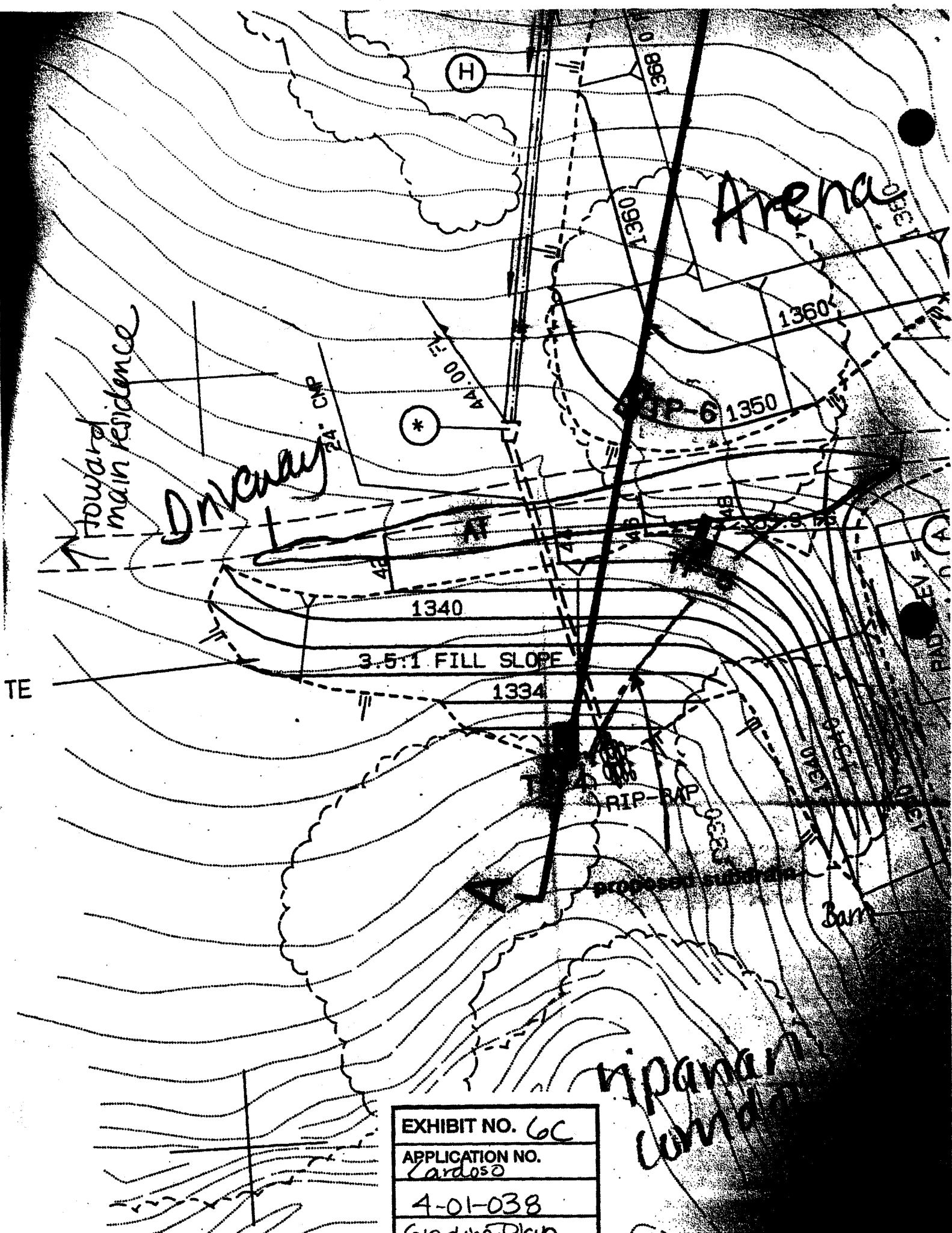


EXHIBIT NO. 6C
APPLICATION NO. Cardoso
4-01-038
Grading Plan

*rip rap
curb*

CONCEPTUAL MITIGATION AND MONITORING PLAN
FOR IMPACTS TO AREAS WITHIN THE JURISDICTION

OF

THE CALIFORNIA COASTAL COMMISSION
CDP Application Number 4-99-272

CARDOSO RANCH
MALIBU, LOS ANGELES COUNTY, CALIFORNIA

August 21, 2000

Prepared for:

Lynn and Glenn Cardoso
1501 Decker School Lane
Malibu, California 90265
Telephone: (310) 589-3905

DRAFT

Prepared by:

Glenn Lukos Associates, Inc.
Contact: Darlene Shelley or Sally Davis
23712 Birtcher Drive
Lake Forest, California 92630-1782
Telephone: (949) 837-0404

11 pages

EXHIBIT NO. 7
APPLICATION NO. Cardoso
4-01-038
Mitigation Proposal (Draft)

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I. PROJECT DESCRIPTION

A. Location of Project

The Cardoso Ranch, hereinafter referred to as the Project Site, is located in the northern portion of the City of Malibu [Exhibit 1]. The Project Site lies within the western portion of Los Angeles County, south of Mulholland Highway, west of Decker Canyon Road, approximately two miles north of the Pacific Ocean [Exhibit 2]. The site contains one blue-line drainage as depicted on the U.S. Geological Survey (USGS) topographic maps Point Dume, California (dated 1950 and photorevised in 1981) and Triunfo Pass, California (dated 1949 and photorevised in 1967), Sections 19 and 20, Township 1S, Range 19W.

B. Brief Summary of Overall Project

The mitigation plan, as outlined below, is in conjunction with the Coastal Development Act Application Number 4-99-272 associated with non-permitted construction of a barn and riding arena on the Cardoso Ranch. The Applicants propose to remove 0.08-acre of giant cane (*Arundo donax*) from within the drainage directly north of the ranch reservoir and create the same acreage of southern willow scrub in its place.

C. Responsible Parties

Applicant: Lynn and Glenn Cardoso
1501 Decker School Lane
Malibu, California 90265
Telephone: (310) 589-3905

Preparers of Mitigation Plan: Glenn Lukos Associates, Inc.
Contact: Darlene Shelley or Sally Davis
23712 Birtcher Drive
Lake Forest, California 92630-1782
(949) 837-0404

D. Types, Functions, and Values of the Existing Mitigation Area

Types

The bed of the drainage channel north of the reservoir supports a non-native exotic pest plant, giant cane (*Arundo donax*), which will be eradicated with the implementation of this mitigation plan.

The banks of the drainage channel currently support coastal sage scrub species such as California buckwheat (*Eriogonum fasciculatum*), sticky monkeyflower (*Mimulus aurantiacus*), deerweed (*Lotus scoparius*), laurel sumac (*Malosma laurina*), California sagebrush (*Artemisia californica*), and encelia (*Encelia californica*).

II. GOAL OF MITIGATION

A. Types of Habitat to be Created

The goal of the mitigation plan described herein is the creation of 0.08-acre of southern willow scrub within a drainage of the Cardoso Ranch. The proposed southern willow scrub habitat will be dominated by arroyo willow, black willow, sandbar willow, and mulefat, with blue elderberry, western sycamore and Fremont cottonwood occurring on the higher elevations of the banks. The understory hydrophytes will include mugwort, Mexican rush, and creeping wild rye.

B. Time Lapse

Due to the lack of significant wildlife habitat within the existing *Arundo* grove, no temporal loss of habitat quality, function, or value is expected to result from eradication of the exotic plant species. Implementation of the mitigation described herein is anticipated to commence in September 2000 and will be completed no later than April 30, 2001.

Within one year of the completion of mitigation installation it is expected that immature riparian vegetative structure will exist such that insects and birds will utilize the mitigation site for foraging. Within two years the mitigation site is expected to provide a greater degree of forage and shelter although woody trees and shrubs will take approximately three to five years to become established.

III. FINAL SUCCESS CRITERIA

A. Target Functions and Values

The mitigation site will be monitored for three years following the completion of mitigation installation unless final success criteria are met prior to that time. The monitoring program will consist of the measurement of performance indicators and the assessment of these indicators relative to performance criteria described below.

Performance criteria for 0.08-acre southern willow scrub habitat will be 80-percent survival of container stock the first year and 100 percent survival thereafter and/or the attainment of 70 percent coverage after three years.

B. Target Hydrological Regime

The target hydrological regime of the southern willow scrub habitat within the stream restoration area will be supported by rainfall, groundwater, intermittent flows, and ~~flooding stages~~ of the stream that are expected within normal precipitation regimes. The plantings are also expected to be hydrologically supported by precipitation and soil moisture migrating laterally from ornamental landscapes.

The mitigation site plantings are not expected to be unduly affected by seasonal flooding. Under storm conditions the lower plantings will be temporarily inundated. These plants, however, are adapted to temporary inundation.

IV. PROPOSED MITIGATION SITE

A. Location and Size of Mitigation Area

The mitigation site was selected because of its optimum location on site, its favorable soils and hydrology, and adjacency to existing native open space and riparian areas. The drainage currently supports giant cane (*Arundo donax*) and arroyo willow (*Salix lasiolepis*) directly above the existing reservoir. Implementation of a stream restoration program will remove approximately 0.08-acre of giant cane. The proposed 0.08-acre mitigation site is located within the stream restoration area of the proposed project.

V. IMPLEMENTATION PLAN

A. Rationale for Expecting Implementation Success

The mitigation site is a good candidate for habitat creation and restoration for several reasons. First, the base soils are proven to be well suited to supporting wetland vegetation. Second, site hydrology currently exists within the proposed stream restoration area. Third, the plant palettes of the plant community consists of species that either occur on site or are known to perform well in habitat restoration programs. The presence of willow habitat directly south of the *Arundo* infestation suggests this is an appropriate habitat type for creation on site.

Finally, the implementation of the mitigation plan will be supervised by a qualified habitat restoration specialist or other individual knowledgeable in native plant revegetation, referred to as the Project Monitor; therefore adjustments to project implementation can be made in the field as conditions dictate.

The satisfaction of the final success criteria is expected due to the fast growing nature of many of the selected plants, the existing hydrology, and the presence of soils that currently support many of the desired plant species.

B. Responsible Parties

The Applicant will be responsible for the implementation of the mitigation plan. The Applicant may assign this responsibility to an appropriate contractor, but will retain ultimate responsibility for success.

C. Implementation Schedule

The following implementation schedule (Table 1) indicates timing of exotic plant species eradication, site preparation and planting. Site preparation and mitigation plantings shall occur during or after completion of exotic plant species (*Arundo donax*) removal to being in September 2000. Mitigation plantings may be delayed by winter storms through April 2001.

TABLE 1 IMPLEMENTATION SCHEDULE		
	September 2000 to October 2000	November 2000 to April 2001
Exotic Plant Species Removal		
Site Preparation		
Container Stock Installation		

The Project Monitor will supervise and provide biological monitoring during project construction, site preparation, installation of plant materials, and maintenance.

D. Site Preparation

Site preparation shall consist of clearing and controlling all exotic plants, removing trash and debris, preparing planting holes, and doing any other work necessary to make ready the area for planting.

Exotic Vegetation Control

The predominance of non-native, invasive weed species throughout California has presented a challenge to most native revegetation projects. ~~Weedy species are opportunistic~~, rapidly colonizing disturbed sites such as the revegetation site. This can lead to the displacement of native species if the weedy species are not properly treated. One of the largest obstacles to the successful revegetation of a site is the exotic seed bank residing in the soil which poses a threat for several years, or even decades.

All undesirable exotic plants will be eradicated prior to site preparation, planting, and seeding. The Project Monitor will direct the contractor regarding the selection of target weed species, their location, and the timing of weed control operations to ensure that native plants are avoided to the extent possible.

Eradication of pest plants shall be performed by hand, by the use of pesticides, or by other methods approved by the Project Monitor. Weed control will be maintained throughout the monitoring period. Perennial weeds will be controlled before their setting of seed. Ongoing weed control will be accomplished manually by the use of a hoe to uproot the entire plant or by herbicide.

The type, quantity, and method of herbicide application will be determined by a California licensed Pest Control Advisor (PCA) who will inspect the site, write project recommendations and submit same to the Project Monitor for approval. Pesticide recommendations shall include, but are not limited to, the pesticides to be used, rates of application, methods of application, and areas to which pesticides are to be applied. Weed species identified as invasive, particularly tenacious, or those with wind-borne seed will be subject to the earliest control efforts.

A licensed Pest Control Operator (PCO) may work under the supervision of the PCA who will employ best management practices regarding the timing, quantity, and type of herbicide for each species. The PCA will determine both ~~immediate~~ and follow-up herbicide application for each species.

E. Planting Plan

Southern willow scrub will be created in this plan. This plant community was selected based on general knowledge of the local plant communities and field surveys conducted during site visits.

Woody plant species were selected to create a mature tree canopy and provide wildlife forage, shelter, and nesting places.

Planting shall consist of preparing planting holes, planting container stock, installing plant protection devices, and applying mulch. No planting shall be done until the area has been prepared in accordance with the plans and presents an appearance satisfactory to the Project Monitor.

The California Coastal Commission shall be notified of the of the date of commencement of operations and the date of completion of construction and mitigation operations a minimum of two weeks in advance.

Plant Palette

The mitigation site will be revegetated with plant species native to southern willow scrub habitat. The proposed revegetation plant palette for the revegetation habitat type is designated below in Table 2. The plant palettes define species, spacing, and total quantity of plants required.

Sources

It is preferred that the source of all propagules and seed used at the mitigation site be from the mitigation site or adjacent riparian areas. If not available, the remainder of propagules and seed required will be from wild sources within the Santa Monica Mountains and collected as close to the revegetation site as possible to preserve regional genetic diversity.

Contract Growing

Contract growing of all container plants shall be by a local experienced native plant nursery. Substitution of plant material at the time of planting depends solely upon the discretion of the Project Monitor. Any substitutions which are approved will be documented in the As-Built Plans.

Container Plants

One-gallon container stock, rosepots, and/or liners shall be utilized for container stock production. All plant materials will be inspected by the Project Monitor and approved as healthy, disease free, and of proper size prior to planting. Overgrown, root-bound container stock will be rejected.

Mycorrhizal Fungi

Mycorrhizae are specialized fungi found on plant roots. A symbiotic relationship exists between plant roots and mycorrhizae wherein the plants benefit from the increased ability to take up nutrients and withstand drought when mycorrhizae are present. This relationship is essential to the growth rate, well-being, and longevity of native plant communities. Plant utilization of mycorrhizal fungi markedly increases the success of revegetation on disturbed or degraded lands. All appropriate container-grown plants, except those know to be non-host species, shall be inoculated with mycorrhizal fungi prior to delivery to the job site.

Flagging of Plant Locations

Container stock will be laid out in such a manner that mimics natural plant distribution. Prior to container stock installation, individual plant locations in the field will be flagged with pin-flags by the Project Monitor. The pin-flags will be color coded as to species. A list of species with their appropriate color code will be provided to the installation contractor prior to plant installation.

Replacement Planting

All container stock plants terminally diseased or dead will be replaced by the installation contractor within two weeks for 120 days after installation. All dead plants shall be replaced at the first anniversary of plant installation unless their function has been replaced by natural recruitment.

Thereafter plants will be replaced by the maintenance contractor on an annual basis. The replacement plants will be of the same species, spacing and size as specified for plants being replaced. The reason for failure will be determined, if possible, and appropriate measures taken to remedy the cause. Contingency measures, rather than plant replacement, may be implemented if determined appropriate by the Project Monitor.

Planting Method for Rose Pot and/or Liner Plant Stock

Rose pot and/or liner plant stock will be placed in a hole measuring at least twice the diameter and depth of the container. The root structure will be examined and excess root material removed. The top of the rootball will be set slightly above finish grade. The planting hole will be backfilled with native soil. Fertilizer, watering basins, and mulch are not required for this planting method.

Planting Method for Container Stock

One-gallon container stock will be planted in a hole measuring at least twice the diameter of the container and twice the depth. Container stock will be thoroughly watered the day before planting. One teaspoon (0.3 oz.) of Osmocote 14-14-14, or equal, will be placed one inch below the root zone and backfilled with native soil to proper planting depth. The container will be upended into the palm of the hand to avoid damage to the root structure and placed in the planting hole. The top of the root ball will be set one inch above finish grade. The planting hole will be backfilled with native soil.

A three-inch high, hand-compacted earth berm, approximately 36 inches in diameter, will then be constructed around each container plant to create a watering basin. Mulch will be applied as a top dressing, 3 to 4 inches thick, but must not come in contact with the stem of the plant. Container stock will be watered immediately after installation.

A pre-cut 30-inch x 36-inch piece of galvanized chicken wire (or equal) will be wrapped around elderberry (*Sambucus mexicana*) and giant wild rye (*Leymus condensatus*) plantings to form a

protective screening cage. The diameter of the protective cage shall be a minimum of 14 inches. Steel stakes or rebar will be inserted through the wire to secure in place.

Pruning and Staking

There will be no pruning or staking of any vegetation. Diseased or insect-damaged foliage, if sufficient to require pruning, will serve as a benchmark for rejection of plant material.

Southern Willow Scrub (0.08 Acre)

This plan provides for the creation of 0.08 acre of southern willow scrub habitat. The plant palette includes species which are naturally occurring on site, and is also based upon floristic composition described in Sawyer,¹ Faber,² and Holland.³ The overstory is composed primarily of arroyo willow (*Salix lasiolepis*), sandbar willow (*Salix exigua*), and black willow (*Salix gooddingii*) placed primarily within the wetter areas within the drainages, while the sycamore (*Platanus racemosa*), cottonwood (*Populus fremontii*), blue elderberry (*Sambucus mexicana*), and understory shrub species will be placed primarily toward the drier edges.

This southern willow riparian forest plant community will support an understory of Mexican rush (*Juncus mexicanus*) in the wetter areas adjacent to the creek with mulefat (*Baccharis salicifolia*), giant wild rye (*Leymus condensatus*), and creeping wild rye (*Leymus triticooides*) located on the higher elevations of the slope. This selection of plants is expected to mature into a mosaic understory composed of low growing herbaceous species and taller growing shrub species.

Rosepot, liners and/or one-gallon nursery grown container stock plants, and locally collected native seed will be used in creating the riparian habitat. Table 2 below provides a complete list of species to be used within this habitat type, along with their planting densities.

¹ Sawyer, J.O. and T. Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society.

² Faber, P.M., E. Keller, A. Sands, and B.M. Massey. 1989. *The Ecology of Riparian Habitats of the Southern California Coastal Region: A Community Profile*. USFWS Biological Report 85(7.27), September 1989.

³ Holland, R.J. 1986. *Natural Terrestrial Plant Communities of California*. Unpublished manuscript of The Resources Agency, California Department of Fish and Game.

TABLE 2
SOUTHERN WILLOW SCRUB PLANT PALETTE
0.08 ACRE

Botanic Name	Common Name	Stock Type	Plant Spacing	No. per Acre	Percent	Total Plant/Seed Quantity
Overstory						
<i>Platanus racemosa</i>	Western sycamore	1 gal	20' o.c.	25	0.05	2
<i>Populus fremontii</i>	Fremont cottonwood	1 gal	20' o.c.	25	0.05	2
<i>Salix exigua</i>	Sandbar willow	1 gal	10' o.c.	100	0.19	8
<i>Salix gooddingii</i>	Black willow	1 gal	10' o.c.	125	0.24	10
<i>Salix lasiolepis</i>	Arroyo willow	1 gal	10' o.c.	200	0.38	16
<i>Sambucus mexicana</i>	Blue elderberry	1 gal	15' o.c.	50	0.10	4
Subtotal				525	1.00	42
Understory						
<i>Baccharis salicifolia</i>	Mulefat	1 gal	8' o.c.	350	14	28
<i>Juncus macrophyllus</i>	Long-leaved rush	Liner	4' o.c.	500	20	40
<i>Juncus mexicanus</i>	Mexican rush	Liner	4' o.c.	500	20	40
<i>Leymus condensatus</i>	Giant wild rye	1 gal	5' o.c.	100	4	8
<i>Leymus triticoides</i>	Creeping wild rye	Liner	2' o.c.	1000	42	80
Subtotal					1.00	196
Total Container Stock						238

F. Irrigation Plan

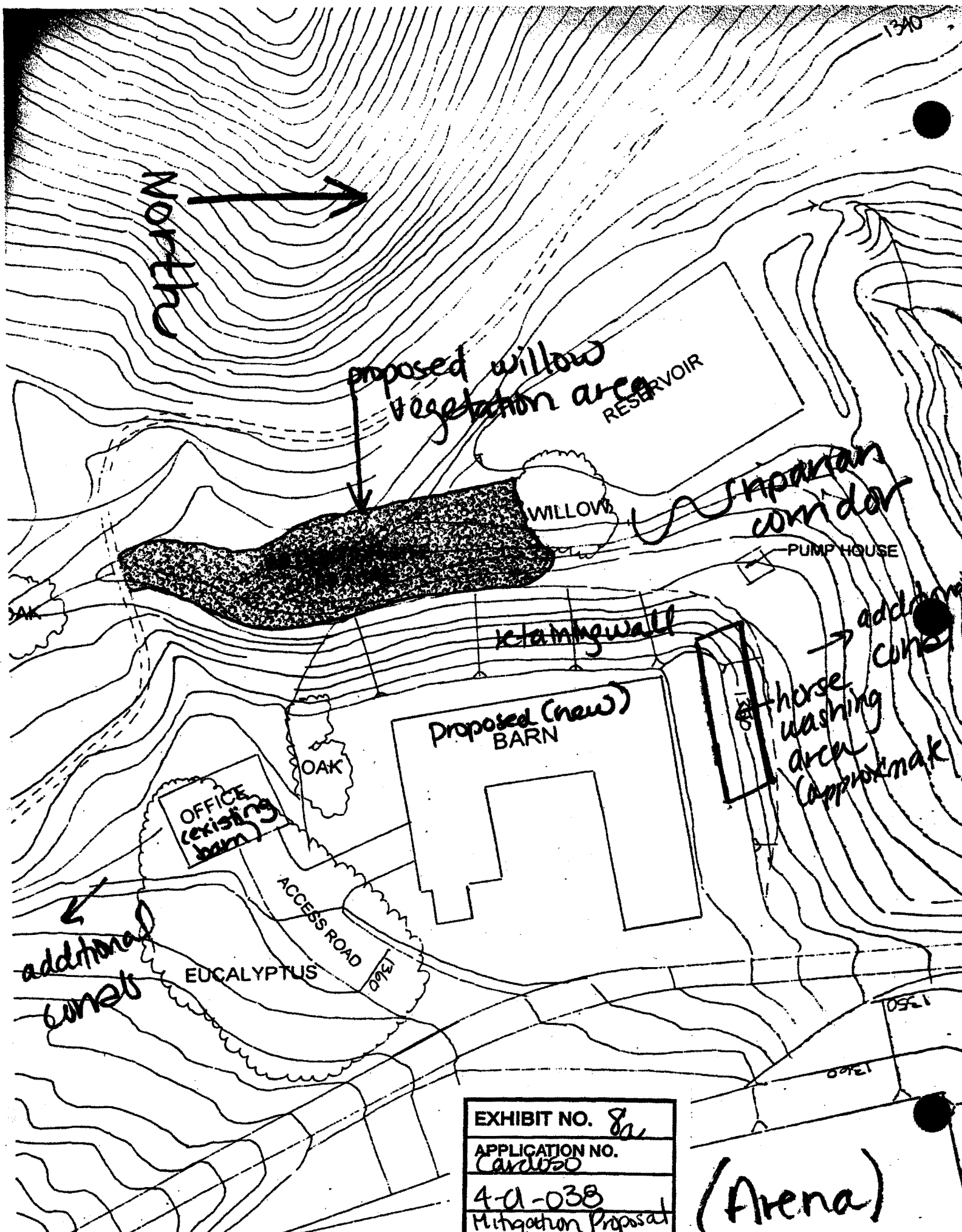
Artificial irrigation is not a component of this plan.

VI. MAINTENANCE DURING MONITORING PERIOD

A. Maintenance Activities

The purpose of this program is to ensure the success of the revegetation planting. Maintenance will occur over the three-year life of the project. The Project Monitor will monitor all aspects of the revegetation in an effort to detect any problems at an early state. Potential problems could arise from irrigation failure, erosion, vandalism, competition from weeds, and unacceptable levels of disease and predation.

These maintenance guidelines are specifically tailored for native plant establishment. The maintenance personnel will be fully informed regarding the habitat creation/enhancement program so they understand the goals of the effort and the maintenance requirements. All



North →

proposed willow
vegetation area

RESERVOIR

WILLOWS

separation
corridor

PUMP HOUSE

retaining wall

Proposed (new)
BARN

OFFICE
(existing
barn)

OAK

ACCESS ROAD

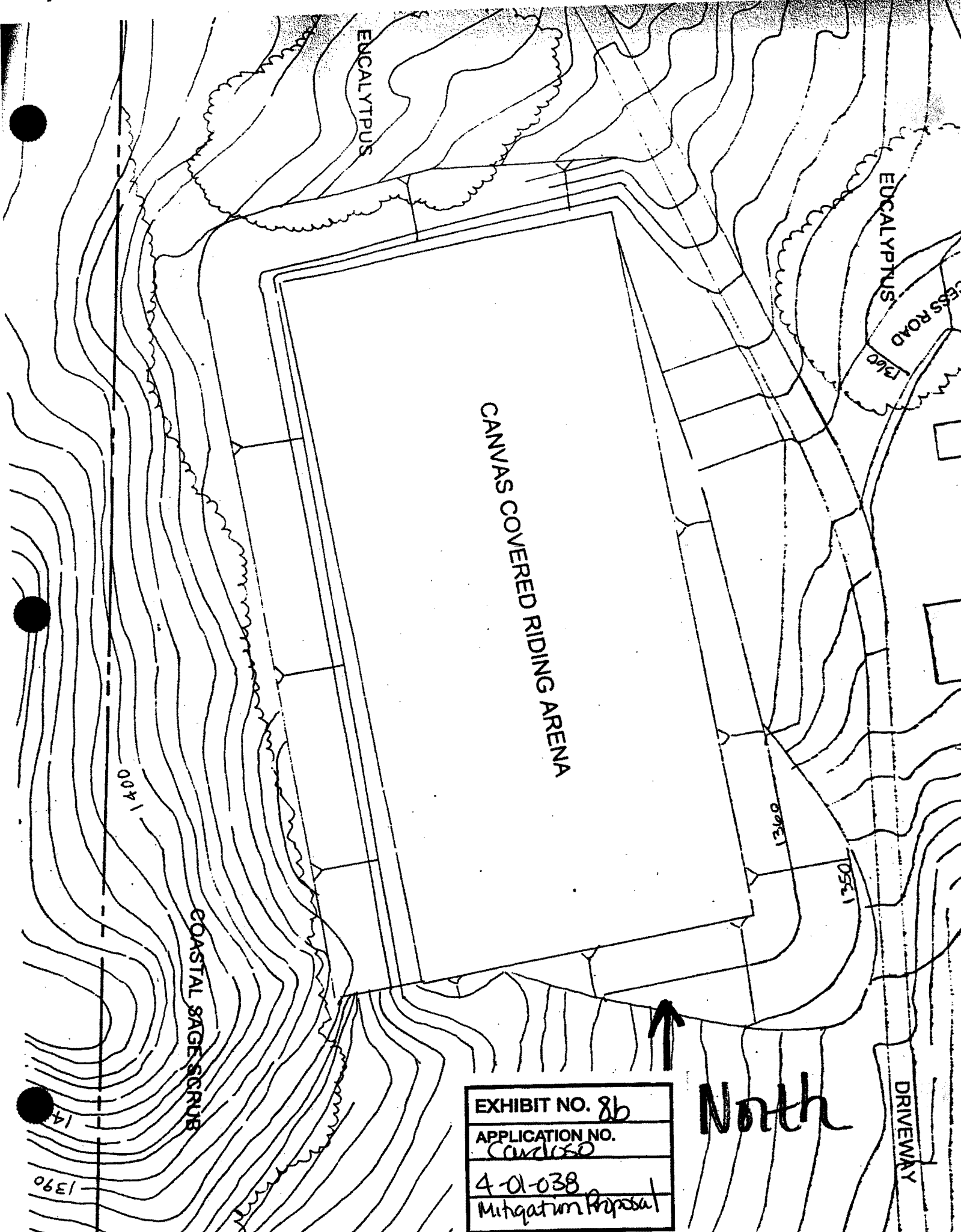
EUCALYPTUS

← additional
contours

→ additional
contours
horse
washing
area
(approximate)

EXHIBIT NO. 8a
APPLICATION NO. CA00050
4-01-038
Mitigation Proposal

(Arena)



EUCALYPTUS

EUCALYPTUS

CESS ROAD

CANVAS COVERED RIDING ARENA

1400

1350

1350

COASTAL SAGE SCRUB



North

DRIVEWAY

EXHIBIT NO. 8b
APPLICATION NO. C041050
4-01-038 Mitigation Proposal

1360

14

**WATER QUALITY MANAGEMENT PLAN
(WQMP)
for
THE CARDOSO RANCH
Malibu
Los Angeles, California**

Prepared by

**GLENN LUKOS ASSOCIATES
23712 Birtcher Drive
Lake Forest, California 92630
949/837-0404**

August 2000

3 pages

EXHIBIT NO. 9
APPLICATION NO. Cardoso
4-01-038
Water Quality Mgmt. Proposa

I PURPOSE AND NEED

The Cardoso Ranch Water Quality Management Plan (WQMP) has been prepared for the Cardoso Ranch. It is intended to comply with the requirements of the California Coastal Commission as part of the requirements for the Coastal Development Permit Application Number _____.

The WQMP complies with the recommendations of the Santa Monica Bay Restoration Project as it pertains to Horses and Livestock.

II PROJECT DESCRIPTION

The Cardoso Ranch is located 1501 Decker School Lane, Malibu, California (See Vicinity Map Exhibit No. 1). It is a privately owned ranch that includes a primary home, ADD INFORMATION ABOUT OTHER OUT BUILDINGS, a stable, office, and related open corrals. An arena is also located on the property that will have a tin roof, but no walls. The purpose of the roof is to shade the riders. The ranch will house a maximum of approximately ___ horses for use by the ranch owner and friends (see Ranch Plan Exhibit No. 2)

III BEST MANAGEMENT PRACTICES (BMPs)

The Santa Monica Bay Restoration Project recommends (Appendix A) certain facilities design, pasture management, grazing management, collection and storage, use and disposal, pesticide alternatives, chemical controls, and pesticide disposal BMPs specifically for horses and livestock. The Cardoso Ranch will not have other livestock on the property, therefore this WQMP addresses those BMPs related to horses. The following BMPs will be implemented by the Cardoso Ranch:

Facilities Design

- Site barns, corrals and other high-use areas on the property that drains away from the nearest creek or stream.
- Install gutters that will divert runoff away from the stable, barns, and corrals.
- Protect manure storage facilities from rainfall and surface runoff.

Pasture Management

- Confine horses in properly fenced areas except for exercise and grazing time.
- Corrals, stables and barns should be located higher ground when possible.
- Utilize fencing to keep horses away from environmentally sensitive areas and protect stream banks from contamination.

Collection and Storage

- Collect soiled bedding and manure daily from stalls and paddocks, and place in temporary or long-term storage units. Store in sturdy, insect-resistant and seepage-free units such as:
 - ◊ Plastic garbage cans with lids.
 - ◊ Fly-tight wooden or concrete storage sheds.
 - ◊ Composters.
 - ◊ Pits or trenches lined with an impermeable layer.

Use and Disposal

A Millcreek Compact Spreader will be utilized in the spreading of the soiled bedding and manure onsite in an environmentally sensitive manner. Additional information on the spreader is located in Appendix B.

- Compost soiled bedding and manure for onsite use.
- Fertilize pastures, cropland, and lawns with manure and soiled bedding.
- Fertilizer will not be applied just before or during a rainstorm.

Pesticide Alternatives

Integrated Pest Management (IPM) is the approach to be used for long-term solutions. The IPM strategy will be implemented in the following order:

- Physical controls
- Pheromone Traps
- Tarps
- Bug Zappers
- Fly-Tight Storage Sheds

Pesticide Disposal

- Rinse empty pesticide containers and treat the rinse water as you would the product. Dispose of empty containers in the trash.
- Dumping toxins into the street, gutter or storm drain is illegal.
- Disposal of toxins will be in compliance with the County of Los Angeles regulations.

ENVIRONMENTAL REVIEW BOARD

Case No. Plot Plan 45927
Location 1501 Decker School Lane, Malibu
Applicant Glenn Cardoso
Request Addition of garage/barn and covered riding arena
Resource Category Western Wildlife Movement Corridor

ERB Meeting Date: December 21, 1998

Staff Recommendation: ___ Consistent X Consistent ___ Inconsistent
 after Modifications

Suggested Modifications: - Commercial use of riding facility is not acceptable.
- Remove all barbed wire from natural, open space areas; remove
Arundo donax from existing pond; revegetate with locally indigenous
native species the roads cut to the west of existing pond.

ERB Evaluation: ___ Consistent ___ Consistent X Inconsistent
 after Modifications

Recommendations: - Proposal exceeds the limit of number of structures allowed within
Wildlife Migration Movement Corridor (Table 1) and exceeds the
acceptable amount of grading (project is greater than 10,000 sq.ft.).
- Proposed development does not minimize new grading (P. 82 & 90).
- Graded slopes should be promptly revegetated with native species
(Policy 94).
- Riding arena shall have no night lighting; arena structures shall have
wildlife permeable posts and cross-members.

Page 1 of 2

EXHIBIT NO.	10
APPLICATION NO.	Cardoso
	4-01-038
	ERB minutes

ENVIRONMENTAL REVIEW BOARD

Case No. Plot Plan 45927

Location 1501 Decker School Lane, Malibu

Applicant Glenn Cardoso

Request Addition of garage/barn and covered riding arena

Resource Category Western Wildlife Movement Corridor

ERB Meeting Date: December 21, 1998

ERB Evaluation (continued):

Recommendations:

- Horse wastes should comply with City of Malibu "Standard Environmental Conditions to Protect Natural Resources" for manure management and drainage from stables, riding arenas and paddocks (Policy 96); all runoff shall comply with NPDES requirements.
- ERB recommends a conservation easement over all undeveloped portions of property (Policy 72).
- Perimeter fencing shall not be allowed (Table 1).
- Recommend "lollipop" pruning of shrubs beyond 50 feet in fuel modification plan; disced area to north of riding arena but south of the main residence and on both sides of the main access road should be revegetated with locally indigenous native species consistent with fuel modification guidelines; all new landscaping should use only locally indigenous species and no new *Eucalyptus* plantings shall be allowed.

Page 2 of 2

EXHIBIT NO. 10
APPLICATION NO. Cardoso
4-01-038
ERB minutes